



Planning Commission Meeting Agenda

June 21, 2022

7:00 PM

Chairperson: Todd Culver
Commissioners: Rhonda Giles, Jeremy Moritz, Kurt Kayner, Kent Wullenwaber, Susan Jackson and Joe Neely.
Meeting Location: 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 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

1. Motion to Approve the Minutes of May 17, 2022

PUBLIC HEARING

2. **THE MATTER OF THE REDWOOD RENTALS PRELIMINARY PARTITION (LU 443-2022), VARIANCE (LU 445-2022) AND SITE PLAN (LU 444-2022) APPLICATIONS**
STAFF REPORTS/EXHIBITS: EXHIBIT A: APPLICATION PACKET MATERIALS

ACTION:

1. MOTION TO APPROVE/MODIFY/DENY THE REDWOOD RENTALS VARIANCE REQUEST (LU 445), SUBJECT TO THE CONDITIONS OF APPROVAL IN THE JUNE 16, 2022, STAFF REPORT. THIS MOTION IS BASED ON FINDINGS PRESENTED IN THE JUNE 16, 2022, STAFF REPORT TO THE PLANNING COMMISSION, AND FINDINGS MADE BY THE COMMISSION DURING DELIBERATIONS ON THE REQUEST AT THE JUNE 21, 2022, PUBLIC HEARING.

2. MOTION TO APPROVE/MODIFY/DENY THE REDWOOD RENTALS MINOR PARTITION REQUEST (LU 443), SUBJECT TO THE CONDITIONS OF APPROVAL IN THE JUNE 16, 2022, STAFF REPORT. THIS MOTION IS BASED ON FINDINGS PRESENTED IN THE JUNE 16, 2022, STAFF REPORT TO THE PLANNING COMMISSION, AND FINDINGS MADE BY THE COMMISSION DURING DELIBERATIONS ON THE REQUEST AT THE JUNE 21, 2022, PUBLIC HEARING.

3. MOTION TO APPROVE/MODIFY/DENY THE REDWOOD RENTALS SITE PLAN REQUEST (LU 444), SUBJECT TO THE CONDITIONS OF APPROVAL IN THE JUNE 16, 2022, STAFF REPORT. THIS MOTION IS BASED ON FINDINGS PRESENTED IN THE JUNE 16, 2022, STAFF REPORT TO THE PLANNING COMMISSION, AND FINDINGS MADE BY THE COMMISSION DURING DELIBERATIONS ON THE REQUEST AT THE JUNE 21, 2022, PUBLIC HEARING.

WORK SESSION

3. **THE MATTER OF REVIEWING THE HARRISBURG ZONING & DEVELOPMENT CODE AFTER REVIEW BY MIG (MOORE IACAFANO GOLTSMAN, INC.) AND CONSULTANT JOHN HITT**

STAFF REPORT EXHIBITS:

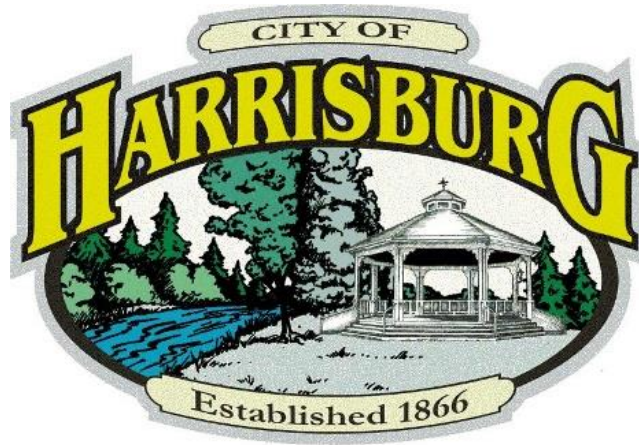
Exhibit A: Memo from Consultant John Hitt

Exhibit B: Harrisburg Model Code Revisions: HMC 18.55 to end

ACTION: REVIEW AND DISCUSS CHANGES

OTHERS

ADJOURN



Planning Commission Meeting Minutes
 May 17, 2022

Chairperson: Todd Culver, Presiding
 Commissioners Present: Jeremy Moritz, Susan Jackson, Kent Wullenwaber, Joe Neely, and Rhonda Giles*
 Absent: Kurt Kayner
 Staff Present: Planning Consultant John Hitt, 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 were there for items on the agenda.

APPROVAL OF MINUTES

Moritz motioned to approve the minutes and was seconded by Wullenwaber. The Planning Commission then voted unanimously, except for Neely who abstained, to Approve the Minutes for February 15, 2022, and April 19, 2022.

PUBLIC HEARING

THE MATTER OF THE OR-CAL SITE PLAN REVIEW (LU 440-2022) AND VARIANCE REQUEST (LU441-2022).

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.

May 17, 2022

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.

****Commissioner Rhonda Giles arrived at 7:04pm.***

STAFF REPORT: Eldridge gave a brief background of the application for the OR-Cal property. The applicant owns most of the block, they are proposing an 11,400 ft addition on the south side. The lot is zoned C-1 and M-1, it also has a H-1 overlay. Due to the zoning overlay, they would require a 20 ft. setback from the neighboring lot. The applicant has rebutted the setback requirements, found in Exhibit B, claiming the property on the south side is zoned C-1/M-1 not residential. Eldridge has contacted Jane Detering, the owner of the home/property next to the applicant. Detering has no opposition with the proposed 10 ft setback if a fence with vegetation screen is installed.

Eldridge highlighted the recommended conditions of approval found on page 28-29 of the agenda packet. The variance is needed because the property is located on an H-1 (Historical) overlay zone. Staff recommends approval of variance and site plan with conditions.

- Neely asked where the parking would be located. Eldridge said on the North side of the complex.
- Moritz asked if the building is deemed hazardous, will they need to be 20ft from the next building. Eldridge replied that was correct. The closest building is already more than 20 ft away.
- Moritz asked if the historical zoned map was online. Eldridge stated that the County does not produce it, so it is not. Moritz wanted to know who decided on the historical zone. Eldridge said the city did, many years ago.

APPLICANTS TESTIMONY: Applicant, Rory Thompson, the Production/Facilities Manager, said they are willing to do the privacy fence and vegetation. He also stated that they have not had any noise issues and are also surprised that they are in a Historical Zone.

- Culver asked the applicant if the building was already ordered. Thompson stated it was, due to the huge lead time for delivery. Culver requested how the building was accessed. Thompson showed the two (2) bay doors on the west side of the building sketch shown on page 35. The doors will only be open during the day. Culver also clarified that the applicant agreed to all the conditions including the paving. Thompson said they agreed to all conditions.
- Jackson asked if the new building had gutter spouts to the ground. Thompson showed that the gutters will go to a private storm water line as shown in the specs on page 35 of the agenda packet.

TESTIMONY IN FAVOR, IN OPPOSITION, AND NEUTRAL TESTIMONY WAS ASKED FOR. No testimony of any kind supplied, nor were there any rebuttals.

The public hearing was closed at the hour of 7:55 pm.

- **Moritz motioned to approve the OR-Cal variance (LU 441-2022). He was seconded by Wullenwaber. The Planning Commission then voted unanimously to approve the OR-Cal variance (LU 441-2022), subject to the information in the May 10, 2022, staff report and after due consideration of written and oral public testimony and findings made by the Commission during deliberations on the application.**

May 17, 2022

- Moritz motioned to approve the OR-Cal site plan (LU 440-2022). He was seconded by Giles. The Planning Commission then voted unanimously to approve the OR-Cal site plan (LU 440-2022), subject to the conditions of approval contained in the May 10, 2022, staff report and after due consideration of written and oral public testimony and findings made by the Commission during deliberations on the application.

WORK SESSION

THE MATTER OF REVIEWING THE HARRISBURG ZONING & DEVELOPMENT CODE AFTER REVIEW BY MIG (MOORE IACAFANO GOLTSMAN, INC.) AND CONSULTANTS 3J ON BEHALF OF THE OCWCOG HOUSING CODE UNIT.

STAFF REPORT: Eldridge discussed that after the Planning Commission reviewed the Zoning and Development Code, she sent it off to MIG consulting, DLCD and CWCOG. They came back with some suggested changes. She then handed the floor over to Private Consultant John Hitt who proceeded to highlight the following changes to the code from the last draft presented due to the suggested changes:

- Page 98 includes the Special Use Standards for C-1 and M-1. The Planning Commission wanted certain issues to come before them, so Hitt suggests keeping that in the code.
- Page 69 under R-2 and R-3 allows for denser building in those zones. The bulk of the town is zoned R-1 and not affected. The changes will allow new development to build 5-12 dwelling per acre.
- Page 86 shows slight changes in R-2 and R-3 standards.
- Page 101 for multifamily dwellings add section 2.c.
- Page 110 in temporary use added Type II procedures on stays longer than 8 days or 4 times a year.
- Page 116 under C standards had to remove non-measurable standards. We also added section 6 and 7.
- Page 117 added a page for Special Use Standards for C-1 zone, M-1 and M-2 zones and PUZ Zones.
- Page 71 added Section B to allow for residential dwellings on 2nd and 1st stories in a non-residential zone. Hitt disagrees with recommendation. He has seen residential takeover commercial zones in other cities where this was allowed. It is also very hard to enforce. Hitt suggested to reject the recommendation, Planning Commission agreed.
- The next section will be reviewed during the next meeting on June 21, 2022. Hitt is hoping to have it go before Council in July.

OTHERS

- Commission will probably see a land-use application for a 5-plex next month.

With no further discussion, the meeting was adjourned at the hour of 8:52 pm.

Chairperson

City Recorder

Staff Report
Harrisburg Planning Commission
Harrisburg, Oregon

THE MATTER OF THE REDWOOD RENTALS PRELIMINARY PARTITION (LU 443-2022), VARIANCE (LU 445-2022) AND SITE PLAN (LU 444-2022) APPLICATIONS

STAFF REPORT- EXHIBITS:

Exhibit A: Application Packet Materials

ACTION:

1. Motion to approve/modify/deny the Redwood Rentals Variance Request (LU 445), subject to the conditions of approval in the June 16, 2022, staff report. This motion is based on findings presented in the June 16, 2022, Staff Report to the Planning Commission, and findings made by the Commission during deliberations on the request at the June 21, 2022, Public Hearing.

2. Motion to approve/modify/deny the Redwood Rentals Minor Partition Request (LU 443), subject to the conditions of approval in the June 16, 2022, staff report. This motion is based on findings presented in the June 16, 2022, Staff Report to the Planning Commission, and findings made by the Commission during deliberations on the request at the June 21, 2022, Public Hearing.

3. Motion to approve/modify/deny the Redwood Rentals Site Plan Request (LU 444), subject to the conditions of approval in the June 16, 2022, staff report. This motion is based on findings presented in the June 16, 2022, Staff Report to the Planning Commission, and findings made by the Commission during deliberations on the request at the June 21, 2022, Public Hearing.

APPLICANT: Ken Graton

LOCATION: 775 S. 6th St, Map 15S-04W-15BC, Tax Lot No. 3400

HEARING DATE: June 21, 2022

ZONING: R-3, High Density Residential

OWNER: Redwood Rentals LLC, 94841 Hwy 99E, Junction City, OR 97448

BACKGROUND

The applicant is seeking Planning Commission approval for a Preliminary 3-Parcel Minor Partition. The subject site is 0.73 acres, and therefore approximately 31,799 square feet and is located at 775 S. 6th St. The property is zoned High Density Residential R-3. The site contains a single-family residence with one (unattached) garage, which will become Parcel No. 1 with 7,516 Sq. Ft.

Proposed Lots 2 and 3 will each respectively have a five-plex on it, which requires Site Plan approval. Lot No. 2 is 12,707 sq. ft., and Lot No. 3 is 10,731 sq. ft. A Variance is also required for both Parcels 2 and 3, as neither parcel meet the requirements of HMC 17.40.040(2) which requires that each lot shall abut upon a street other than an alley for a width of at least 25 feet, as well as both lots exceeding 2 ½ times the length of the width of the property.

INTRODUCTION

The applicant has submitted a Minor Partition Application for three new parcels to be created from one existing lot. Additionally, a Variance application has been submitted concurrent with the proposal for a reduction in the minimum frontage standard required by HMC 17.40.040(2), and the lot depth requirements in HMC 17.40.040(b). A Site Plan is also required for the provision of two five-plexes on lots 2 and 3 respectively.

EVALUATION

The following findings demonstrate that the proposed development may not comply with all applicable approval criteria and related standards. The following evaluation includes findings of compliance with the applicable criteria and as HMC 17.50.010 allows Planning Commission discretion to modify certain standards and requirements for partitions. The approval criteria and related standards are listed below in **bold**, with findings addressing each respectively.

MINOR PARTITION CRITERIA AND FINDINGS

17.35.020 Acknowledgement from Oregon Water Resources Department. Any person proposing a partition shall file a statement of water right and, if a water right is appurtenant, a copy of the acknowledgement must be attached before the county recording officer may accept the partition plat. [Ord. 739 § 6.015, 1998.]

Finding: No water rights are known for this property. As such, this criterion is not applicable.

17.35.030 Partitioning procedures.

Any division of land that is within the definition of a major or minor partition shall be submitted to the City for review and approval. There shall be submitted to the City an application for approval of a preliminary plat for a partition.

Discussion: The applicant has submitted an application packet including all necessary documentation in compliance with the standards in HMC 17.35.030. Parcel No. 1 shall contain the existing home and unattached garage. Conditions on this proposed lot remains the same. The applicant has provided a 29' setback to the rear property line of Parcel No. 1. Storm drainage for Parcels No. 2 and No. 3 is shown to a grassy swale in the middle of Lots No. 2 and No. 3. The drainage continues from the lot immediately to the south and continues to the north side of the property line. Street and vehicular access easement is from S. 6th St. The identification of existing and proposed utilities to serve this property are shown on the site plan and shall be discussed more in-depth later in this report. The street and lot patterns for the street abutting this property is also shown.

Finding: The application requirements in HMC 17.35.030 are adequately met.

2. Forty-two copies of the preliminary major partition plat shall be submitted to the City at least 60 days prior to the Planning Commission meeting at which the partition request shall be heard. (Note: for a minor partition this requirement is three copies and 10 days.)

Finding: This proposal is a minor partition with variance and site plan, and the three-copy requirement has been met. As such, this criterion has been adequately addressed.

3. Consideration of a preliminary plat for a major partition shall take place at a public hearing. Consideration of a preliminary plat for a minor partition shall take place at a public meeting. Owners of all property abutting the proposed partition shall be notified of the meeting.

Finding: A public hearing has been scheduled for June 21, 2022, in compliance with this standard.

4. In taking action on the partition, the Planning Commission shall base the decisions on findings related to the following criteria:

a. The partition is consistent with the standards of this title and HMC Title 18.

Discussion: This partition is consistent with the standards of this title and HMC Title 18. The applicant is required to remain consistent with these standards, and as proposed, or modified by the Planning Commission at this meeting.

Condition No. 1: Consistency with Plans – Development shall comply with the plans and narrative in the applicant’s proposal identified as Attachment A, except as modified by this approval of the conditions of approval below.

Finding: As conditioned, this criterion is met.

b. Vehicular access to the parcels to be created is adequate.

Discussion: Vehicular access will remain on S. 6th Street for both Parcels 2 and 3. Access for Parcel 1 remains the same. Because Parcel 3 is a flag lot without street access, permanent reciprocal access to the 22.38 feet wide driveway that is owned by Parcel No. 2 shall be granted on the final plat, that shall include private utility and franchise utility easements for the benefit of proposed parcels 2 and 3. A shared maintenance agreement must also be specified within the final plat, that outlines how the driveway and parking areas will be maintained by both users.

Condition No. 2: Reciprocal Access Easement. The final plat shall include reciprocal access, private utility and franchise utility easements for the benefit of proposed parcels 2 and 3. A Shared Maintenance Agreement must also be specified within the final plat, which outlines how the driveway, swale, and parking areas will be maintained by both users.

Finding: As conditioned, this criterion is met.

c. All necessary public utilities can be provided to the parcels to be created.

Discussion: All necessary public utilities are available and can be provided to the parcels being created. The developers will be required to coordinate with the Public Works Director for the installation of water and sewer services as the elevation of this property might be problematic. (Development Related Concern). As noted in Condition No. 2, the reciprocal access easement shall also include private utility and franchise utility easements for the benefit of both parcels 2 and 3. Prior to recording the final plat, the developer shall also be required to pay to extend water and sewer services to Parcels 2 and 3.

Condition No. 3: Water Services – Prior to recording the final plat, the applicant shall pay to have water service extended to each of the properties.

Condition No. 4: Sewer Services – Prior to recording the final plat, the applicant shall pay to have sewer service extended to each of the properties.

Finding: As conditioned, this criterion is met.

d. Full and orderly development to the surrounding area can be maintained.

Discussion: Full and orderly development to the surrounding area can be maintained as shown in the site plan for **Exhibit A**, and as required in HMC 17.40, and 18.22.

Finding: As proposed, this criterion has been met.

17.40.020 Streets.

Finding: No new streets are proposed with this application, and none are required based on future street extensions described in the Harrisburg Comprehensive Plan. This criterion does not apply.

17.40.030 Blocks.

Finding: No new blocks are proposed with this 3-parcel Partition request, and none are required. Therefore, these criteria are not applicable. Easements will be required in order to compensate for shared utility services to Parcel 2 and 3 and are addressed through Condition No. 2.

17.40.040 Lots.

a. No lot shall be dimensioned to contain part of an existing or proposed street.

Finding: No parcels are dimensioned to contain part of an existing or proposed street. Therefore, this criterion has been met.

b. Lot depth shall not exceed two-and-one-half times the average width.

Discussion: This proposal creates flag lots that are located in the R-3 zone; both Lots No. 2 and No. 3 exceed the lot depth requirements. The density requirements in a R-3 zone necessitate a higher number of dwelling units, but the small size of the original lot limits the developers to specific designs that work best for two owners. The Variance must be obtained for the Minor Partition to apply to this property

Condition No. 5: Variance Requirement – Prior to the Minor Partition Approval, a Variance must be approved by the Planning Commission which will allow a flag lot that exceeds the lot depth requirement in relation to two-and-one-half times the average width.

Finding: As conditioned, the criterion is met.

- c. These minimum standards shall apply with the following exceptions:**
 - (1) In areas that will not be served by a public water supply or by a public sewerage system, minimum lot sizes shall conform to the requirements of the Linn County Environmental Health Program.**
 - (2) In areas served by a public water supply and a public sewerage system, lot sizes and widths shall conform to the standards of HMC Title 18.**
 - (3) Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street parking and service facilities required by the type of use contemplated.**

Finding: The site is served by a public water supply and sewerage system. In addition, the proposed lots are residential in nature. Therefore, lot size standards comply with those standards in HMC Title 18.

2. Each lot shall abut upon a street other than an alley for a width of at least 25 feet.

Discussion: Proposed lots 2 and 3 are sharing through a reciprocal access easement the driveway which allows for 22.38’ feet of frontage onto S. 6th St. Because the property is not wide enough to accommodate a 25’ wide driveway and frontage, the applicants must obtain a variance to this standard. **Condition No. 5, Variance Requirement**, also applies to this section of the code.

Finding: As conditioned this standard has been met.

R-3, MULTI-FAMILY RESIDENTIAL STANDARDS AND FINDINGS

18.22.010 Density.

In an R-3 zone, property shall be designed for a minimum of 12 residential units per net acre and a maximum of 18 residential units per net acre. [Ord. 909 § 6, 2013.]

Findings: There are a total of 11 dwelling units proposed overall on .71 acres for a total of 15.49 residential units per net acre. This standard has been met.

18.22.020 Required standards for all new dwellings in R-3 zones.

Discussion: The applicant proposes three parcels. As shown on the submitted Preliminary Plat, all parking spaces and driveways will be hard surfaced. Eaves extend a minimum of 12 inches from the intersection of the roof and exterior walls. The property has curbs, gutters, and sidewalks on S. 6th St. Appropriate landscaping shall be addressed through the site plan standards required by HMC 18.22.030(1). A receptacle for the delivery of mail is shown on the site plan and must be installed prior to occupancy of the residential dwelling units.

Condition No. 6: Mailbox Receptacle – Prior to the occupancy of any of the residential units in the multi-family dwellings, a receptacle for the delivery of mail, in a design approved by USPS shall be installed.

Finding: As conditioned, the standards required by HMC 18.22.020 have been met.

HMC 18.22.030 Uses permitted outright.

In an R-3 zone, the following uses and their accessory uses are permitted outright:

1. Multiple-family dwellings shall be permitted, subject to the site plan review standards and procedures of Chapter [18.95](#) HMC, to ensure the availability and adequacy of municipal services and the appropriateness of the design.

Discussion: The Applicant is constructing two five-plex buildings, and as such, has submitted for the site plan as required by the above code.

Findings: As proposed, this standard has been met.

18.22.060 Lot size and frontage.

Except as provided in HMC [18.22.090](#), in an R-3 zone:

1. The minimum lot area for a townhome shall be 3,000 square feet for dwellings attached to one other dwelling and 1,800 square feet for dwellings attached to more than one other dwelling.

2. The minimum lot width at the front property line shall be 20 feet. [Ord. 909 § 6, 2013.]

Discussion: The applicant is building two five-plex units, rather than townhomes. Therefore, the 1,800 square feet for dwellings attached to more than one other dwelling applies in this case. Lot No. 2 is 12,707 sq. ft., while Lot 3 is 10,731 sq. ft. The minimum lot width in a R-3 zone is 20' at the front property line. Because this application is also for a partition, the partition requirements override this section of the code. Variance criteria will be addressed further in this staff report.

Findings: As proposed, this standard has been met.

18.22.070 Setback requirements.

Except as provided in HMC [18.90.010](#) and [18.90.050](#), in an R-3 zone the yards shall be as follows:

1. The front yard setback shall be a minimum of 12 feet, except that a garage or carport shall be set back a minimum of 18 feet.

2. Each side yard shall be a minimum of five feet, except that:

a. No setback is required where a common wall separates two adjoining dwellings.

b. In the case of a corner lot, the side abutting a street shall be a minimum of 12 feet.

3. The rear yard shall be a minimum of 15 feet, except that:

a. In the case of a corner lot the rear yard setback for an accessory building shall be a minimum of 10 feet; and

b. In the case of a lot on the bulb portion of a cul-de-sac, the rear yard setback shall average a minimum of 15 feet. The average of the rear yard setback shall be a measurement of the average of the closest line from the rear of the structure to the rear property line and the farthest line from the rear of the structure to the rear property line;

c. The rear yard setback for an uncovered deck, no part of which is more than 30 inches above the ground, shall be five feet. [Ord. 909 § 6, 2013.]

Discussion: As proposed by the applicant, the front yard abuts S. 6th St., with the rear yard on the east side of the property opposite. The side yards of the apartments are 5'. This configuration is not conducive to the privacy of the residents of the five-plexes, but in this case, the applicant is constrained by the size of the lot and did not find a design that would work well otherwise, while still meeting the density requirements. The swale area can double as a landscaped area for residents and provides more open space area. The design is somewhat unusual in that the garages for each unit are at the base of each unit, rather than being set up as a carport type of arrangement, which can be found at the LaSalle Crossing complex. That does provide for more privacy to each resident, as there is an 8'x15' covered porch on the bottom level of each unit, and a 10'x8' covered deck on the 2nd floor.

Finding: As proposed and discussed above, this standard has been met.

18.22.080 Height of flagpoles.

Finding: There are no flag poles in this site plan; this standard does not apply.

18.22.090 Lot Coverage

In an R-3 zone, building shall not occupy more than 75 percent of the lot area

Discussion: In Lot No. 1, the buildings account for 33.3% of the lot coverage. In Lot No. 2, 34% coverage, and in No. 3, 41% coverage.

Finding: The existing and proposed buildings in each parcel do not exceed the 75% maximum lot coverage allowance. This standard is met.

18.22.100 Common Wall Requirements

The following requirements shall apply to a townhome:

Finding: There are no proposed townhomes, therefore, this standard does not apply.

SITE PLAN CRITERIA AND FINDINGS

18.95.060 Decision criteria for site plan review.

Site plan approval shall be completed prior to occupancy. The site plan shall be approved when all of the criteria listed in this section, or only those criteria relevant to an administrative review, have been met:

- 1. Vehicular access to and from the site is adequate to serve the use and will not result in traffic-related problems on the street network in the immediate surrounding area.**

DISCUSSION: Vehicular access is from S. 6th St. As such, it is adequate to serve the use of this property. The multi-family housing immediately to the north has two separate entrances to the multi-plexes in that complex, and the one that is closest to this property has less traffic entering than the one that is north of it.

FINDINGS: As proposed, this criterion has been met.

2. Off-street parking areas are suitable in terms of size and location to serve the proposed use.

DISCUSSION: Off-street parking requirements in HMC 18.85.010(5)(e) require a minimum of 2 parking spaces per dwelling unit. Each residential unit has a one-car garage, while there are an additional ten spaces available in the open, one of which is ADA. HMC 18.85.010(5)(a) states that handicapped parking must be made in compliance with state and federal standards and *shall be in addition* to the parking spaces required by this section. 1 ADA space is required per 1 to 25 spaces; therefore, Condition No. 7 requires the developer to provide Staff with a revised parking plan that shows one additional general parking spot.

The garages are quite small; with the majority at only 190 sq. ft., along with a small garage door. The length of the garage is the required length of garages in other parts of the code; however, the width is smaller. In general, only smaller vehicles will be able to fit. While 2 parking spaces are required, in the R-3 zone (in what will soon be the old city code), a garage is not required, nor is there a general size requirement. Therefore, this small garage is compatible with the proposed dwellings, and will likely still be a benefit for residents.

The parking/maneuvering area in-between the building supports is only 24' wide. While this is adequate space for a car to back out of one of the garages, it is not large enough for vehicles to also park outside of the garages. Therefore, Condition No. 7 shall require the developer to also provide staff with a plan showing where no parking signs will be posted in this area in order to avoid problems.

In addition, the parking garage area is shared between two tax lots. Condition No. 2 addresses the requirement for a shared maintenance plan for this parking area.

Condition No. 7: Parking Plan - Prior to recording the final plat, applicant shall provide Staff with a revised parking plan showing the addition of one additional parking space, as well as a plan showing where no parking signs will be posted in the garage/parking area of this development.

Finding: As conditioned, this criterion has been met.

3. The size, design, and operating characteristics of the intended use are reasonably compatible with surrounding development.

Discussion: This property is located within the R-3 zone, which is planned for a higher density. The properties located to the south are largely single-family dwellings, but these can be changed to higher density dwellings in the future if conditions are met. The property directly to the north and to the east is zoned R-2, but is densely populated, with three to five plex units.

Finding: This criterion has been met.

4. The utilities and drainage facilities intended to serve the proposed use are adequate to accommodate the proposed use and are reasonably compatible with the surrounding area.

Discussion: This particular lot holds a swale or low area, that also provides drainage from the properties located to the south. Storm water flows to the northwest across this property. HMC 15.05.090 requires that natural surface drainage may not be changed in a way which will cause flooding to adjacent property, streets, or walkways. Therefore, as typical with most development in Harrisburg, the applicant will be required to provide Staff with an engineered stormwater management and detention plan demonstrating there will be no impact on neighboring properties beyond historical storm water flow. Condition No. 8 will meet this requirement.

The utilities are sufficient to serve the residential dwellings being added to Parcels 2 and 3 and are further addressed in Conditions No. 3 and 4.

Condition No. 8: Stormwater - Prior to Final Plat approval, the developer shall submit an engineered stormwater management and detention plan, showing no impact on neighboring properties beyond historical storm water flow. This plan must be approved by the City Engineer.

Finding: As conditioned, the criterion has been met.

5. The intended use shall be adequately screened or buffered from adjacent or nearby properties.

Discussion: Screening or buffering, as required by the code, is not shown on the applicants site plan, but the narrative does state that a screening fence is proposed on the perimeter of this project. The side yards of 5' do work adequately as a buffer as required by code. Prior to the submission of any building permits, the applicant shall provide Staff with a plan showing their proposal for a continuous fence or wall a minimum of six feet in height, or a plan for berms or trees that can be reasonably expected to provide an adequate buffer within three years of planting. Any plantings in this area will apply to the minimum landscaping requirements.

Condition No. 9: Screening/Fence – Prior to the submission of any building permits, the applicant shall submit a plan showing their proposal and design for a continuous fence or wall a minimum of six feet in height, or a plan for berms or

trees that can be reasonably expected to provide an adequate buffer within three years of planting.

Finding: As conditioned, this criterion is met.

6. Plans are adequate to control sediment runoff from impacting surrounding properties and the City drainage system.

Discussion: The applicant has said that plans are adequate to control sediment runoff but has not shown those plans on the site plan shown in their application.

Condition No. 10: Erosion and Sediment Control - Concurrent with the Building Permit Applications, the applicant must show their plans that will prevent sediment runoff from entering the City’s streets or impacting surrounding properties. These plans must be approved by the Public Works Director.

Finding: As conditioned, this criterion is met.

7. Security measures are adequate to protect the general public from injury on the work site. [Ord. 882 § 5.530, 2010.]

Discussion: The applicant has written in their narrative that they will be providing security measures, but none are shown on their site plan. The properties to the north and east of this lot have a lot of families with young children. Therefore, prior to filing for the Final Plat, the applicant shall show on a revised site plan what kind of security fences will be installed around the perimeter of the property in order to adequately protect the general public from injury. This plan must be approved by the Public Works Director, and temporary fencing must be installed prior to any groundwork commencing on the property.

Condition No. 11: Security Measures – Prior to recording the Final Plat, the applicant shall submit a revised site plan showing what kinds of security fences will be installed around the perimeter of the property in order to adequately protect the general public from injury. This plan must be approved by the Public Works Director, and the temporary fencing must be installed prior to groundwork commencing on the property.

Finding: As conditioned, this criterion has been met.

HMC 18.95.090 Standards applicable to residentially zoned areas for site plan review.

1. Buffer. A buffer shall be provided on each side of a property which abuts a lot which is zoned or used for residential purposes. The buffer area shall be a minimum of five feet in width, containing a continuous fence or wall a minimum of six feet in height so as to effectively screen the property from adjoining

residential properties. A berm or trees or shrubs can be used instead of, or to supplement, a fence or wall so long as any planted trees or shrubs can reasonably be expected to provide an adequate buffer within three years after planting.

Finding: As noted above and in Condition No. 9, the applicant will be required to submit a plan showing their proposal and design for a continuous fence or wall a minimum of six feet in height, or a plan for berms or trees that can be reasonably expected to provide an adequate buffer within three years of planting. As conditioned, this standard has been met.

2. Buffer areas may not be used for buildings, parking, or driveways, unless the area is the most suitable location for a driveway but may be used for landscaping sidewalks or pathways and for utility placement.

Finding: As noted above, the applicant is allowed to use the 5’ side setback shown on the north and south lines of their parcels as shown on their site plan as a buffer. Therefore, as conditioned in No. 9, the applicant has met the standards.

3. Landscaping.

a. All areas intended for use as part of the building project shall be completely and permanently landscaped, except for buildings, areas used for refuse containers, and areas set aside for access driveways, off-street parking, sidewalks and pathways.

b. All landscaped and buffered areas shall be continually maintained in an attractive manner.

Discussion: The applicant has stated in their narrative that all areas that are not impervious surfacing shall be landscaped and maintained. Prior to submitting any building permit, the applicant shall be required to submit a landscaping plan to the City Administrator, showing the types of plants, shrubs and trees to be added to the property, as well as showing how the landscaping shall be maintained, and kept alive.

Condition No. 12: Landscaping: Prior to submitting any building permit, the applicant shall be required to submit a landscaping plan to the City Administrator, showing the types of plants, shrubs and trees to be added to the property, as well as showing how the landscaping shall be maintained, and be kept alive.

Finding: As conditioned, the standard has been met.

4. Screening of Refuse Containers. Any refuse or recycling container or disposal area visible from a public street or abutting property zoned residential shall be screened from view by placement of a solid wood, concrete block or similar fence or evergreen hedge at least five feet in height.

Discussion: The applicant has stated in their narrative that the refuse and recycling area shall be screened from view by placement of a solid wood, concrete block/fence, or evergreen hedge at least five feet in height, but has not shown detail, including which of these choices of materials will be applied. In addition, SB 582 in relation to recycling modernization requires that multi-family housing has adequate space and container placement for recycled materials. Therefore, the applicant will show detail on how this will also be addressed.

Condition No. 13: Refuse Containers: Concurrent with the Building Permits being submitted; the applicant shall include on their site plan for Parcel No. 2 what kind of screening will be applied to the refuse area shown on the site plan, as well as providing adequate space and container placement for recycled materials. State of Oregon Building Code regulations will apply dependent upon the type of screening being proposed.

Finding: As conditioned, this standard has been met.

5. Fencing. Fences must meet the requirements set forth in HMC [18.80.010](#).

Findings: As conditioned in Condition of Approval No. 9, this standard has been met.

6. Parking.

a. Off-street parking shall be provided in compliance with the standards of Chapter [18.85](#) HMC.

b. Off-street parking areas shall be set back a minimum of 15 feet from lot lines abutting a street and 10 feet from lots zoned residential.

Discussion: As shown in Condition of Approval No. 7, a parking plan shall be provided to the City with an additional space being required in order to meet the requirements of HMC 18.85. Off-street parking areas are shown as 10 feet from all neighboring properties located to the north and south. All parking and driveways are required to be paved.

HMC 18.85.060 Bicycle Parking

Bicycle parking shall be provided as follows:

- 1. The minimum number of required parking spaces shall be.**
 - a. One for each residential unit in a multifamily development that consist of four or more dwelling units.**

Discussion: No bicycle parking places are shown on the site plan. However, the applicants have provided each dwelling unit with a garage, which is not required in the R-3 zone. Therefore, the City will not require the applicant to provide additional areas within their site plan to be set aside for bicycle parking.

Finding: As conditioned, and shown on the site plan, these standards have been met.

- 7. Access Driveways.** The driveway with access onto a public street shall meet the following requirements:
- a. Driveways shall have a minimum width of 10 feet for one-way driveways, and 20 feet for two-way driveways.
 - b. Adjoining lots may utilize a shared driveway with the consent of the City, but only if appropriate easement documents and maintenance agreements are entered into and recorded with Linn County.
 - c. There shall be a minimum separation of 22 feet between driveways unless otherwise approved by the City.
 - d. Driveways shall be at least 20 feet from the intersection with a minor street and 30 feet from the intersection with an arterial or collector street. [Ord. 882 § 5.560, 2010.]

Discussion: The driveway shown on the applicants site plan is 22’ wide, or 20’ wide within the curbing shown on the site plan. All driveways, and parking areas within the R-3 Multi-Family Residential Zone are required to be paved and must be capable of holding an emergency vehicle that is 75,000 pounds. There is also 23’ of separation from the southernmost driveway for LaSalle Crossing.

Finding: As shown on the submitted site plan, this standard has been met.

VARIANCE CRITERIA AND FINDINGS

HMC 18.115.020 Criteria for granting a variance.

A variance may be granted only in the event that all of the following criteria exist:

- 1. Unique or extraordinary circumstances apply to the property which do not generally apply to other properties in the same zone or vicinity and result from lot size or shape, topography, or other circumstances over which the owners of the property, since the enactment of the ordinance codified in this title, have no control.

Discussion: The request for a variance to HMC 17.40.040(1)(b) is based on the lot depth exceeding two-and-one-half times the average width. Staff believes that this requirement was likely created to avoid an extremely long piece of property, which would be similar to a flag lot. This part of the code was created long before the code was changed in 2013, when the City expanded the UGB, and created the R-3 Multi-Family Residential zoning. The density requirement of the R-3 zone is much higher than elsewhere, and this existing lot would be very hard to develop based on the density requirements, without allowing this variance to apply.

In addition, HMC 17.40.040(2) states that each lot shall abut upon a street other than an alley for a width of at least 25 feet. Again, the conversion of this lot to a R-3 zoning creates an unusual circumstance, considering that lot being partitioned is .71 acres with an existing home. In order to meet the density requirements of the R-3 zone, the applicant must work with the setbacks to the existing home and is therefore limited to only 22.38’ of road frontage.

Finding: These are both unique and/or extraordinary circumstances that apply to this property, and over which the owner has no control. Therefore, this criterion has been met.

2. The variance is necessary for the preservation and enjoyment of the same property rights as possessed by owners of other property in the same zone.

Discussion: Most of the existing properties that were rezoned in the R-3 zone would run into the same circumstances as this proposed partition. HMC 17.40.040(1)(b) has not applied to any other land use requests in the past ten years. In addition, the Planning Commission has approved several other variances on Sommerville Loop, in which the street frontage was less than the 25' required.

Finding: Staff deems this criterion has been met.

3. The variance is consistent with the goals and policies in the comprehensive plan.

Discussion: The Comprehensive Plan is the guiding land use document of the city. Goal No. 10 in relation to Housing provides that the City allows for development of a variety of housing types. Five-plexes as planned in this development is a variety of housing well suited to this zone that requires a higher density, especially as this property is adjacent to similar housing to the north and east.

Goal No. 14 Urbanization allows for the availability of sufficient land for the various uses to ensure choices in the marketplace, and the development of property inside the City limits is encouraged before conversion of property in the UGB. Allowing ten additional dwelling units on .71 acres of land is an efficient use of the land. The provision of allowing property to be developed even though it's 2 ½ times longer than the width, as well as the road frontage being allowed to be less than the 25' requirement is consistent with these goals and policies in the comprehensive plan.

Finding: This criterion has been met.

4. The variance shall not confer a special privilege upon an applicant.

Finding: Approval of the requested variance will not confer a special privilege upon the applicant as the City has records of similar applications containing an approval for limited street frontage for recent flag lots. Other properties similar to this one, including one that is abutting it, would also have the same ability to develop their lot in order to meet the higher density requirements of the R-3 zone. As such, this criterion has been met.

5. The variance shall not violate any provision of law. [Ord. 906 § 1, 2012; Ord. 882 § 8.020, 2010.]

Finding: Approval of this Variance application will not violate any provision of law. Therefore, this criterion has been met.

15.05.030 Excavation and grading – General provisions. The rules prescribed in this chapter shall apply to all lands within the City limits of the City of Harrisburg. The City requires a fill permit prior to a developer placing more than 20 cubic yards of fill, fill that is more than one foot in depth on a buildable lot or fill that will impact the drainage on another lot. An exception can be authorized by excavation associated with a building authorized by a valid building permit, such as footings or basements not having an unsupported height greater than five feet. An exception can also be made only for fill and/or backfill materials placed around a building foundation in accordance with normal construction practices. Because of the extensive drainage patterns in this area, the applicant is hereby notified that fill in excess of 20 cubic yards, or that is more than one foot in depth on a buildable lot, or that impacts drainage on another lot, will trigger the requirement to obtain a fill permit through the City of Harrisburg. This is a development concern, rather than a land use standard.

CONCLUSIONS

The applicant requests approval of a Preliminary Minor Partition, Site Plan to build two five-plex units, and concurrent Variance application to allow for the development of this higher density parcel in a R-3 zone. As demonstrated by the above discussion, analysis and findings, these applications meet the minimum applicable criteria from the Harrisburg Municipal Code. The applicant has been notified that this property could be somewhat challenging to develop based on the elevations, especially in relation to drainage patterns from adjacent properties.

PLANNING COMMISSION ACTION

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

- 2. Approve the request;
- 3. Approve the request with modifications/conditions; or,
- 4. Deny the request.

PLANNERS RECOMMENDATION:

The Planner recommends that the Planning Commission review the materials submitted in response to direction and make a determination on the Redwood Rentals Minor Partition, Site Plan, and Variance Application.

RECOMMENDED CONDITIONS OF APPROVAL

- 1. **Consistency with Plans** – Development shall comply with the plans and narrative in the applicant’s proposal identified as Attachment A, except as modified by this approval of the conditions of approval below.

2. **Reciprocal Access Easement**. The final plat shall include reciprocal access, private utility and franchise utility easements for the benefit of proposed parcels 2 and 3. A Shared Maintenance Agreement must also be specified within the final plat, which outlines how the driveway, swale, and parking areas will be maintained by both users.
3. **Water Services** – Prior to recording the final plat, the applicant shall pay to have water service extended to each of the properties.
4. **Sewer Services** – Prior to recording the final plat, the applicant shall pay to have sewer service extended to each of the properties.
5. **Variance Requirement** – Prior to the Minor Partition Approval, a Variance must be approved by the Planning Commission which will allow a flag lot that exceeds the lot depth requirement in relation to two-and-one-half times the average width. In addition, the variance shall be applied to allow the lots to abut upon 6th street for a width of less than 25 feet.
6. **Mailbox Receptacle** – Prior to the occupancy of any of the residential units in the multi-family dwellings, a receptacle for the delivery of mail, in a design approved by USPS shall be installed.
7. **Parking Plan** - Prior to recording the final plat, applicant shall provide Staff with a revised parking plan showing the addition of one additional parking space, as well as a plan showing where no parking signs will be posted in the garage/parking area of this development.
8. **Storm Water** - Prior to Final Plat approval, the developer shall submit an engineered stormwater management and detention plan, showing no impact on neighboring properties beyond historical storm water flow. This plan must be approved by the City Engineer.
9. **Screening/Fence** – Prior to the submission of any building permits, the applicant shall submit a plan showing their proposal and design for a continuous fence or wall a minimum of six feet in height, or a plan for berms or trees that can be reasonably expected to provide an adequate buffer within three years of planting.
10. **Erosion and Sediment Control** - Concurrent with the Building Permit Applications, the applicant must show their plans that will prevent sediment runoff from entering the City’s streets or impacting surrounding properties. These plans must be approved by the Public Works Director
11. **Security Measures** – Prior to recording the Final Plat, the applicant shall submit a revised site plan showing what kinds of security fences will be installed around the perimeter of the property in order to adequately protect the general public from injury. This plan must be approved by the Public Works Director, and the

temporary fencing must be installed prior to groundwork commencing on the property.

- 12. **Landscaping:** Prior to submitting any building permit, the applicant shall be required to submit a landscaping plan to the City Administrator, showing the types of plants, shrubs and trees to be added to the property, as well as showing how the landscaping shall be maintained, and be kept alive.
- 13. **Refuse Containers:** Concurrent with the Building Permits being submitted; the applicant shall include on their site plan for Parcel No. 2 what kind of screening will be applied to the refuse area shown on the site plan, as well as providing adequate space and container placement for recycled materials. State of Oregon Building Code regulations will apply dependent upon the type of screening being proposed.

DEVELOPMENT RELATED CONCERNS

(These are not conditions of approval, but will be required with building permits)

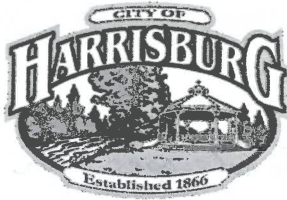
- A. Installation of water and sewer services** - The developers will be required to coordinate with the Public Works Director for the installation of water and sewer services as the elevation of this property might be problematic. (Development Related Concern).
- B. HMC 15.05.030 Excavation and grading – General provisions** – Because of the extensive drainage patterns in this area, the applicant is hereby notified that fill in excess of 20 cubic yards, that is more than one foot in depth on a buildable lot, or that impacts drainage on another lot, will trigger the requirement to obtain a fill permit through the City of Harrisburg.

RECEIVED

MAY 11 2022

Initial: CMV

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



LAND USE APPLICATION

| STAFF USE ONLY | |
|---|--|
| File Number: <u>443-2022; 444-2022 + 445-2022</u> | Date Received: <u>05.11.22</u> |
| Fee Amount: <u>2875.00</u> | Receipt # <u>B.000430</u> <u>5/11/22</u> <u>300.00</u> |
| | <u>" " B.000431 " " 2875.00</u> |

| APPLICATION TYPE | |
|---|--|
| <input type="checkbox"/> Annexation* | <input type="checkbox"/> Property Line Adjustment |
| <input type="checkbox"/> Comprehensive Plan Amendment* | <input checked="" type="checkbox"/> Partition/Replat* <u>Minor</u> Major |
| <input type="checkbox"/> Conditional Use Permit* | <input checked="" type="checkbox"/> Site Plan Review* |
| <input type="checkbox"/> Historic Permit* | <input type="checkbox"/> Site Plan Review – Parking Only |
| <input type="checkbox"/> Resource Alteration | <input type="checkbox"/> Subdivision/Replat* |
| <input type="checkbox"/> Resource Demolition | <input type="checkbox"/> Vacation of street, alley or easement |
| <input type="checkbox"/> Historic Review – District | <input checked="" type="checkbox"/> Variance* |
| <input type="checkbox"/> Legal Lot Determination | <input type="checkbox"/> Zone Map Change* |
| <input type="checkbox"/> Zoning Ordinance Text Amendment* | |

*A Pre-Application Conference with City Staff is Required

| PLEASE PROVIDE A BRIEF SUMMARY OF THE PROPOSAL | |
|--|--|
| Project Description | <u>Take one lot + make 3 lots</u> <u>The back 2 lots will each</u> <u>have a 5-plex apartment on it</u> <u>w/ a shared flagpole drive</u> |
| Project Name | <u>Redwood Apartments.</u> |

PRIMARY CONTACT AND OWNER INFORMATION

Applicant's Name

Phone Email

Mailing Address

Applicant's Signature Date

Property Owner Name

Phone Email

Mailing Address

Owner Signature Date

*If more than one property owner is involved, provide a separate attachment listing each owner or legal representative and their signature.

PROPERTY DESCRIPTION
(general vicinity, side of street, distance to intersection, etc.)

Street Address

General Location Description

Assessor's Map Number(s) Related Tax Lot(s)

Map # Tax Lot(s) #

The Assessor's Map Number (Township, Section and Range) and the Tax Lot Number (parcel) can be found on your tax statement, at the Linn County Assessor's Office, or online at <http://linn-web.co.linn.or.us/propertywebquerypublic/>

Lot Area

LAND USE AND OVERLAY ZONES

Existing Zone(s) R-3

Existing Comprehensive Plan Designation(s) R-3

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

- Historic Overlay
- Willamette River Greenway
- Floodplain
- Riparian Corridors
- Wetlands

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

CHECK THE BOX NEXT TO INCLUDED EXHIBITS

- | | |
|---|---|
| <input checked="" type="checkbox"/> Narrative* (address all applicable HMC review criteria) | <input checked="" type="checkbox"/> Architectural Elevations |
| <input type="checkbox"/> Assessor's Map with Applicable Tax Lots Highlighted | <input checked="" type="checkbox"/> Architectural Floor Plans |
| <input checked="" type="checkbox"/> Site Plan | <input type="checkbox"/> Utilities Plan |
| <input type="checkbox"/> Survey / ALTA | <input type="checkbox"/> Geotechnical Report/Site |
| <input type="checkbox"/> Aerial Photograph / Existing Land Use(s) Map | <input type="checkbox"/> Assessment |
| <input type="checkbox"/> Zoning Map (if applicable, show proposed change(s)) | <input type="checkbox"/> Electronic Versions of Exhibits |
| <input type="checkbox"/> Comprehensive Plan Map(s) (if applicable, show proposed changes)) | <input checked="" type="checkbox"/> Application Fee |
| <input checked="" type="checkbox"/> Subdivision or <u>Partition Plat</u> - <i>incl. in site plans</i> | <input type="checkbox"/> Other |

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

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

PLEASE TELL US MORE ABOUT THE PROPOSAL AND ITS SITE

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

One SFD home on So. 6th St.
- West end of property

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

Divide lot, keep the SFD home +
create 2 more lots w/ a 5-plex on each

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

Maintained privately

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

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

AUTHORIZATION FOR STAFF & DECISION MAKERS TO ENTER LAND

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

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

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

REDWOOD APARTMENTS NARRATIVE

APPLICANT: Ken Graton and John Herrera PHONE: (541) 501-7667

CIVIL ENGINEER: The Favreau Group PHONE: (541) 683-7048

DATE: May 19, 2022

Present Request:

This application requests a Apartment Development approval for subject tax lot. This application proposes to create 10 new apartment units and one existing single family residence on three separate lots.

| | |
|----------------------------|----------------------------|
| TAX LOT | 15S-04W-15BC. Tax Lot 3400 |
| CURRENT ZONING | R1 |
| SIZE | 0.71 Acres |
| ELECTRIC | Pacific Power |
| WATER | City of Harrisburg |
| GAS | Northwest Natural Gas |
| STORM WATER/SANITARY SEWER | City of Harrisburg |

17.35.030 Partitioning procedures.

4. In taking action on the partition the Planning Commission shall base the decision on findings related to the following criteria:

a. The partition is consistent with the standards of this title and HMC Title 18.

Response: This application is consistent with the applicable standards as shown below.

b. Vehicular access to the parcels to be created is adequate. (Criteria and findings apply for a major partition.)

Response: Parcel 1 will take existing access from S 6th St. Parcels 2 and 3 will take access via a 20-foot paved drive that connects to s 6th St.

c. All necessary public utilities can be provided to the parcels to be created.

Response: Water, sewer, storm drain, electricity and communication lines are all existing in the adjacent S 6th St. and have adequate capacity for this proposal to connect to them.

d. Full and orderly development to the surrounding area can be maintained.

Response: The adjacent properties to the north, south and east are fully developed.

18.22.010 Density.

In an R-3 zone, property shall be designed for a minimum of 12 residential units per net acre and a maximum of 18 residential units per net acre. [Ord. 909 § 6, 2013.]

Response: The are a total of 11 units overall on 0.71 acres which equals 15.5 units per acre.

18.22.020 Required standards for all new dwellings in R-3 zones.

1. All parking spaces and driveways shall be hard surfaced.

Response: The proposed parking space are asphalt paved and concrete garages.

2. Eaves that extend a minimum of 12 inches from the intersection of the roof and the exterior walls.

Response: The eaves will be extended 12" from the exterior wall. See Architect's plans.

3. Public improvements, including curbs, gutters, sidewalks and a paved street adjoining the property shall be installed in accordance with City standard specifications prior to occupancy unless an extension is granted in writing by the City. Prior to approving an extension, the City may require the responsible party to sign a waiver of remonstrance.

REC 5-20-22

Response: There are no public improvement proposed.

4. Appropriate landscaping, other than weeds or bare ground, shall be installed within six months of occupancy.

Response: See landscaping plan.

5. A receptacle for the delivery of mail by the United States Postal Service (USPS) shall be installed prior to occupancy unless (a) an extension is granted in writing by the City, or (b) the person who will be occupying the dwelling provides evidence to the City that a post office box has been obtained. The receptacle shall be of a design approved by the USPS and it shall be placed at a location approved by the USPS and the Planning Commission. [Ord. 909 § 6, 2013.]

Response: A community mail box is shown on the site plan.

18.22.030 Uses permitted outright.

In an R-3 zone, the following uses and their accessory uses are permitted outright:

1. Multiple-family dwellings shall be permitted, subject to the site plan review standards and procedures of Chapter [18.95](#) HMC, to ensure the availability and adequacy of municipal services and the appropriateness of the design.

2. Home occupation, when the provisions of Chapter [5.05](#) HMC are complied with.

3. One boarding, lodging, assisted living facility or rooming house, per lot, subject to the standards and procedures of Chapter [18.95](#) HMC.

Response: A multi-family development is proposed.

4. Manufactured dwelling park, subject to the standards and procedures of HMC [18.75.020](#) and [18.95.080](#). [Ord. 909 § 6, 2013.]

Response: Not applicable

18.22.040 Conditional uses permitted.

In an R-3 zone, the following uses and their accessory uses are permitted when authorized in accordance with Chapter [18.110](#) HMC:

1. Building heights exceeding 40 feet. [Ord. 909 § 6, 2013.]

Response: Not applicable

18.22.050 Signs.

Refer to Chapter [18.70](#) HMC for standards. [Ord. 909 § 6, 2013.]

18.22.060 Lot size and frontage.

Except as provided in HMC [18.22.090](#), in an R-3 zone:

1. The minimum lot area for a townhome shall be 3,000 square feet for dwellings attached to one other dwelling and 1,800 square feet for dwellings attached to more than one other dwelling.

Response: All proposed lots exceed 3,000 square feet.

2. The minimum lot width at the front property line shall be 20 feet. [Ord. 909 § 6, 2013.]

Response: Lots 1 and 2 have 86.25' and 22.38' frontage respectively. Lot 3 will have a reciprocal access and private utility easement over lot 2 and will be recorded with the partition.

18.22.070 Setback requirements.

Except as provided in HMC [18.90.010](#) and [18.90.050](#), in an R-3 zone the yards shall be as follows:

1. The front yard setback shall be a minimum of 12 feet, except that a garage or carport shall be set back a minimum of 18 feet.

Response: The existing house on lot 1 exceeds the minimum front yard setbacks. The proposed structures on lots 2 and 3 also exceed the minimum front yard setbacks.

2. Each side yard shall be a minimum of five feet, except that:

a. No setback is required where a common wall separates two adjoining dwellings.

Response: All side yards have a minimum 5' setback.

b. In the case of a corner lot, the side abutting a street shall be a minimum of 12 feet.

Response: Does not apply.

3. The rear yard shall be a minimum of 15 feet, except that:

a. In the case of a corner lot the rear yard setback for an accessory building shall be a minimum of 10 feet; and

Response: All rear yards have a minimum 15' setback.

b. In the case of a lot on the bulb portion of a cul-de-sac, the rear yard setback shall average a minimum of 15 feet. The average of the rear yard setback shall be a measurement of the average of the closest line from the rear of the structure to the rear property line and the farthest line from the rear of the structure to the rear property line;

Response: Does not apply.

c. The rear yard setback for an uncovered deck, no part of which is more than 30 inches above the ground, shall be five feet. [Ord. 909 § 6, 2013.]

Response: Does not apply.

18.22.080 Height of flagpoles.

In an R-3 zone the maximum height of a flagpole shall be four feet higher than the highest building on the same lot unless a greater height is allowed by the Planning Commission. [Ord. 909 § 6, 2013.]

Response: Does not apply.

18.22.090 Lot coverage.

In an R-3 zone, buildings shall not occupy more than 75 percent of the lot area. [Ord. 909 § 6, 2013.]

Response: Lot 1 has 1,200 square foot building. Lots 2 & 3 each have a 2,300 square foot building. The total building area is 5,800 square feet. The total lot square footage is 30,954 square feet for a coverage of 18.7 percent.

18.22.100 Common wall requirements.

The following requirements shall apply to a townhome:

- 1. If each dwelling is on a separate lot, the common wall shall coincide exactly with the property line separating the units.

Response: Does not apply.

- 2. Each dwelling unit shall have independent utilities and addresses.

Response: Each dwelling unit shall have independent utilities and addresses.

- 3. Prior to the initial occupancy, an agreement shall be recorded with Linn County stating how issues relating to liability and maintenance and care of the common areas will be resolved between the owners of each dwelling. [Ord. 909 § 6, 2013.]

Response: The applicant will provide the CC&Rs for review by the City prior to recording of the partition.

18.95.060 Decision criteria for site plan review.

Site plan approval shall be completed prior to occupancy. The site plan shall be approved when all of the criteria listed in this section, or only those criteria relevant to an administrative review, have been met:

- 1. Vehicular access to and from the site is adequate to serve the use and will not result in traffic-related problems on the street network in the immediate surrounding area.

Response: The site will connect to S 6th St. which is a neighborhood collector and can safely accommodate the additional 10 units.

- 2. Off-street parking areas are suitable in terms of size and location to serve the proposed use.

Response: Each unit will have a one car attached garage and an off-street parking space. The proposed parking spaces will meet City code.

- 3. The size, design, and operating characteristics of the intended use are reasonably compatible with surrounding development.

Response: The proposed development is consistent with the current zoning and is compatible with the surrounding residential uses.

- 4. The utilities and drainage facilities intended to serve the proposed use are adequate to accommodate the proposed use and are reasonably compatible with the surrounding area.

Response: The existing sewer and existing water systems have adequate capacity for the proposed development. The proposed drainage system will include a detention pond to meter the proposed runoff to pre-development flows.

5. The intended use shall be adequately screened or buffered from adjacent or nearby properties.

Response: A screening fence is proposed along the perimeter of the project.

6. Plans are adequate to control sediment runoff from impacting surrounding properties and the City drainage system.

Response: The project drains to a central pond to control stormwater and sediment.

7. Security measures are adequate to protect the general public from injury on the work site. [Ord. 882 § 5.530, 2010.]

Response: The site will be fenced during construction.

18.95.090 Standards applicable to residentially zoned areas for site plan review.

1. Buffer. A buffer shall be provided on each side of a property which abuts a lot which is zoned or used for residential purposes. The buffer area shall be a minimum of five feet in width, containing a continuous fence or wall a minimum of six feet in height so as to effectively screen the property from adjoining residential properties. A berm or trees or shrubs can be used instead of, or to supplement, a fence or wall so long as any planted trees or shrubs can reasonably be expected to provide an adequate buffer within three years after planting.

Response: A 6-foot high screening fence is proposed around the perimeter.

2. Buffer areas may not be used for buildings, parking, or driveways, unless the area is the most suitable location for a driveway, but may be used for landscaping sidewalks or pathways and for utility placement.

Response: Does not apply.

3. Landscaping.

a. All areas intended for use as part of the building project shall be completely and permanently landscaped, except for buildings, areas used for refuse containers, and areas set aside for access driveways, off-street parking, sidewalks and pathways.

Response: All non-hard-scape areas shall be landscaped.

b. All landscaped and buffered areas shall be continually maintained in an attractive manner.

Response: The property owners shall be responsible for the maintenance of their own landscaping.

4. Screening of Refuse Containers. Any refuse or recycling container or disposal area visible from a public street or abutting property zoned residential shall be screened from view by placement of a solid wood, concrete block or similar fence or evergreen hedge at least five feet in height.

Response: The proposed trash location will be enclosed.

5. Fencing. Fences must meet the requirements set forth in HMC [18.80.010](#).

Response: All proposed fencing will meet City code.

6. Parking.

a. Off-street parking shall be provided in compliance with the standards of Chapter [18.85](#) HMC.

Response: Each unit will have a one car attached garage and an off-street parking space.

b. Off-street parking areas shall be set back a minimum of 15 feet from lot lines abutting a street and 10 feet from lots zoned residential.

Response: The site plan complies with this requirement.

7. Access Driveways. The driveway with access onto a public street shall meet the following requirements:

a. Driveways shall have a minimum width of 10 feet for one-way driveways, and 20 feet for two-way driveways.

Response: The proposed driveway is 20 feet in width.

b. Adjoining lots may utilize a shared driveway with the consent of the City, but only if appropriate easement documents and maintenance agreements are entered into and recorded with Linn County.

Response: Does not apply.

c. There shall be a minimum separation of 22 feet between driveways unless otherwise approved by the City.

Response: The nearest driveway to the north is a distance of 25'.

d. Driveways shall be at least 20 feet from the intersection with a minor street and 30 feet from the intersection with an arterial or collector street. [Ord. 882 § 5.560, 2010.]

Response: Does not apply.

REDWOOD APARTMENTS VARIANCE NARRATIVE

APPLICANT: Ken Graton and John Herrera PHONE: (541) 501-7667

CIVIL ENGINEER: The Favreau Group PHONE: (541) 683-7048

DATE: May 10, 2022

Present Request:

This application requests a Variance for the 25' minimum street frontage.

| | |
|----------------|----------------------------|
| TAX LOT | 15S-04W-15BC. Tax Lot 3400 |
| CURRENT ZONING | R1 |
| SIZE | 0.71 Acres |

| | |
|----------------------------|-----------------------|
| ELECTRIC | Pacific Power |
| WATER | City of Harrisburg |
| GAS | Northwest Natural Gas |
| STORM WATER/SANITARY SEWER | City of Harrisburg |

D Criteria for granting a variance (Harrisburg Code Chapter 18.115.020)

A variance may be granted only in the event that all of the following criteria exist:

1. Unique or extraordinary circumstances apply to the property which do not generally apply to other properties in the same zone or vicinity and result from lot size or shape, topography, or other circumstances over which the owners of the property, since the enactment of the ordinance codified in this title, have no control.

The subject property has approx. 108' of street frontage on 6th St. We are proposing a flag lot partition to provide access to the back 3/4ths of the property. Due to the placement of the existing house, we cannot meet the 50' minimum frontage requirements for both parcels 2 & 3. As a result, we are proposing a 22' pan-handle on Parcel 2 and private reciprocal access and utility easement over parcel 2 for the benefit of parcels 2 and 3. This access would be part of parcel 2 and an easement would be provided for parcel 3 at the time of recording the plat. Many of these same variances have recently been approved and granted for similar lots to maximize the ability to develop the land in a way that meets the city's requirements and long-term growth goals.

2. The variance is necessary for the preservation and enjoyment of the same property rights as possessed by owners of other property in the same zone.

Other property owners in Harrisburg with similar zoning and environment, have had the opportunity and ability to develop their land in accordance with city codes and standards with the use of this variance. Without this variance we would have land that meets most or all city requirements for residential lots but we would be prevented from enjoying that opportunity.

3. The variance is consistent with the goals and policies in the comprehensive plan.

This lot is in an area of town that is designated and zoned for medium to high density residential housing. We believe our proposal and plan for development is consistent with the goals outlined in the city's Comprehensive Plan for growth and sustainability.

4. The variance shall not confer a special privilege upon an applicant.

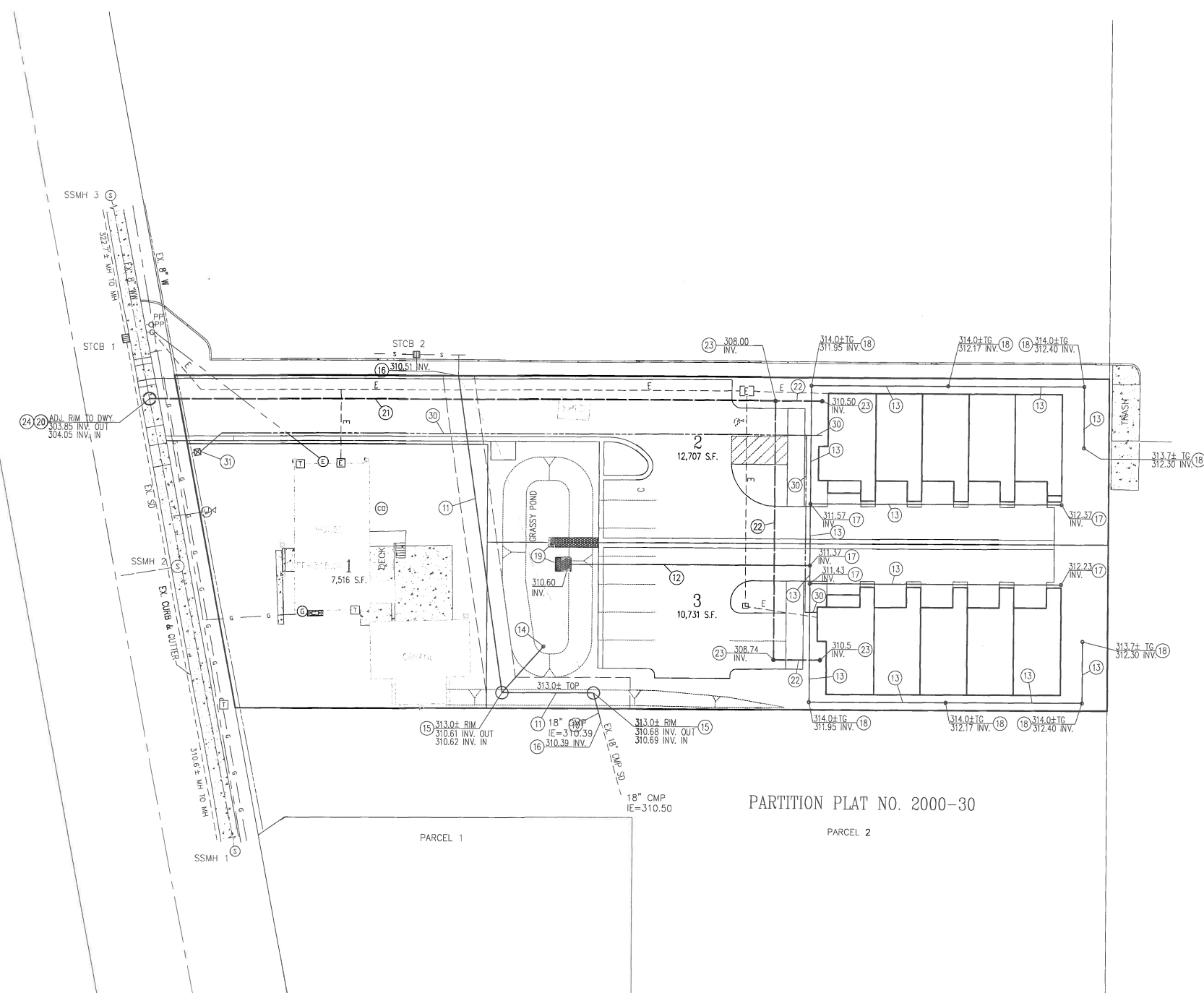
As stated in #2 above, this variance has been granted to other landowners in the area for similar reasons. I believe this historical evidence of the city partnering with landowners to reach mutual goals establishes that this would not be a special privilege that would not be available to other landowners in similar circumstances.

5. The variance shall not violate any provision of law. [Ord. 906 § 1, 2012; Ord. 882 § 8.020, 2010.]

To the best of my knowledge and ability to research, these variances would not violate any provision of current local, county, state or federal laws.

LEGEND

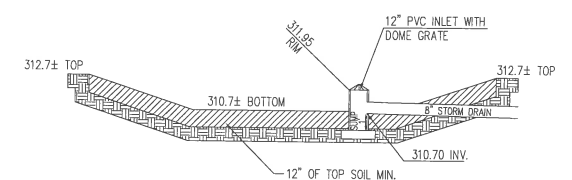
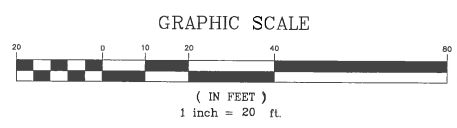
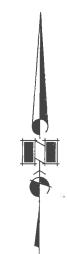
- EXISTING MAJOR CONTOUR AND ELEVATION
- EXISTING MINOR CONTOUR AND ELEVATION
- EX. 12" S.D. EXISTING STORM DRAIN AND SIZE
- EX. 8" W EXISTING WATER AND SIZE
- EX. 8" WW EXISTING WASTEWATER AND SIZE
- PROPOSED WATER LINE
- PROPOSED STORM DRAIN
- PROPOSED WASTEWATER
- PROPOSED EASEMENT
- PROPOSED WASTEWATER MANHOLE
- PROPOSED WATER METER BOX
- ⊕ PROPOSED FIRE HYDRANT
- PROPOSED WATER VALVE
- PROPOSED INLET
- PROPOSED UNDERGROUND ELECTRICAL LINE
- PROPOSED ELECTRICAL TRANSFORMER
- ⊕ EXISTING FIRE HYDRANT
- EXISTING CURB INLET
- EXISTING WASTEWATER MANHOLE
- EXISTING STORM WATER MANHOLE
- EXISTING POWER POLE
- EXISTING TREE
- WW WASTEWATER
- SD STORM DRAIN
- F.S. FINISH SURFACE
- F.G. FINISH GRADE
- T.C. TOP OF CURB
- INV. INVERT
- F.L. FLOW LINE



PARTITION PLAT NO. 2000-30

CONSTRUCTION NOTES

- 10 INSTALL 18" PVC STORM DRAIN
- 11 INSTALL 12" PVC STORM DRAIN
- 12 INSTALL 8" PVC STORM DRAIN
- 13 INSTALL 6" PVC STORM DRAIN
- 14 INSTALL POND OUTLET STRUCTURE PER DETAIL HEREON
- 15 INSTALL STORM DRAIN MANHOLE PER ODOT STD. RD335
- 16 CONNECT TO EXISTING STORM DRAIN. VERIFY LOCATION PRIOR TO CONSTRUCTION.
- 17 INSTALL CLEANOUT
- 18 INSTALL 6" INLET
- 19 INSTALL RAP APRON (6" ROCK)
- 20 CONSTRUCT WASTEWATER MANHOLE PER ODOT STD. RD338
- 21 INSTALL 8" PVC WASTEWATER
- 22 INSTALL 6" PVC WASTEWATER LINE
- 23 CONSTRUCT WASTEWATER CLEANOUT PER ODOT STD RD362
- 24 CONNECT TO EXISTING WASTEWATER. VERIFY LOCATION PRIOR TO CONSTRUCTION
- 30 INSTALL 2" PVC OR POLY WATER MAIN
- 31 INSTALL 2" WATER METER WITH BACKFLOW DEVICE BEHIND METER VERIFY WATER MAIN PRIOR TO CONSTRUCTION



1. THE THICKNESS OF THE CONSTRUCTED MEDIUM, INCLUDING OR IN ADDITION TO THE GROWING MEDIUM, AT THE BASE OF THE POND SHALL BE A MINIMUM OF 12 INCHES THICK.
2. THE BASE OF THE POND SHALL INCLUDE A CONSTRUCTED MEDIUM COMPRISING A MIXTURE OF SAND, NATIVE SOIL, LOAM, AND COMPOST. THE FRACTION OF ORGANIC CARBON (FOC) IN THE CONSTRUCTED MEDIUM SHALL BE A MINIMUM OF 0.20 (I.E., 40-50%) ORGANIC MATTER. IF THE GROWING MEDIUM DOES NOT CONFORM TO THIS MINIMUM FOC REQUIREMENT, THEN THE CONSTRUCTED MEDIUM WOULD BE PLACED IN ADDITION TO THE REQUIRED GROWING MEDIUM.

INFILTRATION POND DETAIL
NO SCALE

**UTILITY PLAN FOR
REDWOOD APARTMENTS**

CITY OF HARRISBURG

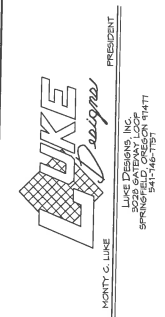
APPROVED: _____ DATE: _____
 DESIGNED: _____ CHECKED: _____
 DRAWN: _____ DATE: 05-19-22
 TAX MAP 15S-04W-15BC
 TAX LOT 3400

DESCRIPTION: _____
 REVISIONS: _____

PLANS PREPARED BY:
**THE FAVREAU GROUP
 CIVIL ENGINEERING**
 3750 NORWICH AVE
 EUGENE, OR 97408 (541) 683-7048

ANTHONY J. FAVREAU
 REGISTERED PROFESSIONAL ENGINEER
 OREGON
 EXPIRES DEC. 31, 2023

SHEET 4 OF 4



BUILDING #1, (1) 4 (2) BEDROOM, UNITS #1 THRU #5
ELEVATION DRAWINGS
SCALE @ 3/16" = 1'-0"
BUILDING TOTAL HEATED AREA @ 9,922 SQ. FEET

THE TOWNHOME DESIGN FOR THE:
GRATON'S CUSTOM LANDSCAPES
IN SPRINGFIELD, LANE COUNTY, OREGON
CONTRACTOR: MATT KNIGHT
MOBILE #541-953-1934

PRELIMINARY

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REVISED:
DRAFTED BY: MONTY LUKE
CHECKED BY:

JOB #10

SHEET 1 OF 4



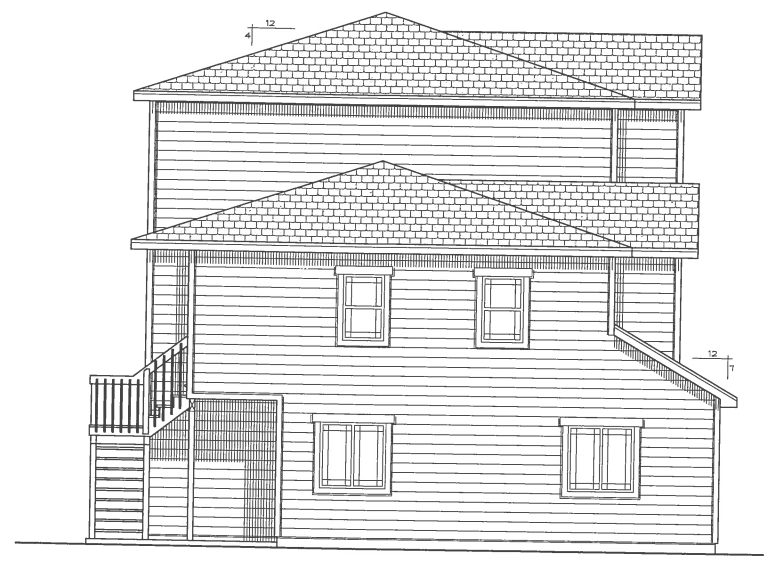
FRONT SIDE ELEVATION
ONE (1) BEDROOM UNIT & FOUR (2) BEDROOM UNITS



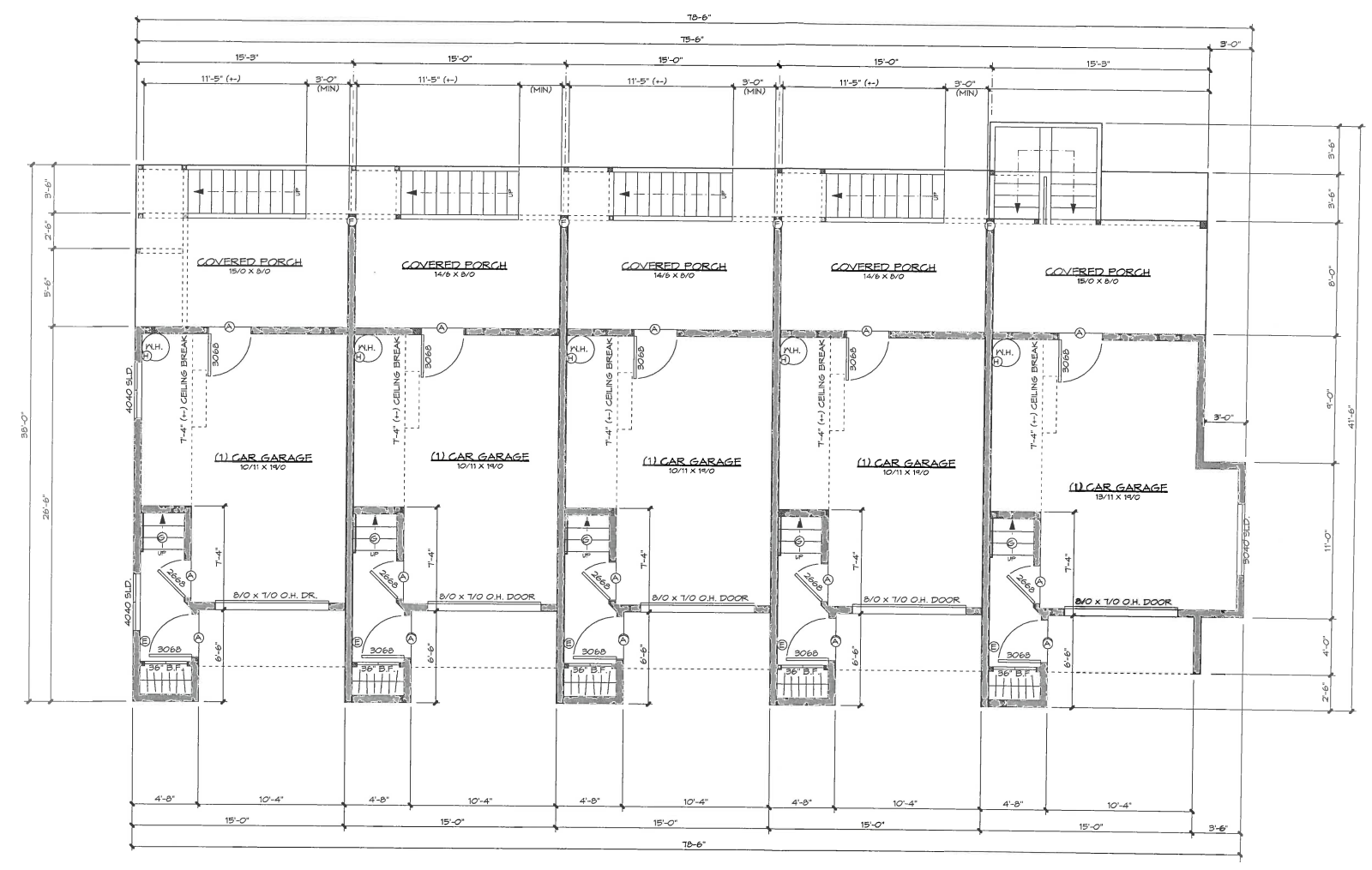
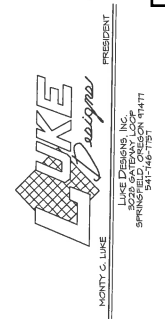
RIGHT SIDE ELEVATION



BACK SIDE ELEVATION



LEFT SIDE ELEVATION



BUILDING #2, (1) & (2) BEDROOM UNITS, #3 THRU #7
1ST LEVEL FLOOR PLAN
SCALE @ 3/16" = 1'-0"

LEGEND

- NOTE: ALL ELECTRICAL WORK INCLUDING LOCATION OF SMOKE DETECTORS, TO BE CONFIRMED AND VERIFIED AT THE SITE BY ELECTRICAL CONTRACTOR
- NOTE: AT LEAST 50% OF ALL PERMANENTLY INSTALLED INTERIOR AND EXTERIOR LIGHTING FIXTURES SHALL CONTAIN COMPACT OR STRIP FLUORESCENT LAMPS (40 LUMEN/WATT MIN)
- NOTE: PROVIDE A SOLID CORE WOOD OR SOLID OR HONEYCOMB STEEL DOOR, NOT LESS THAN 1 3/8" THICK, OR A 20-MINUTE FIBERATED DOOR BETWEEN THE GARAGE AND THE RESIDENCE, R302.5.1.1
- NOTE: FINAL CABINET DESIGNS CONFIRMED WITH THE OWNER AND VERIFIED AT THE SITE PRIOR TO THE START OF CONSTRUCTION (TYP.)
- NOTE: ALL MECHANICAL VENTILATION EXHAUST PER M1506.2
- NOTE: ALL WINDOW AND DOOR HEADERS TO BE FRAMED AT 6" - 10" HIGH UNLESS NOTED OTHERWISE (TYP.)
- Ⓐ 7/8" MAX STEP DOWN AT ALL EXTERIOR DOORS TO 36" X 36" (MIN) CONC. SLAB OR DECK (TYP.)
- Ⓑ 2 X 4 (MIN) #2 D.F. BEARING WALL FRAMED @ 16" O.C. WITH 4 X 6 #2 D.F. HEADER AS NEEDED (TYP.)
- Ⓒ OVERHEAD MICROWAVE OVEN WITH BUILT-IN RANGE HOOD PER M1509/M1507.3E
- Ⓓ 3/4" THICK SHELVING SPACED @ 16" O.C. FLOOR TO CEILING IN LINEN CLOSET HERE
- Ⓔ (1) APPROVED FIRE EXTINGUISHER TO BE LOCATED INSIDE EACH UNIT AS MARKED MOUNTED TO WALL AS PER CODE
- Ⓕ (2) HOUR FIRE ASSEMBLY REQUIRED BETWEEN EACH UNIT CONT. FROM FLOOR FLOOR TO UNDER-SIDE ROOF SHEATHING PER DETAIL: F-1 ON PAGE 14
- Ⓖ SEE STAR FRAMING DETAIL S-1 ON PAGE 14.
(14) RISERS WITH 8" MAX RISE (CONFIRM @ SITE)
ALL TREADS WITH 10" RUFF CUT, 1" FINISH NOSE
- Ⓗ WATER HEATER HERE TO BE STRAPPED TO WALL PER REQUIRED BUILDING CODE (TYP.)
- Ⓙ 21" X 30" FLOOR ACCESS LOCATED HERE
- Ⓚ NOTE: ALL TOILETS TO HAVE 15" (MIN) CLEARANCE EACH SIDE OF CENTER AS PER CODE (TYP.)
- Ⓛ 36" HIGH (MIN) APPROVED GUARDRAIL CONT. AT ALL BALCONY AND STAR SIDES (TYP.)
- Ⓜ APPROVD. SMOKE DETECTOR ALARM PER R-314
- Ⓨ APPROVD. CARBON-MONOXIDE ALARM PER R-315
- Ⓩ HDU2 1V55TB16 1V (2) 2x6 STUD (2) TOTAL AS MARKED
- ⓐ HDU4 1V55TB20 1V (2) 2x6 STUD (2) TOTAL AS MARKED
- ⓑ CS16 20-104 1V 2x6 STUD (10) TOTAL THIS LEVEL
- ⓓ HDU2 FLOOR TO FLOOR 1V 5/8" ALL THREAD 1V (2) 2x6 STUD (4) TOTAL THIS LEVEL

BUILDING #1, (1) & (2) BEDROOM UNITS #1 THRU #5
1ST LEVEL FLOOR PLAN
SCALE @ 3/16" = 1'-0"

THE TOWNHOME DESIGN FOR THE:
GRATON'S CUSTOM LANDSCAPES
IN SPRINGFIELD, LANE COUNTY, OREGON
CONTRACTOR: MATT KNIGHT
MOBILE 1541-853-1934

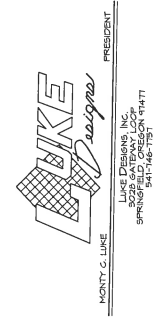
PRELIMINARY

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DATE: OCTOBER 14, 2021
REVISED:
DRAFTED BY: MONTY LUKE
CHKD BY:

JOB #1018

SHEET
3 OF



BUILDING #2, (1) & (2) BEDROOM UNITS, #3 THRU #7
2ND LEVEL FLOOR PLAN
SCALE @ 3/16" = 1'-0"

LEGEND

- NOTE: ALL ELECTRICAL WORK INCLUDING LOCATION OF SMOKE DETECTORS, TO BE CONFIRMED AND VERIFIED AT THE SITE BY ELECTRICAL CONTRACTOR
- NOTE: AT LEAST 50% OF ALL PERMANENTLY INSTALLED INTERIOR AND EXTERIOR LIGHTING FIXTURES SHALL CONTAIN COMPACT OR STRIP FLUORESCENT LAMPS (40 LUMEN/WATT MIN)
- NOTE: PROVIDE A SOLID CORE WOOD OR SOLID OR HONEYCOMB STEEL DOORS NOT LESS THAN 1 3/4" THICK, OR A 20-MINUTE FIBERATED DOOR BETWEEN THE GARAGE AND THE RESIDENCE. R302.5.1.1
- NOTE: FINAL CABINET DESIGNS CONFIRMED WITH THE OWNER AND VERIFIED AT THE SITE PRIOR TO THE START OF CONSTRUCTION (TYP)
- NOTE: ALL MECHANICAL VENTILATION EXHAUST PER M1506.2
- NOTE: ALL WINDOW AND DOOR HEADERS TO BE FRAMED AT 6" - 10" HIGH UNLESS NOTED OTHERWISE (TYP)
- Ⓐ 1/8" MAX STEP DOWN AT ALL EXTERIOR DOORS TO 36" X 36" (MIN CONC. SLAB OR DECK (TYP)
- Ⓑ 2 X 4 (MIN) #2 D.F. BEARING WALL FRAMED @ 16" O.C. WITH 4 X 6 #2 D.F. HEADER AS NEEDED (TYP)
- Ⓒ OVERHEAD MICROWAVE OVEN WITH BUILT-IN RANGE HOOD PER M1503/M1507.02
- Ⓓ 3/4" THICK SHELVING SPACED @ 16" O.C. FLOOR TO CEILING IN LINEN CLOSET HERE
- Ⓔ (1) APPROVED FIRE EXTINGUISHER TO BE LOCATED INSIDE EACH UNIT AS MARKED MOUNTED TO WALL AS PER CODE
- Ⓕ (2) HOUR FIRE ASSEMBLY REQUIRED BETWEEN EACH UNIT CONT. FROM FLOOR FLOOR TO UNDER-SIDE ROOF SHEATHING PER DETAIL F-1 ON PAGE (5)
- Ⓖ SEE STAIR FRAMING DETAIL S-1 ON PAGE (6)
(1) RISERS WITH 2" MAX RISE (CONFIRM @ SITE)
ALL TREADS WITH 10" RUFF CUT, 1" FINISH NOSE
- Ⓗ WATER HEATER HERE TO BE STRAPPED TO WALL PER REQUIRED BUILDING CODE (TYP)
- Ⓘ 21" X 30" FLOOR ACCESS LOCATED HERE
- Ⓝ NOTE ALL TOILETS TO HAVE 15" (MIN) CLEARANCE EACH SIDE OF CENTER AS PER CODE (TYP)
- Ⓛ 36" HIGH (MIN) APPROVED GUARDRAIL CONT. AT ALL BALCONY AND STAIR SIDES (TYP)
- Ⓞ APPRVD. SMOKE DETECTOR ALARM PER R-314
- Ⓟ APPRVD. CARBON-MONOXIDE ALARM PER R-315
- Ⓢ HDU2 IV55TB16 IV (2) 2X6 STUD (2) TOTAL AS MARKED
- Ⓣ HDU4 IV55TB20 IV (2) 2X6 STUD (2) TOTAL AS MARKED
- Ⓤ CS16 20-10d IV 2X6 STUD (10) TOTAL THIS LEVEL
- Ⓡ HDU2 FLOOR TO FLOOR IV 5/8" ALL THREAD IV (2) 2X6 STUD (4) TOTAL THIS LEVEL

BUILDING #1, (1) & (2) BEDROOM UNITS #1 THRU #5
2ND LEVEL FLOOR PLAN
SCALE @ 3/16" = 1'-0"

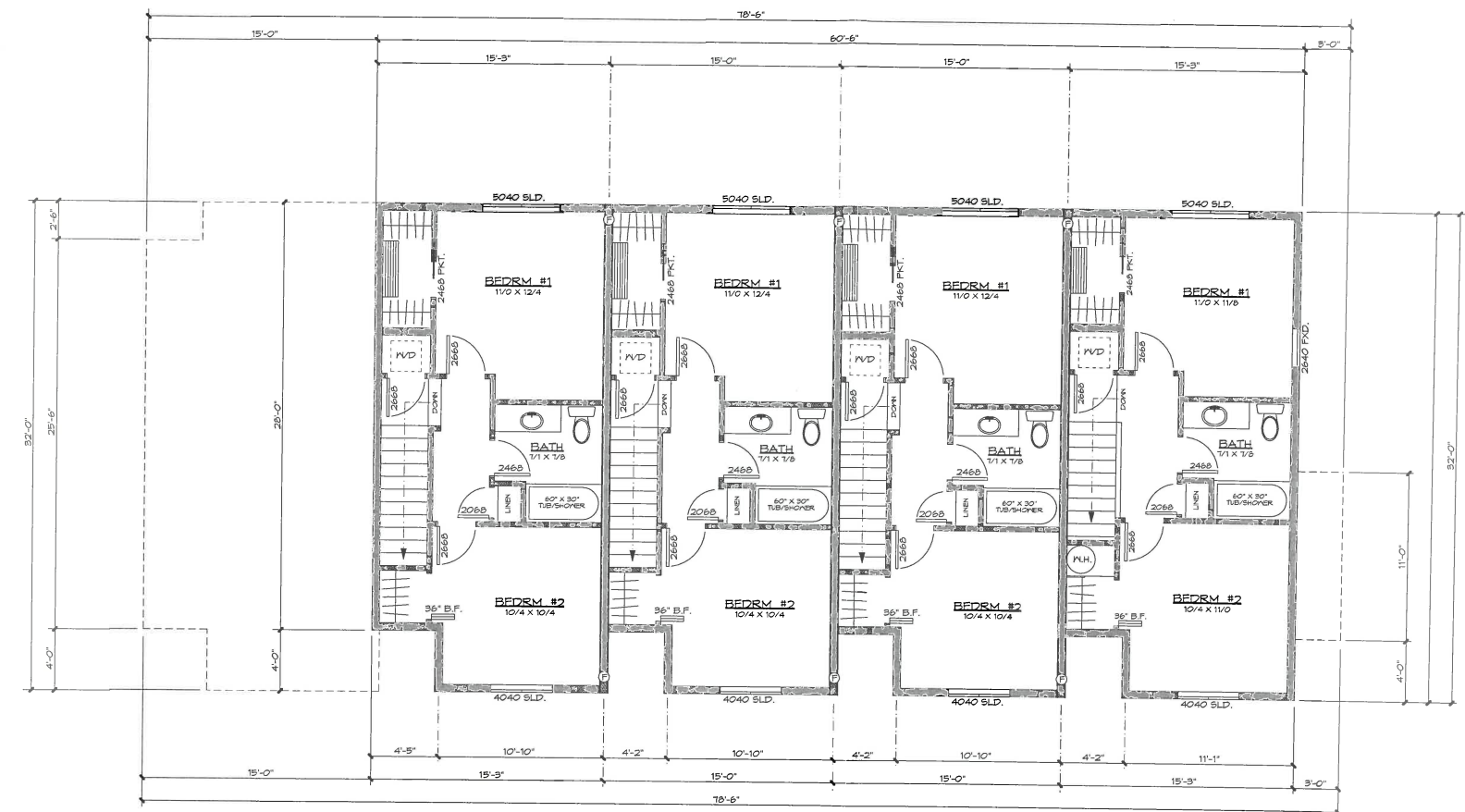
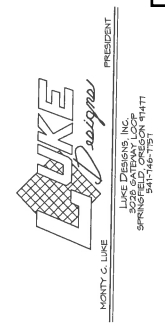
THE TOWNHOME DESIGN FOR THE:
GRATON'S CUSTOM LANDSCAPES
IN SPRINGFIELD, LAKE COUNTY, OREGON
CONTRACTOR: MATT KNIGHT
MOBILE #541-489-1184

PRELIMINARY

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CHKD BY:

JOB #10
SHEET
5 OF 1



BUILDING #2, (2) BEDROOM UNITS, #3 THRU #6
3RD LEVEL FLOOR PLAN
SCALE @ 3/16" = 1'-0"

LEGEND

- NOTE: ALL ELECTRICAL WORK INCLUDING LOCATION OF SMOKE DETECTORS, TO BE CONFIRMED AND VERIFIED AT THE SITE BY ELECTRICAL CONTRACTOR
- NOTE: AT LEAST 50% OF ALL PERMANENTLY INSTALLED INTERIOR AND EXTERIOR LIGHTING FIXTURES SHALL CONTAIN COMPACT OR STRIP FLUORESCENT LAMPS (40 LUMEN/WATT MIN)
- NOTE: PROVIDE A SOLID CORE WOOD, OR SOLID, OR HONEYCOMB STEEL DOOR NOT LESS THAN 1 3/8" THICK, OR A 30-MINUTE FRAMATED DOOR BETWEEN THE GARAGE AND THE RESIDENCE, R302.5.1.1
- NOTE: FINAL CABINET DESIGNS CONFIRMED WITH THE OWNER AND VERIFIED AT THE SITE PRIOR TO THE START OF CONSTRUCTION (TYP.)
- NOTE: ALL MECHANICAL VENTILATION EXHAUST PER M1506.2
- NOTE: ALL WINDOW AND DOOR HEADERS TO BE FRAMED AT 6" - 10" HIGH UNLESS NOTED OTHERWISE (TYP.)
- Ⓐ 1.75" MAX STEP DOWN AT ALL EXTERIOR DOORS TO 36" X 36" (MIN) CONC. SLAB OR DECK (TYP.)
- Ⓑ 2 X 4 (MIN) #2 D.F. BEARING WALL FRAMED @ 16" O.C. WITH 4 X 6 #2 D.F. HEADER AS NEEDED (TYP.)
- Ⓒ OVERHEAD MICROWAVE OVEN WITH BUILT-IN RANGE HOOD PER M1503/M1507.3E
- Ⓓ 3/4" THICK SHELVING SPACED @ 16" O.C. FLOOR TO CEILING IN LINEN CLOSET HERE
- Ⓔ (1) APPROVED FIRE EXTINGUISHER TO BE LOCATED INSIDE EACH UNIT AS MARKED MOUNTED TO WALL AS PER CODE
- Ⓕ (2) HOUR FIRE ASSEMBLY REQUIRED BETWEEN EACH UNIT CONT. FROM FLOOR TO UNDER-SIDE ROOF SHEATHING PER DETAIL F-1 ON PAGE (9)
- Ⓖ **SEE STAIR FRAMING DETAIL 9-1 ON PAGE (9)**
(1) RISERS WITH 8" MAX RISE (CONFIRM @ SITE)
ALL TREADS WITH 10" RUFF CUT, 1" FINISH NOSE
- Ⓗ WATER HEATER HERE TO BE STRAPPED TO WALL PER REQUIRED BUILDING CODE (TYP.)
- Ⓙ 21" X 30" FLOOR ACCESS LOCATED HERE
- Ⓚ NOTE ALL TOILETS TO HAVE 15" (MIN) CLEARANCE EACH SIDE OF CENTER AS PER CODE (TYP.)
- Ⓛ 36" HIGH (MIN) APPROVED GUARDRAIL CONT. AT ALL BALCONY AND STAIR SIDES (TYP.)
- Ⓜ APPRVD. SMOKE DETECTOR ALARM PER R-314
- Ⓨ APPRVD. CARBON-MONOXIDE ALARM PER R-315
- ⓧ HDU2 IV55TB16 IV (2) 2X6 STUD (2) TOTAL AS MARKED
- ⓧ HDU4 IV55TB20 IV (2) 2X6 STUD (2) TOTAL AS MARKED
- ⓧ CS16 20-103 IV 2X6 STUD (10) TOTAL THIS LEVEL
- ⓧ HDU2 FLOOR TO FLOOR IV 5/8" ALL THREAD IV (2) 2X6 STUD (4) TOTAL THIS LEVEL

BUILDING #1, (1) & (2) BEDROOM UNITS #1 THRU #5
3RD LEVEL FLOOR PLAN
SCALE @ 3/16" = 1'-0"

THE TOWNHOME DESIGN FOR THE
GRATON'S CUSTOM LANDSCAPES
IN SPRINGFIELD, LANE COUNTY, OREGON
CONTRACTOR: MATT KNIGHT
MOBILE #541-483-1424

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CHECKED BY:

JOB #1018

SHEET 7 OF

Staff Report Harrisburg Planning Commission Harrisburg, Oregon

THE MATTER OF REVIEWING THE HARRISBURG ZONING & DEVELOPMENT CODE AFTER REVIEW BY MIG (MOORE IACAFANO GOLTSMAN, INC.) AND CONSULTANT JOHN HITT

STAFF REPORT EXHIBITS:

- Exhibit A: Memo from Consultant John Hitt
- Exhibit B: Harrisburg Model Code Revisions: HMC 18.55 to end

ACTION: REVIEW AND DISCUSS CHANGES

MEETING DATE: June 21, 2022

BACKGROUND

The Planning Commission has been focusing on the review of the model code for the last two years. Technically, the project was initially started in 2016, and was put on hold during an influx of industrial construction. It has since become a priority project, with the goal of completion and adoption by July 30, 2022. This time frame has now been adjusted to August.

The Harrisburg Zoning & Development Code has now been reviewed by MIG, as well as undergoing a Housing Code Analysis that was paid for through a grant obtained by the OCWCOG (Oregon Cascades West Council of Governments). Because of the large number of comments and suggestions made by Scot Siegel in MIG, Staff have split up the code, with a review at the last meeting only to HMC 18.55.

As a reminder, Scot Siegel focused on general consistency with State of Oregon planning statutes and administrative review, internal consistency and syntax, ease of administration, and potential enforcement issues. For minor changes in wording, or questions that were resolved, Staff have simply accepted the changes. There are, however, a number of changes suggested by Siegel that the Planning Commission should be aware of. John Hitt, our consultant for the code revision, has worked through some of those changes; his memo is located in **Exhibit A**.

Scot Siegel has recommended that the City remove the requirement for off-street parking in the downtown historical zone, and John Hitt has agreed. While staff cringes somewhat knowing what kinds of disagreements have occurred in relation to commercial parking vs. residential/other types of parking in our historical zone, there is a point about changing the use of a structure, when it doesn't provide more space for parking. The City should, however, still encourage developers to provide parking wherever possible.

There is also some issues with the street development/design tables in HMC 18.85.020. After verifying the tables with the City Engineer, we've simply removed that page and inserted the new one with the changes.

CONCLUSIONS

The Planning Commission should review the development code from HMC 18.55 to the end of the code, and discuss any changes. Staff will modify the code and will return with a full revision on July 19th. If the Planning Commission is ready to move forward with Staff recommendations, the City will be able to schedule the evidentiary public hearings required by the DLCD (Dept. of Land Conservation & Development) for the August Planning Commission, and August City Council meeting.

PLANNING COMMISSION ACTION

The Planning Commission should participate in discussion and provide direction for staff on the suggested changes.

RECOMMENDED MOTION(S)

None

TO: CITY OF HARRISBURG PLANNING COMMISSION

FM: CITY CONSULTANT, JOHN HITT

RE: CONSIDERATION OF SECOND HALF OF MIG'S REVIEW OF CITY'S DRAFT ZONING AND DEVELOPMENT CODE

At the planning commission's next meeting on June 21st, you will review the second half of the final (I hope) draft of the document. The changes you will see are, by and large, language and clarification changes recommended by MIG, and included in this draft.

In light of the definitions now included in state law, I agreed with MIG that we should no longer make a distinction between 'minor' and 'major' land divisions, and 'subdivisions' even though those distinctions are traditional and make sense. The attached draft has only "Partitions" (up to three new lots created per year) and "Subdivisions" (the creation of four or more new lots per year). While this change does impose a greater process burden on those who would propose small developments, it shouldn't prove onerous.

MIG did propose a series of code changes that I rejected. The area of concern is one, fundamentally, of local government philosophy. In developing new policy, the goal is twofold: 1. Provide predictability and objectivity (one size fits all) while at the same time assuring, 2. Flexibility to encompass unusual or unanticipated circumstances. I believe our draft code reasonably balances both needs. However, MIG recommended several changes that would significantly reduce local flexibility while making things more objective and certain. These proposed MIG changes are NOT included in the draft before you.

Two examples are: 1. Keeping Type II land use decisions governed by objective, defined criteria but allow provision for planning commission review of staff's application of that criteria, and 2. An entirely new code chapter 19.45, Master Planned Developments, which if approved by the planning commission, basically allows a project proponent to suspend or avoid most city land use rules if he/she can demonstrate a defined, compelling public benefit.

Regrettably, I will not be able to attend your June 21st meeting in person. However, I will make my presentation and be able to answer questions via Skype. If you have questions prior to the 21st, don't hesitate to contact me directly and/or Michele.

John Hitt

City of Harrisburg

Zoning and Development Code

This document is also available on the internet at:
<https://www.ci.harrisburg.or.us>

June 2022

Chapter 18.55 – Overlay Zones and Specific Area Plan Regulations

Sections:

- 18.55.010 Purpose
- 18.55.020 Applicability
- 18.55.030 Historic Resource Alteration and Demolition
- 18.55.040 Willamette Greenway
- 18.55.050 Safe Harbor Zone
- 18.55.060 Wetland Protection
- 18.55.070 Flood Hazard Protection

18.55.010 Purpose

Overlay Zones ~~are located in different~~ contain supplemental land use requirements for specific areas of the City. These standards may ~~differ from the~~ modify the development standards established for ~~other certain~~ uses in the same zoning district.

18.55.020 Applicability

The standards of this chapter supplement the other requirements of this Code. In addition, this part of the Code specifically addresses various regulatory requirements. When standards and provisions for an overlay zone differ from that of the underlying district, the standard for overlay zone shall apply.

18.55.030 HISTORIC RESOURCE ALTERATION AND DEMOLITION

Commented [SS1]: MIG did not review the existing Historic Resources Overlay, except for cross-referencing and general consistency with other code sections.

A. Purpose. The purpose of this chapter is to encourage the preservation of Harrisburg’s historic resources through the establishment of procedures to review and act upon applications for permits to alter or demolish those resources.

B. Harrisburg register of historic resources. The provisions of this chapter apply to all resources which are listed as follows:

1. I.O.O.F. Hall, 190 Smith Street;
2. May and Sender Store – three-bay arcaded facade/rectangular (original portion);
3. 125 Smith Street;
4. Lasell House, 730 South 2nd Street;
5. E.F. Wyatt House, 353 Smith Street;
6. Enoch Hoult House, 895 South 6th Street;
7. Katherine Upmeyer House, 290 North 7th Street;
8. May and Senders Warehouse, 200 North 5th Street (two oldest buildings);

- 9. Hardware Store, 180 Smith Street;
- 10. Harrisburg Ferry Landing, river bank between Kesling and Schooling Streets;
- 11. George McCart House, 395 South 2nd Street;
- 12. Moody Building, 206 – 222 South 3rd Street;
- 13. Hubbell Building, 146 South 3rd Street, 286 – 294 Smith Street;
- 14. Farmers and Merchants Bank, 203 Smith Street;
- 15. Ling-Hall House, 290 Fountain Street;
- 16. Abner Water/J.P. Schooling House, 205 South 4th Street and outbuilding;
- 17. Alfred Humphrey House, 265 North 7th Street;
- 18. W.L. Tyler House, 185 North 4th Street;
- 19. Thomas Sommerville House, 196 South 4th Street;
- 20. H.M. Roberts House, 130 North 7th Street;
- 21. Marshall Canter House, 305 South 4th Street;
- 22. Stephen Church House, 225 North 2nd Street.

C. Alteration and demolition permits required. A permit is required for alteration or demolition of any resource listed on the Harrisburg register of historic resources.

- 1. "Alteration," as governed by this chapter, means any addition to, removal of, or change in the exterior part of a historic resource but shall not include paint color.
- 2. Nothing in this chapter shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature that does not involve a change in design, material, or external appearance. Nor does this section prevent the construction, reconstruction, alteration, rehabilitation, restoration, demolition, or removal of any such feature when the City Planner determines that such emergency action is required for the public safety due to an unsafe or dangerous condition.
- 3. Exception. A permit is not required under this chapter for the alteration of a historic resource when the review of the proposed alteration is required by an agency of the State or Federal government.

D. Review procedures. The review process before the Planning Commission shall be as follows:

- 1. A property owner or his authorized agent may initiate a request for alteration or demolition of a historic resource by filing an application with the City and paying the filing fee, in accordance with the provisions of HMC ~~18.95.040(a)~~ [19.10.040\(A\)](#).
- 2. A public hearing shall be held in accordance with the notice provisions of HMC 19.10.040.
- 3. Notice shall also be mailed to the owner(s) of the affected property, the State Historic Preservation Office, and any person requesting notice of demolition or alteration of a historic resource.
- 4. The hearing shall be held no later than 55 days after the application is filed.

Commented [SS2]: This section does not exist or is not incorporated into this Code.

5. The Planning Commission may recess a hearing on a request for an alteration or demolition in order to obtain additional information, or to serve notice on other property owners or persons who it decides may be interested in the request. Upon recessing for this purpose, the Planning Commission shall announce a time, date, and place for resumption of the hearing.

6. Notification of the Planning Commission decision shall be in accordance with HMC 19.10.040.

7. The decision of the Planning Commission shall be based on the criteria established in HMC 18.55.030 through 18.55.030.

E. Criteria for demolition – Criteria for review of demolition application. In reviewing an application for demolition, the Planning Commission shall consider:

- 1. The state of repair of the building and the economic feasibility of rehabilitation.
- 2. Hardship of the applicant.
- 3. The quantity and quality of other historic resources in the City comparable in terms of type and style.

F. Decision action for demolition review.

I. The Planning Commission shall either:

- a. Allow immediate issuance of the demolition permit; or
- b. Require a delay in the issuance of the permit for up to 120 days. During this period, the City shall attempt to determine if public or private acquisition and preservation are feasible, or if other alternatives exist which could prevent the demolition of the resource.

2. In the case of approval of the permit, the Planning Commission shall recommend to the property owner that the City be allowed to take several photographs of the resource prior to demolition. Any photographs shall be kept on file at the City Recorder’s office.

G. Review criteria for an alteration application.

In reviewing an application to alter a historic building and to preserve the historical and architectural integrity of historical resources, and to provide for public safety, Planning Commission decisions shall be based on applicable State and local codes and ordinances related to building, fire and life safety, and the following criteria:

- 1. The removal or alteration of any historical marker or distinctive architectural features shall be avoided when possible.
- 2. Alterations that include materials or a design not in keeping with the historic appearance of the building or structure shall be discouraged.
- 3. Alterations that have taken place over the course of time are part of the history and development of the building or structure. These alterations may be significant in their own right and shall be preserved if possible and appropriate.
- 4. Distinctive stylistic features or examples of skilled craftsmanship should be treated carefully and retained whenever possible.
- 5. Deteriorated architectural features shall be repaired, rather than replaced, whenever possible.

6. If it is necessary to replace deteriorated architectural features, new materials should match, as closely as possible, in terms of composition, design, color and texture.

7. Repair or replacement of missing architectural features shall be based on accurate duplications of features substantiated by historic, physical or pictorial evidence rather than on availability or architectural elements from other buildings or structures. The design shall be compatible with the size, scale, and material of the historic building or structure and shall be compatible with the character of the neighborhood.

H. Decision action for alteration review. The Planning Commission shall take one of the following actions:

1. Approve the request as submitted; or
2. Approve the request with modifications, conditions, or recommendations; or
3. Deny the request.

18.55.040 GREENWAY (GW) SPECIAL PURPOSE DISTRICT

Commented [SS3]: MIG did not review the existing Greenway Overlay, except for cross-referencing and general consistency with other code sections.

A. Purpose. The purpose of the GW district is to provide development controls to protect, conserve, enhance, and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of land along the Willamette River, known as the Willamette River Greenway.

B. Area of the GW district. All lands lying within the State Department of Transportation greenway boundaries shall be included in the GW district.

C. Definitions. Unless specifically defined below, words or phrases used in this district shall be interpreted to give them the same meaning as they have in this title, so as to give this document its most reasonable application:

“Change of use” means making a different use of the land or water than that which existed on December 6, 1975. It includes a change which requires construction, alterations of the land, water, or other areas outside of existing buildings or structures, and which substantially alters or affects the land or water.

1. Change of use does not include a change of use of a building or other structure, which does not substantially alter or affect the land or water upon which it is situated. An existing open storage area shall be considered to be the same as a building.
2. The sale of property is not in itself considered to be a change of use.
3. Landscaping, construction of driveways, modifications of existing structures, or the construction or placement of such subsidiary structures or facilities as are usual and necessary to the use and enjoyment of existing improvements shall not be considered a change of use for the purposes of the GW zone.

“Intensification” means any additions which increase or expand the area or amount of an existing use, or the level of activity.

1. Remodeling of the exterior of a structure not excluded below is intensification when it will substantially alter the appearance of the structure.

2. Maintenance and repair usual and necessary for the continuance of an existing use is not an intensification of use.

3. Reasonable emergency procedures necessary for the safety or the protection of property are not an intensification of use.

4. Residential use of lands within the greenway includes the practices and activities customarily related to the use and enjoyment of one's home. Landscaping, construction of driveways, modification of existing structures or construction or placement of such subsidiary structures or facilities adjacent to the residence as are usual and necessary to such use and enjoyment shall not be considered intensification for the purposes of this zone.

5. Seasonal increases in gravel operations shall not be considered an intensification of use.

“Water-dependent” means a use or activity which can be carried out only on, in, or adjacent to water areas because the use requires access to the water body for waterborne transportation, recreation, energy, production, or source of water.

“Water-related” means uses which are not directly dependent upon access to a water body, but which provide goods or services that are directly associated with water-dependent land or waterway use and which, if not located adjacent to water, would result in a public loss of the quality of goods or services offered.

D. Uses permitted outright. In the GW district, the following uses and their accessory uses are permitted outright:

1. Gravel removal from the bed of the Willamette River conducted under permit from the State of Oregon.

2. Customary dredging and channel maintenance conducted under permit from the State of Oregon.

3. Seasonal increases in gravel operations as provided under permit from the State of Oregon.

4. The placing by a public agency of signs, markers, aids, etc., to serve the public.

5. Activities to protect, conserve, enhance and maintain public recreational, scenic, historical and natural uses on public lands, except that new or substantial increases in level of development of existing public recreational, scenic, historical or natural uses on public lands shall require review as provided by this chapter.

6. Erosion control operations not requiring a permit from the Division of State Lands.

7. Agriculture, as defined in ORS 215.203(2).

8. Reasonable emergency procedures necessary for the safety or protection of property.

9. Maintenance and repair usual and necessary for the continuance of an existing use.

10. In conjunction with existing use of related adjacent land, landscaping, construction of driveways, modifications of existing structures or the construction or replacement of such subsidiary structures or facilities, except residences or guest houses, which are usual and necessary to the use and enjoyment of existing improvements, and which are accomplished in a manner compatible with this chapter.

11. The propagation of timber or the cutting of timber for public safety or personal noncommercial use, not requiring a permit in accordance with the Forest Practices Act.

12. Uses legally existing on the effective date of the ordinance codified in this chapter; provided, however, that any

change or intensification of such use shall require review as provided by ordinance.

13. Except as necessary for water-dependent or water-related uses or facilities, residences, parking lots, spoil and dump sites, roads and highways, restaurants, businesses, factories, and RV parks are not generally considered dependent on or related to water location needs.

E. Conditional uses permitted. In the GW district, all uses provided for in the underlying zones which are not provided for as permitted uses in the GW district are permitted when authorized in accordance with HMC 18.55.040 and Chapter 18.45 HMC.

F. Use management considerations and criteria. In reviewing an application for a greenway conditional use permit, compliance with the following considerations and criteria shall be determined:

1. Agricultural lands shall be preserved and maintained for farm use.
2. Significant fish and wildlife habitats shall be protected.
3. Areas of ecological, scientific, historical or archaeological significance shall be protected, preserved, restored, or enhanced to the maximum extent possible.
4. The quality of the air, water and land resources in and adjacent to the greenway shall be preserved in the development, change of use, or intensification of use of land within the greenway zone.
5. Areas of annual flooding, flood plains and wetlands shall be preserved in their natural state to the maximum possible extent to protect water retention, overflow, and other natural functions.
6. The natural vegetative fringe along the river shall be maintained to the maximum extent that is practicable in order to assure scenic quality, protection of wildlife, protection from erosion and screening of uses from the river.
7. The proposed development, change of use or intensification of use is compatible with existing uses on the site and the surrounding area.
8. Areas considered for development, change of use or intensification of use, which have erosion potential, shall be protected from loss by appropriate means which are compatible with the provisions of the greenway zone.
9. Extraction of aggregate deposits shall be conducted in a manner designed to minimize adverse effects on water quality, fish and wildlife, vegetation, bank stabilization, stream flow, visual quality, noise and safety and to guarantee necessary reclamation.
10. Any public recreational use or facility shall not substantially interfere with the established uses on adjoining property.
11. Maintenance of public safety and protection of public and private property, especially from vandalism and trespass, shall be provided to the maximum extent practicable.
12. A minimum building setback line from the ordinary high water line of the Willamette River will be specified that will minimize adverse impacts upon the scenic qualities of lands along the river, except for buildings and structures in conjunction with a water-related or water-dependent use.
13. Public access to and along the river shall be provided in conjunction with subdivision, commercial and industrial development, and public lands acquisition where appropriate. This access should be located and designed to minimize trespass and other adverse affects on adjoining property.

14. The development shall be directed away from the river to the greatest possible extent.

15. The development, change of use, or intensification of use shall provide the maximum possible landscaped area, open space, or vegetation between the activity and the river.

16. Significant natural and scenic areas, viewpoints, and vistas shall be preserved.

G. Notification. Notice requirements to be mailed to the Oregon Department of Parks and Recreation:

- 1. Notice requirements of Chapter 19.25 HMC for a conditional use in the GW district.
- 2. A copy of the permit application.
- 3. Notice of the decision.

H. Review process. A public hearing shall be held for any application proposing intensification, change of use, or development along the river within the greenway. Notice of the public hearing shall be provided to adjoining property owners and any individual or group that has requested to be notified of such action.

18.55.050 SAFE HARBOR ZONE (SH)

A. Purpose. The purpose of this zone is to protect and restore water bodies and their associated riparian areas, thereby protecting and restoring the hydrologic, ecological and land conservation functions these areas provide. Specifically, this zone is intended to protect habitat for fish and other aquatic life, protect habitat for wildlife, protect water quality for human uses and for aquatic life, control erosion and limit sedimentation, and reduce the effects of flooding.

This zone attempts to meet these goals by excluding structures from buffer areas around fish-bearing lakes, streams and associated wetlands, and by prohibiting vegetation removal or other alteration in those buffers.

For cases of hardship, this chapter provides a procedure to reduce the riparian buffer. Alteration of the riparian area in such cases shall be offset by appropriate restoration or mitigation, as stipulated in this zone.

B. Definitions.

“Building envelope” means the land area, outside of all required setbacks, which is available for construction of a primary structure on a particular property.

“Fish use” means inhabited at any time of the year by anadromous or game fish species or fish that are listed as threatened or endangered species under the Federal or State endangered species acts. Fish use is determined from Oregon Department of Forestry stream classification maps.

“Impervious surface” means any material which reduces and prevents absorption of storm water into previously undeveloped land.

“Lawn” means grass or similar materials maintained as a ground cover of less than six inches in height. For purposes of this definition, lawn is not considered native vegetation regardless of the species used.

“Mitigation” means taking one or more of the following actions listed in order of priority:

- a. Avoiding the impact altogether by not taking a certain development action or parts of that action;

- b. Minimizing impacts by limiting the degree or magnitude of the development action and its implementation;
- c. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
- d. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the development action by monitoring and taking appropriate corrective measures; or
- e. Compensating for the impact by replacing or providing comparable substitute resources or environments.

“Net loss” means a permanent loss of habitat units or habitat value resulting from a development action despite mitigation measures having been taken.

“Nonconforming” means a structure or use that does not conform to the standards of this zone but has been in continuous existence from prior to the date of adoption of the ordinance codified in this chapter up to the present. Nonconforming uses are not considered violations and are generally allowed to continue, though expansion, reconstruction, or substantial improvement may be regulated.

“Off-site mitigation” means habitat mitigation measures undertaken in areas distant from a development action, and which are intended to benefit fish and wildlife populations other than those directly affected by that action.

“On-site mitigation” means habitat mitigation measures undertaken within or in proximity to areas affected by a development action, and which are intended to benefit fish and wildlife populations directly affected by that action.

“Riparian area” means the area adjacent to a river, lake, or stream, consisting of the area of transition from an aquatic ecosystem to a terrestrial ecosystem.

“Stream” means a channel such as a river or creek that carries flowing surface water, including perennial streams and intermittent streams with defined channels, and excluding manmade irrigation and drainage channels.

“Structure” means a building or other major improvement that is built, constructed or installed, not including minor improvements such as fences, utility poles, flagpoles, or irrigation system components that are not customarily regulated through zoning ordinances.

“Substantial improvement” means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

- a. Before the improvement or repair is started; or
- b. If the structure has been damaged and is being restored, before the damage occurred.

For the purposes of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:

- a. Any project for improvement of a structure to comply with existing State or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or
- b. Any alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places.

“Top of bank” means the stage or elevation at which water overflows the natural banks of streams or other waters of the State and begins to inundate upland areas. In the absence of physical evidence, the two-year recurrence interval flood elevation may be used to approximate the bank full stage or delineate the top of bank.

C. Riparian corridors. The inventory of riparian areas contained in the comprehensive plan specifies which streams

and lakes are fish-bearing, and the stream-size category. Based on the classification contained in this inventory, the following riparian corridors shall be established:

Along all fish-bearing lakes, and fish-bearing streams with average annual stream flow less than 1,000 cubic feet per second, the riparian corridor boundary shall be 50 feet from the top of bank, except as identified below:

- 1. Along all streams with average annual stream flow greater than 1,000 cubic feet per second, the riparian corridor boundary shall be 75 feet upland from the top of each bank.
- 2. Where the riparian corridor includes all or portions of a significant wetland as identified in the Goal 5 or Goal 17 elements of the comprehensive plan, the standard distance to the riparian corridor boundary shall be measured from, and include, the upland edge of the wetland.
- 3. Except as provided for in subsection (2) of this section, the measurement of distance to the riparian corridor boundary shall be from the top of bank. The measurement shall be a slope distance.
 - a. In areas where the top of each bank is not clearly defined, the riparian corridor boundary shall be measured from the ordinary high water level, or the line of nonaquatic vegetation, whichever is most landward.
 - b. In areas where the predominant terrain consists of steep cliffs, the distance to the corridor boundary shall be measured as a horizontal distance until the top of the cliff is reached, and as a slope distance on from that point.

D. Activities within the riparian area.

1. The permanent alteration of the riparian area by grading or by the placement of structures or impervious surfaces is prohibited, except for the following uses, provided they are designed to minimize intrusion into the riparian area and no other options or locations are feasible:

- a. Streets, roads, and paths.
- b. Drainage facilities, utilities, and irrigation pumps.
- c. Water-related and water-dependent use.
- d. Replacement of existing structures with structures in the same location that do not disturb additional riparian surface area. Structures or other nonconforming alterations existing fully or partially within the riparian area may be expanded provided the expansion does not occur within the riparian area.
- e. Substantial improvement of a nonconforming structure in the riparian area shall require compliance with the standards of this zone.
- f. Existing lawn within the riparian area may be maintained but not expanded within the riparian area. Development activities on the property shall not justify replacement of riparian area with lawn.
- g. Existing shoreline stabilization and flood control structures may be maintained.

(1) Any expansion of existing structures or development of new structures shall be evaluated by the City Engineer.

(2) Such alteration of the riparian area shall be approved only if less invasive or nonstructural methods will not adequately meet the stabilization or flood control needs; and

- h. Parks and related recreational activities.

2. Removal of riparian vegetation is prohibited, except for:

- a. Removal of nonnative vegetation and replacement with native plant species. The replacement vegetation shall cover, at a minimum, the area from which vegetation was removed, and shall maintain or exceed the density of the removed vegetation.
- b. Removal of vegetation necessary for the development of approved water-related or water-dependent uses. Vegetation removal shall be kept to the minimum necessary to allow the water-dependent or water-related use.
- c. Trees in danger of falling and thereby posing a hazard to life or property may be removed, following consultation and approval from the City. If no hazard will be created, the City may require these trees, once felled, to be left in place in the riparian area. Exceptions: The following activities are not required to meet the standard of this section:

- (1) Commercial forest practices regulated by the Oregon Forest Practices Act;
- (2) Normal and accepted practices regulated by the Oregon Forest Practices Act.

E. Alteration requiring mitigation.

1. Permanent alteration of the riparian area by placement of structures or impervious surfaces is allowed if a variance to the riparian setback is approved through the procedures of HMC 18.125.

2. On streams having average annual stream flow exceeding 1,000 cubic feet per second and having a 75-foot riparian buffer established under this chapter, the riparian setback may be reduced as allowed under HMC 18.55.050(F).

- a. For purposes of implementing Goal 5, the goal is no net loss of protected resources.
- b. Correspondingly, for purposes of designing appropriate mitigation, sites should be considered at least in Habitat Category 2 (OAR 635-415-025), which strives for no net loss of habitat values.

3. On streams having average annual stream flow exceeding 1,000 cubic feet per second and having a 75-foot riparian buffer established under this zone, structures and impervious surfaces may be placed within the riparian setback under the following conditions:

- a. The removal of vegetation shall be limited to the minimum amount necessary to accommodate the use. Any vegetation removed in excess of this standard shall be nonnative species, and the proposal shall specify replacement of that vegetation with native species.
- b. The applicant shall provide sufficient information regarding the proposed development and potential impacts to riparian resources to allow the staff, in consultation with the ODFW, to determine whether the proposal will provide equal or better protection of riparian resources. This information includes, but is not necessarily limited to:
 - (1) A plot plan showing the top of the stream or water body bank;
 - (2) The extent of development within the riparian setback;
 - (3) Uses that will occur within the riparian setback and potential impacts (for example: chemical runoff, noise, etc.);
 - (4) The extent of vegetation removal proposed;

- (5) Characteristics of the existing vegetation (types, density);
- (6) Any proposed alterations of topography or drainage patterns;
- (7) Existing uses on the property; and
- (8) Any potential impacts they could have on riparian resources.

c. In no case shall alterations occupy more than 50 percent of the width of the riparian area measured from the upland edge of the corridor.

d. Approval of development activities within the riparian area shall be conditional, requiring compliance with the mitigation recommendations of the Oregon Department of Fish and Wildlife (ODFW), as per OAR 635-415, Fish and Wildlife Habitat Mitigation Policy.

F. Variance. A property owner may request a variance to the riparian setback in accordance with Chapter 19.40 HMC. In any decision concerning granting of a variance, the following criteria shall be considered:

- 1. The proposed development requires deviation from the riparian standards because of exceptional physical characteristics over which the owner has no control;
- 2. Strict adherence to the riparian setback and other applicable standards would effectively preclude a use of the parcel that could be reasonably expected to occur in the zone;
- 3. That the property owner would be precluded a substantial property right enjoyed by the majority of landowners in the vicinity;
- 4. The granting of the variance would not confer any special privilege upon the applicant; and
- 5. The variance would not violate a provision of law.

18.55.060 WETLAND PROTECTION

A. Local wetland protection and wetland notification.

- 1. This chapter is applicable to all wetlands within the City of Harrisburg, whether on the Local Wetlands Inventory (LWI) map or not.
- 2. Wetland review, as defined by this code, is applicable to development on parcels containing any wetland protection area.
- 3. Unless otherwise stated, the City shall apply the provisions of this chapter in conjunction and concurrently with the requirements of any other development permit being sought by an applicant. If no other permit is being sought the City Planner shall serve as the approving authority.

B. Wetland protection area – Purpose. The purposes of applying a wetland protection area to locally significant wetlands identified on the City’s Local Wetlands Inventory are:

- 1. To implement the goals and policies of the City of Harrisburg comprehensive plan;
- 2. To protect the City’s wetland areas, thereby protecting the hydrologic and ecologic functions these areas provide for the community;

Commented [SS4]: MIG did not review the existing Wetland Protection Overlay, except for cross-referencing and general consistency with other code sections.

- 3. To protect water quality and natural hydrology, to control erosion and sedimentation, and to reduce the adverse effects of flooding;
- 4. To protect fish and wildlife habitat;
- 5. To protect the amenity values and educational opportunities of the City’s wetlands as community assets; and
- 6. To improve and promote coordination among local, State, and Federal agencies regarding development activities in and near wetlands.

C. Wetland notification – Purpose. The City is required by State law to provide notice to the Department of State Lands when a development activity may impact any wetland identified on the Local Wetlands Inventory. The purpose of this State requirement is to achieve better implementation of State law and to inform property owners when State and Federal wetland laws apply to their property.

D. Wetland protection area definitions. The following definitions shall apply in this chapter:

“City Planner” refers to the person in charge of land use activities and applications for the City, including that person’s designee, and may refer to the City Planning Commission where multiple permits are being sought as stated in HMC 18.55.060(A)(3).

“Delineation” means a determination of wetland presence that includes marking the wetland boundaries on the ground and/or on a detailed map prepared by professional land survey or similar accurate methods. A delineation is a precise map and documentation of actual wetland boundaries on a parcel, whereas wetland boundaries identified on a Local Wetlands Inventory boundary are approximated with an accuracy target of five meters (approximately 16.5 feet). (See OAR 141-90-005 et seq. for specifications for wetland delineation reports.)

“Determination” means a decision of the presence or absence of wetlands. A determination made in the office using existing available information including maps and aerial photography is an “off-site” determination and is considered advisory only. An “on-site” determination involves site-specific data collection consistent with the 1987 U.S. Army Corps of Engineers Wetlands Delineation Manual and Regional Supplements.

“Local Wetlands Inventory” or “LWI” means the map and report attached to the ordinance codified in this chapter and incorporated by reference as Appendix A, and any subsequent revisions as approved by the Oregon Department of State Lands, that identify the location of wetlands and probable wetlands. The LWI is a comprehensive survey and assessment of all wetlands over one-half acre in size within the urbanizing area. This includes both locally significant wetlands and wetlands that are not identified as locally significant. This also includes “probable wetlands,” which are areas noted during the course of the LWI field work that appear to meet, or do meet, wetland criteria but are small or of undetermined size, and are mapped as a point rather than a polygon on the LWI map.

Locally Significant Wetland. Wetlands are determined to be “locally significant wetlands” based on Oregon Administrative Rules for Identifying Significant Wetlands (OAR 141-86-300 through 141-86-350). If the assessed wetland unit provides “diverse” wildlife habitat, “intact” fish habitat, “intact” water quality function, or “intact” hydrologic control function, then the wetland is locally significant. Locally significant wetlands are identified on the City’s Local Wetlands Inventory as such. Locally significant wetlands also constitute the wetland protection area (unless otherwise indicated in this chapter).

“Oregon freshwater wetland assessment methodology” or “OFWAM” is a wetland function and quality assessment methodology developed by the Oregon Department of State Lands (DSL) to assess water quality, hydrologic control, fish habitat, and wildlife habitat.

“Wetland” is an area inundated or saturated by surface or ground water at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions.

“Wetland professional” is a professional with a background in wetland science and knowledgeable of the process for conducting wetland delineations and determinations.

“Wetland protection area” is an area subject to the provisions of this chapter that consists of wetlands determined to be locally significant as shown on the LWI map, plus 20 feet around the boundary of the significant wetland. The locally significant wetland areas identified on the LWI map (dated November 11, 2010) are referred to as HA-2, HA-19, and HA-24.

“Wetlands not subject to Goal 5 protection” includes all State jurisdictional wetlands, mapped or not, that are subject to the State Removal-Fill Law administered by DSL. All wetlands are “potentially jurisdictional wetlands.” Wetlands on the LWI map which are not identified as locally significant are considered “other potentially jurisdictional wetlands.” These wetlands are not subject to wetland protection area standards in the City of Harrisburg, but, like all wetland areas, are subject to DSL notice/review and potentially subject to DSL and the U.S. Army Corps of Engineers permitting.

E. Prohibited activities within wetland protection areas. Except as exempted or allowed in this code, the following activities are prohibited within a wetland protection area:

- 1. Placement of new structures or impervious surfaces.
- 2. Excavation, grading, fill, or removal of vegetation.
- 3. Expansion of areas of landscaping with nonnative species, such as a lawn or garden, into the wetland protection area.
- 4. Disposal or temporary storage of refuse, yard debris, or other material.
- 5. Any use not specifically allowed or exempted, or granted a variance, under this chapter.

F. Exempted activities within wetland protection areas.

- 1. The following activities, and continuation and/or maintenance thereof, are exempted from all wetland protection area regulations; provided, that any applicable State or Federal permits are secured:
 - a. Any use, except those identified as allowed uses under HMC 18.55.060(G), that was lawfully existing on the date of adoption of the ordinance codified in this chapter, June 26, 2013, may continue within a wetland protection area. Such use or development may continue at a similar level and manner as existed on the date of adoption of the ordinance codified in this chapter as per the standards for nonconforming uses and structures as stated in Chapter 18.25 HMC.
 - b. The maintenance and alteration of preexisting ornamental landscaping so long as no additional native vegetation is disturbed. The provisions of this section shall not be affected by any change in ownership of properties containing a wetland protection area.
 - c. Restoration and enhancement of native vegetation.
 - d. Cutting and removal of trees which pose a hazard to life or property due to threat of falling.
 - e. Cutting and removal of trees to establish and maintain defensible space for fire protection.
 - f. Removal of nonnative vegetation.
 - g. Maintenance and repair of existing utilities.

h. Normal farm practices such as grazing, plowing, planting, cultivating, harvesting, and other practices under the review authority of Oregon Department of Agriculture.

2. The following activities are also exempted from wetland protection area regulations, but are subject to State or Federal permits:

- a. Maintenance of existing drainage ways, ditches, or other structures, to maintain flow at original design capacity and mitigate upstream flooding; provided, that management practices avoid sedimentation and impact to native vegetation, any spoils are placed in uplands, and any applicable State permits are obtained.
- b. Emergency stream bank stabilization to remedy immediate threats to life or property.
- c. Wetland restoration and enhancement activities.

G. Allowed activities within wetland protection areas. The following activities and maintenance thereof are allowed within a wetland protection area upon City review and approval and provided any applicable State or Federal permits are secured:

- 1. Replacement of a permanent, legal, nonconforming structure in existence on the date of adoption of the ordinance codified in this chapter, June 26, 2013, with a structure on or within the prior building footprint, or expansion of the original building footprint if it does not further encroach into a wetland area, and is in accordance with the provisions of Chapter 18.55.060(I) HMC.
- 2. Installation of interpretive or educational displays and/or public pedestrian paths, as long as these do not present an obstruction that would increase flood velocity or intensity.
- 3. New fencing may be permitted by the City Planner where the applicant demonstrates that the following criteria are satisfied:
 - a. The fencing does not affect the hydrology of the site;
 - b. The fencing does not present an obstruction that would increase flood velocity or intensity;
 - c. Fish habitat is not adversely affected by the fencing; and
 - d. Applications for new fencing within a wetland protection area shall contain a scale drawing that clearly depicts the wetland area boundary on the wetland resource.

H. Submittal requirements for wetland review.

- I. Where wetland review is applicable, applicants shall submit the following materials (unless otherwise indicated):
 - a. A scale drawing that clearly depicts any Local Wetlands Inventory (LWI) map wetland boundary within the subject parcel, all surface water sources, existing trees and vegetation, property boundaries, and proposed site alterations including proposed excavation, fill, structures, and paved areas.
 - b. Written statement of compliance with approval criteria for any proposed allowed activities. Activities listed as "allowed" under HMC 18.55.060(G) and which are acknowledged to occur within a wetland protection area require a written statement of compliance but do not require any "demonstration of avoidance."
 - c. Demonstration of Wetland Protection Area Avoidance. The placement of structures or impervious surfaces, vegetation removal or grading within the vicinity of any wetland protection area shall require demonstration that all impact to the wetland shall be avoided. Avoidance can be demonstrated by any one of the following:

(1) Keeping all development activity including vegetation removal and grading back 20 feet from the edge of the wetland boundary shown on the LWI map; or

(2) Submitting an off-site determination, conducted by DSL, that concludes the proposed activities will occur outside the wetland; or

(3) Submitting an on-site determination, conducted by a qualified wetland professional, that concludes the proposed activities will occur outside the wetland protection area; or

(4) Submitting a current wetland delineation (completed within the last five years), certified by Department of State Lands (DSL), that shows the proposed activities will occur outside the wetland protection area.

2. Activities listed as “allowed,” above, and which are acknowledged to occur within a wetland protection area do not require any “demonstration of avoidance.”

I. Approval criteria.

In approving allowed activities under HMC 18.55.060(G), and/or ensuring compliance with HMC 18.55.060(E) (prohibited activities), the City Planner shall base its decision on the following criteria in addition to the required criteria for any other permit or approval that is being sought:

1. Demonstration of avoidance of impacts to wetland protection area as outlined under HMC 18.55.060(H); or

2. The proposed project will not result in excavation or filling of a wetland or reduction of wetland area that has been identified as part of a wetland protection area, except as allowed in criteria outlined specifically under HMC 18.55.060(G).

J. Decision process – Appeals.

1. The City Planner shall review the application and make findings of fact.

2. If the applicant is not satisfied with the decision of the City Planner, the applicant may file a written notice of appeal with the City Recorder within 10 days following the decision. The appeal will be to the Planning Commission unless the Planning Commission was the deciding authority, in which case the appeal will be to the City Council. There shall be an appeal fee as set by the City Council.

K. Variances.

1. The Planning Commission shall be the approving authority for applications for variances to the wetland protection area provisions. The procedures of Chapter 19.40 HMC shall be followed for approval of a variance except that the variance criteria of this section shall also apply.

2. Mapping Error Variances and Corrections. The City Planner may correct the location of the wetland protection overlay zone when the applicant has shown that a mapping error has occurred and the error has been verified by the Department of State Lands (DSL). Delineations verified by DSL shall be used to automatically update and replace Local Wetlands Inventory (LWI) mapping. No formal variance application or plan amendment is needed for map corrections where approved delineations are provided.

3. Hardship Variances. The Planning Commission may grant a variance to the provisions of this chapter only when the variance criteria are met and the following conditions exist:

a. Through application of this chapter, the property has been rendered not buildable;

b. The applicant has exhausted all other options available under this chapter to relieve the hardship;

- c. The variance is the minimum necessary to afford relief;
 - d. All State and Federal permits required for authorization of wetland impacts are obtained;
 - e. No permitted type of land use for the property with less impact on the wetland is feasible and reasonable;
 - f. There is no feasible on-site alternative to the proposed activities, including but not necessarily limited to reduction in size, density or intensity, phasing of project implementation, change in timing of activities, revision of road and lot layout, and/or related site planning considerations, that would allow a reasonable economic use with less adverse impacts;
 - g. The proposal utilizes to the maximum extent possible innovative construction, design, and development techniques, including pervious surfaces, which minimize to the greatest extent possible net loss of wetland functions and values; and
 - h. The area of disturbance is limited to the area that has the least practical impact on the wetland functions and values.
4. Alternative Hardship Review. The following scenarios provide an exemption from the standards outlined in HMC 18.55.060(E) and 18.55.060(G):
- a. The subject property contains less than 3,000 square feet of contiguous area outside of the wetland protection area; or
 - b. The subject property contains 30,000 square feet or more, and proposed site disturbance is no more than 10 percent of the total lot area; and
 - c. The amount of allowable disturbance shall be that which will have the least practicable impact on the wetland area given the characteristics and context of the subject property and wetland area.

L. Notification and coordination with State agencies.

- 1. The City shall notify the Oregon Department of State Lands (DSL) in writing of all applications to the City for development activities, including development applications, building permits, and other development proposals, that occur in any wetland identified on the Local Wetlands Inventory (LWI) map.
- 2. When conducting a wetland review under this chapter, the City Planner shall consider advisory recommendations from the Oregon Department of Fish and Wildlife, when appropriate, regarding OAR 635-415, Fish and Wildlife Habitat Mitigation Policy.

M. Unauthorized alterations and enforcement. When a wetland has been altered in violation of this chapter, the penalty provisions of HMC 18.35 shall apply and be in addition to any State ordinances or regulations.
¹ Code reviser’s note: The LWI map can be viewed on the City’s website, www.ci.harrisburg.or.us, by going to the Land Use/Building tab and selecting Maps.

18.55.070 FLOOD HAZARD MANAGEMENT

STATUTORY AUTHORITY, FINDINGS OF FACT, PURPOSE, AND METHODS

A. STATUTORY AUTHORIZATION

The State of Oregon has in ORS 197.175 delegated the responsibility to local governmental units to

Commented [SS5]: MIG did not review the Flood Management Overlay, which appears to have been updated recently per FEMA’s Model Code, except for cross-referencing and general consistency with other code sections.

adopt floodplain management regulations designed to promote the public health, safety, and general welfare of its citizenry.

Therefore, the City of Harrisburg does ordain as follows:

B. FINDINGS OF FACT

1. The flood hazard areas of the City of Harrisburg are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
2. These flood losses may be caused by the cumulative effect of obstructions in special flood hazard areas which increase flood heights and velocities, and when inadequately anchored, cause damage in other areas. Uses that are inadequately floodproofed, elevated, or otherwise protected from flood damage also contribute to flood loss.

C. STATEMENT OF PURPOSE

It is the purpose of this ordinance to promote public health, safety, and general welfare, and to minimize public and private losses due to flooding in flood hazard areas by provisions designed to:

1. Protect human life and health;
2. Minimize expenditure of public money for costly flood control projects;
3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. Minimize prolonged business interruptions;
5. Minimize damage to public facilities and utilities such as water and gas mains; electric, telephone and sewer lines; and streets and bridges located in special flood hazard areas
6. Help maintain a stable tax base by providing for the sound use and development of flood hazard areas so as to minimize blight areas caused by flooding;
7. Notify potential buyers that the property is in a special flood hazard area
8. Notify those who occupy special flood hazard areas that they assume responsibility for their actions
9. Participate in and maintain eligibility for flood insurance and disaster relief.

D. METHODS OF REDUCING FLOOD LOSSES

In order to accomplish its purposes, this ordinance includes methods and provisions for:

1. Restricting or prohibiting development which is dangerous to health, safety, and Property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
2. Requiring that development vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
3. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
4. Controlling filling, grading, dredging, and other development which may increase flood

damage;

- 5. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or may increase flood hazards in other areas.

E. DEFINITIONS

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage.

Appeal: A request for a review of the interpretation of any provision of this ordinance or a request for a variance.

Area of shallow flooding: A designated Zone AO, AH, AR/AO or AR/AH on a community’s Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of special flood hazard: The land in the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. It is shown on the Flood Insurance Rate Map (FIRM) as Zone A, AO, AH, AI-30, AE, A99, AR. “Special flood hazard area” is synonymous in meaning and definition with the phrase “area of special flood hazard”.

Base flood: The flood having a one percent chance of being equaled or exceeded in any given year.

Base flood elevation (BFE): The elevation to which floodwater is anticipated to rise during the base flood.

Basement: Any area of the building having its floor subgrade (below ground level) on all sides.

Below-grade crawl space: Means an enclosed area below the base flood elevation in which the interior grade is not more than two feet below the lowest adjacent exterior grade and the height, measured from the interior grade of the crawlspace to the top of the crawlspace foundation, does not exceed 4 feet at any point.

Building: See "Structure."

Critical facility: Means a facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to schools, nursing homes, hospitals, police, fire and emergency response installations, installations which produce, use, or store hazardous materials or hazardous waste.

Development: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

Elevated building: Means for insurance purposes, a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns.

Flood or Flooding:

- (a) A general and temporary condition of partial or complete inundation of normally dryland areas from:
 1. The overflow of inland or tidal waters.
 2. The unusual and rapid accumulation or runoff of surface waters from any source.
 3. Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (a)(2) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
- (b) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (a)(1) of this definition.

Flood elevation study: See "Flood Insurance Study".

Flood Insurance Rate Map (FIRM): The official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

Flood Insurance Study (FIS): An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

Flood proofing: Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

Floodplain or flood prone area: Any land area susceptible to being inundated by water from any source. See "Flood or flooding."

Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. Also referred to as "Regulatory Floodway."

Functionally dependent use: A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and shipbuilding and ship repair facilities, and does not include long term storage or related manufacturing facilities.

Hazardous material: The Oregon Department of Environmental Quality defines hazardous materials to include any of the following:

- (a) Hazardous waste as defined in ORS 466.005;
- (b) Radioactive waste as defined in ORS 469.300, radioactive material identified by the Energy Facility Siting Council under ORS 469.605 and radioactive substances defined in ORS 453.005
- (c) Communicable disease agents as regulated by the Health Division under ORS Chapter 431 and 433.010 to 433.045 and 433.106 to 433.990;
- (d) Hazardous substances designated by the United States Environmental Protection Agency (EPA) under section 311 of the Federal Water Pollution Control Act, P.L. 92-500, as amended;
- (e) Substances listed by the United States EPA in section 40 of the Code of Federal Regulations, Part 302 – Table 302.4 (list of Hazardous Substances and Reportable Quantities) and amendments;
- (f) Material regulated as a Chemical Agent under ORS 465.550;
- (g) Material used as a weapon of mass destruction, or biological weapon;
- (h) Pesticide residue;
- (i) Dry cleaning solvent as defined by ORS 465.200(9).

Highest adjacent grade: The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic structure: Any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - a. By an approved state program as determined by the Secretary of the Interior or
 - b. Directly by the Secretary of the Interior in states without approved programs.

Letter of Map Change (LOMC): Means an official FEMA determination, by letter, to amend or revise effective Flood Insurance Rate Maps and Flood Insurance Studies. The following are categories of LOMCs:

- (a) **Conditional Letter of Map Amendment (CLOMA):** A CLOMA is FEMA’s comment on a proposed structure or group of structures that would, upon construction, be located on existing natural ground above the base (1-percent-annual-chance) flood elevation on a portion of a legally defined parcel of land that is partially inundated by the base flood.
- (b) **Conditional Letter of Map Revision (CLOMR):** A CLOMR is FEMA’s comment on a proposed project that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective base flood elevations, or the special flood hazard area.
- (c) **Conditional Letter of Map Revision based on Fill (CLOMR-F):** A CLOMR-F is FEMA’s comment on a proposed project that would, upon construction, result in a modification of the special flood hazard area through the placement of fill outside the existing regulatory floodway.
- (d) **Letter of Map Amendment (LOMA):** An official amendment, by letter, to the Flood Insurance Rate Maps (FIRMs) based on technical data showing that an existing structure, parcel of land or portion of a parcel of land that is naturally high ground, (i.e., has not been elevated by fill) above the base flood, that was inadvertently included in the special flood hazard area.
- (e) **Letter of Map Revision (LOMR):** A LOMR is FEMA’s modification to an effective Flood Insurance Rate Map (FIRM), or Flood Boundary and Floodway Map (FBFM), or both. LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective base flood elevations, or the SFHA. The LOMR officially revises the FIRM or FBFM, and sometimes the Flood Insurance Study (FIS) report, and, when appropriate, includes a description of the modifications. The LOMR is generally accompanied by an annotated copy of the affected portions of the FIRM, FBFM, or FIS report.
- (f) **Letter of Map Revision based on Fill (LOMR-F):** A LOMR-F is FEMA’s modification of the special flood hazard area shown on the Flood Insurance Rate Map (FIRM) based on the placement of fill outside the existing regulatory floodway.
- (g) **PMR:** A PMR is FEMA’s physical revision and republication of an effective Flood Insurance Rate Map (FIRM) or Flood Insurance Study (FIS) report. PMRs are generally based on physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective base flood elevations, or the special flood hazard area.

Lowest floor: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an

area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

Manufactured dwelling: A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured dwelling" does not include a "recreational vehicle" and is synonymous with "manufactured home".

Manufactured dwelling park or subdivision: A parcel (or contiguous parcels) of land divided into two or more manufactured dwelling lots for rent or sale.

Mean sea level: For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.

New construction: For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by the City of Harrisburg and includes any subsequent improvements to such structures.

Recreational vehicle: A vehicle which is:

- A. Built on a single chassis;
- B. 400 square feet or less when measured at the largest horizontal projection;
- C. Designed to be self-propelled or permanently towable by a light duty truck; and
- D. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Special flood hazard area: See "Area of special flood hazard" for this definition.

Start of construction: Includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured dwelling on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure: For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured dwelling.

Substantial damage: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial improvement: Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

Variance: A grant of relief by the City of Harrisburg from the terms of a flood plain management regulation.

Violation: The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

Water dependent: Means a structure for commerce or industry which cannot exist in any other location and is dependent on the water by reason of intrinsic nature of its operations.

Water surface elevation: The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, or other datum, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

F. GENERAL PROVISIONS

G. LANDS TO WHICH THIS ORDINANCE APPLIES

This ordinance shall apply to all special flood hazard areas within the jurisdiction of the City of Harrisburg.

H. BASIS FOR ESTABLISHING THE SPECIAL FLOOD HAZARD AREAS

The special flood hazard areas identified by the Federal Insurance Administrator in a scientific and engineering report entitled "The Flood Insurance Study (FIS) for Linn County, Oregon and Incorporated Areas, dated July 31, 2019, with accompanying Flood Insurance Rate Maps (FIRMs) 40143C1116G, 40143C1119G, and 41043C1118G are hereby adopted by reference and declared to be a part of this ordinance. The FIS and FIRM panels are on file at City Hall, located at 120 Smith St.

I. COORDINATION WITH STATE OF OREGON SPECIALTY CODES

Pursuant to the requirement established in ORS 455 that the City of Harrisburg administers and

enforces the State of Oregon Specialty Codes, the City of Harrisburg does hereby acknowledge that the Oregon Specialty Codes contain certain provisions that apply to the design and construction of buildings and structures located in special flood hazard areas. Therefore, this ordinance is intended to be administered and enforced in conjunction with the Oregon Specialty Codes.

J. COMPLIANCE AND PENALTIES FOR NONCOMPLIANCE

1. COMPLIANCE

All development within special flood hazard areas is subject to the terms of this ordinance and required to comply with its provisions and all other applicable regulations.

2. PENALTIES FOR NONCOMPLIANCE

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violations of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a violation of the Harrisburg Municipal Code, punishable by a fine not to exceed \$500 per offense. Continuing violations are assessed for each day during which the violation occurs after notice of violation has been served upon the violator. Nothing contained herein shall prevent the City of Harrisburg from taking such other lawful action as is necessary to prevent or remedy any violation.

K. ABROGATION AND SEVERABILITY

1. ABROGATION

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

2. SEVERABILITY

This ordinance and the various parts thereof are hereby declared to be severable. If any section, clause, sentence, or phrase of the Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this Ordinance.

L. INTERPRETATION

In the interpretation and application of this ordinance, all provisions shall be:

- a.) Considered as minimum requirements;
- b.) Liberally construed in favor of the governing body; and
- c.) Deemed neither to limit nor repeal any other powers granted under state statutes.

M. WARNING AND DISCLAIMER OF LIABILITY

1. WARNING

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages.

2. DISCLAIMER OF LIABILITY

This ordinance shall not create liability on the part of the City of Harrisburg, any officer or employee thereof, or the Federal Insurance Administrator for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

N. ADMINISTRATION

O. DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR

The City Administrator, and his/her designee, is hereby appointed to administer, implement, and enforce this ordinance by granting or denying development permits in accordance with its provisions. The Floodplain Administrator may delegate authority to implement these provisions.

P. DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR

Duties of the floodplain administrator, or their designee, shall include, but not be limited to:

I. PERMIT REVIEW

Review all development permits to determine that:

- a. The permit requirements of this ordinance have been satisfied;
- b. All other required local, state, and federal permits have been obtained and approved.
- c. Review all development permits to determine if the proposed development is located in a floodway. If located in the floodway assure that the floodway provisions of this ordinance in section **18.55.070(U)** are met; and
- d. Review all development permits to determine if the proposed development is located in an area where Base Flood Elevation (BFE) data is available either through the Flood Insurance Study (FIS) or from another authoritative source. If BFE data is not available then ensure compliance with the provisions of sections **18.55.070(T)(7)**; and
- e. Provide to building officials the Base Flood Elevation (BFE) applicable to any building requiring a development permit.
- f. Review all development permit applications to determine if the proposed development qualifies as a substantial improvement as defined in section **18.55.070(E)**.
- g. Review all development permits to determine if the proposed development activity is a watercourse alteration. If a watercourse alteration is proposed, ensure compliance with the provisions in section **18.55.070(T)(1)**.
- h. Review all development permits to determine if the proposed development activity includes the placement of fill or excavation.

2. INFORMATION TO BE OBTAINED AND MAINTAINED

The following information shall be obtained and maintained and shall be made available for public inspection as needed:

- a. Obtain, record, and maintain the actual elevation (in relation to mean sea level) of the lowest floor (including basements) and all attendant utilities of all new or substantially improved structures where Base Flood Elevation (BFE) data is provided through the Flood Insurance Study (FIS), Flood Insurance Rate Map (FIRM), or obtained in accordance with section **18.55.070(T)(7)**.
- b. Obtain and record the elevation (in relation to mean sea level) of the natural grade of the building site for a structure prior to the start of construction and the placement of any fill and ensure that the requirements of sections **18.55.070(U)(4)**, and **18.55.070(P)(1)(b)** are adhered to.
- c. Upon placement of the lowest floor of a structure (including basement) but prior to further vertical construction, obtain documentation, prepared and sealed by a professional licensed surveyor or engineer, certifying the elevation (in relation to mean sea level) of the lowest floor (including basement).
- d. Where base flood elevation data are utilized, obtain As-built certification of the elevation (in relation to mean sea level) of the lowest floor (including basement) prepared and sealed by a professional licensed surveyor or engineer, prior to the final inspection.
- e. Maintain all Elevation Certificates (EC) submitted to the community;
- f. Obtain, record, and maintain the elevation (in relation to mean sea level) to which the structure and all attendant utilities were floodproofed for all new or substantially improved floodproofed structures where allowed under this ordinance and where Base Flood Elevation (BFE) data is provided through the FIS, FIRM, or obtained in accordance with section **18.55.070(T)(7)**.
- g. Maintain all floodproofing certificates required under this ordinance;
- h. Record and maintain all variance actions, including justification for their issuance;
- i. Obtain and maintain all hydrologic and hydraulic analyses performed as required under section **18.55.070(U)(4)**.
- j. Record and maintain all Substantial Improvement and Substantial Damage calculations and determinations as required under section **18.55.070(P)(4)**.
- k. Maintain for public inspection all records pertaining to the provisions of this ordinance.

3. REQUIREMENT TO NOTIFY OTHER ENTITIES AND SUBMIT NEW TECHNICAL DATA

a. COMMUNITY BOUNDARY ALTERATIONS

The Floodplain Administrator shall notify the Federal Insurance Administrator in writing whenever the boundaries of the community have been modified by annexation or the community has otherwise assumed authority or no longer has authority to adopt and enforce floodplain management regulations for a particular area, to ensure that all Flood Hazard Boundary Maps (FHBM) and Flood Insurance Rate Maps (FIRM) accurately represent the community's boundaries. Include with such notification a copy of a map of the community suitable for reproduction, clearly delineating the new corporate limits or new area for which the community has assumed or relinquished floodplain management regulatory authority.

b. WATERCOURSE ALTERATIONS

Notify adjacent communities, the Department of Land Conservation and Development, and other appropriate state and federal agencies, prior to any alteration or relocation of a

watercourse, and submit evidence of such notification to the Federal Insurance Administration. This notification shall be provided by the applicant to the Federal Insurance Administration as a Letter of Map Revision (LOMR) along with either:

- i. A proposed maintenance plan to assure the flood carrying capacity within the altered or relocated portion of the watercourse is maintained; or
- ii. Certification by a registered professional engineer that the project has been designed to retain its flood carrying capacity without periodic maintenance.

The applicant shall be required to submit a Conditional Letter of Map Revision (CLOMR) when required under section 18.55.070(Q)(3)(c). Ensure compliance with all applicable requirements in sections 18.55.070(Q)(3)(c) and 18.55.070(T)(1).

c. REQUIREMENT TO SUBMIT NEW TECHNICAL DATA

A community's base flood elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than six months after the date such information becomes available, a community shall notify the Federal Insurance Administrator of the changes by submitting technical or scientific data in accordance with Title 44 of the Code of Federal Regulations (CFR), Section 65.3. The community may require the applicant to submit such data and review fees required for compliance with this section through the applicable FEMA Letter of Map Change (LOMC) process.

The Floodplain Administrator shall require a Conditional Letter of Map Revision prior to the issuance of a floodplain development permit for:

- i. Proposed floodway encroachments that increase the base flood elevation; and
- ii. Proposed development which increases the base flood elevation by more than one foot in areas where FEMA has provided base flood elevations but no floodway.

An applicant shall notify FEMA within six (6) months of project completion when an applicant has obtained a Conditional Letter of Map Revision (CLOMR) from FEMA. This notification to FEMA shall be provided as a Letter of Map Revision (LOMR).

The applicant shall be responsible for preparing all technical data to support CLOMR/LOMR applications and paying any processing or application fees associated with the CLOMR/LOMR.

The Floodplain Administrator shall be under no obligation to sign the Community Acknowledgement Form, which is part of the CLOMR/LOMR application, until the applicant demonstrates that the project will or has met the requirements of this code and all applicable state and federal permits.

4. SUBSTANTIAL IMPROVEMENT AND SUBSTANTIAL DAMAGE ASSESSMENTS AND DETERMINATIONS

Conduct Substantial Improvement (SI) (as defined in section 2.0) reviews for all structural development proposal applications and maintain a record of SI calculations within permit files in accordance with section 18.55.070(P)(2). Conduct Substantial Damage (SD) (as defined in section 2.0) assessments when structures are damaged due to a natural hazard event or other causes. Make SD determinations whenever structures within the special flood hazard area (as established in section 18.55.070(H)) are damaged to the extent that the cost of restoring the

structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Q. ESTABLISHMENT OF DEVELOPMENT PERMIT

1. FLOODPLAIN DEVELOPMENT PERMIT REQUIRED

A development permit shall be obtained before construction or development begins within any area horizontally within the special flood hazard area established in section **18.55.070(H)**. The development permit shall be required for all structures, including manufactured dwellings, and for all other development, as defined in section **18.55.070(E)**, including fill and other development activities.

2. APPLICATION FOR DEVELOPMENT PERMIT

Application for a development permit may be made on forms furnished by the Floodplain Administrator and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically the following information is required:

- a. In riverine flood zones, the proposed elevation (in relation to mean sea level), of the lowest floor (including basement) and all attendant utilities of all new and substantially improved structures; in accordance with the requirements of section **18.55.070(P)(2)**.
- b. Proposed elevation in relation to mean sea level to which any non-residential structure will be floodproofed.
- c. Certification by a registered professional engineer or architect licensed in the State of Oregon that the floodproofing methods proposed for any non-residential structure meet the floodproofing criteria for non-residential structures in section **18.55.070(U)(3)(c)**.
- d. Description of the extent to which any watercourse will be altered or relocated.
- e. Base Flood Elevation data for subdivision proposals or other development when required per sections **18.55.070(P)(1)** and **18.55.070(T)(6)**.
- f. Substantial improvement calculation for any improvement, addition, reconstruction, renovation, or rehabilitation of an existing structure.
- g. The amount and location of any fill or excavation activities proposed.

R. VARIANCE PROCEDURE

The issuance of a variance is for floodplain management purposes only. Flood insurance premium rates are determined by federal statute according to actuarial risk and will not be modified by the granting of a variance.

I. CONDITIONS FOR VARIANCES

- a. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, in conformance with the provisions of sections **18.55.070(R)(1)(c)** and **(E)**, and **18.55.070(R)(1)(b-e)**. As the lot size increases beyond one-half acre, the technical justification required for issuing a variance increases.

- b. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- c. Variances shall not be issued within any floodway if any increase in flood levels during the base flood discharge would result.
- d. Variances shall only be issued upon:
 - i. A showing of good and sufficient cause;
 - ii. A determination that failure to grant the variance would result in exceptional hardship to the applicant;
 - iii. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing laws or ordinances.
- e. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- f. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that the criteria of section **18.55.070(R)(1) (b) – (e)** are met, and the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

2. VARIANCE NOTIFICATION

Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the Base Flood Elevation will result in increased premium rates for flood insurance and that such construction below the base flood elevation increases risks to life and property. Such notification and a record of all variance actions, including justification for their issuance shall be maintained in accordance with section **18.55.070(P)(2)**.

S. PROVISIONS FOR FLOOD HAZARD REDUCTION

T. GENERAL STANDARDS

In all special flood hazard areas, the following standards shall be adhered to:

1. ALTERATION OF WATERCOURSES

Require that the flood carrying capacity within the altered or relocated portion of said watercourse is maintained. Require that maintenance is provided within the altered or relocated portion of said watercourse to ensure that the flood carrying capacity is not diminished. Require compliance with sections **18.55.070(Q)(3)(b)** and **18.55.070(U)(3)(d)**.

2. ANCHORING

- a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

- b. All manufactured dwellings shall be anchored per section **18.55.070(U)(3)(d)**.

3. CONSTRUCTION MATERIALS AND METHODS

- a. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

4. UTILITIES AND EQUIPMENT

a. WATER SUPPLY, SANITARY SEWER, AND ON-SITE WASTE DISPOSAL SYSTEMS

- i. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
- ii. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.
- iii. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding consistent with the Oregon Department of Environmental Quality.

b. ELECTRICAL, MECHANICAL, PLUMBING, AND OTHER EQUIPMENT

Electrical, heating, ventilating, air-conditioning, plumbing, duct systems, and other equipment and service facilities shall be elevated at or above the base flood level or shall be designed and installed to prevent water from entering or accumulating within the components and to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during conditions of flooding. In addition, electrical, heating, ventilating, air-conditioning, plumbing, duct systems, and other equipment and service facilities shall:

- i. If replaced as part of a substantial improvement shall meet all the requirements of this section.

5. TANKS

- a. Underground tanks shall be anchored to prevent flotation, collapse and lateral movement under conditions of the base flood.
- b. Above-ground tanks shall be installed at or above the base flood level or shall be anchored to prevent flotation, collapse, and lateral movement under conditions of the base flood.

6. SUBDIVISION PROPOSALS & OTHER PROPOSED DEVELOPMENTS

- a. All new subdivision proposals and other proposed new developments (including proposals for manufactured dwelling parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, shall include within such proposals, Base Flood Elevation data.

- b. All new subdivision proposals and other proposed new developments (including proposals for manufactured dwelling parks and subdivisions) shall:
 - i. Be consistent with the need to minimize flood damage.
 - ii. Have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage.
 - iii. Have adequate drainage provided to reduce exposure to flood hazards.

7. USE OF OTHER BASE FLOOD ELEVATION DATA

When Base Flood Elevation data has not been provided in accordance with section **18.55.070(H)** the local floodplain administrator shall obtain, review, and reasonably utilize any Base Flood Elevation data available from a federal, state, or other source, in order to administer section **18.55.070(I)**. All new subdivision proposals and other proposed new developments (including proposals for manufactured dwelling parks and subdivisions) must meet the requirements of section **18.55.070(T)(6)**.

Base Flood Elevations shall be determined for development proposals that are 5 acres or more in size or are 50 lots or more, whichever is lesser in any A zone that does not have an established base flood elevation. Development proposals located within a riverine unnumbered A Zone shall be reasonably safe from flooding; the test of reasonableness includes use of historical data, high water marks, FEMA provided Base Level Engineering data, and photographs of past flooding, etc... wherever available. All residential structures and non-residential structures that are not dry floodproofed need to be a minimum of 2 feet above the highest adjacent grade. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.

8. STRUCTURES LOCATED IN MULTIPLE OR PARTIAL FLOOD ZONES

In coordination with the State of Oregon Specialty Codes:

- a. When a structure is located in multiple flood zones on the community's Flood Insurance Rate Maps (FIRM) the provisions for the more restrictive flood zones shall apply.
- b. When a structure is partially located in a special flood hazard area, the entire structure shall meet the requirements for new construction and substantial improvements.

9. CRITICAL FACILITIES LOCATED IN MULTIPLE OR PARTIAL FLOOD ZONES

Construction of new critical facilities shall be, to the extent possible, located outside the limits of the special flood hazard area. Construction of new critical facilities shall be permissible within the SFHA only if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated three (3) feet above the Base Flood Elevation (BFE) or to the height of the 500-year flood, whichever is higher. Access to and from the critical facility shall also be protected to the height utilized above. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters.

U. SPECIFIC STANDARDS FOR RIVERINE (INCLUDING ALL NON-COASTAL) FLOOD ZONES

These specific standards shall apply to all new construction and substantial improvements in addition to the General Standards contained in section **18.55.070(T)(1)** of this ordinance.

1. FLOOD OPENINGS

All new construction and substantial improvements with fully enclosed areas below the lowest floor (excluding basements) are subject to the following requirements. Enclosed areas below the Base Flood Elevation, including crawl spaces shall:

- a. Be designed to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters;
- b. Be used solely for parking, storage, or building access;
- c. Be certified by a registered professional engineer or architect or meet or exceed all of the following minimum criteria:
 - i. A minimum of two openings,
 - ii. The total net area of non-engineered openings shall be not less than one square inch for each square foot of enclosed area, where the enclosed area is measured on the exterior of the enclosure walls,
 - iii. The bottom of all openings shall be no higher than one foot above grade.
 - iv. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they shall allow the automatic flow of floodwater into and out of the enclosed areas and shall be accounted for in the determination of the net open area.
 - v. All additional higher standards for flood openings in the State of Oregon Residential Specialty Codes Section R322.2.2 shall be complied with when applicable.

2. GARAGES

- a. Attached garages may be constructed with the garage floor slab below the Base Flood Elevation (BFE) in riverine flood zones, if the following requirements are met:
 - i. If located within a floodway the proposed garage must comply with the requirements of section **18.55.070(U)(4)**.
 - ii. The floors are at or above grade on not less than one side;
 - iii. The garage is used solely for parking, building access, and/or storage;
 - iv. The garage is constructed with flood openings in compliance with section **18.55.070(U)(1)** to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater.
 - v. The portions of the garage constructed below the BFE are constructed with materials resistant to flood damage;
 - vi. The garage is constructed in compliance with the standards in section **18.55.070(T)**; and
 - vii. The garage is constructed with electrical, and other service facilities located and installed so as to prevent water from entering or accumulating within the components during conditions of the base flood.
- b. Detached garages must be constructed in compliance with the standards for appurtenant structures in section **18.55.070(U)(3)(d)** or non-residential structures in section **18.55.070(U)(3)(c)** depending on the square footage of the garage.

3. FOR RIVERINE (NON-COASTAL) SPECIAL FLOOD HAZARD AREAS WITH BASE FLOOD ELEVATIONS

In addition to the general standards listed in section **18.55.070(T)** the following specific standards shall apply in Riverine (non-coastal) special flood hazard areas with Base Flood Elevations (BFE): Zones AI-A30, AH, and AE.

a. BEFORE REGULATORY FLOODWAY

In areas where a regulatory floodway has not been designated, no new construction, substantial improvement, or other development (including fill) shall be permitted within Zones AI-30 and AE on the community's Flood Insurance Rate Map (FIRM), unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

b. RESIDENTIAL CONSTRUCTION

- i. New construction, conversion to, and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated at least 1ft above the Base Flood Elevation (BFE)
- ii. Enclosed areas below the lowest floor shall comply with the flood opening requirements in section **18.55.070(U)(1)**.

c. NON-RESIDENTIAL CONSTRUCTION

- i. New construction, conversion to, and substantial improvement of any commercial, industrial, or other non-residential structure shall
 - a.) Have the lowest floor, including basement elevated at 1ft or more above the Base Flood Elevation (BFE);
 - l. Or, together with attendant utility and sanitary facilities:
 - 1. Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
 - 2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
 - 3. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this section based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the Floodplain Administrator as set forth section **18.55.070(P)(2)**.
 - b.) Non-residential structures that are elevated, not floodproofed, shall comply with the standards for enclosed areas below the lowest floor in section **18.55.070(U)(1)**.
 - c.) Applicants floodproofing non-residential buildings shall be notified that flood insurance premiums will be based on rates that are one (1) foot below the floodproofed level (e.g. a building floodproofed to the base flood level will be

rated as one (1) foot below.

d. MANUFACTURED DWELLINGS

- i. Manufactured dwellings to be placed (new or replacement) or substantially improved that are supported on solid foundation walls shall be constructed with flood openings that comply with section **18.55.070(U)(1)**;
- ii. The bottom of the longitudinal chassis frame beam shall be at or above Base Flood Elevation;
- iii. Manufactured dwellings to be placed (new or replacement) or substantially improved shall be anchored to prevent flotation, collapse, and lateral movement during the base flood. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (Reference FEMA’s “Manufactured Home Installation in Flood Hazard Areas” guidebook for additional techniques), and;
- iv. Electrical crossover connections shall be a minimum of twelve (12) inches above Base Flood Elevation (BFE).

e. RECREATIONAL VEHICLES

Recreational vehicles placed on sites are required to:

- i. Be on the site for fewer than 180 consecutive days, and
- ii. Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
- iii. Meet the requirements of section **18.55.070(U)(3)(d)**, including the anchoring and elevation requirements for manufactured dwellings.

f. APPURTENANT (ACCESSORY) STRUCTURES

Relief from elevation or floodproofing requirements for residential and non-residential structures in Riverine (Non-Coastal) flood zones may be granted for appurtenant structures that meet the following requirements:

- i. Appurtenant structures located partially or entirely within the floodway must comply with requirements for development within a floodway found in section **18.55.070(U)(4)**.
- ii. Appurtenant structures must only be used for parking, access, and/or storage and shall not be used for human habitation;
- iii. In compliance with State of Oregon Specialty Codes, appurtenant structures on properties that are zoned residential are limited to one- story structures less than 200 square feet, or 400 square feet if the property is greater than two (2) acres in area and the proposed appurtenant structure will be located a minimum of 20 feet from all property lines. Appurtenant structures on properties that are zoned as non-residential are limited in size to 120 square feet.
- iv. The portions of the appurtenant structure located below the Base Flood Elevation must be built using flood resistant materials;
- v. The appurtenant structure must be adequately anchored to prevent flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the base flood.

- vi. The appurtenant structure must be designed and constructed to equalize hydrostatic flood forces on exterior walls and comply with the requirements for flood openings in section **18.55.070(U)(1)**;
- vii. Appurtenant structures shall be located and constructed to have low damage potential;
- viii. Appurtenant structures shall not be used to store toxic material, oil, or gasoline, or any priority persistent pollutant identified by the Oregon Department of Environmental Quality unless confined in a tank installed in compliance with section **18.55.070(T)(5)**.
- ix. Appurtenant structures shall be constructed with electrical, mechanical, and other service facilities located and installed so as to prevent water from entering or accumulating within the components during conditions of the base flood.

g. BELOW-GRADE CRAWL SPACES

Below Grade Crawl Spaces are common in Oregon but are highly discouraged for any flood hazard areas in the City of Harrisburg. For Below-Grade Crawl Spaces to be allowed, the following guidelines are required.

- i. The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Hydrostatic loads and the effects of buoyancy can usually be addressed through the required flood openings stated in Section **18.55.070(U)(1)**. Because of hydrodynamic loads, crawlspace construction is not allowed in areas with flood velocities greater than five (5) feet per second unless the design is reviewed by a qualified design professional, such as a registered architect or professional engineer. Other types of foundations are recommended for these areas.
- ii. The crawlspace is an enclosed area below the Base Flood Elevation (BFE) and, as such, must have openings that equalize hydrostatic pressures by allowing the automatic entry and exit of floodwaters. The bottom of each flood vent opening can be no more than one (1) foot above the lowest adjacent exterior grade.
- iii. Portions of the building below the BFE must be constructed with materials resistant to flood damage. This includes not only the foundation walls of the crawlspace used to elevate the building, but also any joists, insulation, or other materials that extend below the BFE. The recommended construction practice is to elevate the bottom of joists and all insulation above BFE.
- iv. Any building utility systems within the crawlspace must be elevated above BFE or designed so that floodwaters cannot enter or accumulate within the system components during flood conditions. Ductwork, in particular, must either be placed above the BFE or sealed from floodwaters.
- v. The interior grade of a crawlspace below the BFE must not be more than two (2) feet below the lowest adjacent exterior grade.
- vi. The height of the below-grade crawlspace, measured from the interior grade of the crawlspace to the top of the crawlspace foundation wall must not exceed four (4) feet at any point. The height limitation is the maximum allowable unsupported wall height according to the engineering analyses and building code requirements for flood hazard areas.
- vii. There must be an adequate drainage system that removes floodwaters from the interior area of the crawlspace. The enclosed area should be drained within a

reasonable time after a flood event. The type of drainage system will vary because of the site gradient and other drainage characteristics, such as soil types. Possible options include natural drainage through porous, well-drained soils and drainage systems such as perforated pipes, drainagetiles or gravel or crushed stone drainage bygravity or mechanical means.

- viii. The velocity of floodwaters at the site shall not exceed five (5) feet per second forany crawlspace. For velocities in excess of five (5) feet per second, other foundation types should be used.

4. FLOODWAYS

Located within the special flood hazard areas established in section **18.55.070(H)** are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of the floodwaters which carry debris, potential projectiles, and erosionpotential, the following provisions apply:

- a. Prohibit encroachments, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodwayunless:
 - i. Certification by a registered professional civil engineer is provided demonstrating through hydrologic and hydraulic analyses performed inaccordance with standard engineering practice that the proposed encroachment shall not result in any increase in flood levels within the community during the occurrence of the base flood discharge;
 - Or,
 - ii. A community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that a Conditional Letter of Map Revision (CLOMR) is applied forand approved by the Federal Insurance Administrator, and the requirements for such revision as established under Volume 44 of the Code of Federal Regulations, section 65.12 are fulfilled.
- b. If the requirements of section **18.55.070(U)(4)(a)** are satisfied, all new construction, substantial improvements, and other development shall comply with all otherapplicable flood hazard reduction provisions of section **18.55.070(S)**.

5. STANDARDS FOR SHALLOW FLOODING AREAS

Shallow flooding areas appear on FIRMs as AO zones with depth designations or as AH zones with Base Flood Elevations. For AO zones the base flood depths range fromone (1) to three (3) feet above ground where a clearly defined channel does not exist, or where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is usually characterized as sheet flow. For both AO and AH zones, adequate drainage paths are required around structures on slopes to guide floodwaters around and away from proposed structures.

- a. **STANDARDS FOR AH ZONES**
Development within AH Zones must comply with the standards in sections **18.55.070(T)**, **18.55.070(U)** and **(U)(5)**.
- b. **STANDARDS FOR AO ZONES**

In AO zones, the following provisions apply in addition to the requirements in sections **18.55.070(T)** and **18.55.070(U)(5)**:

- a. New construction, conversion to, and substantial improvement of residential structures and manufactured dwellings within AO zones shall have the lowest floor, including basement, elevated above the highest grade adjacent to the building, at minimum to or above the depth number specified on the Flood Insurance Rate Maps (FIRM) (at least two (2) feet if no depth number is specified). For manufactured dwellings the lowest floor is considered to be the bottom of the longitudinal chassis frame beam.
- b. New construction, conversion to, and substantial improvements of non-residential structures within AO zones shall either:
 - a.) Have the lowest floor (including basement) elevated above the highest adjacent grade of the building site, at minimum to or above the depth number specified on the Flood Insurance Rate Maps (FIRMS) (at least two (2) feet if no depth number is specified); or
 - b.) Together with attendant utility and sanitary facilities, be completely floodproofed to or above the depth number specified on the FIRM or a minimum of two (2) feet above the highest adjacent grade if no depth number is specified, so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer or architect as stated in section **18.55.070(U)(3)(c)(3)**.
- c. Recreational vehicles placed on sites within AO Zones on the community's Flood Insurance Rate Maps (FIRM) shall either:
 - i. Be on the site for fewer than 180 consecutive days, and
 - ii. Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
 - iii. Meet the elevation requirements of section **18.55.070(U)(5)(b)** and the anchoring and other requirements for manufactured dwellings of section **18.55.070(U)(3)(d)**.
- d. In AO zones, new and substantially improved appurtenant structures must comply with the standards in section **18.55.070(U)(3)(f)**.
- e. In AO zones, enclosed areas beneath elevated structures shall comply with the requirements in section **18.55.070(T)**.

Article 3 - Community Design Standards

Chapters:

- 18.60 Design Standards Administration
- 18.65 Building Orientation and Design
- 18.70 Access and Circulation
- 18.75 Landscaping, Fences and Walls, [*Outdoor Lighting*]
- 18.80 Parking and Loading
- 18.85 Public Facilities
- 18.90 Signs

Chapter 18.60 - Design Standards Administration

Sections:

18.60.010 Purpose

18.60.020 Applicability

18.60.010 Purpose

HMC 18.60 – 18.90 contains design standards for the built environment. The standards are intended to protect the public health, safety, and welfare through multimodal accessibility and interconnectivity, and through the provision of parking, landscaping, adequate public facilities, and appropriate signage.

18.60.020 Applicability

These provisions apply to permits and approvals granted under this Code, and other City actions, as summarized in Table 18.60.020. The Planning Commission or City Council may for Type III or IV decisions, and the City Administrator for Type I or II decisions, ~~modify these standards upon finding of special need or circumstances in accordance with Chapter 19.40.030.~~ **MAY REDUCE DESIGN STANDARDS OR REQUIREMENTS BY UP TO 25% WHERE THE PROPOSED DEVELOPMENT MEETS THE DEFINITION OF AFFORDABLE HOUSING OR PROVIDE FIVE (5) OR MORE FTE JOBS THAT MEET THE REQUIREMENTS OF THE HARRISBURG EXTENDED ENTERPRISE ZONE BENEFIT**

**Table 18.60.020
Applicability of Design Standards to Approvals and Permits**

| Approvals* | 18.65 Building Design | 18.70 Access Circulation | 18.75 Landscapes & Screening | 18.80 Parking & Loading | 18.85 Public Facilities | 18.90 Signs |
|---|---|--------------------------|------------------------------|-------------------------|-------------------------|-------------|
| Zoning Checklist/Building Permit Review | Typically these standards do not apply unless the City determines that one or more of the land use actions below is required. Review and determine. | | | | | |
| Access or Approach Permit | N | Y | N | Y | Y | N |
| Adjustment | Individual chapters may apply, depending on the adjustment request. | | | | | |
| Annexation | N | N | N | N | Y | N |
| Code Interpretation | Standards are subject to City interpretation under Chapter 1.5. | | | | | |
| Code Text Amendment | Chapters apply where amendment affects design standards. | | | | | |
| Comprehensive Plan Map Amendment | N | N | N | N | Y | N |
| Conditional Use Permit | Y | Y | Y | Y | Y | Y |
| Home Occupation | N | N | Y | Y | N | Y |
| Legal Lot Determination | N | Y | N | N | Y | N |
| Master Planned Development | Y | Y | Y | Y | Y | Y |
| Modification to Approval or Condition of Approval | Individual chapters may apply, depending on the modification request. | | | | | |
| Non-Conforming Use or Structure, Expansion of | Y | Y | Y | Y | Y | Y |
| Minor Partition or Re-plat of 1-32 lots (See also, Chapter 4.3) | N | Y | Y (for flag lot) | Y (if use exists) | Y | N |
| Property Line Adjustments, including Lot Consolidations (See also, Chapter 4.3) | N | Y | Y (for flag lot) | Y (if use exists) | Y | N |
| Site Design Review (See also, Chapter 4.2) | Y | Y | Y | Y | Y | Y |
| Subdivision, or Replat of 4 or more+ lots (See also, Chapter 4.3) | YN | Y | Y (for flag lots) Y | YN | Y | YN |
| Adjustments | Individual chapters may apply, depending on the variance request. | | | | | |
| Zoning District Map Change | N | N | N | N | Y | N |
| Major Partition (3-5 lots) | Y | Y | Y for flag lots | N | Y | N |

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* The applicant may be required to comply with the design standards of 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.

Commented [SS6]: Advisory

Commented [JH7R6]:

Chapter 18.65 – Building Orientation and Design

Sections:

- 18.65.010 Purpose
- 18.65.020 Applicability
- 18.65.030 Residential Buildings
- 18.65.040 Non-Residential Buildings
- 18.65.050 Civic Space and Pedestrian Amenities
- 18.65.060 Drive-Up and Drive-Through Uses and Facilities
- 18.65.070 Downtown Historic District Design Standards

18.65.010 Purpose

Chapter 18.65 regulates the placement, orientation, and **aesthetic design** of buildings. The regulations are intended to protect public health, safety, and welfare through clear and objective standards that promote a variety of land uses and development, while protecting property values and ensuring predictability in the development process. In summary, Chapter 18.65 is intended to create and maintain a built environment that:

- A. is conducive to walking and bicycling;
- B. provides natural surveillance of public spaces, or “eyes on the street,” for crime prevention and security;
- C. reduces dependency on the automobile for short trips, thereby conserving energy and reducing unwanted congestion;
- D. encourages the use of water-conserving landscaping;
- E. allows for the integration of surface water management facilities within parking lots and landscape areas;
- F. creates a sense of place that is consistent with the character of the community, including historical development patterns, the community vision, and economic vitality.

Commented [SS8]: Not building structural or fire and life safety design of buildings.

Commented [ME9R8]: ok

Commented [JH10R8]: Agreed

18.65.20 General Applicability

Chapter 18.65 applies to all new buildings in the residential, commercial, and public use zones and ~~significant major~~ exterior alterations (defined as more than 25% of existing exterior or floor space) to existing buildings. ~~¶~~The Planning Commission, through a ~~(Type II / III)~~ procedure, may grant adjustments to Chapter 18.65, pursuant to the criteria of Chapter 19.40 Adjustments and Variances.-

~~A-~~ The City Administrator, through a Type I or Type II process, may adjust or revise building orientation and design to better reach the goals of 18.65.010, provided developer or builder total project costs are not increased by more than 10%.

18.65.030 Residential Buildings

- A. Purpose.** The following requirements are intended to create and maintain a built environment that is conducive to walking; reduces dependency on the automobile for short trips; provides natural surveillance of public spaces; and maintains the historic integrity / architectural character of the community.
- B. ~~Required Standards~~Applicability.** All residential buildings in the R-1, R-2, and R-3 zones shall comply, respectively, with the requirements of this code.
- C. Building Orientation.** Residential buildings that are subject to the provisions of this chapter, pursuant to Section 18.65.020, shall conform to all of the following standards:
 - I. Building Orientation to Street.** Except as provided below, dwelling units shall orient toward a street, have a primary entrance opening toward the street, and be connected to the right-of-way with an approved walkway and residential front yard. For purposes of this section, the primary entrance shall face or be within 45 degrees of parallel to an abutting street. A dwelling may have its primary entrance oriented to a yard other than the front or street yards where:
 - a. ~~A dwelling may have its primary entrance oriented to a yard other than the front or street yard where~~ ~~the~~ only permitted access to the property is from a shared driveway or flag lot drive and orienting the dwelling entrance to the street is not practical due to the layout of the lot and driveway, ~~or~~;
 - b. ~~Where~~ ~~there is~~ no adjacent street to which a dwelling may be oriented, or it is not practical to orient a dwelling to an adjacent street due to lot layout, topographic, or other characteristics of the site, or if the specific nature of the project or structure as a whole focuses or centers on a feature or area that is not a public street, or the dwelling is designed to face onto a central courtyard or away from the

~~b-c.~~ street, then the dwelling may orient to a walkway, courtyard, open space, common area, lobby, or breezeway (i.e., for multiple family buildings). (See also, Section 18.50.040 Special Use Standards for Townhomes); or-

d. ~~Where a~~A flag lot is permitted, building orientation shall conform to the provisions for flag lots under Chapter 18.105.

D. Garages. The following standards apply to all types of vehicle storage, including, but not limited to, buildings, carports, canopies, and other permanent and temporary structures. The standards are intended to balance residents' desire for a convenient, safe, and private vehicle access to their homes with the public interest in maintaining safe and aesthetically pleasing streetscapes. The standards therefore promote pedestrian safety and visibility of public ways, while addressing aesthetic concerns associated with street-facing garages.

1. Alleys and Shared Drives. Where a dwelling abuts a rear or side alley, or a shared driveway, including flag lot drives, the garage or carport opening(s) for that dwelling may orient to the alley or shared drive, as applicable, or street, ~~provided that the proposed orientation is consistent with existing or proposed development in the immediate area.~~ Setbacks for garages facing alleys or shared driveways shall be 20 feet or more from the garage or carport to the closest edge of the alley or driveway easement of right of way.

2. Setback for Garage Opening Facing Street. No garage or carport opening shall be placed closer than 20 feet to a street or alley right-of-way except where the City approves a reduced setback and parking in front of garages is restricted.

3. Garages for Duplex Dwellings. Duplex design shall conform to Section 18.45.040 E.

18.65.040 Non-Residential Buildings

A. Purpose and Applicability. The following requirements apply to non-residential development in the C-1 or PUZ zone, including individual buildings and developments with multiple buildings such as shopping centers, office complexes, mixed-use developments, and institutional campuses. The standards are intended to create and maintain a built environment that is conducive to pedestrian accessibility, reducing dependency on the automobile for short trips, while providing civic space for employees and customers, supporting natural surveillance of public spaces, and creating human-scale design. The standards encourage buildings placed close to streets, with storefront windows (where applicable), with large building walls divided into smaller planes, and with architectural detailing. The standards are also intended to promote compatibility with the historic development pattern / architectural character of the community.

1. The standards are intended to enhance / support the continued development of the city, reinforcing it as an attractive place to work, shop, and conduct business.
2. The standards respond to and reconcile the historical context of the city with more contemporary building practices. The standards draw on the architectural vocabulary of the city's historic districts, while allowing a contemporary interpretation of older building forms and styles scaled to fit the community. It is not the City's intent to create an architectural theme, but rather to ensure that new buildings and exterior alterations fit within the context of their surroundings and contribute toward the development of compact, walkable commercial and mixed-use districts.
3. Specifically, the standards draw upon the local vocabulary of building styles and elements, including compatibility with locally significant historic structures where applicable;
 - a. Create a sense of street enclosure with appropriate building heights and detailing;
 - b. Address differences in building scale between different zoning districts;
 - c. Encourage a diversity of building facades and rooflines that fall into a consistent rhythm;
 - d. Improve the streetscape with adequate civic space, street furnishings and public art;
 - e. Focus parking behind or adjacent to structures in order to create a sense of community and promote pedestrian access.

B. Building Orientation. The following standards apply to new buildings and building additions that are subject to Site Design Review. The City Planning Commission may approve adjustments to the standards as part of a Site Design Review approval, pursuant to Chapter 19.15 and Chapter 19.40, respectively.

1. Except as provided in subsections 18.65.040.C(5)-(6), below, all buildings shall have at least one primary entrance (i.e., tenant entrance, lobby entrance, breezeway entrance, or courtyard entrance) facing an abutting street (i.e., within 45 degrees of parallel to the street property line); or if the building entrance must be turned more than 45 degrees from the street (i.e., front door is on a side or rear elevation) due to the configuration of the site or similar constraints, a paved pedestrian walkway must connect the primary entrance to the sidewalk in conformance with Section 18.70.030.
2. Off-street parking, trash storage facilities, and ground-level utilities (e.g., utility vaults), and similar obstructions shall not be placed between building entrances and the street(s) to which they are oriented. To the extent practicable, such facilities shall be oriented internally to the block and accessed by alleys or driveways or screened from view by any abutting street, sidewalk, or fencing.

3. Off-street parking shall be oriented internally to the site to the extent practicable, and shall meet the Access and Circulation requirements of Chapter 18.70, the Landscape and Screening requirements of Chapter 18.75, and the Parking and Loading requirements of Chapter 18.80.

4. Where a development contains multiple buildings and there is insufficient street frontage to meet the above building orientation standards for all buildings on the subject site, a building's primary entrance may orient to plaza, courtyard, or similar pedestrian space containing pedestrian amenities and meeting the requirements under Section 18.65, subject to Site Design Review application and approval. When oriented this way, the primary entrance(s), plaza, or courtyard shall be connected to the street by a paved or hardscape pedestrian walkway conforming to Section 18.70.030.

C. Primary Entrances and Windows. The following standards apply to new buildings and building additions that are subject to Site Design Review. The City Planning Commission may approve adjustments to the standards as part of a Site Design Review approval, pursuant to Chapter 19.15 and Chapter 19.40, respectively.

1. **Pedestrian Entrances.** Ground level entrances oriented to a street shall be at least partly transparent for natural surveillance and to encourage an inviting and successful business environment. This standard may be met by providing a door with a window(s), a transom window above the door, or sidelights beside the door. Where ATMs or other kiosks are proposed on any street-facing elevation, they shall be visible from the street for security and have a canopy, awning, or other weather protection shelter.

2. **Corner Entrances.** Buildings on corner lots are encouraged to have corner entrances. Where a corner entrance is not provided, the building plan shall provide an architectural element or detailing (e.g., tower, beveled corner, art, special trim, etc.) that accentuates the corner location.

3. **Street Level Entrances.** All primary building entrances shall open to the sidewalk and shall conform to Americans with Disabilities Act (ADA) requirements, as applicable. Primary entrances above or below grade may be allowed where ADA accessibility is provided.

4. **Windows – General.** Except as approved for parking structures or accessory structures, the front/street-facing elevations of buildings shall provide display windows, windowed doors, and where applicable, transom windows to express a storefront character.

5. **Side and Rear Elevation Windows.** All side and rear elevations, except for zero-lot line or common wall elevations, where windows are not required, shall provide not less than 30 percent transparency.

6. **Window Exceptions.** The City Planning Commission may approve an exception to the above standards where existing topography or building function makes compliance impractical. Where an exception to the window transparency requirement is made for parking garages or similar structures, the building design must incorporate openings or other detailing that resembles the window patterns (rhythm and scale).

D. Mechanical Equipment

- 1. **Building Walls.** Where mechanical equipment, such as utility vaults, air compressors, generators, antennae, satellite dishes, or similar equipment, is permitted on a building wall that abuts a public right-of-way or civic space, it shall be screened pursuant to Chapter 18.75.030. Standpipes, meters, vaults, and similar equipment need not be screened but shall not be placed on a front elevation when other practical alternatives exist; such equipment shall be placed on a side or rear elevation where practical.
- 2. **Rooftops.** Except as provided below, rooftop mechanical units shall be setback or screened behind a parapet wall or other screening so that they are not visible from any public right-of-way or civic space. Where such placement and screening is not practicable, the City Administrator or the City Planning Commission may approve painting of mechanical units in lieu of screening; such painting may consist of muted, earth-tone colors that make the equipment visually subordinate to the building and adjacent buildings, if any.
- 3. **Ground-Mounted Mechanical Equipment.** Ground-mounted equipment, such as generators, air compressors, trash compactors, and similar equipment, shall be limited to side or rear yards and screened with fences or walls constructed of materials similar to those on adjacent buildings.

E. Drive-Up and Drive-Through Facilities. Drive-up and drive-through facilities shall comply with the requirements of Section 18.70.

F. Historic District and Historic Buildings. Refer to HMC 18.65.070.

G. Mixed-Use Building Height Bonus. ~~Where Height bonuses for mixed-use buildings approved or approved with conditions under Section 18.45.040.E provides for a building height bonus for mixed-use development, the City Administrator or Planning Commission may approve, approve with conditions, or deny a proposed height bonus if all of the following must meet all of the following criteria are met:~~

- 1. The proposed height increase is for the sole purpose of allowing a residential use above a permitted commercial, civic, or institutional use; or is required to accommodate structured parking.
- 2. The proposed increase in height is compatible with adjacent uses and structures, or can be made compatible through reasonable conditions of approval. For the purposes of this subsection, a finding of compatibility means that the proposed height increase does not create a fire hazard; does not conflict with a locally or federally designated historic landmark or district, or with a building or district the City recognizes as being eligible for the National Register of Historic Places; and does not create excessive glare, shade, noise, or privacy concerns for existing adjacent residential uses.
- 3. The proposed increase in height does not exceed 15 feet, per the standards of Section 18.45.040.E by more than 20%.

Commented [SS11]: Table 18.45.040.E allows a height increase of not more than 15 feet.

Commented [JH12R11]: I AGREE WITH CHANGES PROPOSED FOR PAGE 48

18.65.050 – Downtown Historic District Design Standards

Commented [SS13]: MIG did not review the existing Downtown Historic section except for cross-referencing and general consistency with other code sections.

A. Purpose. The purpose of the Historic Overlay is to honor and protect the heritage of the community and preserve the historic integrity of the downtown. The Historic Overlay will encourage the preservation of existing historical buildings and the construction of compatible structures.

B. Permitted Uses and Conditional Uses. In the Historic Overlay Zone (HOZ), permitted and conditional uses are the same as the underlying zoning district for the property.

C. Signs. All signage shall comply with the applicable provisions in Chapter 18.90.

D. Setback and Facade Requirements.

1. Setbacks. Setback requirements in the HOZ are the same as the underlying zoning district for the property.

2. Façades. To the greatest extent practicable, building façades in the HOZ shall be aligned with the existing structures on the street, maintaining the traditional pattern established by historic buildings.

E. Height of buildings. The building height requirements shall be the same as the underlying zone for the property.

F. Lot coverage. The lot coverage requirements shall be the same as the underlying zone for the property.

G. Historic Overlay Area

The HOZ is defined as the area between Monroe and Macy Streets, and between 1st Street and the Union Pacific Railroad tracks. The buildings in the local inventory of historic properties are listed as follows:

1. I.O.O.F. Hall, 190 Smith Street;
2. May and Senders Store, three-bay arcaded facade/rectangular (original portion), 125 Smith Street;
3. E.F. Wyatt House, 353 Smith Street;
4. Hardware Store, 180 Smith Street;
5. Hubbell Building, 286 Smith Street, 294 Smith Street and 146 South 3rd Street;
6. Farmers and Merchants Bank, 203 Smith Street;
7. Moody Building, 206 South 3rd Street;
8. Samuel May Barn, behind 480 Smith Street (demolished on June 2, 2000);
9. Abner Waters/J.P. Schooling House, 206 South 4th Street and outbuilding;
10. Thomas Sommerville House, 196 South 4th Street.

H. Building Scale and Mass. The architectural design, height, width and depth of the buildings shall be compatible with the historic buildings identified in HMC 18.65.070(G), especially those most adjacent. The vertical lines of columns and piers and the horizontal definition of cornices and other primary structural elements of historic buildings shall be recognized. Historically, the modulation of building facades was determined by lot parceling. Generally, buildings were built at 25, 50, and 100-foot widths. Within those general building widths, the building can be divided into a smaller bay storefront system by use of vertical elements.

I. Building Shape. The ratio of height to width of the different elevations of the building shall be compatible with the historic buildings identified in HMC 18.65.070(G), especially those most adjacent.

J. Building orientation. The location of the building entrance and the orientation of the primary facade of the building shall be in the same direction as that of nearby buildings in the HOZ.

K. Façade Components. Repetition of historic façade components creates patterns and alignments that visually link buildings within a block or area, while allowing individual identity of each building. Historic façade components help to establish a sense of scale and context. The application of historic façade components is encouraged to the greatest extent practicable, and a project shall include at least two of the following historic façade components:

1. Cornice or parapet;
2. Awning or canopy;
3. Transom;
4. First floor display window;
5. Center entry, perhaps recessed.

L. Scale of Openings. The ratio of open surfaces (windows, doors) to enclosed surfaces (walls) of the building exterior shall be similar to that of nearby buildings. The height, width, and shape of door and window openings shall be compatible with buildings identified in HMC 18.65.070(G), especially those most adjacent.

M. Roof Form. Historically, downtown commercial buildings were constructed with flat roofs and a parapet or cornice on the façade facing a street. Residential buildings were constructed with pitched roofs at varying angles. New commercial and residential roofs shall be compatible with the roofs of buildings identified in HMC 18.65.070(G), especially those most adjacent.

N. Design Standards for New Construction. New commercial and residential construction, facade renovation, or building rehabilitation shall reflect the City’s historic, aesthetic, and cultural heritage. The scale and form, style, material and texture, color, and signage shall follow the design guidelines for the historic downtown beginning on page 6-21 of the Harrisburg Design and Community Action Plan, dated June 27, 1991.

- 1. Preliminary plans will be submitted to the City [Planner-Administrator or designee](#) for review.
- 2. Upon review, the City Planner shall:
 - a. Determine whether the plan meets design guidelines and approve the application as presented; or,
 - b. Determine that the application requires site plan review.
- 3. The applicant shall be notified of the review decision within 30 days after the submittal of plans for review.

O. Design Guidelines for Commercial Construction. New commercial construction and exterior improvements and rehabilitation shall comply with HMC 18.65.070(C) through 18.65.070(N), with the following emphasis:

- 1. The historic downtown commercial buildings shall be maintained and developed to represent a historic riverfront community of the late 1880s to early 1900s. The following buildings currently listed on the local inventory of historic properties best represent buildings from this era:
 - a. IOOF Hall, 190 Smith Street;
 - b. Rampy Building, 195 Smith Street;
 - c. Hubbell Building, 286 Smith Street; and,
 - d. May and Senders Store (original three-bay arcaded facade), 125 Smith Street.

P. Building Materials for Commercial Construction. The type of materials used shall be selected from those materials exhibited on the buildings (or similar) representing the targeted era listed in HMC 18.65. These include wood, brick, cast iron, and wrought iron.

Q. New Residential Construction – Design Guidelines. New residential construction and exterior improvements and rehabilitation shall comply with HMC 18.65.070(C) through 18.65.070(N), with the following emphasis:

- 1. The historic downtown residential buildings shall be maintained and developed to represent a historic riverfront community of the late 1880s to early 1900s. The following buildings currently listed on the local inventory of historic properties best represent buildings from this era:
 - a. E.F. Wyatt House, 353 Smith Street;
 - b. Abner Waters/J.P. Schooling House, 206 South 4th Street and outbuilding;
 - c. Thomas Sommerville House, 196 South 4th Street.

R. New Residential Construction – Building Materials. The type of materials for new residential construction and exterior remodeling shall be selected from those historic materials already present in the area. These include wood, brick, concrete, stucco, and cast iron. Wood is also an acceptable material to use for details and ornament.

S. Parking Standards for Historic Overlay. Parking standards generally applicable within the City of Harrisburg may not be appropriate for the historic district. The intent of the historic district is to have an appearance reminiscent of a time before there were automobiles and parking lots. Parking standards within the historic district shall therefore be as follows:

1. Parking if provided off-street, shall be accessed from a public alley unless the City Planner determines this cannot reasonably be accomplished.

2. Parking shall not front onto a public street other than an alley except for public parking lots or when it is determined to be necessary by the City Planner.

~~3. For residential uses, each dwelling unit shall have two parking spaces that are within 300 feet of the dwelling that is intended for use by that dwelling. There is no minimum number of automobile parking spaces for uses in the Downtown Historic District Zone.~~

~~a.~~

~~3. The following standards apply to commercial uses:~~

~~a. The number of parking spaces required by Chapter 18.80 may be reduced by 50 percent.~~

~~b. The number of parking spaces shall not exceed 125% of the minimum parking spaces required by Chapter 18.80.~~

~~c. The required parking spaces shall be within 500 feet of the commercial use; or~~

~~d. As an alternative to providing off-street parking, and with the approval of the City Planner, an amount established by City Council resolution can be paid to the City for a parking lot fund for the purpose of building and maintaining a public parking lot within 1,000 feet of the HOZ.~~

Commented [ME14]: In section HMC 18.80, Scot Siegel has proposed that we don't require parking in the historical zone, because traditionally, it's problematic. It can be encouraged onsite, if the applicant has room on the property. John has agreed with the exemption for the historical zone.

Chapter 18.70 - Access and Circulation

Sections:

18.70.010 Purpose

18.70.020 Applicability

18.70.020 Vehicular Access and Circulation

18.70.010 Purpose

Chapter 18.70 contains standards for vehicular and pedestrian access, circulation, and connectivity. The standards promote safe, reasonably direct, and convenient options for walking and bicycling, while accommodating vehicle access to individual properties, as needed.

18.70.020 Applicability

Chapter 18.70 applies to new development or changes in land use necessitating a new or modified street or highway connection. Except where the standards of a roadway authority other than the City supersede City standards, Chapter 18.70 applies to all connections to a street or highway, and to driveways and walkways. The City Administrator, through a Type II procedure, or Planning Commission, through a Type III procedure, may grant adjustments to Chapter 18.65, pursuant to the criteria of Chapter 19.40 Adjustments and Variances. This section also applies to internal circulation requirements for all projects subject to the site plan review process.

18.70.030 Vehicular Access and Circulation

A. Purpose and Intent. Section 18.70.030 implements the street access policies of the City of Harrisburg Transportation System Plan and serves as the street access management policy of the City of Harrisburg until such time as the City adopts a revised Transportation System Plan. It is intended to promote safe vehicle access, circulation, and egress to properties, while maintaining traffic operations in conformance with adopted standards. "Safety," for the purposes of this chapter, extends to all modes of transportation.

B. Permit Required. Vehicular access to a public street (e.g., a new or modified driveway connection to a street or highway) requires an approach permit approved by the applicable roadway authority. The City Administrator reviews permit requests for connections to City streets through a Type I procedure.

C. Traffic Study Requirements. The City, in reviewing a development proposal or other action requiring an approach permit, may require a traffic impact analysis or other traffic engineering analysis, pursuant to Section 18.85.020, to determine compliance with this code.

D. Approach and Driveway Development and Circulation Standards. Approaches and driveways shall conform to all of the following development standards:

1. The number of approaches on higher classification streets (e.g., collector and arterial streets) shall be minimized; where practicable, access shall be taken first from a lower classification street.
2. Approaches shall conform to the spacing standards of subsections E and F, below, and shall conform to minimum sight distance and channelization standards of the roadway authority.
3. Driveways shall be paved and meet applicable construction standards.
4.
 - a. 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.
 - b. 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.
 - c. These requirements are subject to amendments by the Oregon Fire Code Application Guide and upon mutual agreement of the City Engineer and local Fire Marshall or their authorized representatives.
5. The City Engineer may limit the number or location of connections to a street, or limit directional travel at an approach to one-way, right-turn only, or other restrictions, where the roadway authority requires mitigation to alleviate safety or traffic operations concerns.

6. Where the spacing standards of the roadway authority limit the number or location of connections to

Commented [SS15]: MIG did not review these standards except for cross-referencing and general consistency with other code sections.

Commented [SS16]: This allows the City to require a sight distance analysis and other studies as necessary to address operational and safety concerns.

Commented [JH17R16]: Agreed

a street or highway, the City Engineer or authorized City representative may require a driveway extend to one or more edges of a parcel and be designed to allow for future extension and inter-parcel circulation as adjacent properties develop. The City Engineer or authorized City representative may also require the owner(s) of the subject site to record an access easement for future joint use of the approach and driveway as the adjacent property(ies) develop(s).

7. Where applicable codes require emergency vehicle access, approaches and driveways shall be designed and constructed to accommodate emergency vehicle apparatus and shall conform to applicable fire protection requirements. The City Engineer or authorized City representative may restrict parking, require signage, or require other public safety improvements pursuant to the recommendations of an emergency service provider.
8. As applicable, approaches and driveways shall be designed and constructed to accommodate truck/trailer-turning movements.
9. Driveways shall accommodate all projected vehicular traffic on-site without vehicles stacking or backing up onto a street.
10. Driveways shall be designed so that vehicle areas, including, but not limited to, drive-up and drive-through facilities and vehicle storage and service areas, do not obstruct any public right-of-way.
11. Approaches and driveways shall not be wider than necessary to safely accommodate projected peak hour trips and turning movements, and shall be designed to minimize crossing distances for pedestrians.
12. As it deems necessary for pedestrian safety, the City Engineer or authorized representative, in consultation with the roadway authority, as applicable, may require that traffic-calming features, such as speed tables, textured driveway surfaces (e.g., pavers or similar devices), curb extensions, signage or traffic control devices, or other features, be installed on or in the vicinity of a site as a condition of development approval.
13. Construction of approaches along acceleration or deceleration lanes, and along tapered (reduced width) portions of a roadway, shall be avoided; except where no reasonable alternative exists and the approach does not create safety or traffic operations concern.
14. Approaches and driveways shall be located and designed to allow for safe maneuvering in and around loading areas, while avoiding conflicts with pedestrians, parking, landscaping, and buildings.
15. Where sidewalks or walkways occur adjacent to a roadway, driveway aprons constructed of concrete shall be installed between the driveway and roadway edge. The roadway authority may require the driveway apron be installed outside the required sidewalk or walkway surface, consistent with Americans with Disabilities Act (ADA) requirements, and to manage surface water runoff and protect the roadway surface.
16. Where an accessible route is required pursuant to ADA, approaches and driveways shall meet accessibility requirements where they coincide with an accessible route.
17. The City Engineer or authorized representative may require changes to the proposed configuration and design of an approach, including the number of drive aisles or lanes, surfacing, traffic-calming features, allowable turning movements, and other changes or mitigation, to ensure traffic safety and operations.

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- 18. Where a new approach onto a state highway or a change of use adjacent to a state highway requires ODOT approval, the applicant is responsible for obtaining ODOT approval. The City Engineer may approve a development conditionally, requiring the applicant first obtain required ODOT permit(s) before commencing development, in which case the City will work cooperatively with the applicant and ODOT to avoid unnecessary delays.
 - 19. Where an approach or driveway crosses a drainage ditch, canal, railroad, or other feature that is under the jurisdiction of another agency, the applicant is responsible for obtaining all required approvals and permits from that agency prior to commencing development.
 - 20. Where a proposed driveway crosses a culvert or drainage ditch, the City Engineer or authorized representative may require the developer to install a culvert extending under and beyond the edges of the driveway on both sides of it, pursuant to applicable public works design standards.
 - 21. Except as otherwise required by the applicable roadway authority or waived by the City Engineer, temporary driveways providing access to a construction site or staging area shall be paved or graveled to prevent tracking of mud onto adjacent paved streets.
 - 22. Development that increases impervious surface area shall conform to the storm drainage and surface water management requirements of Section 18.85.050.
- E.** Internal, on site, circulation of cars and persons on development in excess of 40,000 square feet or 1.5 acres shall conform to the following standards:
- 1. Driveway egress and/or ingress shall not impede the unrestricted access of pedestrians to the primary building.
 - 2. At least one curbed pedestrian walkway shall connect the parking lot to the primary structure.
 - 3. The development site parking plan will allow sufficient vehicle turning radices and parking lot spaces to accommodate large, 4-wheel drive personal pickups and SUVs as determined by the City Engineer.
 - 4. The development site parking plan will allow sufficient, dedicated area(s) to allow large truck loading and unloading zone(s) that do(es) not interfere with passenger vehicle or pedestrian circulation.
- F. Approach Separation from Street Intersections.** Except as provided by Section 18.70.030.H, the following minimum distances shall be maintained between approaches and street intersections, where distance is measured from the edge of an approach surface to the edge of the roadway at its ultimate designated width:
- 1. On an arterial street: 100 feet, except as required by ODOT, pursuant to Oregon Administrative Rule (OAR) 734-051, for state highways
 - 2. On a collector street: 50 feet
 - 3. On a local street: 20 feet
 - 4. Where existing conditions and easements limit separation distances, the City Engineer may grant reductions of up to 25%.

G. Approach Spacing. Except as provided by Section 18.70.030.H or as required to maintain street operations and safety, the following minimum distances shall be maintained between approaches, where distance is measured from the edge of one approach to the edge of another:

1. On an arterial street: 150-250 feet based on speed limit or posted speed, as applicable, except as otherwise required by ODOT for a state highway, pursuant to Oregon Administrative Rules (OAR) 734-051
2. On a collector street: 50-100 feet
3. On a local street: 20 feet, or the City Engineer or authorized representative may approve closer spacing where necessary to provide for on-street parking (e.g., between paired approaches)

H. Vision Clearance. No visual obstruction (e.g., sign, structure, solid fence, or shrub vegetation) between three feet and eight feet in height shall be placed in “vision clearance areas” at street intersections, as illustrated. The minimum vision clearance area may be modified by the City Engineer through a Type I procedure, upon finding that more or less sight distance is required (i.e., due to traffic speeds, roadway alignment, etc.). Placement of light poles, utility poles, and tree trunks should be avoided within vision clearance areas.

I. Exceptions and Adjustments to Spacing Standards. The City Engineer may approve adjustments to the spacing standards of subsections E and F, above, where an existing connection to a City street does not meet the standards of the roadway authority and the proposed development moves in the direction of better code compliance. The City Engineer through a Type I procedure may also approve a deviation to the spacing standards on City streets where it finds that mitigation measures, such as consolidated access (removal of one access), joint use driveways (more than one property uses same access), directional limitations (e.g., one-way), turning restrictions (e.g., right-in/right-out only), or other mitigation alleviate all traffic operations and safety concerns.

J. Joint Use Access Easement and Maintenance Agreement. Where the City requires and approves a joint use driveway, the property owners shall record an easement with the deed allowing joint use of and cross access between adjacent properties. The owners of the properties agreeing to joint use of the driveway shall record a joint maintenance agreement with the deed, defining maintenance responsibilities of property owners. The applicant shall provide a fully executed copy of the agreement to the City for its records, but the City is not responsible for maintaining the driveway or resolving any dispute between property owners.

Chapter 18.75 - Landscaping, Fences and Walls, Outdoor Lighting

Sections:

- 18.75.010 Purpose
- 18.75.020 Applicability
- 18.75.030 Landscaping and Screening
- 18.75.040 Fences and Walls
- 18.75.050 Outdoor Lighting

18.75.010 Purpose

Chapter 18.75 contains standards for landscaping and screening, fences, accessory walls, and outdoor lighting. The regulations are intended to protect public health, safety, and welfare by reducing development impacts (e.g., glare, noise, and visual impacts) on adjacent uses; minimizing erosion; slowing the rate of surface water runoff, thereby reducing infrastructure costs; buffering pedestrians from vehicle maneuvering areas; cooling buildings and parking lots in summer months with shade; and enhancing the city's appearance.

18.75.020 Applicability

A. Section 18.75.030 establishes design standards for landscaping and screening. Projects requiring Site Design Review or Land Division ~~approval of Major Partition and greater~~ shall meet the applicable landscape standards ~~of the applicable zone~~, including the standards in Table 18.45.040 and any Special Use requirements under Chapter 18.55, and the requirements of this chapter. Property owners are required to maintain landscaping and screening pursuant to subsection 18.75.030.G.

B. Section 18.75.040 establishes design standards for when a fence or a wall not attached to a building is to be erected, extended, or otherwise altered. It also applies to situations where this code requires screening or buffering (e.g., outdoor or unenclosed storage uses). The standards of Section 18.75.040 supplement the development standards in Table 18.45.040 and any applicable Special Use requirements under Chapter 18.55.

C. Section 18.75.050, Outdoor Lighting, applies to ~~all new outdoor lighting, i.e., lighting that is installed after the (effective date) of this title. i.e. located in new~~ developments that require site design review approval.

~~**D.** The City Administrator, through a Type II procedure, may grant adjustments to this chapter, pursuant to the criteria of Chapter 19.40 Adjustments and Variances. Said adjustments may be expanded upon clear evidence of economic hardship if the standards of Chapter 18.75 were strictly applied. (Leave first sentence but strike second —John—)~~

Commented [SS18]:

Commented [SS19]: Landscaping standards apply to partitions and subdivisions, for example requirements for street trees or screening of flag lot access lanes. There is no major partition.

Commented [JH20R19]: Don't entirely agree as we have major and minor partitions both of which fall under these standards

Commented [JH21R19]: However, I agree with his changes in Section 'A' and strike second sentence in 'D';

Commented [SS22]: Does the City intend to apply this code to building permits for single family and duplex dwellings? Most jurisdictions would apply lighting standards only to developments that require Site Design Review approval.

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Commented [SS23]: The variance criteria in Chapter 19.40 address this. Avoid duplicating or contradicting the criteria here.

Commented [ME24R23]: OK

18.75.030 Landscaping and Screening

- A. General Landscape Standard.** All portions of a lot not otherwise developed with buildings, accessory structures, vehicle maneuvering areas, or parking shall be landscaped as required by Table 18.45.040.E. All developments requiring site plan review, subdivisions, or ~~major~~ partitions shall include a formal landscape plan as part of their application.
- B. Minimum Landscape Area.** All lots shall conform to the minimum landscape area standards of the applicable zoning district, as contained in Table 18.45.040. The City Administrator, consistent with the purposes in Section 18.75.010, may allow credit toward the minimum landscape area for existing vegetation that is retained in the development. The City Administrator may apply landscaping credits for features such as patios, large rocks, barked or mulched areas, decorative concrete, etc.
- C. Plant Selection.** A combination of deciduous and evergreen trees, shrubs, and ground covers shall be used for all planted areas, the selection of which shall be based on local climate, exposure, water availability, and drainage conditions, among other factors. When new vegetation is planted, soils shall be amended and necessary irrigation shall be provided to allow for healthy plant growth. The selection of plants shall be based on all of the following standards and guidelines:
1. Use plants that are appropriate to the local climate, exposure, and water availability. The presence of utilities and drainage conditions shall also be considered. The City may rely on Oregon State University Extension Service bulletins or other expert sources in evaluating landscape plans. Plant species, size, and location shall be included on the landscape plan.
 2. Plant species that do not require irrigation once established (naturalized) are preferred over species that require regular irrigation.
 3. Trees shall be healthy and disease free and not less than 2-inch caliper for street trees and 1.5-inch caliper for other trees at the time of planting (measured 6 inches above ground level). Trees to be planted under or near power lines shall be selected so as to not conflict with power lines at maturity. Street trees must be selected from the city's approved list.
 4. Shrubs shall be planted from 5-gallon containers, minimum, where they are for required screens or buffers, and 2-gallon containers minimum elsewhere.
 5. Shrubs shall be spaced in order to provide the intended screen or canopy cover within two years of planting.
 6. All landscape areas, whether required or not, that are not planted with trees and shrubs or covered with allowable non-plant material, shall have ground cover plants that are sized and spaced to achieve plant coverage of not less than 75 percent at maturity. The City Administrator may reduce this standard by one-half where a project proposal includes preserving a Heritage Tree.
 7. Bark dust, chips, aggregate, rocks, or other non-plant ground covers may be used, but shall cover not more than 40 percent of any landscape area.
 8. Where storm water retention or detention, or water quality treatment facilities are proposed, they

shall be planted with water-tolerant species and may be counted toward meeting the landscaping requirement.

- 9. Existing mature trees that can thrive in a developed area and that do not conflict with other provisions of this Code shall be retained where specimens are in good health, have desirable aesthetic characteristics, and do not present a hazard.
- 10. Evergreen plants shall be used where a sight-obscuring landscape screen is required.
- 11. Deciduous trees should be used where summer shade and winter sunlight is desirable.
- 12. Landscape plans shall provide for both temporary and permanent erosion control measures, which shall include plantings where cuts or fills, including berms, swales, storm water detention facilities, and similar grading, is proposed.
- 13. When new vegetation is planted, soils shall be amended and irrigation provided until the plants are naturalized and able to grow on their own.

D. Historical Overlay District Streetscape Standard. Developers of projects within the City’s Historical District Zone can meet the landscape area requirement of subsection 18.75.030.B, in part, by installing street trees in front of their projects. The City Administrator shall grant credit toward the landscape area requirement using a ratio of 1:1, where one square foot of planted area (e.g., tree well or planter surface area) receives one square foot of credit. The City Administrator may grant additional landscape area credit by the same ratio where the developer widens the sidewalk, creates a plaza, adds street trees or lighting, or other civic space.

E. Parking Lot Landscaping. All of the following standards shall be met for parking lots in excess of 5000 square feet. If a development contains multiple parking lots, then the standards shall be evaluated separately for each parking lot.

- 1. 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.
- 2. 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 5000 square feet of total parking surface area.
- 3. 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.
- 4. Trees planted in tree wells within sidewalks or other paved areas shall be installed with root barriers, consistent with applicable nursery standards.

F. Screening Requirements. Screening is required for outdoor storage areas, unenclosed uses, and parking lots in the C-1 and PUZ zones, and may be required in other situations as determined by the City Administrator. Landscaping shall be provided pursuant to the standards of subsections 1-3, below:

- 1. **Outdoor Storage and Unenclosed Uses.** All areas of a site containing or proposed to contain outdoor storage of goods, materials, equipment, and vehicles (other than required parking lots and

service and delivery areas, per Site Design Review), and areas containing junk, salvage materials, or similar contents, shall be screened from view from adjacent rights-of-way and residential uses by a sight-obscuring fence, wall, landscape screen, or combination of screening methods. See also Section 18.75.040 for related fence and wall standards.

- 2. **Parking Lots.** The edges of parking lots shall be screened to minimize vehicle headlights shining into adjacent rights-of-way and residential yards. Parking lots abutting a sidewalk or walkway shall be screened using a low-growing hedge or low garden wall to a height of between three feet and four feet.
- 3. **Other Uses Requiring Screening.** The City Administrator may require screening in other situations as authorized by this Code, including, but not limited to, outdoor storage areas, blank walls, accessory dwelling units, Special Uses pursuant to Chapter 18.55, [flag lots,] and as mitigation where an applicant has requested an adjustment pursuant to Chapter 19.40.

G. Maintenance. All landscaping shall be maintained in good condition, or otherwise replaced by the property owner.

18.75.040 Fences and Walls

A. Purpose. This section provides general development standards for fences, and walls that are not part of a building, such as screening walls and retaining walls.

B. Applicability. Section 18.75.040 applies to all fences, and walls that are not part of a building, including modifications to existing fences and walls. This section supplements the development standards of Table 18.45.040.

C. Height.

- 1. Residential Zones.** Fences and freestanding walls (i.e., exclusive of building walls) for residential uses shall not exceed the following heights above grade, where grade is measured from the base of the subject fence or wall:
 - a. Within Front or Street-Side Yard Setback: four feet if fence does not obstruct more than 50% visual clearance; three feet if sight is obscured more than 50%; except the following additional height is allowed:
 - (1) A fence may be constructed to a maximum height of seven feet where it is located on a street- side yard and is setback not less than three feet from the street-side property line behind a landscaped area.
 - (2) A fence may be constructed to a maximum height of six feet where the fence is of open chain link or other “see-through” composition that allows 90 percent light transmission.
 - b. Within an Interior Side or Rear Yard Setback: seven feet; except the fence or wall height, as applicable, shall not exceed the distance from the fence or wall line to the nearest primary structure on an adjacent property.
 - c. A fence, landscaping, or both shall be required for all new, non-detached accessory dwelling unit. Required fencing and/or landscaping shall be sufficient to maintain prior existing privacy with adjacent and developed residential uses.

- 2. Non-Residential Zones.** Fences and freestanding walls (i.e., exclusive of building walls) for non-residential uses shall not exceed the following height above grade, where grade is measured from the base of the subject fence or wall:
 - a. Within Front or Street-Side Yard Setback: four feet if fence does not obstruct more than 50% visual clearance; three feet if sight is obscured more than 50%, except the following additional height is allowed for properties located within an industrial, public, or institutional zone:
 - (1) A fence or wall may be constructed to a maximum height of seven feet where the fence is setback behind the front or street side property line behind a five-foot landscape buffer.
 - (2) A fence or wall may be constructed to a maximum height of eight feet where the fence or wall is setback behind the front or street side property line behind a eight-foot landscape buffer.

(3) Where approved by the City Administrator, a fence constructed of open chain link or other “see-through” composition that allows 90 percent light transmission may reach a height of up to eight feet.

b. Within an Interior Side or Rear Yard Setback: eight feet; except the fence or wall height, as applicable, shall not exceed the distance from the fence or wall line to the nearest primary structure on an adjacent property.

3. **All Zones.** Fences and walls shall comply with the vision clearance standards of Section 18.70.020. Other provisions of this Code, or the requirements of the roadway authority, may limit allowable height of a fence or wall below the height limits of this section.

D. Materials.

1. Permitted fence and wall materials include weather-treated wood; untreated cedar and redwood; metal (e.g., chain link, wrought iron, and similar fences); bricks, stone, masonry block, formed-in-place concrete, or similar masonry; vinyl and composite (e.g., recycled) materials designed for use as fencing; and similar materials as determined by the City Administrator. In addition, evergreen hedges are considered screening walls for the purpose of this chapter, subject to Site Design Review approval.

2. Prohibited fence and wall materials include straw bales, tarps, barbed or razor wire (except in an Industrial zone); scrap lumber, untreated wood (except cedar or redwood), corrugated metal, sheet metal, scrap materials; dead, diseased, or dying plants; and materials similar to those listed herein.

E. Permitting. A permit is required to install a fence of seven feet or more in height, or a wall that is four feet or more in height. All other walls and fences require review and approval by the Public Works Director through a free fence permit. The City Administrator may require installation of walls or fences as a condition of approval for development, as provided by other Code sections. A building permit may be required for some fences and walls, pursuant to applicable building codes.

F. Maintenance. Fences and walls shall be maintained in good condition, or otherwise replaced by the property owner.

18.75.050 Outdoor Lighting

A. Purpose. This section contains regulations requiring adequate levels of outdoor lighting while minimizing negative impacts of light pollution.

B. Applicability. All outdoor lighting shall comply with the standards of this section.

C. Standards.

1. Light poles, except as required by a roadway authority or public safety agency, shall not exceed a height of 20 feet; ~~except that P-pedestal-~~ or bollard-style lighting is the preferred method illuminating walkways. This limitation does not apply to flag poles, utility poles, and streetlights.
2. Where a light standard is placed over a sidewalk or walkway, a minimum vertical clearance of eight feet shall be maintained.
3. Outdoor lighting levels shall be subject to review and approval as part of the Site Design Review, Subdivisions, or a Type II commercial or industrial application. ~~As a guideline, lighting levels shall be sufficient but no greater than necessary to provide for pedestrian safety, property or business identification, and crime prevention. [See also, the City of Harrisburg Sign Code, Chapter 18.90.]~~
4. Except as provided for up-lighting of flags and permitted building-mounted signs, all outdoor light fixtures shall be directed downward, and have full cutoff and full shielding to preserve views of the night sky and to minimize excessive light spillover onto adjacent properties.
5. Lighting shall be installed where it will not obstruct public ways, driveways, or walkways.
6. Where a light standard is placed within a walkway, an unobstructed pedestrian through zone not less than 36 inches wide shall be maintained.
7. Lighting subject to this section shall consist of materials approved for outdoor use and shall be installed according to the manufacturer’s specifications.

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Commented [SS25]: This is very subjective and may not be enforceable. An applicant not wanting to pay for lighting might argue that no lighting is necessary because ambient lighting from existing street lights and buildings provides sufficient illumination. If the Planning Commission disagrees, the burden is then on the City to demonstrate why the applicant is wrong. The alternative is to adopt an actual lighting ordinance with performance standards and plan submittal requirements.

Commented [JH26R25]: Partially agree and revised the wording in #3

D. Permitting. A land use permit is not required to install or replace outdoor lighting. The City Administrator may require lighting as a condition of approval for some projects, pursuant to other Code requirements.

E. Maintenance. For public health and safety, outdoor lighting shall be maintained in good condition, or otherwise replaced by the property owner.

Chapter 18.80 - Parking and Loading

Sections:

- 18.80.010 Purpose
- 18.80.020 Applicability General Regulations
- 18.80.030 Automobile Parking
- 18.80.040 Bicycle Parking
- 18.80.050 Loading Areas

18.80.010 Purpose

Chapter 18.80 contains requirements for automobile and bicycle parking. The code is intended to be flexible in requiring adequate parking, rather than a minimum number of parking spaces, for each use. It provides standards for the location, size, and design of parking areas to ensure such areas can be accessed safely and efficiently. The code also encourages non-motorized transportation by requiring bicycle parking for some uses.

18.80.020 Applicability and General Regulations

- A. Where the Regulations Apply.** The regulations of this chapter apply to all parking areas in all zones, at all times, whether a parking area is required by this Code or ~~put-in-created~~ for the convenience of property owners or users.
- B. Occupancy.** All required parking areas must be developed in accordance with the requirements of this code prior to occupancy of any structure on the subject site. Where landscaping, screening or other improvements are required pursuant to this Code, all such improvements must be installed and approved by the City Administrator prior to occupancy.
- C. Calculations of Amounts of Required and Allowed Parking.**
 - 1. When computing parking spaces based on floor area, parking structures and non-leasable floor spaces, such as storage closets, mechanical equipment rooms, and similar spaces, are not counted.
 - 2. The number of parking spaces is computed based on the primary uses on the site only, except as stated in subsection 3, below. When there are two or more separate primary uses on a site, the minimum and maximum parking for the site is the sum of the required or allowed parking for the individual primary uses. For shared parking, see Section 18.80.030.D below.
 - 3. When more than 20 percent of the floor area on a site is in an accessory use, the required or allowed parking is calculated separately for the accessory use. An example would be a 10,000 square foot building with a 7,000 square foot warehouse and a 3,000 square foot accessory retail area. The minimum and maximum parking would be computed separately for the retail and warehouse uses.

4. Required parking spaces periodically used for the storage of equipment or goods may be counted toward meeting minimum parking standards, provided that such storage is an allowed use under Section 18.45.030, and is permitted as a Temporary Use under Section 18.50.150.

D. Use of Required Parking Spaces. Except as otherwise provided by this section, required parking spaces must be available for residents, customers, or employees of the use. Fees may be charged for the use of required parking spaces. Required parking spaces may not be assigned in any way to a use on another site, except as approved by the City for shared parking pursuant to Section 18.80.030.

E. Proximity of Parking to Use. Required parking spaces for residential uses must be located on the site of the use or on a parcel or tract owned in common by all the owners of the properties that will use the parking area. Required parking spaces for nonresidential uses must be located on the site of the use or in an approved parking area that has its closest pedestrian access point within 400 feet of the site.

F. Improvement of Parking Areas. Motorized vehicle parking is allowed only on streets with an improved shoulder of sufficient width; within garages, carports, and other approved structures; and on driveways or parking lots that have been developed in conformance with this Code. For applicable design standards, see Chapter 18.65 Building Orientation and Design, Chapter 18.70 Access and Circulation, Chapter 18.75 Landscaping and Screening, and Chapter 18.85 Public Facilities.

18.80.030 Automobile Parking

A. Minimum Number of Off-Street Automobile Parking Spaces. Except as provided by subsection 18.80.030.A, or as required for Americans with Disabilities Act compliance under subsection 18.80.030.G, off-street parking shall be provided pursuant to one of the following three standards:

1. The standards in Table 18.80.030.A;
2. A standard from Table 18.80.030.A for a use that the City Administrator determines is similar to the proposed use; or
3. Subsection 18.80.030.B Exceptions, which includes a Parking Demand Analysis option.

| Table 18.80.030.A – Automobile Parking Spaces by Use | |
|--|---|
| Use Categories <small>(Chapter 19.55 contains examples of uses and definitions.)</small> | Minimum Parking per Land Use <small>(Fractions are rounded down to the closest whole number.)</small> |
| Residential Categories | |
| Household Living | |
| Single-Family Dwelling, including manufactured homes on lots | two spaces per dwelling |
| Duplex | two spaces per duplex |
| Multifamily | 2.05-1.5 spaces per dwelling unit |
| Group Living, such as nursing or convalescent homes, rest homes, assisted living, congregate care, and similar special needs housing | 0.5 space per four bedrooms |

Commented [SS27]: This is excessive. Recommend requiring a minimum 1 space per unit, same as for a duplex, and spaces for management and visitor parking. Alternatively, allow credit for on-street parking that abuts a multifamily development site.

Commented [ME28R27]: I can see 2.5 as being excessive, but not 2 spaces. We have a lot of conflict where multifamily homes abut single family dwellings

Commented [JH29R27]: Don;t agree this parking standard is excessive as multi-family housing, even duplexes, often create off-site parking issues. Also this was an area of concern for the PC

| Table 18.80.03.A – Automobile Parking Spaces by Use | |
|---|---|
| Use Categories (Chapter 19.55 contains examples of uses and definitions.) | Minimum Parking per Land Use (Fractions are rounded down to the closest whole number.) |
| Commercial Categories | |
| Commercial Outdoor Recreation | per Conditional Use Permit review (Chapter 18.110) |
| Bed and Breakfast Inn | two spaces per use, plus one space for each bedroom offered as lodging |
| Educational Services, not a school (e.g., tutoring or similar services) | one space per 300 sq. ft. floor area |
| Entertainment, Major Event | per Conditional Use Permit review (Chapter 18.110) |
| Hotels, Motels, and similar uses | 0.75 space per guest room. See also, parking requirements for associated uses, such as restaurants, entertainment uses, drinking establishments, assembly facilities. One space per 2 employees |
| Mortuary or Funeral Home | one space per 300 sq. ft. floor area |
| Offices | General Office: one space per 500 sq. ft. floor area Medical or Dental Office: one space per 500 sq. ft. floor area |
| Outdoor Recreation, Commercial | per Conditional Use Permit review (Chapter 18.110) |
| Surface Parking Lot, when not accessory to a permitted use | per Conditional Use Permit review (Chapter 18.110) |
| Quick Vehicle Servicing or Vehicle Repair | two spaces, excluding vehicle service or queuing area, or per Conditional Use Permit review (Chapter 18.110) |
| | <u>Bank</u> : one space per 300 sq. ft. floor area |
| Retail Sales and Commercial Service | <u>Retail</u> : one space per 300 sq. ft. floor area, except one space per 1,000 sq. ft. for bulk retail (e.g., auto sales, nurseries, lumber and construction materials, furniture, appliances, and similar sales) |
| | <u>Restaurants and Bars</u> : one space per 200 sq. ft. floor area |
| | <u>Health Clubs, Gyms, Continuous Entertainment (e.g., bowling alleys)</u> : one space per 300 sq. ft. |
| | <u>Theaters and Cinemas</u> : one space per six seats |
| Self-Service Storage | Two spaces, plus adequate space for loading and unloading |
| Industrial Categories | |
| Industrial Service | one space per 1,000 sq. ft. of floor area |
| Manufacturing and Production | one space per 1,000 sq. ft. of floor area; or as required by Conditional Use Permit review (Chapter 18.110) |
| Warehouse and Freight Movement | 0.5 space per 1,000 sq. ft. of floor area; or as required by Conditional Use Permit review (Chapter 18.110) |
| Waste-Related | per Conditional Use Permit review (Chapter 18.110) |
| Wholesale Sales, e.g., Building Materials, Heavy Equipment, Agricultural Supplies, etc. | one space per 750 sq. ft. |

| Table 18.80.030.A – Automobile Parking Spaces by Use | |
|---|--|
| Use Categories (Chapter 19.55 contains examples of uses and definitions.) | Minimum Parking per Land Use (Fractions are rounded down to the closest whole number.) |
| Institutional Categories | |
| Basic Utilities | Parking based on applicant’s projected parking demand, subject to City Approval |
| Community Service, including Government Offices and Services | Parking based on applicant’s projected parking demand, subject to City approval, except as specifically required elsewhere in this table for individual uses (See public assembly, office, retail, housing, etc.) |
| Daycare | Family Daycare: 1 space, plus required parking for dwelling Daycare Center: 1 space per 400 sq. ft. of floor area |
| Medical Center or Hospital | one space per 300 sq. ft. floor area |
| Parks and Open Space | Parking based on projected parking demand for planned uses |
| Public Assembly | one space per 75 sq. ft. of public assembly area; or as required by Conditional Use Permit (Chapter 18.110) |
| Religious Institutions and Houses of Worship | one space per 75 sq. ft. of main assembly area; or as required by Conditional Use Permit (Chapter 18.110) |
| Schools | Pre-School through Middle-School: one space per classroom |
| | High Schools: seven spaces per classroom |
| | Colleges: one space per 400 sq. ft. of floor area exclusive of dormitories, plus one space per two dorm rooms |
| Other Categories | |
| Accessory Uses | Parking standards for accessory uses are the same as for primary uses, but are prorated based on the percentage of estimated overall parking demand, subject to City review and approval. See Section 18.80.020.C.2 |
| Agriculture | None, except as required for accessory uses |
| Radio Frequency Transmission Facilities | None, except as required by Conditional Use Permit (Chapter 18.110) |
| Temporary Uses | Parking standards for temporary uses are the same as for primary uses, except that the City Administrator may reduce or waive certain development and designs standards for temporary uses. |
| Transportation Facilities (operation, maintenance, preservation, and construction) | None, except for park-and-ride facilities; and where temporary parking is required for construction staging areas |
| | |

Commented [ME30]: John says that he isn't sure why Scot struck the Accessory Uses Parking Standard. What we use is ok, but it's not a big deal to leave it out.

B. Exceptions and Reductions to Off-Street Parking.

1. There is no minimum number of required automobile parking spaces for uses within the Downtown Historic District zone; ~~except that where a change of use or new development occurs, and space is available on the property for an additional parking area.~~

2. The applicant may propose a parking standard that is different than the standard under subsections 18.80.030.A(1) and (2), above, for review and action by the City Administrator through a Type II procedure. The applicant's proposal shall consist of a written request and a parking analysis, ~~preferably prepared by a qualified professional.~~ The parking analysis, at a minimum, shall assess the average current or anticipated parking demand and available supply for existing and proposed uses on the subject site; opportunities for shared parking with other uses in the vicinity; existing public parking in the vicinity; transportation options existing or planned near the site, such as frequent bus service, carpools, or private shuttles; and other relevant factors. †

2.3. The City Planning Commission through a Type III procedure may reduce the off-street parking standards of Table 18.80.030.A for sites with one or more of the following features:

- a. Site has a bus stop with frequent transit service located adjacent to it, and the site's frontage is improved with a bus stop waiting shelter, consistent with the standards of the applicable transit service provider: Allow up to a 20 percent reduction to the standard number of automobile parking spaces;
- b. Site has dedicated parking spaces for carpool or vanpool vehicles: Allow up to a 10 percent reduction to the standard number of automobile parking spaces;
- c. Site has dedicated parking spaces for bicycles, motorcycles, scooters, or electric carts: Allow reductions to the standard dimensions for parking spaces;
- d. Site is located in the C-I Zone banded by 3rd Street, Monroe, Kesling and 1st Street.
- e. Site has more than the minimum number of required bicycle parking spaces: Allow up to a 5-10 percent reduction to the number of automobile parking spaces.

4. ~~The number of required off-street parking spaces may be reduced.~~ Met through the provision of shared parking, pursuant to Section 18.80.030.D.†

3-5.4. The City Administrator through a Type II procedure may reduce the off-street parking standards of Table 18.80.030.A by one parking space for every two on-street parking spaces located adjacent to the subject site, provided the parking spaces meet the dimensional standards of Section 18.80.030.E.

5. The City Administrator or Planning Commission may authorize the payment of a fee to the City for future ~~development or management~~ of public parking areas to offset up to 50% of the requirements of Table 18.80.030.A.

Commented [SS31]: This is problematic where there is a change of use in a historic building or other site that does not have space for additional parking. Suggest exempting the historic district from minimum parking standards.

Commented [ME32R31]: Should we exempt the historic district?

Commented [JH33R31]: Yes, makes sense to make a blanket exemption. I struck everything in #1 after the word 'zone'

Commented [ME34]: HMC 18.65.050(S) has been modified according to the strings of comments above.

Commented [SS35]: This is not enforceable. Require the report be prepared by a qualified professional, or accept other evidence, for example a letter provided by the business owner if a business.

Commented [ME36R35]: Changed to require analysis by qualified professional.

Commented [JH37R35]: agreed

Commented [SS38]: Deleted the section below on shared parking. Shared parking is an alternative location for, not a reduction to, required parking.

Commented [ME39R38]: OK

Commented [JH40R38]: Doesn't make sense to strike this entire section, made changes to clarify

Commented [SS41]: Suggest adding management because parking problems are not always due to supply.

C. Shared parking. Required parking facilities for two or more uses, structures, or parcels of land may be satisfied by the same parking facilities used jointly, to the extent that the owners or operators show that the need for parking facilities does not materially overlap. Shared parking requests shall be subject to review and approval through a ~~Type II or III~~ process.

Commented [SS42]: Decide, Type II or III. (Suggest Type II for streamlining. The City Administrator can always refer an application to the Planning Commission.)

Commented [JH43R42]: OK WITH THIS

D. 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.E 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 Section 18.80.050.

| Table 18.80.030.E - Parking Area Minimum Dimensions* | | | | | | | | |
|--|-------------|-------------|-----------|-------------|------------|------------|------------|---------------|
| PARKING ANGLE < ° | CURB LENGTH | STALL DEPTH | | AISLE WIDTH | | BAY WIDTH | | STRIPE LENGTH |
| | | SINGLE D1 | DOUBLE D2 | ONE WAY A1 | TWO WAY A2 | ONE WAY B1 | TWO WAY B2 | |
| 90° | 8'-6" | 18' | 36' | 23' | 23' | 59' | 59' | 18' |
| 60° | 10' | 20' | 40' | 17' | 18' | 57' | 58' | 23' |
| 45° | 12' | 18'-6" | 37' | 13' | 18' | 50' | 55' | 26'-6" |
| 30° | 17' | 16'-6" | 33' | 12' | 18' | 45' | 51' | 32'-8" |
| 0° | 22' | 8'-6" | 17' | 12' | 18' | 29' | 35' | 8'-6" |

*See also, Chapter 18.65 Building Orientation and Design for parking location requirements for some types of development; Chapter 18.70 Access and Circulation for driveway standards; and Chapter 18.75 for requirements related to Landscaping, Screening, Fences, Walls, and Outdoor Lighting.

E. Adjustments to Parking Area Dimensions. The dimensions in subsection 18.80.030.E are minimum standards. The City Administrator, through a Type II procedure, may adjust the dimensions based on evidence that a particular use will require more or less maneuvering area, [where the criteria in Section 19.40.030.B are met](#). For example, the City Administrator may approve an adjustment where an attendant will be present to move vehicles, as with valet parking. In such cases, a form of guarantee must be filed with the City ensuring that an attendant will always be present when the lot is in operation.

Commented [SS44]: Refer to Chapter 19.40 Variances and Adjustments?

Commented [JH45R44]: Disagree

F. Americans with Disabilities Act (ADA). Parking shall be provided consistent with ADA requirements, including, but not limited to, the minimum number of spaces for automobiles, van-accessible spaces, location of spaces relative to building entrances, accessible routes between parking areas and building entrances, identification signs, lighting, and other design and construction requirements.

G. Electric Charging Stations. Charging stations for electric vehicles are allowed as an accessory use to parking areas developed in conformance with this Code, provided the charging station complies with applicable building codes and any applicable state or federal requirements. Charging stations are considered accessory to a permitted use and are not considered a quick vehicle service use where such parking comprises less than 10% of all on-site parking. **SHALL COUNT TOWARD MEETING PARKING REQUIREMENTS** ~~Electric Charging Stations shall not count toward minimum parking standards.~~

Commented [SS46]: Do these spaces count toward minimum parking standard?

Commented [JH47R46]: I THINK THEY SHOULD

18.80.040 Loading Areas

A. Purpose. The purpose of Section 18.80.050 is to provide adequate loading areas for commercial and industrial uses that do not interfere with the operation of adjacent streets.

B. Applicability. Section 18.80.050 applies to uses that are expected to have service or delivery truck visits as part of their normal operations. It applies only to uses visited by trucks with a 40-foot or longer wheelbase, at a frequency of one or more vehicles per week. The City Planning Commission shall determine through Site Design Review the number, size, location, and design, access and circulation and other requirements of required loading areas, if any.

Chapter 18.85 - Public Facilities

Sections:

- 18.85.010 Purpose and Applicability
- 18.85.020 Transportation Standards
- 18.85.030 Public Use Areas
- 18.85.040 Sanitary Sewer and Water Service Improvements
- 18.85.050 ~~Storm Drainage and Surface Water Management Facilities~~
- 18.85.060 Utilities
- 18.85.070 Easements
- 18.85.080 Construction Plan Approval
- 18.85.090 Facility Installation
- 18.85.100 Performance Guarantee and Warranty

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18.85.010 Purpose and Applicability

- A. Purpose.** The standards of Chapter 18.85 implement the public facility policies of the City of Harrisburg Comprehensive Plan and the City's adopted ~~City-public facility~~ master plans.
- B. Applicability.** Chapter 18.85 applies to ~~all new developments, including projects~~ subject to Land Division (Subdivision or Partition) approval and developments subject to Site Design Review where public facility improvements are required. All public facility improvements within the city shall occur in accordance with the standards and procedures of this chapter. ~~When a question arises as to the intent or application of any standard, the Planning Commission shall interpret the Code pursuant to Chapter 18.30.~~
- C. Public Works / Engineering Design Standards.** All public facility improvements, including, but not limited to, sanitary sewer, water, transportation, surface water and storm drainage, and parks projects, whether required as a condition of development or provided voluntarily, shall conform to the City of Harrisburg "Design Manual". Where a conflict occurs between this Code and the Manual, the provisions of the Design Manual shall govern.
- D. Public Improvement Requirement.** No building permit may be issued until all required public facility improvements are in place and approved by the Public Works Director and/or City Engineer, or otherwise bonded, ~~or~~, The City may allow deferral of required public improvements and require the applicant to record certification of non-remonstrance recorded in conformance with the provisions of this Code and the Design Manual.
- D.E.** Improvements required as a condition of development approval, when not voluntarily provided by the applicant, shall be roughly proportional to the impact of the development on public facilities. Findings in the development approval shall indicate how the required improvements directly relate to and are roughly proportional to the impact of development.

Commented [SS48]: Removed extraneous text regarding interpretations.

Commented [JH49R48]: OK

Commented [SS50]: The non-remonstrance agreement is not a guarantee of improvements like a bond. It only states that the property owner will not object to the formation of a local improvement district or other assessment used to fund the improvement at a later time. Note that these agreements can be difficult to enforce.

Commented [JH51R50]: THIS SENTENCE (IN BLUE) DOES NOT REFER TO NON-REMONSTRANCE BUT TO OVERALL OFF-SITE PUBLIC IMPROVEMENTS aka THE TIGARD RULING OF SOME YEARS AGO

18.85.020 Transportation Standards

A. General Requirements.

1. Except as provided by subsection 5, below, existing substandard streets and planned streets within or abutting a proposed development shall be improved in accordance with the standards of Chapter 18.85 as a condition of development approval.
2. All street improvements, including the extension or widening of existing streets and public access ways, shall conform to Section 18.85.020, and shall be constructed consistent with the City of Harrisburg Engineering Design Standards Manual.
3. All new publicly-owned streets shall be contained within a public right-of-way. Public pedestrian access ways (e.g., pedestrian ways) may be contained within a right-of-way or a public access easement, as required by the City Engineer subject to review and approval of the Planning Commission.
4. The purpose of this subsection is coordinate the review of land use applications with roadway authorities and to implement Section 660-012-0045(2)(e) of the state Transportation Planning Rule, which requires the City to adopt a process to apply conditions to development proposals in order to minimize impacts and protect transportation facilities.
 - a. ~~(When a Traffic Impact Analysis is Required Necessary)~~ The City or other road authority with jurisdiction may require a Traffic Impact Analysis (TIA) as part of an application for development, a change in use, or a change in access. A TIA may be required by the City Administrator where a change of use or a development would involve one or more of the following:
 - (1) A change in zoning or a plan amendment designation, as may be required to determine compliance with OAR 660-012-0060 Transportation Planning Rule;
 - (2) Operational or safety concerns documented in writing by a road authority;
 - (3) An increase in site traffic volume generation by 300 Average Daily Trips (ADT) or more;
 - (4) An increase in peak hour volume of a particular movement to and from a street or highway by 20 percent or more;
 - (5) An increase in the use of adjacent streets by vehicles exceeding the 20,000 pound gross vehicle weights by 10 vehicles or more per day;
 - (6) Existing or proposed approaches or access connections that do not meet minimum spacing or sight distance requirements or are located where vehicles entering or leaving the property are restricted, or such vehicles are likely to queue or hesitate at an approach or access connection,

Commented [SS52]: Suggest making this the City Engineer or City Administrator decision. It is not a land use issue but rather a question of maintenance and liability, a budgetary issue.

Commented [JH53R52]: OK

creating a safety hazard;

(7) A change in internal traffic patterns that may cause safety concerns; or

(8) A TIA required by ODOT pursuant to OAR 734-051.

b. Traffic Impact Analysis Preparation. A professional engineer registered by the State of Oregon, in accordance with the requirements of the road authority, shall prepare the Traffic Impact Analysis.

5. The City Engineer or authorized representative may waive or allow deferral of standard street improvements, including sidewalk, roadway, bicycle lane, undergrounding of utilities, and landscaping, as applicable, where one or more of the following conditions in (a) through (d) is met. Where the City Engineer or authorized representative agrees to defer a street improvement, it shall do so only where the property owner agrees not to remonstrate against the formation of a local improvement district in the future.

a. The standard improvement conflicts with an adopted capital improvement plan.

b. The standard improvement would create a safety hazard.

c. It is unlikely due to the developed condition of adjacent property that the subject improvement would be extended in the foreseeable future, and the improvement under consideration does not by itself significantly improve transportation operations or safety.

d. The improvement under consideration is part of an approved minor partition in the R-1 or R-2 zones and the proposed partition does not create any new street.

e. ~~The City Administrator may accept development of a privately-owned street in lieu of a waive-standard public street improvement, where the private street is designed to serve pedestrian, bicycle, and local automobile traffic and is not contrary to the City's Transportation Systems Plan or other Development Code standard requirements for privately-owned/developed streets.~~

Commented [SS54]: Adding criteria for allowing private street.

Commented [JH55R54]: GOOD CHANGE

B. Street Location, Alignment, Extension, and Grades.

1. All new streets, to the extent practicable, shall connect to the existing street network and allow for the continuation of an interconnected street network, consistent with adopted public facility plans and pursuant to subsection 18.85.020.D Transportation Connectivity and Future Street Plans.

2. Specific street locations and alignments shall be determined in relation to existing and planned streets, topographic conditions, public convenience and safety, and in appropriate relation to the proposed use of the land to be served by such streets.

3. Grades of streets shall conform as closely as practicable to the original (pre-development) topography to minimize grading.

4. New streets and street extensions exceeding a grade of 15 percent over a distance more than 200 feet, to the extent practicable, shall be avoided. Where such grades are unavoidable, the Planning Commission may approve an exception to the 200-foot standard and require mitigation, such as a secondary access for the subdivision, installation of fire protection sprinkler systems in dwellings, or other mitigation to

protect public health and safety.

5. Where the locations of planned streets are shown on a local street network plan, the development shall implement the street(s) as shown on the plan.
6. Where required local street connections are not shown on an adopted City street plan, or the adopted street plan does not designate future streets with sufficient specificity, the development shall provide for the reasonable continuation and connection of existing streets to adjacent developable properties, conforming to the standards of this Code and approval of the Public Works Director and/or City Engineer.
7. Existing street-ends that abut a proposed development site shall be extended within the development, unless prevented by environmental or topographical constraints, existing development patterns, or compliance with other standards in this Code. In such situations, the applicant must provide evidence that the environmental or topographic constraint precludes reasonable street connection.
8. Proposed streets and any street extensions required pursuant to this section shall be located, designed, and constructed to allow continuity in street alignments and to facilitate future development of vacant or redevelopable lands.

C. Rights-of-Way and Street Section Widths. The standards contained in Table 18.85.020.C are intended: to provide for streets of suitable location, width, and design to accommodate expected vehicle, pedestrian, and bicycle traffic; to afford satisfactory access to law enforcement, fire protection, sanitation, and road maintenance equipment; and to provide a convenient and accessible network of streets, avoiding undue hardships to adjoining properties. Where a range of street width or improvement options is indicated, the City Administrator or Planning Commission shall determine requirements based on the advice of a qualified professional and all of the following factors:

1. Street classification and requirements of the roadway authority, if different than the City's street classifications and requirements;
2. Existing and projected street operations relative to applicable standards;
3. Safety of motorists, pedestrians, bicyclists, and transit users, including consideration of accident history;
4. Convenience and comfort for pedestrians, bicyclists, and transit users;
5. Provision of on-street parking;
6. Placement of utilities;
7. Street lighting;
8. Slope stability, erosion control, and minimizing cuts and fills;
9. Surface water management and storm drainage requirements;
10. Emergency vehicles or apparatus and emergency access, including evacuation needs;
11. Transitions between varying street widths (i.e., existing streets and new streets); and
12. Other factors related to public health, safety, and welfare.

| Width of each of the following (in feet) | Alleys | | Neighborhood /Local | | Collector | | Arterial | | Transit/Rail Corridor | | Recreational Street | |
|--|--------|--------|---------------------|--------|-----------|--------|----------|--------|-----------------------|--------|---------------------|--------|
| | R/W | Street | R/W | Street | R/W | Street | R/W | Street | R/W | Street | R/W | Street |
| Extra R/W | 2 | - | 1 | - | 1 | - | 1 | - | 1 | - | 1 | - |
| Planter or utility | - | - | 5 | - | 6 | - | 6 | - | - | - | - | - |
| Sidewalk | - | - | 5 | - | 6 | - | 6 | - | 5 | 5 | - | - |
| Bike Lane | - | - | - | - | 6 | 6 | 6 | 6 | - | - | - | - |
| Parking lane | - | - | 8 | 8 | 8 | 8 | 8 | 8 | 8 | 8 | - | - |
| Travel or turn lane | - | 12 | 10 | 10 | 11 | 11 | 12 | 12 | 14 | 14 | - | - |
| Railroad corridor | - | - | - | - | - | - | - | - | 14-20 | 14-20 | - | - |
| Minimum Street Width | 12 | | 29 | | 36 | | 48 | | 48 | | - | |
| Right of Way | 14 | | 45-50 | | 60 | | 60-72 | | 60-72 | | - | |

Commented [SS56]: The table is incomplete for Recreational Street.

Commented [SS56]: The table is incomplete for Recreational Street.

Commented [SS57]: These numbers do not add up. Suggest using the table format from the Oregon Model Code (page 3-79) https://www.oregon.gov/lcd/TGM/Documents/ModelCode/ART3_OMC_ed3.1.pdf

Commented [SS57]: These numbers do not add up. Suggest using the table format from the Oregon Model Code (page 3-79) https://www.oregon.gov/lcd/TGM/Documents/ModelCode/ART3_OMC_ed3.1.pdf

Commented [JH58R57]: YES, THESE CAME FROM OUR CITY ENGINEER NOT MODEL CODE

Commented [JH58R57]: YES, THESE CAME FROM OUR CITY ENGINEER NOT MODEL CODE

Commented [SS59]: The dimensions appear to be for one half of each type of street only.

Commented [SS59]: The dimensions appear to be for one half of each type of street only.

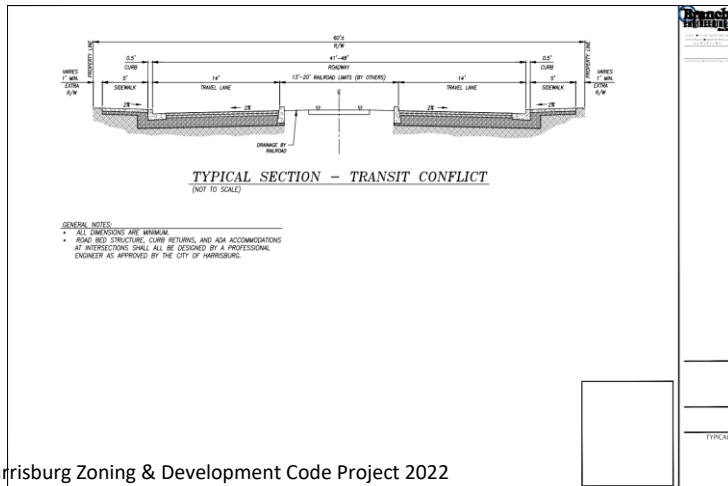
Commented [SS60]: Unclear why this street section is included and others are not. Is this section typical?

Commented [ME61R60]: The City added this section specifically to require a certain design in relation to a railroad located in a city ROW. It is atypical.

Commented [JH62R60]: YEAH, DON'T SEE A PROBLEM

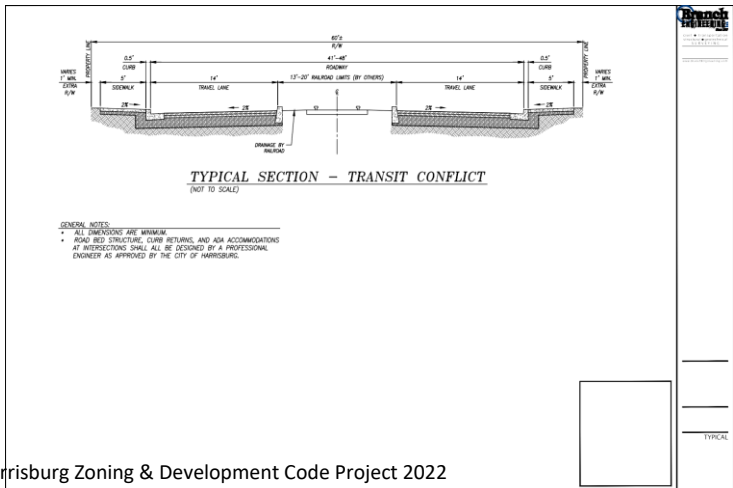
*All streets shall be improved in accordance with the construction standards and specifications of the applicable roadway authority, including requirements for pavement, curbs, drainage, striping, and traffic control devices. Where a park strip is provided it shall consist of a minimum [4-8]-foot-wide planter/utility strip between the sidewalk and the curb or roadway. Where a swale is provided, it shall either be placed between the roadway and sidewalk or behind the sidewalk on private property, subject to City approval and recording of required public drainage way and drainage way maintenance easements. Streets with parking on one side only should be avoided. When used, they must be posted NO-PARKING.

The schematic below is representative of a typical street section in relation to a Transit Conflict.



| Width of each of the following (in feet) | Alleys | | Neighborhood /Local | | Collector | | Arterial | | Transit/Rail Corridor | | Recreational Street | |
|--|--------|--------|---------------------|--------|-----------|--------|----------|--------|-----------------------|--------|---------------------|--------|
| | R/W | Street | R/W | Street | R/W | Street | R/W | Street | R/W | Street | R/W | Street |
| Extra R/W | 2 | - | 1 | - | 1 | - | 1 | - | 1 | - | 1 | - |
| Planter or utility | - | - | 5 | - | 6 | - | 6 | - | - | - | 6 | - |
| Sidewalk | - | - | 5 | - | 6 | - | 6 | - | 5 | 5 | 6 | - |
| Bike Lane | - | - | - | - | 6 | 6 | 6 | 6 | - | - | 6 | 6 |
| Parking lane | - | - | 8 | 8 | 8 | 8 | 8 | 8 | 8 | 8 | 8 | 8 |
| Travel or turn lane | - | 12 | 10 | 10 | 11 | 11 | 12 | 12 | 14 | 14 | - | 11 |
| Railroad corridor | - | - | - | - | - | - | - | - | 14-20 | 14-20 | - | - |
| Minimum Street Width | 12 | | 29 | | 36 | | 48 | | 48 | | 36 | |
| Right of Way | 14 | | 45-50 | | 60 | | 60-72 | | 60-72 | | 60 | |

*All streets shall be improved in accordance with the construction standards and specifications of the applicable roadway authority, including requirements for pavement, curbs, drainage, striping, and traffic control devices. Where a park strip is provided it shall consist of a ~~minimum 4-8~~ foot wide planter/utility strip between the sidewalk and the curb or roadway. Where a swale is provided, it shall either be placed between the roadway and sidewalk or behind the sidewalk on private property, subject to City approval and recording of required public drainage way and drainage way maintenance easements. Streets with parking on one side only should be avoided. When used, they must be posted NO PARKING. The schematic below is representative of a typical street section in relation to a Transit Conflict.



Commented [SS63]: The table is incomplete for Recreational Street.

Commented [ME64R63]: We have now completed it. The City doesn't have any recreational streets at this time, but as an example, if we were to be able to afford to pay it, the driveway to the 132-acre park would be paved, and would meet these standards.

Commented [ME65R63]: Johns Reply was yes, these came from our city engineer not the model code.

Commented [SS66]: These numbers do not add up. Suggest using the table format from the Oregon Model Code (page 3-79) https://www.oregon.gov/lcd/TGM/Documents/ModelCode/ART3_OMC_ed3.1.pdf

Commented [ME67R66]: These numbers are not designed to add up. This table contains the information we need when a major partition or subdivision is designed.

Commented [ME68R66]: Johns Reply: Yes, these came from our City Engineer, not the model code

Commented [ME71]: This number had been 28' when the table was first created, but if the Planning Commission remembers, the City negotiated with the state in order to avoid skinny streets. 29' was the compromised width.

Commented [SS69]: The dimensions appear to be for one half of each type of street only.

Commented [ME70R69]: Correct. This is a standard engineering table, and the minimum street width applies to both sides.

Commented [SS72]: Unclear why this street section is included and others are not. Is this section typical?

Commented [ME73R72]: The City added this section specifically to require a certain design in relation to a railroad located in a city ROW. It is atypical.

Commented [ME74R72]: JOHN said, Yeah, don't see a problem.'

D. Transportation Connectivity and Future Street Plans. The following standards apply to the creation of new streets:

- 1. Intersections.** Streets shall be located and designed to intersect as nearly as possible to a right angle. Street intersections shall have a minimum intersection angle of 75 degrees. All legs of an intersection shall meet the above standard for at least 100 feet back from the point of intersection. No more than two streets shall intersect, i.e., creating a four-legged intersection, at any one point. Street jogs and intersection offsets of less than 125 feet are not permitted. Intersections shall be designed to facilitate storm water runoff into City-approved storm water facilities.
- 2. Access Ways.** The Planning Commission, in approving a land use application with conditions, may require a developer to provide an access way where the creation of a cul-de-sac or dead-end street is unavoidable and the access way connects the end of the street to another street, a park, or a public access way. Access ways shall be contained within a public right-of-way or public access easement, as required by the City.
- 3. Connectivity to Abutting Lands.** The street system of a proposed subdivision shall be designed to connect to existing, proposed, and planned streets adjacent to the subdivision. Wherever a proposed development abuts un-platted land or a future development phase of an existing development, street stubs shall be provided to allow access to future abutting subdivisions and to logically extend the street system into the surrounding area. Street ends shall contain turnarounds constructed to Uniform Fire Code standards, as the City deems applicable, and shall be designed to facilitate future extension in terms of grading, width, and temporary barricades.
- 4. Street Connectivity and Formation of Blocks.** In order to promote efficient vehicular and pedestrian circulation throughout the city, subdivisions and site developments shall be served by an interconnected street network, pursuant to the standards in subsections (a) through (d) below. Distances are measured from the edge of street rights-of-way. Where a street connection cannot be made due to physical site constraints, approach spacing requirements, access management requirements, or similar restrictions; where practicable, a pedestrian access way connection shall be provided pursuant to Chapter 18.70.

-
- a. Residential zones: Minimum of 200-foot block length and maximum of 750-foot length; maximum 2,000-foot block perimeter;
 - b. Downtown / Main Street zone: Minimum of 200-foot length and maximum of 400-foot length; maximum 1,200-foot perimeter;
 - c. General Commercial zone and Light Industrial zone: Minimum of 100-foot length and maximum of 1,000-foot length; maximum 2,600-foot perimeter; and
 - d. Not applicable to General Industrial zone.
5. A cul-de-sac street. Where the City determines that a cul-de-sac is allowed, all of the following standards shall be met:
- a. The cul-de-sac shall not exceed a length of 400 feet, except where the Planning Commission through a Type III procedure determines that topographic or other physical constraints of the site require a longer cul-de-sac. The length of the cul-de-sac shall be measured along the centerline of the roadway from the near side of the intersecting street to the farthest point of the cul-de-sac.
 - b. The cul-de-sac shall terminate with a circular or hammer-head turnaround meeting the Uniform Fire Code and the standards of Table 18.85.020.C.
 - c. The cul-de-sac shall provide, or not preclude the opportunity to later install, a pedestrian and bicycle access way between it and adjacent developable lands. Such access ways shall conform to Section 18.70.020.D(3).

E. Engineering Design Standards. Street design shall conform to the standards of the applicable roadway authority; for City streets that is the Engineering/Public Works Design Standards Manual. Where a conflict occurs between this Code and the Manual, the provisions of the Engineering/Public Works Design Manual shall govern.

F. Fire Code Standards. Where Fire Code standards conflict with City standards, the City shall consult with the Fire Marshal in determining appropriate requirements. The City shall have the final determination regarding applicable standards.

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- G. Substandard Existing Right-of-Way.** Where an existing right-of-way adjacent to a proposed development is less than the standard width, the Planning Commission may require the dedication of additional rights-of-way at the time of Subdivision, Partition, or Site Plan Review, to mitigate the impacts of development pursuant to the standards in Table 18.85.020.C.
 - H. Traffic Calming.** The City may require the installation of traffic calming features to mitigate the impacts of development and slow traffic in neighborhoods or commercial areas with high pedestrian traffic.
 - I. Sidewalks, Planter Strips, and Bicycle Lanes.** Except where the City Administrator grants a deferral of public improvements, pursuant to Chapter 19.15 or Chapter 19.20, sidewalks, planter strips, and bicycle lanes shall be installed concurrent with development or widening of new streets, pursuant to the requirements of this chapter. Maintenance of sidewalks and planter strips in the right-of-way is the continuing obligation of the adjacent property owner.
 - J. Streets Adjacent to Railroad Right-of-Way.** When a transportation improvement is proposed within 300 feet of a railroad crossing, or a modification is proposed to an existing railroad crossing, the Oregon Department of Transportation and the rail service provider shall be notified and city design standards required.
 - K. Street Names.** No new street name shall be used which will duplicate or be confused with the names of existing streets in the City of Harrisburg or vicinity.
 - L. Survey Monuments.** Upon completion of a street improvement and prior to acceptance by the City, it shall be the responsibility of the developer's registered professional land surveyor to provide certification to the City that all boundary and interior monuments have been reestablished and protected.
 - M. Street Signs.** The city shall install all signs for traffic control and street names, which shall conform to existing city design standards and the MUTCD. The cost of signs required for new development shall be the responsibility of the developer. Street name signs shall be installed at all street intersections. Stop signs and other signs may be required. All required signs must be installed and paid for prior to the issuance of a CO.
 - N. Streetlight Standards.** Streetlights shall be relocated or new lights installed, as applicable, with street improvement projects. Streetlights shall conform to City standards, or the requirements of the roadway authority, if different than the City.
 - O. Mailboxes.** Mailboxes shall conform to the requirements of the United States Postal Service and the State of Oregon Structural Specialty Code.
 - P. Street Cross-Sections.** The final lift of pavement shall be placed on all new constructed public roadways prior to final City acceptance of the roadway unless otherwise approved by the Planning Commission.

18.85.030 Public Use Areas

A. Dedication of Public Use Areas.

- 1. Where a proposed park, playground, or other public use shown in a plan adopted by the City is located in whole or in part in a subdivision or the PUZ zone, the City may require the dedication or reservation of this area on the final plat for the subdivision or major plat, ~~provided that to mitigate the development impacts of the development on the City park system provided the open space dedication or reservation is roughly proportionate to the dedication or reservation being made~~ impacts of development on the City park system.
- 2. The City may purchase or accept voluntary dedication or reservation of areas, either within or near the proposed subdivision that are suitable for the development of parks and other public uses; however, the City is under no obligation to accept such areas offered for dedication or sale.

~~**B. System Development Charge Credit.** Dedication of land to the City for public use areas, voluntary or otherwise, shall be eligible as a credit toward any required system development charge for parks. Credit shall be based on the Parks SDC that would have been paid except for the credit. Donations of land, playground equipment, or similar shall receive credits at the current market value for the real or personal property donated.~~

Commented [SS75]: Removed SDC credit provision as this would be authorized through the SDC ordinance if allowed.

Commented [JH76R75]: IT MIGHT BE BEST HERE TO MENTION THE CONCEPT AND THEN REFER TO THE HMC SDC POLICY/ORDINANCE?

Commented [ME77R75]: It already is in the SDC Ordinance

18.85.040 Sanitary Sewer and Water Service Improvements.

A. Sewers and Water Mains Required. All new development requiring land use approval is required to connect to City water and sanitary sewer systems. Sanitary sewer and water system improvements shall be installed to serve each new development and to connect developments to existing mains in accordance with the adopted facility master plans and applicable Engineering/Public Works Design Standards. Where streets are required to be stubbed to the edge of the subdivision, sewer and water system improvements and other utilities shall also be stubbed with the streets, except as ~~may be waived~~ approved by the ~~City Administrator~~ City Engineer where alternate alignment(s) are provided consistent with the adopted public facility master plan.

Commented [SS78]: Suggest City Engineer authority to approve alternate design. (This is not a waiver of standards but an alternate design.)

B. Sewer and Water Plan Approval. Development permits for sewer and water improvements shall not be issued until the Public Works Director and/or City Engineer has approved all sanitary sewer and water plans in conformance with City standards and State regulatory authority, if needed.

Commented [JH79R78]: GOOD

C. Over-Sizing. The City may require as a condition of development approval that sewer and water lines serving new development be sized to accommodate future development within the area as projected by the applicable facility master plans, ~~and the~~. In these instances, the City may authorize ~~other~~ cost-recovery or cost-sharing methods as provided under state law.

D. Inadequate Facilities. Development permits may be restricted or rationed by the Planning Commission where a deficiency exists in the existing water or sewer system that cannot be rectified by the development and which, if not rectified, will result in a threat to public health or safety, surcharging of existing mains, or violations of state or federal standards pertaining to operation of domestic water and sewerage treatment systems. The City Administrator may require water booster pumps, sanitary sewer lift stations, and other critical facilities be installed with backup power.

18.85.050 Storm Drainage and Surface Water Management Facilities

A. General Provisions. The City shall issue a development permit only where adequate provisions for storm water runoff have been made in conformance with a 25-year storm plan, the City's Storm Drainage / Surface Water Master Plan. All applications for developments that increase impervious surface area by more than X-square feet must submit a specific storm water plan with their application unless waived by the City Administrator/Engineer.

Commented [SS80]: I could not find the City's stormwater plan online. Please confirm which document if any should be referenced here.

B. Accommodation of Upstream Drainage. Culverts and other drainage facilities shall be large enough to accommodate existing and potential future runoff from the entire upstream drainage area, whether inside or outside the development. Such facilities shall be subject to review and approval by the City Engineer.

Commented [JH81R80]: NOT SURE OF REFERENCE HERE EITHER, OTHERWISE CHANGES PROPOSED SEEM GOOD

C. Effect on Downstream Drainage. Where it is anticipated by the City Engineer that the additional runoff resulting from the development will overload an existing drainage facility, the City shall withhold approval of the development until provisions have been made for improvement of the potential condition or until provisions have been made for retention of additional runoff caused by the development in accordance with City standards.

Commented [SS82]: Relocated this last sentence from Existing Watercourse section. What stormwater criteria does the City apply to development? For example, some cities require on-site stormwater management facilities for developments that increase impervious surface area by 1,000 square feet or more, including building permits. Under what circumstances would the City waive this? Suggest City Engineer authority.

E. Over-Sizing. The City may require as a condition of development approval that sewer, water, or storm drainage systems serving new development be sized to accommodate future development within the area as projected by the applicable facility master plan. In these instances, the City may authorize cost-recovery or cost-sharing methods as provided under state law, provided that the City may grant the developer credit toward any required system development charge for the same pursuant to the System Development Charge.

Commented [ME83R82]: Harrisburg has problems with storm flow due to the elevations in town. Therefore, all impervious surfaces should be required to provide a storm plan to the City. It gives the engineer more flexibility if we don't state under what circumstances we will allow the waiver.

E. Existing Watercourse. Where a proposed development is traversed by a watercourse, drainage way, swale, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such watercourse and such further width as will be adequate for conveyance and maintenance to protect the public health and safety. All applications for site plan review, subdivision, and major partitions must submit a specific storm water plan with their application unless waived by the City ENGINEER/Administrator.

Commented [SS84]: Using same language as provided under sewer and water section, which could include SDC credits, if authorized, and other cost recovery/sharing methods.

Commented [JH85R84]: GOOD

Formatted: Body Text, Indent: Left: 0", Right: 0.29", Line spacing: Multiple 1.1 li, Tab stops: 0.42", Left

Commented [SS86]: Under what circumstances would the City waive this? Suggest City Engineer authority.

Commented [JH87R86]: IT MIGHT BE WAIVED FOR A MAJOR PARTITION IF NO DEVELOPMENT WAS PLANNED OR APPLIED FOR. DON'T THINK WE NEED TO SPECIFY HERE BUT AGREE WITH CHANGE TO CITY ENGINEER

18.85.060 Utilities

The following standards apply to new development where extension of electric power, [natural gas](#) or communication lines is required:

A. General Provision. The developer of a property is responsible for coordinating the development plan with the applicable utility providers and paying for the extension and installation of utilities not otherwise available to the subject property.

B. Underground Utilities.

1. General Requirement. The requirements of the utility service provider shall be met. All utility lines in new subdivisions, including, but not limited to, those required for electric, communication, and lighting, and related facilities, shall be placed underground, except where the City Administrator or Planning Commission determines that placing utilities underground would adversely impact adjacent land uses. The City Administrator or Planning Commission may require screening and buffering of above ground facilities to protect the public health, safety, or welfare.

2. Subdivisions and Major-MAJOR Partitions. In order to facilitate underground placement of utilities, the following additional standards apply to all new subdivisions:

- a. The developer shall make all necessary arrangements with the serving utility to provide the underground services. Care shall be taken to ensure that no above ground equipment obstructs vision clearance areas for vehicular traffic, per Chapter 18.70 Access and Circulation.
- b. The City Engineer reserves the right to approve the location of all surface-mounted facilities.
- c. All underground utilities installed in streets must be constructed and approved by the applicable utility provider prior to the surfacing of the streets.
- d. Stubs for service connections shall be long enough to avoid disturbing the street improvements when service connections are made.

C. Exception to Undergrounding Requirement. The ~~City Administrator~~ or Planning Commission may grant exceptions to the undergrounding standard where existing physical constraints, such as geologic conditions, streams, or existing development conditions make underground placement impractical

Commented [SS88]: City Engineer authority?

Commented [ME89R88]: Leaving it as City should be sufficient, as it would then fall to the PW Director's requirements.

Commented [JH90R88]: AGREED

18.85.070 Easements

- A. Provision.** The developer shall ~~make arrangements~~ coordinate with the City and applicable utility providers ~~for in meeting the needs~~ each utility franchise for the provision and dedication of utility easements necessary to provide full services to the development.

- B. Standard.** Utility easements shall conform to the requirements of the utility service provider. All other easements shall conform to the City of Harrisburg Engineering Design Standards / Public Works Design Standards.

- C. Recordation.** All easements for sewers, storm drainage and water quality facilities, water mains, electric lines, natural gas lines, or other utilities shall be recorded and referenced on a survey or final plat, as applicable. See Chapter 19.25 Site Plan Review, and Chapter 19.20, Land Divisions.

Commented [SS91]: Revise to "All easements shall be recorded and referenced..."?

Commented [ME92R91]: I think the additional detail is warranted, after working with some of the developers we've been dealing with lately.

Commented [JH93R91]: AGREED

18.85.080 Construction Plan Approval

No development, including sanitary sewers, water, streets, utilities, parking areas, buildings, or other development, shall be undertaken without plans having been approved by the City of Harrisburg, permit fees paid, and permits issued. Permit fees are required to defray the cost and expenses incurred by the City for construction and other services in connection with the improvement. Permit fees are as set by City Council resolution.

18.85.090 Facility Installation

- A. Conformance Required.** Improvements installed by the developer, either as a requirement of these regulations or at the developer’s option, shall conform to the requirements of this chapter, approved construction plans, and to improvement standards and specifications adopted by the City.
- B. Adopted Installation Standards.** The City of Harrisburg has adopted various Engineering / Public Works Design Standards for public improvements and private utility installation within the public right-of-way. All adapted engineering/public works design standards shall be met unless one or more partial waivers are granted by the City Engineer and City Administrator.
- C. Commencement.** Work in a public right-of-way shall not begin until all applicable agency permits have been approved and issued.
- D. Resumption.** If work is discontinued for more than six months, it shall not be resumed until the Public Works Director and/or City Engineer ~~is notified in writing and~~ grants written approval for the recommencement of work or a hiatus of more than six months.
- E. City Inspection.** Improvements shall be constructed under the inspection of the City Engineer or Public Works Director. The City Engineer or Public Works Director may approve minor changes in typical sections and details if unusual conditions arising during construction warrant such changes in the public interest, except that substantive changes to the approved design shall be subject to review under Chapter 19.35, Modifications to Approved Plans and Conditions of Approval. (Any survey monuments that are disturbed before all improvements are completed by the developer or subdivider shall be replaced prior to final acceptance of the improvements.) Any new or disturbed monuments must be replaced by a certified land surveyor.
- F. Engineer’s Certification and As-Built Plans.** A registered civil engineer shall provide written certification in a form required by the City that all improvements, workmanship, and materials are in accord with current and standard engineering and construction practices, conform to approved plans and conditions of approval, and are of high grade, prior to City’s acceptance of the public improvements, or any portion thereof, for operation and maintenance. The developer’s engineer shall also provide two sets of “as-built” plans for permanent filing with the City. If required by the City, the developer or subdivider shall provide a warranty bond pursuant to Section 18.85.100.

18.85.100 Performance Guarantee and Warranty

- A. Performance Guarantee Required.** The City at its discretion may approve a final plat or building permit when it determines that at least 50 percent of the public improvements required for the site development or land division, or phase thereof, are complete and the applicant has posted an acceptable assurance of performance bond for the balance of said improvements.
- B. Determination of Sum.** The assurance of performance bond shall be for a sum determined by the City Engineer as required to cover the cost of the improvements and repairs, including related engineering and incidental expenses, plus reasonable inflationary costs. The assurance bond shall not be less than 110 percent of the estimated improvement costs.
- C. Itemized Improvement Estimate.** The applicant shall furnish to the City an itemized improvement estimate, certified by a registered civil engineer, to assist the City in calculating the amount of the performance assurance.
- D. Development Agreement.** A written agreement between the City and applicant shall be signed and recorded. The agreement may include a provision for the construction of the improvements in stages and for the extension of time under specific conditions. The agreement shall contain all of the following:

 - 1. The period within which all required improvements and repairs shall be completed;
 - 2. A provision that if work is not completed within the period specified, the City may complete the work and recover the full cost and expenses from the applicant directly or an applicant provided bond.
 - 3. The required improvement fees and deposits.
- E. When Applicant Fails to Perform.** In the event the applicant fails to carry out all provisions of the agreement and the City has un-reimbursed costs or expenses resulting from such failure, the City shall call on the bond, cash deposit, or letter of credit for reimbursement or take other appropriate action to recover all un-reimbursed costs.
- F. Termination of Performance Guarantee.** The applicant shall not cause termination, nor allow expiration, of the guarantee/bond without first securing written authorization from the City.
- G. Warranty Bond.** A warranty bond good for two years is required on all public improvements and landscaping when installed in the public right-of-way. The warranty bond shall equal 15 percent of the total cost of improvements and begin upon acceptance of said improvements by the City.

18.90 – Signs for Commercial, Industrial, and Home Occupation Signs/Uses

Sections:

- 18.90.010 General Requirements
- 18.90.020 Exempt Signs
- 18.90.030 Allowed Signs by Zone
- 18.90.040 Sign Requirements
- 18.90.050 Prohibited Signs
- 18.90.60 Sign Standards in the Case of a Conditional Use

18.90.010 General Requirements

1. Permit required, except as provided by Section B – Exempt Signs. All home businesses, commercial and industrial businesses shall obtain a City of Harrisburg sign permit prior to erecting, placing, replacing or changing a business sign, as defined herein.
2. Definition of Business Signs. Words, letters, pictorial device, logo or other graphic means intended to convey information regarding a business, occupation, or commercial/industrial activity of any kind.
3. Existing Signs. All signs, with correct information, in good repair and consistent with HMC 18.70 shall, upon adoption of this ordinance, and if in violation of this ordinance, be granted "Existing Non-Conforming Use" status consistent with Chapter 18.25.
4. Upon discontinuation or abandonment of non-conforming use status IAW Chapter 18.25.020, the sign shall be either removed or brought into conformance with this chapter within 60 days of written notice by the city.

18.90.020 Exempt Signs

The following signs are exempt from the requirements of this chapter:

1. Government and traffic control/safety signs
2. Temporary signs (not to exceed 60 days) for a civic, charitable or public event or activity
3. US or state flags
4. Painted nonilluminated signs.
5. Small (less than 2 square feet) directional or public notice signs that indicate the existence or a direction to facilities open to the public, including sport facilities, schools, civic/fraternal organizations, churches, etc.
6. Any temporary signs in commercial or industrial zoned areas that is in place for less than 60 days, is less than 12 square feet, and does not cover more than 15% of the wall and window space of the building side closest to the public right of way.

Commented [ME94]: Suggested by the City's Building Inspector based on recent changes in the states structural building code.

Commented [JH95R94]: OK

18.90.030 Allowed Signs by Zone

1. Residential Zones R-1, R-2, R-3
 - a. One non-illuminated sign per lot or parcel, not to exceed 12 square feet
 - b. Said sign to be constructed of durable materials (wood, plastic, metal), permanently mounted
 - c. All residential zone signs shall be mounted on a pedestal or base not more than 2 feet high. The total height of the sign shall not exceed 6 feet.
 - d. Signs shall be set back from public right of way, or an adjoining property not less than 4 feet
2. Commercial and industrial zones
 - a. One illuminated sign not to exceed 32 square feet and not more than 10 feet in height.

-
- b. One non-illuminated sign not to exceed 64 square feet and not more than 12 feet in height.
 - c. All signs must be set back from public right of way and neighboring property lines 4 feet.

18.90.040 Sign Requirements

- 1. All signs must be in good condition.
- 2. All commercial and industrial zone signs must be legible from the nearest public right-of-way and display the following:
 - a. The current and correct business name, if there is more than one business at the address then all must display their own sign or be part of a larger sign not to exceed 12 square feet per business/organization included on the sign
 - b. Contain a legible street address for the business(es)

18.90.050 Prohibited Signs

- 1. Signs that conflict with the city's vision clearance standards
- 2. Any sign attached to a tree, utility pole, or another sign
- 3. Any sign that no longer reflects current conditions or circumstances, is in disrepair or is no longer legible, or in any way hazardous
- 4. Roof signs
- 5. Any sign on public property or right of way
- 6. Any non-permitted sign.

18.90.060 Sign Standards in the Case of a Conditional Use and this Chapter

- 1. In the case of an approved conditional use, the sign limitations of a zone may be exceeded. Said signs shall pertain to the approved conditional use as specifically defined in the conditional use permit.

Title 19 – Application Review Procedures and Approval Criteria

Chapters:

- 19.10 General Review Procedures and Zoning Checklist
- 19.15 Site Design Review
- 19.20 Land Divisions and Property Line Adjustments
- 19.25 Conditional Use Permits
- 19.30 Modifications to Approved Plans
- 19.35 Amendments to the Zoning Map or Code
- 19.40 Adjustments and Variances
- 19.45 Master Planned Developments
- 19.50 Religious Owned Affordable Housing and Affordable Housing Land Use Requirements
- 19.55 Definitions

19.10 – General Review Procedures | Purpose and Applicability

Chapter 19.10 – General Review Procedures

Sections:

- 19.10.010 Purpose and Applicability
- 19.10.020 Type I Procedure (Ministerial/Staff Review ~~and Zoning Checklist~~)
- 19.10.030 Type II Procedure (Administrative Review)
- 19.10.040 Type III Procedure (Quasi-Judicial Review - Public Hearing)
- 19.10.050 Type IV Procedure (Legislative Review)
- 19.10.060 Time Limit, Consolidated Review, and City Planning Official’s Duties

19.10.010 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 19.10.010 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 19.10.010 lists the City’s land use and development approvals and corresponding review procedure(s).

1. **Type I Procedure (~~Staff Ministerial Review – Zoning Checklist~~).** Type I decisions are made by the City Administrator, or ~~his or her~~their 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). ~~Applications subject to Type I decisions- review can nevertheless be appealed-referred to the Planning Commission for review using the Type II procedure where an applicant requests Type II review based on the applicable criteria or where the City Administrator finds the approval criteria or standards are not clear and objective-if there is clear-and compelling evidence of error on the part of City staff.~~

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 directly to the Planning Commission for its review and decision in a public meeting. ~~The Type II procedures applies to land use decisions that may involve the use of y~~ increased or heightened City standards and criteria, (as described in the relevant sections of HMC 19.50) ~~that-BUT~~ do not require discretion, ~~or~~ as there are clear and objective standards BUT which, nevertheless, may invite greater public interest.

~~2.~~

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

Commented [SS96]: Suggest this structure instead. If an applicant believes the Type I decision was in error based on objective criteria, they can request the City Administrator reconsider the decision. If the City Administrator again finds the objective criteria are not met and denies the permit, the applicant could appeal to Circuit Court. If the applicant believes that staff used discretion, they can appeal to LUBA; or, alternatively, they could request review by the Planning Commission, or the City Administrator may refer the application to the Planning Commission for review in a public meeting using the Type II procedure. This would include public notice and opportunity for appeal to City Council. Alternatively, Planning Commission review could be on “appeal” only, i.e., in a public hearing, by specifying the Type III procedure instead of Type II).

Commented [JH97R96]: GOOD CHANGE

Commented [JH98R96]: SCOTT’S PROPOSED CHANGES TO SECTION 2, PAGE 161 IGNORES THE CODE’S INTENTION TO MAKE TYPE II DECISIONS NON-DISCRETIONARY AND HENCE NOT APPEALABLE TO LUBA

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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, including Comprehensive Plan amendments, and amendments to the Development Code and Zoning Map that (e.g., adoption of regulations, zone changes, annexation, and comprehensive plan amendments) affect more than a small number of properties. Type IV reviews are considered by the Planning—

~~5-4.~~ Commission at a public hearing, which then makes a recommendation to City Council. City Council makes the final decision on a legislative proposal through the enactment of an ordinance.

Commented [SS99]: Annexations that are consistent with the Comprehensive Plan are not land use decisions and therefore need not come before the Planning Commission. The application of city zoning that occurs with an annexation is a land use decision, but the City may consolidate the proceedings for City Council action (one ordinance) when the zoning is consistent with the Comprehensive Plan. Planning Commission review is needed only where the Comprehensive Plan is proposed to change with the annexation.

Commented [JH100R99]: AGREED

19.10 – General Review Procedures | Purpose and Applicability

Table 19.10.010 – Summary of Approvals by Type of Review Procedure

| Approvals* | Review Procedures | Applicable Regulations |
|--|--|---|
| Zoning Checklist-Building Permit Review Special Conditions Checklist | Type I Type II | Applicants are required to complete a Zoning or Special Conditions Checklist before applying for any permit or approval. See Section 19.10.020. |
| Access to a Street | Type I | Chapter 19.40 and the standards of the applicable roadway authority (City/County/ODOT) |
| Adjustment | Type II | Chapter 19.40 |
| Annexation | Type IV | See Oregon Revised Statute 222 |
| Code Interpretation | Type II | Chapter 18.30 Routine interpretations that do not involve discretion do not require a permit. |
| Code Text or Zoning Map Amendment -Quasi-Judicial -Legislative | Type III Type IV | Chapter 19.35 |
| Comprehensive Plan Text Amendment | Type IV | Chapter 19.35 |
| Conditional Use Permit | Type III | Chapter 19.25 |
| Home Occupation | Type I or II | |
| Legal Lot Determination | Type I | Chapter 18.20 |
| Master Planned Development Concept Plan Detailed Plan | Type III Type III | Chapter 19.45 Chapter 19.45 |
| Modification to Approval or Condition of Approval | Type II | Chapter 19.30 |
| Non-Conforming Use or Structure, Expansion of | Type II | Chapter 18.25 |
| Minor Partition, or Re-plat of 3 or fewer 2 lots Preliminary Plat Final Plat | Type II Type I | Chapter 19.20 Chapter 19.20 |
| Property Line Adjustments, including Lot Consolidations | Type I | Chapter 19.20 |
| Site Design Review | Type III | Chapter 19.15 |
| Major Partition 4-5 Lots- Preliminary Plat Final Plat- Subdivision Preliminary Plat Final Plat Minor Partition Plat | Type III Type II Type III Type II Type I | Chapter 19.20 Chapter 19.20 Chapter 19.20 |
| Variance Zoning District Map Change | Type III Type III | Chapter 19.40 Chapter 19.35 |
| Religious and Other Owned Affordable Housing | Type II | Chapter 19.50 (ORS 197.830 and 197.850)/SB8 |

Commented [SS101]: Interpretations that require Type II review would involve discretion. Otherwise they would be ministerial decisions and not require an application.

Commented [JH102R101]: NO. TYPE II NON-DISCRETIONARY

Commented [SS103]: ORS 92.010 Definitions (9) "Partitioning land" means dividing land to create not more than three parcels of land within a calendar year, but does not include:

(a) Dividing land as a result of a lien foreclosure, foreclosure of a recorded contract for the sale of real property or the creation of cemetery lots;

(b) Adjusting a property line as property line adjustment is defined in this section;

(c) Dividing land as a result of the recording of a subdivision or condominium plat;

(d) Selling or granting by a person to a public agency or public body of property for state highway, county road, city street or other right of way purposes if the road or right of way complies with the applicable comprehensive plan and ORS 215.213 (2)(p) to (r) and 215.283 (2)(q) to (s). However, any property sold or granted for state highway, county road, city street or other right of way purposes shall continue to be considered a single unit of land until the property is further subdivided or partitioned; or

(e) Selling or granting by a public agency or public body of excess property resulting from the acquisition of land by the state, a political subdivision or special district for highways, county roads, city streets or other right of way purposes when the sale or grant is part of a property line adjustment incorporating the excess right of way into adjacent property. The property line adjustment shall be approved or disapproved by the applicable local government. If the property line adjustment is approved, it shall be recorded in the deed records of the county where the property is located.

Commented [JH104R103]: OK. I ASSUME HE IS QUOTING STATE LAW. IF SO WE HAVE TO REVISE DEFINITION OF MINOR PARTITION, ELIMINATE MAJOR PARTITION AND REDEFINE SUBDIVISION. IF SCOTT'S DEFINITIONS ARE NOT STATE LAW I WOULD RATHER GO WITH WHAT WE HACE

Commented [SS105]: Replat of 3 or fewer lots? Major partition is 4-5 lots, below.

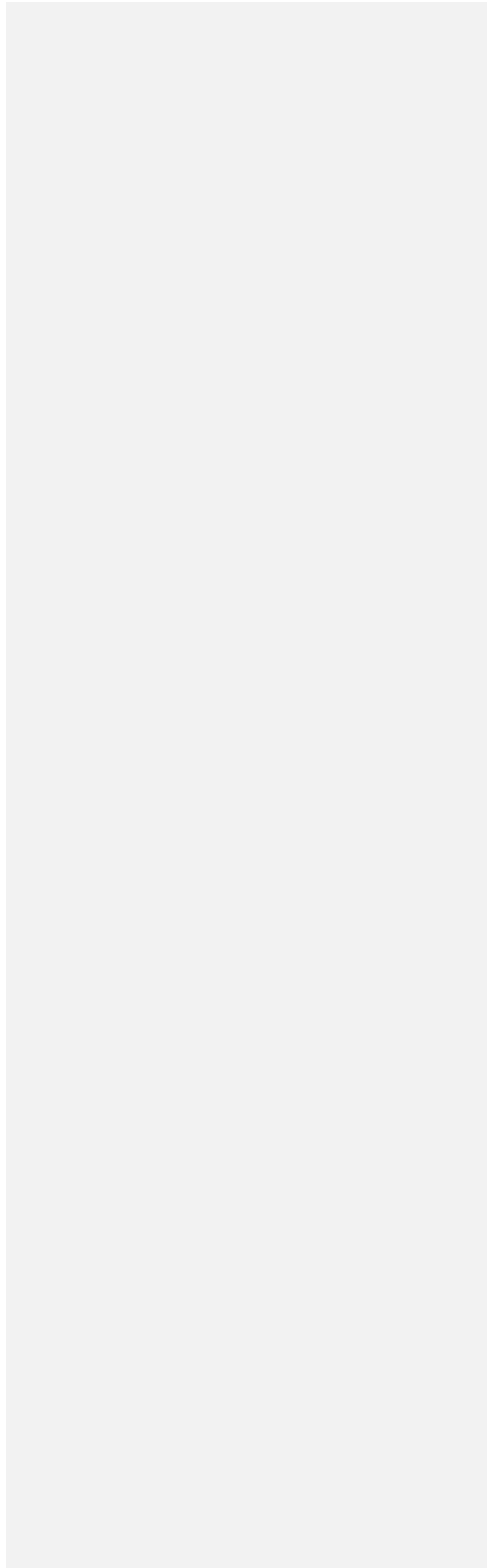
Commented [SS106]: Final plats are typically Type I reviews because the conditions of approval from the preliminary plat must be clear and objective.

Commented [JH107R106]: AGREED. SOMEHOW THIS GOT MISSED FROM AN EARLIER VERSION

Commented [SS108]: Final plats are typically Type I reviews because the conditions of approval from the preliminary plat must be clear and objective.

Commented [ME109R108]: John, should we change the final plat to a Type I review?

*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.



19.10 – General Review Procedures | Type I Procedure

19.10.020 Type I Procedure (~~Staff Ministerial -Review and Zoning Checklist~~)

A. Type I Procedure (Staff Review). The City Administrator, or ~~his or her~~their designee, without public notice and without a public hearing, makes ministerial decisions through the Type I procedure. Ministerial decisions are those where City standards and criteria do not require the exercise of discretion (i.e., there are clear and objective standards).

B. Zoning Checklist. The City Administrator reviews proposals requiring a Type I review using a Zoning Checklist or similar form. The Zoning Checklist is a preliminary review that is intended to ensure a project proposal meets the basic requirements of Article 2 (Zoning) before more detailed plans are prepared and before the City authorizes the Building Official to issue a building permit.

C. Application Requirements.

1. Application Forms. Approvals requiring Type I review, including Zoning Checklists, shall be made on forms provided by the City.

2. Application Requirements. When a Zoning Checklist is required, it shall:

- a. Include the information requested on the application form;
- b. Address the criteria in sufficient detail for review and action; and
- c. Be filed with the required fee.

D. Requirements. The City shall not act upon an application for land use approval, and a building permit shall not be issued, until the City Administrator has approved a Zoning Checklist for the proposed project.

E. Criteria and Decision. The City Administrator’s review of a Zoning Checklist is intended to determine whether minimum code requirements are met and whether any other land use permit or approval is required prior to issuance of a building permit.

F. Effective Date. A ~~Zoning Checklist~~Ministerial decision is final on the date it is signed by the City Administrator. It is not a land use decision as defined by ORS 197.015, and therefore is not subject to appeal to the state Land Use Board of Appeals. (See also, Section 18.15.070, ~~Zoning Checklist and Building Permits.~~) Applications subject to Type I review can nevertheless be referred to the Planning Commission for review using the Type II procedure where an applicant requests Type II review based on the applicable criteria or where the City Administrator finds the approval criteria or standards are not clear and objective. It is appealable to the Planning Commission by any resident living within or owning property within 200 feet, if there is evidence of clear and compelling error(s) on the part of the City staff. A written appeal must be filed with the City Recorder within 10 business days of approval by the City Administrator.

19.10 – General Review Procedures | Type II Procedure

19.10.030 Type II Procedure (Administrative Review With Notice)

~~The Type II procedure applies to land use decisions that may involve the use of discretion, or which, nevertheless, may invite greater public interest. The City Administrator, or his or her designee, may perform Administrative Staff Reviews through the Type II procedure. Type II procedures are only for those uses that meet, or are likely to meet, all relevant and applicable standards of Chapter 18.50.~~ 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 directly to the Planning Commission for its review and decision in a public meeting.

A. Application Requirements.

1. **Application Forms.** Applications for projects requiring Administrative Review shall be made on forms provided by the City Administrator.
2. **Submittal Information.** The City Administrator shall advise the applicant on application submittal requirements. At a minimum, the application shall include all of the following information:
 - a. The information requested on the application form;
 - b. Plans and exhibits required for the specific approval(s) being sought, ~~pursuant to Table 19.10.010 (For example, requirements for property line adjustments are in Chapter 19.20);~~
 - c. A written statement or letter explaining how the application satisfies each and all of the relevant criteria and standards in sufficient detail;
 - d. Information demonstrating compliance with prior decision(s) and conditions of approval for the subject site, as applicable; and
 - e. The required fee.

B. Procedure.

1. The City Administrator shall mail notice of a pending Type II decision to the following individuals and agencies no fewer than 14 days prior to making the Type II decision:
 - a. All owners of record of real property within a minimum of 200 feet of the subject site;
 - b. Any person who submits a written request to receive a notice; and
 - c. Any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the City and any other affected agencies. At a minimum, the City Administrator shall notify the road authority if different than the City of Harrisburg. The failure of another agency to respond

with written comments on a pending application shall not invalidate an action or permit approval made by the City under this Code.

- d. Harrisburg Fire Rescue District, [and Harrisburg School District](#), ~~and ODOT, Region 2~~
2. The City Administrator shall apply the relevant clear and objective **criteria** in Chapter 18.50, which describes additional standards and criteria for 'S' 'Special' uses in each zone. This procedure is not a 'land use decision' as defined by ORS 197.015, and does not encompass discretion, and hence is not subject to appeal to the state Land Use Board of Appeals. Type II decisions ~~can be appealed~~ [may be referred](#) to the City Planning Commission [for review](#) and hence to the City Council.
 3. The notice of pending Administrative Decision, at a minimum, shall contain all of the following information:
 - a. The deadline for submitting written comments, which must be at least 14 days prior to the scheduled decision date or, as applicable, the scheduled Planning Commission meeting date where an application is referred to the Commission for review;
 - b. A summary of the proposal [and applicable code requirements](#) and the relevant 'S' Special Use Standards in sufficient detail to help the public [understand the request and](#) identify and locate applicable code requirements;
 - c. The address and City contact person for submitting written comments; and the date, time, and location the City Administrator or City Planning Commission, as applicable, is scheduled to make a decision on the application;
 - d. The street address or other easily understandable reference to the location of the proposed use or development;
 - e. Statement that all evidence relied upon by the City Administrator or City Planning Commission, as applicable, to apply the relevant Special Use Standards [and other code requirements](#) is in the public record and is available for public review. Copies of this evidence can be obtained at a reasonable cost from the City; and
 - f. Statement that after the comment period closes, the City will issue its decision and the decision shall be mailed to the applicant and to anyone else who submitted written comments or who is otherwise entitled to notice.
 4. At the conclusion of the comment period, the City Administrator shall review the comments received and shall, within seven business days, prepare a decision notice approving, approving with conditions, or denying the application based on the applicable Special Use Standards. Alternatively, the City Administrator may

Commented [SS110]: Do ODOT and the school district really need to receive notice of all Type II actions? Subsection c would include ODOT if a land use affects a state highway.

Commented [ME111R110]: Agreed

Commented [JH112R110]: OK

Commented [SS113]:

Commented [JH114R113]:

transmit all written comments received, if any, along with a copy of the application to the Planning Commission for review and decision at its next regularly scheduled meeting.

- 5. Where the City Administrator refers an application subject to Administrative Review to the Planning Commission, the Planning Commission shall approve, approve with conditions, or deny the application through the Type II procedure based on the applicable Code criteria. The Planning Commission may continue its review to the next meeting to allow the applicant time to respond to questions, provided that the Commission makes a final decision within the 120-day period prescribed under state law (ORS 227.178) and as described in Section 19.10.060 of this Code.
- 6. Within seven days of a Type II (Administrative) decision, the City Administrator shall proceed to prepare a notice of decision and mail it to the applicant, property owner (if different), the Building Official, those who provided written comments on the proposal, and those who requested a copy of the decision.
- 7. The Administrative Notice of Decision shall contain all of the following information:
 - a. A description of the applicant’s proposal and the City’s decision on the proposal, which may be a summary, provided it references the specifics of the proposal and how the proposal does or does not meet the Special Use Standards;
 - b. The address or other geographic description of the property proposed for development, including a map of the property in relation to the surrounding area (a copy of assessor’s map may be used);
 - c. A statement of where the City’s decision can be obtained;
 - d. The date the decision shall become final, unless appealed; and
 - e. A statement that all persons entitled to notice may appeal the decision to the Planning Commission pursuant to Chapter 19.10.030.D.

C. Effective Date of Decision. Unless the conditions of approval specify otherwise, an Administrative Decision becomes effective 102 days after the City mails the decision notice, unless the decision is appealed pursuant to Chapter 19.10.030.D.

Commented [SS115]: Why not make the decision final 10 days after notice mails if not appealed?

D. Appeal of Type II (Administrative) Decision. A Type II Administrative Decision made by the City Administrator may be appealed/referred to the City of Harrisburg Planning Commission; for their review and who shall review such appeals in a public hearing following the Type III procedure in Section 19.10.040, a Type II or Type III Administrative Decision made by the Planning Commission. The Planning Commission review may be appealed/referred to the City Council, as applicable, ~~pursuant to the following:~~

Commented [ME116R115]: Agreed we are 10 days now.

I. Who may appeal. The following people have legal standing to appeal a Type II Administrative Decision:

- a. The applicant or owner of the subject property;
- Harrisburg Zoning & Development Code Project 2022

- b. Any person who was entitled to written notice of the Type II decision; and
- c. Any other person who participated in the proceeding by submitting written comments on the application to the City by the specified deadline.

2. Appeal filing procedure.

- a. *Notice of appeal.* Any person with standing to appeal, as provided in subsection 1, above, may appeal a Type II Administrative Decision by filing a Notice of Appeal according to the following procedures.
- b. *Time for filing.* A Notice of Appeal shall be filed with the City Administrator within the timeframe specified on the Notice of Decision; typically, this will be within 10 days of the date the Notice of Decision is mailed.
- c. *Content of notice of appeal.* The Notice of Appeal shall be accompanied by the required filing fee and shall contain:
 - (1) An identification of the decision being appealed, including the date of the decision;
 - (2) A statement demonstrating the person filing the Notice of Appeal has standing to appeal;
 - (3) A statement explaining the specific issues being raised on appeal; and
 - (4) If the appellant is not the applicant, a statement demonstrating that the appeal issues were raised during the comment period.

3. Scope of appeal. The appeal of a Type II Administrative Decision shall be a hearing on information submitted up to and including the date of Planning Commission, consideration of the contested decision made by the City Administrator. The appeal shall be limited to the application materials, evidence and other documentation submitted and shall relate to the issue of consistency with the additional standards and criteria required by development proposed in or under 'S' Zoning Chapter 18.50. The hearing appeal body may not allow additional evidence or testimony concerning other standards, criteria, conditions, or issues.

4. Appeal Hearing Procedure. Hearings on appeals of Type II decisions shall follow the same administrative procedure used for public hearings on Type III reviews under Section 19.10.040. Section 19.10.040 contains requirements for public hearing notices, conduct of hearings, and decision-making procedures.

19.10.040 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, except the Planning Commission makes a recommendation to the City Council for quasi-judicial amendments to the Zoning Map and Development Code, and the City Council decides those requests after conducting their own public hearing.

A. Application Requirements.

- 1. **Application Forms.** Applications requiring Quasi-Judicial review shall be made on forms provided by the City Administrator.
- 2. **Submittal Information.** The City Administrator shall advise the applicant on application submittal requirements. At a minimum, the application shall include all of the following information:
 - a. The information requested on the application form;
 - b. Plans and exhibits required for the specific approval(s) being sought;
 - c. A written statement or letter explaining how the application satisfies each and all of the relevant criteria and standards in sufficient detail;
 - d. Information demonstrating compliance with prior decision(s) and conditions of approval for the subject site, as applicable;
 - e. The required fee;
 - f. Evidence of neighborhood contact, as applicable, pursuant to Chapter 19.10.040.

B. Procedure.

I. Mailed and Posted Notice.

- a. The City shall mail public notice of a public hearing on a Quasi-Judicial application at least 20 days before the hearing date to the individuals and organizations listed below. The City Recorder shall prepare an affidavit of notice, which shall be made a part of the file. The affidavit shall state the date that the notice was mailed. Notice shall be mailed to:

(1) All owners of record of real property located within a minimum of 250-200 feet of the subject site;

Commented [JH117R115]: AGREED

(2) Any person who submits a written request to receive a notice; and

(3) Any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the City and any other affected agencies. At a minimum, the City Administrator shall notify the road authority if different than the City of Harrisburg. The failure of another agency to respond with written comments on a pending application shall not invalidate an action or permit approval made by the City under this Code.

(4) The City Administrator shall notify in writing the Oregon Department of Land Conservation and Development (DLCDC) of applications for quasi-judicial amendments to the Development

Commented [SS118]: Other notices are 200 feet.

Commented [SS119]: Added notices for quasi-judicial zoning map amendments.

Code or Zoning Map at least 35 days before the first evidentiary hearing.
(5) At least 20 days, but not more than 40 days, before the date of the first hearing on an ordinance for any zone change, a notice shall be prepared in conformance with ORS 227.175 and mailed to:

- a. Each owner whose property would be directly affected by the proposal (e.g., rezoning), see ORS 227.186 for instructions;

b. Any affected governmental agency;

c. Any person who requests notice in writing; and

d. For a zone change affecting a manufactured home or mobile home park, all mailing addresses within the park, in accordance with ORS 227.175.

~~(3)~~

- b. At least 14 days before the first hearing, the applicant shall post notice of the hearing on the project site in clear view from a public right-of-way using a poster format prescribed by the City Administrator, except that notices of appeal hearings shall be posted by the City. The applicant-person posting the notice shall submit an affidavit of notice using a form provided by the City, which shall be made a part of the file. The affidavit shall state the date that the notice was posted.
- c. At least 14 days before the first hearing, the City shall publish notice of the hearing on the City website, and/or have said notice published in a newspaper with local circulation.

2. Content of Notice. Notice of a Quasi-Judicial hearing to be mailed and published per subsection 1 above shall contain all of the following information:

- a. A summary of the proposal and the relevant approval criteria, in sufficient detail to help the public identify and locate applicable code requirements;
- b. The date, time, and location of the scheduled hearing;
- c. The street address or other clear reference to the location of the proposed use or development;
- d. A disclosure statement that if any person fails to address the relevant approval criteria with enough detail, he or she may not be able to appeal to the City Council, Land Use Board of Appeals, or Circuit Court, as applicable, on that issue, and that only comments on the relevant approval criteria are considered relevant evidence;
- e. A statement that a copy of the application, all documents and evidence submitted by or for the applicant, and the applicable criteria and standards shall be available for review at the office of the City Administrator, and that copies shall be provided at a reasonable cost;
- f. A statement that a copy of the City’s staff report and recommendation to the hearings body shall be available for review at no cost at least seven days before the hearing, and that a copy shall be provided on request at a reasonable cost;
- g. A general explanation of the requirements to submit testimony, and the procedure for conducting public hearings; and
- h. A statement that after the public hearing closes, the City will issue its decision, and the decision

shall be mailed to the applicant and to anyone else who submitted written comments or who is otherwise legally entitled to notice.

C. Conduct of the Public Hearing.

1. At the commencement of the hearing, the ~~Chairperson of the Commission or Mayor, presiding officer as applicable, or his or her designee,~~ shall state to those in attendance all of the following information and instructions:
 - a. The applicable approval criteria by Code chapter that apply to the application;
 - b. Testimony and evidence shall concern the approval criteria described in the staff report, or other criteria in the comprehensive plan or land use regulations that the person testifying believes to apply to the decision;
 - c. Failure to raise an issue with sufficient detail to give the hearing body and the parties an opportunity to respond to the issue, may preclude appeal to the state Land Use Board of Appeals on that issue;
 - d. At the conclusion of the initial evidentiary hearing, the hearing body shall deliberate and make a decision based on the facts and arguments in the public record; and
 - e. Any participant may ask the hearing body for an opportunity to present additional relevant evidence or testimony that is within the scope of the hearing; if the hearing body grants the request, it will schedule a date to continue the hearing as provided in paragraph 5 of this subsection, or leave the record open for additional written evidence or testimony as provided paragraph 6 of this subsection.
2. The public is entitled to an impartial hearing body as free from potential conflicts of interest and pre-hearing ex parte (outside the hearing) contacts as reasonably possible. Where questions related to ex parte contact are concerned, members of the hearing body shall follow the guidance for disclosure of ex parte contacts contained in ORS 227.180.
3. Presenting and receiving evidence.
 - a. The hearing body may set reasonable time limits for oral presentations and may limit or exclude cumulative, repetitious, irrelevant, or personally derogatory testimony or evidence;
 - b. No oral testimony shall be accepted after the close of the public hearing. Written testimony may be received after the close of the public hearing only as provided by this section; and
 - c. Members of the hearing body may visit the property and the surrounding area, and may use information obtained during the site visit to support their decision, if the information relied upon is disclosed at the beginning of the hearing and an opportunity is provided to dispute the evidence.
4. The hearing body, in making its decision, shall consider only facts and arguments in the public hearing

record; except that it may take notice of facts not in the hearing record (e.g., local, state, or federal regulations; previous City decisions; case law; staff reports).

- 5. If the hearing body decides to continue the hearing, the hearing shall be continued to a date that is at least seven days after the date of the first evidentiary hearing (e.g., next regularly scheduled meeting). An opportunity shall be provided at the continued hearing for persons to present and respond to new written evidence and oral testimony. If new written evidence is submitted at the continued hearing, any person may request, before the conclusion of the hearing, that the record be left open for at least seven days, so that he or she can submit additional written evidence or arguments in response to the new written evidence.
- 6. If the hearing body leaves the record open for additional written testimony, the record shall be left open for at least seven days after the hearing. Any participant may ask the hearing body in writing for an opportunity to respond to new evidence (i.e., information not disclosed during the public hearing) submitted when the record was left open. If such a request is filed, the hearing body shall reopen the record, as follows:
 - a. When the record is reopened to admit new evidence or arguments (testimony), any person may raise new issues that relate to that new evidence or testimony;
 - b. An extension of the hearing or record granted pursuant to this section is subject to the limitations of Chapter 19.10.060 (ORS 227.178 - 120-day rule), unless the applicant waives ~~his or her~~their right to a final decision being made within 120 days of filing a complete application; and
 - c. If requested by the applicant, the hearing body shall grant the applicant at least seven days after the record is closed to all other persons to submit final written arguments, but not evidence, provided the applicant may expressly waive this right.
 - d. In any and all circumstances, the Planning Commission shall render a final decision on all Type III applications within ~~45~~60 days of a complete application.

Commented [JH120R119]: GOOD

19.10 – General Review Procedures | Type III Procedure

7. The Notice of Quasi-Judicial Decision shall contain all of the following information:

- a. A description of the applicant’s proposal and the City’s decision on the proposal, which may be a summary, provided it references the specifics of the proposal and conditions of approval in the public record;
- b. The address or other geographic description of the property proposed for development, including a map of the property in relation to the surrounding area (a copy of assessor’s map may be used);
- c. A statement of where the City’s decision can be obtained;
- d. The date the decision shall become final, unless appealed; and
- e. A statement that all persons ~~entitled to notice~~ and who testified during the Planning Commission specifically addressing the applicable criteria may appeal the Planning Commission’s decision to City Council pursuant to Chapter 19.10.040.D, or may appeal the City Council’s decision to the state Land Use Board of Appeals, as applicable.

C. Effective Date of Decision. Unless the conditions of approval specify otherwise, a Quasi-Judicial Decision becomes effective 10 days after the City mails the decision notice, unless the decision is appealed pursuant to Chapter 19.10.040.D.

D. Appeal of Planning Commission Decision. The Planning Commission’s decision may be appealed to the City Council as follows:

I. Who may appeal. The following people have legal standing to appeal:

- a. The applicant or owner of the subject property; and
- b. Any ~~ether~~ person who testified orally or in writing during the subject public hearing before the close of the public record.

2. Appeal filing procedure.

- a. Notice of appeal. Any person with standing to appeal, as provided in subsection 1, above, may appeal a Type III Quasi-Judicial Decision by filing a Notice of Appeal and payment of any City imposed appeal fee, according to the following procedures.
- b. Time for filing. A Notice of Appeal shall be filed with the City Recorder within the timeframe specified on the Notice of Decision; but not more than 10 days after the date the Notice of Decision is mailed.
- c. Content of notice of appeal. The Notice of Appeal shall be accompanied by the required filing fee and shall contain:

Commented [SS121]: Type III decision will usually be made by Planning Commission, except that City Council would have final decision on quasi-judicial zone changes and Development Code text amendments.

Section 19.10.060 sets a 60-day deadline. The state deadline is 120 days. Less time may not be feasible if a hearing is not timely scheduled, for example, due to lack of a quorum, or if a hearing is continued. Under state law any person present at the initial evidentiary hearing may request the record be left open for additional testimony for at least 7 days. What is the penalty if the City does not meet the 45-day deadline?

Commented [SS122]: This contradicts D.1, below, which limits standing to those who appeared before the Planning Commission. The City can (and should) limit standing to those who testified during the Planning Commission proceedings to discourage frivolous appeals.

Commented [ME123R122]: I’ve added this language.

(1) An identification of the decision being appealed, including the date of the decision;
19.10 – General Review Procedures | Type III Procedure

- (2) A statement demonstrating the person filing the Notice of Appeal has standing to appeal;
- (3) A statement explaining the specific issues being raised on appeal; and
- (4) If the appellant is not the applicant, a statement demonstrating that the appeal issues were raised during the comment period.

3. **Scope of appeal.** The appeal of a Type III Quasi-Judicial Decision shall be a hearing on record before the City Council. The appeal shall be limited to the application materials, evidence and other documentation, and specific issues raised in the review leading up to the Quasi-Judicial Decision by the Planning Commission. It may not include other written relevant evidence, but may include new legal arguments. The hearing appeal body may not include additional evidentiary or oral testimony except as part of explaining or supporting a legal argument.

E. Record of the Public Hearing.

- 1. The official public hearing record shall include all of the following information:
 - a. All materials considered by the hearings body;
 - b. All materials submitted by the City Administrator to the hearings body regarding the application;
 - c. The minutes of the hearing;
 - d. The final written decision; and
 - e. Copies of all notices given as required by this chapter, and correspondence regarding the application that the City mailed or received.
- 2. The meeting minutes shall be filed in hardcopy form with the City Recorder. The minutes and other evidence presented as a part of the hearing shall be part of the record.
- 3. All exhibits received and displayed shall be marked to provide identification and shall be part of the record.

Commented [JH124R122]: GOOD

~~4. The Planning Commission shall hold the required hearing and render a decision within 30 days of the filing of a sufficient appeal.~~

~~F. Effective Date and Appeals to State Land Use Board of Appeals. A Quasi Judicial Decision or Appeal Decision, as applicable, final land use decision by the City is effective the date the City mails the decision notice. Appeals of City Council decisions under this chapter may be filed with the state Land Use Board of Appeals pursuant to ORS 197.805 – 197.860.~~

Commented [SS125]: Public records law allows digital archives.

Commented [SS126]: The Model Code provides info on LUBA appeals, but the City has no obligation to advise regarding filings with LUBA, Circuit Court, or other courts.

19.10 – General Review Procedures | Type IV Procedure

19.10.050 Type IV (Legislative Decisions)

A.B. Timing of Requests. The City Council may establish a schedule for when it will accept legislative code amendment or plan amendment requests, or the City Council may initiate its own legislative proposals at any time. Legislative requests are not subject to the 120-day review period under ORS 227.178.

B.C. Application Requirements.

1. **Application forms.** Legislative applications shall be made on forms provided by the City Administrator.
2. **Submittal Information.** The application shall contain all of the following information:
 - a. The information requested on the application form;
 - b. A map and/or plan addressing the appropriate criteria and standards in sufficient detail for review and decision (as applicable);
 - c. The required fee, except when the City of Harrisburg initiates the request; and
 - d. One copy of a letter or narrative statement that explains how the application satisfies each and all of the relevant approval criteria and standards; and

C.D. Procedure. Hearings on Legislative Land Use requests are conducted similar to City Council hearings on other legislative proposals, except the notification procedure for Legislative Land Use requests must conform to state land use laws (ORS 227.175), as follows:

1. The City Administrator shall notify in writing the Oregon Department of Land Conservation and Development (DLCD) of legislative amendments ~~(zone change, rezoning with annexation, or comprehensive plan amendment)~~ at least 35 days before the first evidentiary public hearing ~~at which public testimony or new evidence will be received. The notice shall include a DLCD Certificate of Mailing.~~
2. ~~For a~~At least 20 days, but not more than 40 days, before the date of the first hearing on an ordinance that proposes to amend the comprehensive plan or any element thereof, or to adopt an ordinance for any zone change, a notice shall be prepared in conformance with ORS 227.175 and mailed to:
 - a. Each owner whose property would be directly affected by the proposal (e.g., rezoning or a change from one Comprehensive Plan land use designation to another), see ORS 227.186 for instructions;

19.10 – General Review Procedures | Type IV Procedure

- b. Any affected governmental agency;
 - c. Any person who requests notice in writing; and
 - d. For a zone change affecting a manufactured home or mobile home park, all mailing addresses within the park, in accordance with ORS 227.175.
3. At least 10 days before the scheduled City Council public hearing date, public notice shall be published in a newspaper of general circulation in the city.
 4. For each mailing and publication of notice, the City Recorder shall keep an affidavit of mailing/publication in the record.
 5. The City Council shall schedule the required public hearing and render a final decision within 30 days of the Planning Commission’s decision or recommendation or any appeal of a Planning Commission decision.

D.E. Final Decision and Effective Date. A Legislative Land Use decision, if approved, shall take effect and shall become final as specified in the enacting ordinance or, if not approved, upon mailing of the notice of decision to the applicant. Notice of a Legislative Land Use decision shall be mailed to the applicant, all participants of record, and the Department of Land Conservation and Development within 20 business days after the City Council decision is filed with the City Administrator. The City shall also provide notice to all persons as required by other applicable laws.

19.10 – General Review Procedures | Time Limit; Consolidated Review; City Planning Official’s Duties

19.10.060 Time Limit, Consolidated Review, and City Administrator’s Duties

- A. Time Limit - 60-day Rule.** The City shall take final action on Administrative and Quasi-Judicial land use applications, pursuant to this chapter within 60 days from the date the City Administrator deems the application complete for purposes of processing, unless the applicant requests an extension in writing. Any exceptions to this rule shall conform to the provisions of ORS 227.178. (Note: The 60-day rule does not apply to Legislative Land Use decisions.)
- B. Time Periods.** In computing time periods prescribed or allowed by this chapter, the day of the act or event from which the designated period of time begins shall not be included. The last day of the period shall be included, unless it is a Saturday, Sunday, or a legal holiday, in which case the period runs until the end of the next day that is not on a weekend or legal holiday.
- C. Consolidated Review of Applications.** When an applicant applies for more than one type of land use or development permit for the same one or more contiguous parcels of land, the proceedings shall be consolidated for review and decision. When proceedings are consolidated, required notices may be consolidated, provided the notice shall identify each application to be decided. When more than one application is reviewed in a hearing, separate findings and decisions shall be made on each application.
- D. City Administrator’s Duties.** The City Administrator, or ~~his or her~~their designee, shall perform all of the following duties with regard to administration of this Code:
 1. Prepare application forms based on the provisions of this Code and applicable state law;
 2. Prepare required notices and process applications for review and action;
 3. Assist the Planning Commission and City Council in administering the hearings process;
 4. Answer questions from the public regarding the City’s land use regulations;
 5. Prepare staff reports summarizing pending applications, including applicable decision criteria;
 6. Prepare findings consistent with City decisions on land use and development applications;
 7. Prepare notices of final decisions, file the notices in the City’s records, and mail a copy of the notices to all parties entitled to notice under this Code; and
 8. Maintain and preserve the file and public record for each application.

Commented [JH127R126]: AGREED

Commented [SS128]: Section 19.10.040.C sets a 45-day deadline. The state deadline is 120 days. Less time may not be feasible if a hearing is not timely scheduled, for example due to lack of a quorum, or if a hearing is continued. Under state law any person present at the initial evidentiary hearing may request the record be left open for additional testimony for at least 7 days. What is the penalty if the City does not meet the 60-day deadline?

Commented [ME129R128]: We changed it to a 60 day deadline up above, and in current code, it’s 120 days . John, were you cutting this down on purpose? If so, perhaps use 90 days based on this comment?

19.15 – Site Design Review

Chapter 19.15 - Site Design Review

Sections:

- 19.15.010 Purpose
- 19.15.020 Applicability
- 19.15.030 Review Procedure
- 19.15.040 Application Submission Requirements
- 19.15.050 Approval Criteria and Adjustments
- 19.15.060 Assurances
- 19.15.070 Compliance with Conditions, Permit Expiration, and Modifications

19.15.010 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.

19.15.020 Applicability

Site Design Review approval is required for certain 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 ~~are exempt from Site Design Review~~:

- A. Change in occupancy from one permitted type of land use to a different permitted land use, which results in no increase in vehicular traffic, ~~required parking~~, 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. A single structure of 3-~~5~~or more dwellings units in the R-2 or R-3 zone. (See 18.50.0870)
- F. Non-residential building addition of up to 1000 square feet of floor area, or 10 percent increase in floor area, whichever is greater;
- G. Home occupation, except for uses requiring a Conditional Use Permit;
- H. 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 19.40;
- I. Public improvements required as a condition of approval for Land Divisions and existing Site Design Review or other land use approvals 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
- J. Regular maintenance, repair, and replacement of materials (e.g., roof, siding, awnings, etc.), parking resurfacing, and similar maintenance and repair.

19.15.030 Review Procedure

Site Design Review shall be conducted on those proposals exceeding meeting any one of the thresholds below and shall be reviewed using the Type III procedure in Chapter 19.10.040:

- A. The proposed use's estimated vehicle trip generation exceeds 50 average daily trips, based on the latest-current edition of the Institute of Transportation Engineers (ITE) Trip General Manual;
- B. The use exceeds 2,500 square feet of gross floor area; or the project involves more than one acre total site area, or exceeds 5 dwelling units;
- C. The proposal involves a Conditional Use Permit (new or expanded);
- D. The proposal requires a variance under Chapter 19.40;
- 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, five-three or more dwelling units in any zone (except R-2 or R-3), or is required by HMC 18.45. Proposals involving complex or multiple uses, especially those that generate noise, odors, pollution, outdoor storage and/or manufacturing may, at the discretion of the City Administrator, require site plan review as well as those that require a DEQ air pollution permit or otherwise may impose an unusual or excessive burden on the City's streets, water, stormwater or wastewater system.

Commented [JH130R128]: I LIKE THE SHORTER TIME LIMIT, BUT 90 DAYS WOULD WORK AS WELL

Commented [SS131]: Recommend removing this as it is vague and not a land use criterion. It does not relate to the impacts of a development on neighboring properties or infrastructure.

Commented [ME132R131]: I don't think this is a problem, as its in favor of referring something to the public. It is subjective, but I don't think someone would necessarily take us to court over requiring a public hearing.

Commented [JH133R131]: I LIKE LEAVING 'F' IN

Commented [SS134]: A.This conflicts with exemption in 19.15.020: "A single structure of 3-5 dwellings units in the R-2 or R-3 zone."

Commented [ME135R134]: This is now 3 or more dwelling units.....

Commented [JH136R134]: GOOD

Commented [SS137]: This language is not clear and objective and therefore conflicts with Oregon housing statutes. ORS 197.307(4) https://oregon.public.law/statutes/ors_197.307

19.15 – Site Design Review | Application Submission Requirements

19.15.040 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 19.10).
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 City's adopted public facilities master plans for 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 Chapter 18.85.020.

Commented [ME138R137]: How do we change this language to be clear and objective, if it creates a huge burden on our infrastructure?

Commented [SS139]: City must apply only adopted standards.

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 and/or City Engineer determines that larger intervals will be adequate for steeper slopes, or that topographic contours are not needed;
 - 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

19.15 – Site Design Review | Application Submission Requirements

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 12 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 in accordance with 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 areas, and locations of electrical vehicle charging stations as specified by state building code requirements);
- 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, including adequate space to accommodate recycling containers/depots designated for the collection of four principal recyclable containers for any multi-family developments in excess of five or more units, as required by Oregon State Statutes;
- 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 acre or larger, or as 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 18.85.040.

5. **Landscape plan.** Where a landscape plan is required, it shall show the following, pursuant to Chapter 18.75:

- 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.

- 6. **Deed restrictions.** Copies of all existing and proposed restrictions or covenants that affect public and private utilities, stormwater management, and, including those for roadway access control, if any.
- 7. **Narrative.** Letter or narrative report documenting compliance with the applicable approval criteria contained in Section 18.100.050, and brief written summary of proposed project and proposed new structures.
- 8. **Traffic Impact Analysis**, when required by Chapter 18.85.020.
- 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.

Commented [JH140R139]: OK

Commented [SS141]: Cities generally do not review or enforce other private covenants, only those that may affect public facilities and services.

19.15.050 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 19.15.040, above;
- B. The application complies with all of the applicable provisions of Chapter 18.45 and 18.55, 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 18.25.
- D. The proposal complies with all of the Development and Design Standards, as applicable, including, but not limited to:
 - 1. Chapter 18.70 Access and Circulation;
 - 2. Chapter 18.75 Landscaping, Fences and Walls, Outdoor Lighting;
 - 3. Chapter 18.80 Parking and Loading; and
 - 4. Chapter 18.85 Public Facilities
- E. For non-residential uses, all adverse impacts to adjacent properties, such as light, glare, noise, odor, vibration, smoke, dust, or visual impact, shall be avoided; or where impacts cannot be avoided, ~~how they will 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. As a condition of approval, the Planning Commission may ~~impose-require off-site~~ public improvements that ~~may-beare~~ necessary to mitigate or prevent development impacts including, but not limited to, traffic, noise, odors, dust, pollution, or others that ~~may-would~~ affect surrounding existing uses or the City as a whole.

Commented [JH142R141]: THIS ASKS FOR COPIES OF PRIVATE EASEMENTS AND UTILITIES WHICH WE NEED. DOES NOT, IN MY MIND, IMPLY ENFORCEMENT

Commented [ME143]: 'Does not comply' would include illegalities, correct?

Commented [SS144]: Does the City want to require that any illegalities are corrected as a condition of approval? (I would think so.) Does the City want to require that all nonconformities (lawfully established but no longer in conformance to the Development Code) are brought into conformance? That is a different policy issue. Section 18.25.020 allows nonconformities to continue so long as they are not abandoned. The draft code also allows for small expansions of nonconforming development.

19.15.060 Assurances

Public improvement required as part of a Site Design Review approval shall be subject to the performance guarantee and warranty bond provisions of Chapters 18.85.090 and 18.85.100, as applicable.

19.15.070 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 assurance guarantees for public 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 18 additional months; 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 18-month 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 18 months of site design approval was beyond the applicant’s immediate control.
 - 5. In the event of the declaration of emergency by the State of Oregon or Harrisburg City Council, then the City Administrator can grant a second extension ending the sooner of 12 months or termination of the declared emergency.
- C. Modifications to Approved Plans and Developments.** Modifications to approved plans are subject to City review and approval under Chapter 19.30.

19.20 – Land Divisions and Property Line Adjustments

Chapter 19.20 - Land Divisions and Property Line Adjustments

Sections:

- 19.20.010 Purpose
- 19.20.020 General Requirements
- 19.20.030 Preliminary Plat Approval Process
- 19.20.040 Pre-Planning for Large Sites Lot Size Averaging, Flag Lots and Infill Development
- 19.20.050 Flexible Lot Size and Flag Lots Preliminary Plat Submission Requirements
- 19.20.060 Preliminary Plat Submission Requirements Approval Criteria - Partition
- 19.20.070 Preliminary Plat Approval Criteria - Subdivision
- 19.20.080 Land-Division-Related Variances Final Plat Submission and Approval Criteria for Partitions
- 19.20.090 Final Plat Submission Requirements and Approval Criteria for Subdivisions
- 19.20.100 Filing and Recording
- 19.20.110 Re-platting and Vacation of Plats
- 19.20.120 Property Line Adjustments

19.20.010 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-four~~ or more lots ~~from one parent lot, parcel, or tract, within 18 months in one calendar year.~~
 2. ~~Minor p~~Partitions are the creation of ~~three or fewer lots in one calendar year, one or two additional lots from one parent lot, parcel, or tract within one calendar year. Major partitions are the creation of three to five lots from one parent lot, parcel, or tract within 18 months, or is a minor partition with a street.~~
 2. ~~_____~~
 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.

Commented [ME145R144]: I think that by ‘pursuant to Chapter 18.25 does include those nonconformities’ that aren’t abandoned.

Commented [SS146]: This list does not match the code.

Formatted: Not Expanded by / Condensed by

Commented [SS147]: ORS 92.10 Definition

(9) “Partitioning land” means dividing land to create not more than three parcels of land within a calendar year, but does not include:

- (a) Dividing land as a result of a lien foreclosure, foreclosure of a recorded contract for the sale of real property or the creation of cemetery lots;
- (b) Adjusting a property line as property line adjustment is defined in this section;
- (c) Dividing land as a result of the recording of a subdivision or condominium plat;
- (d) Selling or granting by a person to a public agency or public body of property for state highway, county road, city street or other right of way purposes if the road or right of way complies with the applicable comprehensive plan and ORS 215.213 (2)(p) to (r) and 215.283 (2)(q) to (s). However, any property sold or granted for state highway, county road, city street or other right of way purposes shall continue to be considered a single unit of land until the property is further subdivided or partitioned; or
- (e) Selling or granting by a public agency or public body of excess property resulting from the acquisition of land by the state, a political subdivision or special district for highways, county roads, city streets or other right of way purposes when the sale or grant is part of a property line adjustment incorporating the excess right of way into adjacent property. The property line adjustment shall be approved or disapproved by the applicable local government. If the property line adjustment is approved, it shall be recorded in the deed records of the county where the property is located.

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(16) “Subdivide land” means to divide land to create four or more lots within a calendar year.

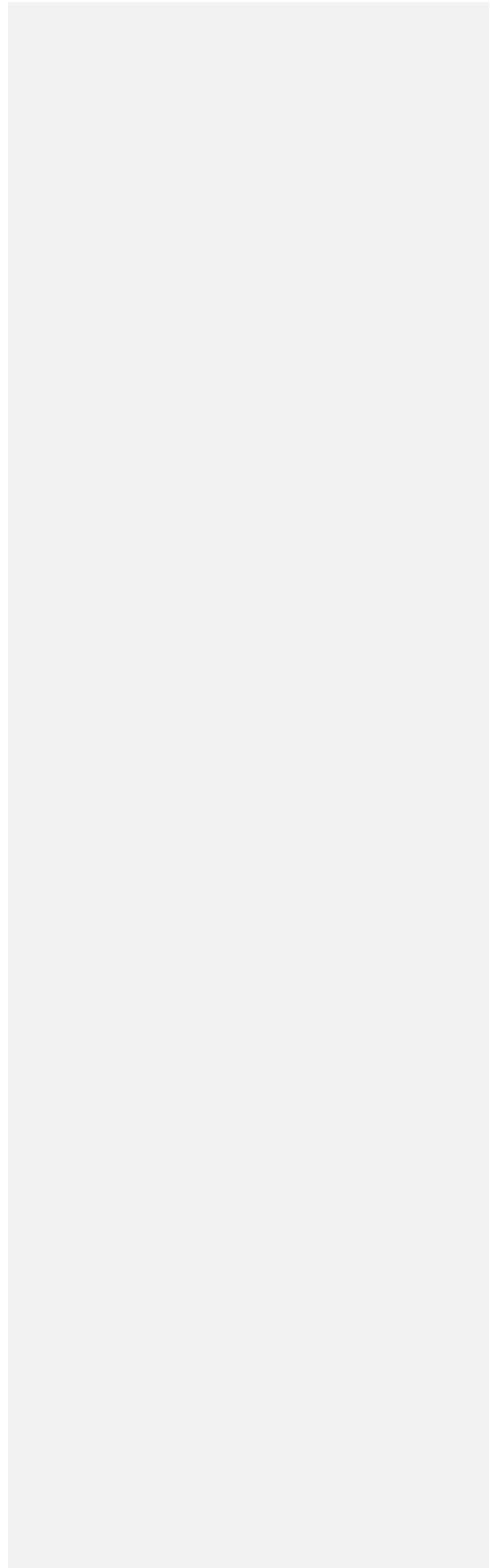
19.20.020 General Requirements

- 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 Chapter 19.20.120; but are not subject to 19.20.020 through 19.20.110.
- 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 18.85. 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 18.85.
- 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 18.70.
- 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 Chapter 19.20.010.

19.20.030 Preliminary Plat Approval Process

- A. Review of Preliminary Plat.** ~~Major partition/subdivision.~~ Preliminary plats shall be processed using the Type III procedure under Chapter 19.10.040. All preliminary plats, including partitions and subdivisions, are subject to the approval criteria in Section 19.20.070.
- B. Review of Minor Partitions:** Minor partitions shall be processed as a Type II procedure, subject to the approval criteria of 19.20.080.
- 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 19.20.090, within the two-year period. The Planning Commission may approve phased subdivisions, pursuant to subsection 19.20.030, 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 19.30. 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 19.30;
 - 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, by 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;

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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.



19.20.040 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 18.50, provided that the overall density of the subdivision does not exceed the allowable density of the district. 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.

B. 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 Chapters 18.85.020 and 18.70.030. 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 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 standards-specifications for alleys to uphold a 75,000 POUND vehicle and conform to the standards of subsections D through E of this chapter.

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 25 feet wide at its most narrow point, paved, and able to carry 75,000/square foot of load and meet the requirements of 18.70.030. 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 wildfire 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 or a vehicle turnaround, or as may be approved by the Fire Marshall and City Engineer or authorized representative.

Commented [JH148R147]: OK, ALTHOUGH I DON'T REALLY LIKE THE STATE DEFINITIONS HERE

Commented [SS149]: This contradicts the limit of 4 flag lots. The street standards indicate alleys are 12 feet of wide.

Commented [ME150R149]: Changing the word standards to specifications should help remedy this. A 75,000 lb vehicle is standard for EMS now, and was requested by the HFRD.

Commented [SS151]: These standards contradict the above standard for access lanes, and they are not specific to Emergency Vehicles. Either delete or clarify.

Commented [ME152R151]: Current standards are 20' for two way traffic. 25' wide is even better, especially when it comes to emergency vehicles.

19.20.050 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 Chapter 19.10.040); 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 public facilities master plans for 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 Chapter 18.85.020.

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 as 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.”

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- 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;

- 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 Chapters 18.70 and 18.85;
- 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 18.85.040;
- h. Proposed method of storm water drainage, retention, and treatment, if required, pursuant to Chapter 18.85.050;
- 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.

19.20.060 Preliminary Plat Approval Criteria: ~~Minor~~ Partition

A. Approval Criteria. The City Administrator may approve, approve with conditions or deny a preliminary ~~minor~~ partition. The City Administrator’s decision shall be based on findings of compliance with all of the following approval criteria:

- 1. The land division application meets the requirements of HMC 19.20.020 and 19.20.060;
- 2. The proposed lots conform to applicable provision requirements of Chapter 18.45 for the assigned zone(s);
- ~~3. There is adequate access, by both lots, to All lots are served by public-public facilities improvements including water, sewer, electricity, surface water drainage, and public streets, or private facilities if approved by the City Engineer. -or public transportation;~~
- ~~3-4. The proposed surface water drainage facilities conform to applicable engineering standards;~~
- ~~4-5. All necessary public and/or private easements are in place to build/service and maintain all utilities, and any private access lanes or streets;~~

~~5.6.~~ Both ~~All~~ lots demonstrate compliance with ~~future development proposed or envisioned in the City's comprehensive and master plans, including but not limited to, proportional and public facilities master plans including any required necessary~~ offsite improvements, ~~and~~ easements for planned trails; or utility improvements, ~~in the area that are required to mitigate the impacts of development.~~

B. Conditions of Approval. The City Administrator may attach such conditions for final plat approval as are necessary to carry out provisions of this code and other applicable ordinances and regulations.

19.20.070 Preliminary Plat Approval Criteria: ~~Major Partition/Subdivision~~

A. Approval Criteria. The Planning Commission may approve, approve with conditions, or deny a preliminary subdivision plat. The Planning Commission's 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 19.20;
2. All proposed lots, blocks, and proposed land uses shall conform to the applicable provisions of Chapter 18.45;
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 Chapters 18.70 and 18.85;
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, park land or open space dedication, and surface water drainage facilities, as applicable, conform to City of Harrisburg adopted public facilities 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.

Commented [JH153R151]: AGREED. I THINK WE ARE FINE HERE

Commented [SS154]: Include park land only if City parks plan contains level of service standard that the City can use as a basis for exacting park land dedications for large subdivisions.

Commented [ME155R154]: Ive asked our consultants to make sure that this is present in the Parks Master Plan.

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.

19.20.080 Final Plat Submission and Approval Criteria ~~for Minor~~ Partitions

- A. **Submission:** The applicant shall submit the final plat within two years of final approval of the preliminary plat by the City Administrator. The format of the plat shall conform to ORS 92.
- B. **Approval Process and Criteria:** By means of a **Type II** review, the City Administrator shall approve or deny the final plat application based on findings of compliance or noncompliance with all the following criteria:
 1. The final plat is consistent with the approved preliminary plat including required conditions of approval,
 2. All required public improvements have been installed and/or bonded in conformance with Chapter 18.85.090,
 3. All required easements, accesses, right-of-way, etc., are dedicated for public or city use without reservation,
 4. All required C, C & R's, easements, maintenance agreements, and common areas shall be furnished with final plat application,
 5. Evidence that city water and sewer are available not more than 25 feet from the nearest lot line,
 6. Evidence is supplied that a certified survey has been conducted, all required monuments and property pins placed and recorded and the survey has been approved by the County Surveyor.

Commented [JH156R154]: I HOPE THE NEW PARKS MASTER PLAN WILL ALLOW THIS

19.20.090 Final Plat Submission Requirements and Approval Criteria for ~~Major Partition~~ or ~~Subdivision~~

Final plats require review and approval by the ~~Planning Commission~~ City Administrator or their designee prior to recording with Linn.

Submission Requirements. The applicant shall submit the final plat within two years of the approval of the preliminary plat as provided by Chapter 19.20.070. The format of the plat shall conform to ORS 92.

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

- I. 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;

Commented [SS157]: Final plats are typically Type I reviews because the conditions of approval from the preliminary plat must be clear and objective.

Commented [SS158]: Final plats are typically Type I reviews because the conditions of approval from the preliminary plat must be clear and objective.

Commented [ME159R158]: JOHN; Did we not pull this language from the model code? Did you intend for the subdivision to go through the Planning Commission twice?

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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 18.85.090;
 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) (if any); 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 the lot line of every lot depicted on the plat; and
 8. The plat contains an affidavit by a certified 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.

19.20.100 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 for the subdivision or partition containing the lot is recorded with Linn County. 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 and the required signatures of City officials, 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.

19.20.110 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.

19.20.120 Property Line Adjustments

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 19.10.020. 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 Chapter 19.10.020. 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), fences and walls, location and dimensions of driveways and public and private streets within or abutting the subject lots and any other information deemed necessary by the City Administrator 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 in writing, based on all of the following criteria:

1. **Parcel Creation.** No additional (new) parcels or lots are created by the lot line adjustment;
2. **Lot standards.** All resulting lots conform to the applicable lot standards of the zoning district (Chapter 18.45) 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 conform to the standards or requirements of Chapter 18.70 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 before 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.

19.25 – Conditional Use Permits

Chapter 19.25 - Conditional Use Permits

Sections:

- 19.25.010 Purpose
- 19.25.020 Approvals Process
- 19.25.030 Application Submission Requirements
- 19.25.040 Criteria, Standards, and Conditions of Approval
- 19.25.050 Revocation

19.25.010 Purpose

There are certain uses which, due to the nature of their impacts on surrounding land uses and public facilities, require a case-by-case review and analysis. Conditional uses are identified in Chapter 18.45 Zoning District Regulations. The purpose of this chapter is to provide procedures and standards for permitting conditional uses.

19.25.020 Approvals Process

The Planning Commission using a Type III procedure, per Chapter 19.10.040, reviews conditional use applications. The Planning Commission may require annual, or less frequent, renewal of conditional use permits. Modifications to conditional use permits are subject to Chapter 19.30 Modifications.

19.25.030 Application Submission Requirements

In addition to the submission requirements for a Type III review under Chapter 19.05.040, applications for conditional use permits shall include a description of existing conditions, a site plan, and information on any existing and any proposed restrictions or covenants. (For a more detailed description of each item, please refer to Chapter 19.25.040 Site Design Review Application Submission Requirements.) An application for a Conditional Use Permit shall also contain a narrative report or letter responding to the applicable approval criteria in Chapter 19.25.040.

19.25 – Conditional Use Permits | Criteria, Standards and Conditions of Approval

19.25.040 Criteria, Standards, and Conditions of Approval

The Planning Commission shall approve, approve with conditions, or deny an application for a conditional use, including requests to enlarge or alter a conditional use, based on findings of fact with respect to all of the criteria and standards in A. and B., below.

A. Use Criteria

1. The site size, dimensions, location, topography, and access are adequate for the needs of the proposed use, considering the proposed building mass, parking, traffic, noise, vibration, exhaust/emissions, light, glare, erosion, odor, dust, visibility, safety, and aesthetic considerations;
2. The negative impacts of the proposed use, if any, on adjacent properties and on the public ~~can be~~ mitigated through application of ~~other~~ Code standards, ~~or and, as applicable, other reasonable~~ conditions of approval, or conditions of use, as may be imposed by the Planning Commission;
3. All required public facilities, including water, sanitary sewer, and streets, have adequate capacity or are to be improved to adequately serve the use proposal, consistent with City standards; and
4. A conditional use permit shall not allow a use that is prohibited under Chapters 18.40 and 18.45; nor shall a conditional use permit grant a variance without a separate variance application being reviewed concurrently with the conditional use application.

B. Conditions of Approval. The City may impose conditions of approval that are found necessary to ensure that the use is compatible with other uses in the vicinity, and that the negative impact of the proposed use on the surrounding uses and public facilities is minimized. These conditions include, but are not limited to, one or more of the following:

1. Limiting the hours, days, place, and/or manner of operation;
2. Requiring site or architectural design features which minimize environmental impacts such as noise, vibration, exhaust/emissions, light, glare, erosion, odor, and/or dust;
3. Requiring larger setback areas, lot area, and/or lot depth or width;
4. Limiting the building or structure height, size, lot coverage, and/or location on the site;
5. Designating the size, number, location, and/or design of vehicle access points or parking and loading areas;
6. Requiring street right-of-way to be dedicated and street improvements made, or the installation of pathways, sidewalks, or traffic control devices or features;

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7. Requiring landscaping, screening, drainage, drainage detention, water quality facilities, and/or improvement of parking and loading areas;
 8. Limiting the number, size, location, height, materials, and/or lighting of signs;
 9. Limiting or setting standards for the location, type, design, and/or intensity of outdoor lighting;
 10. Requiring berms, screening, or landscaping and the establishment of standards for their installation and maintenance;
 11. Requiring and designating the size, height, location, and/or materials for fences;
 12. Requiring the protection and preservation of existing trees, soils, vegetation, watercourses, habitat areas, drainage areas, historic resources, cultural resources, and/or sensitive lands;
 13. Requiring improvements to water, sanitary sewer, or storm drainage systems, in conformance with City standards; and
 14. The Planning Commission ~~or City Administrator~~ may require periodic review and renewal of conditional use permits annually or in accordance with another timetable as approved pursuant to this chapter. Where applicable, the timetable shall provide for periodic review and renewal, or expiration, of the conditional use permit to ensure compliance with conditions of approval; such period review may occur through a Type III review process, except where the Planning Commission delegates authority to the City Administrator to issue renewals, ~~who may do so~~ which may be authorized through either a Type I or Type II procedure, as applicable (see Chapter 19.10 for review procedures).

19.25.050 Revocation

A conditional use permit may be suspended or revoked at any time upon the following findings and actions by the City Administrator:

1. The permit holder has been notified in writing by the City Administrator of one or more violation(s) of the conditional use permit and given 30 days to correct the violation(s).
2. If, after 30 days the permittee has not cured the violation, the City Administrator shall provide notification of pending suspension of the conditional use permit.
3. After notice of suspension, the permittee has 15 business days to cure the violation(s) or close operation, or file an appeal with the Planning Commission.
4. If a conditional use permit is revoked or suspended by the City Administrator or Planning Commission, the permit holder shall, within 15 business days, suspend all operations.
5. Those businesses or property owners who continue to operate 15 days after a suspension or revocation of a CUP shall be subject to a daily violation in accordance with the provisions of ORS 92.990 and/or HMC Chapter 1.10

Chapter 19.30 - Modifications to Approved Plans and Conditions

Sections:

- 19.30.010 Purpose
- 19.30.020 Applicability
- 19.30.030 Major Modifications
- 19.30.040 Minor Modifications

19.30.010 Purpose

The purpose of this chapter is to provide an efficient process for modifying land use decisions and approved development plans, in recognition of the cost and complexity of land development and the need to conserve City resources.

19.30.020 Applicability

This chapter applies when an applicant proposes to modify an approved application or condition of approval.

19.30.030 Major Modifications

A. Major Modification. The Planning Commission reviews applications for major modifications through the ~~Quasi-Judicial-Type III~~ procedure under Chapter 19.10. Any one of the following changes constitutes a major modification: ~~(Type III Procedure)~~

1. A change in land use, from a less intensive use to a more intensive use of 20 percent or more, provided the standards of Chapters 18.40 – 18.90 are met;
2. An increase in floor area in a commercial or industrial development, or an increase in the number of dwelling units in a multifamily development, by 20 percent or more, provided the other standards of Chapters 18.40 – 18.90 are met;
3. A reduction in required setbacks, or an increase in lot coverage, by 20 percent or more, provided the other standards of Chapters 18.40 – 18.90 are met;
4. A change in the type and/or location of vehicle access points or approaches, driveways, or parking areas affecting off-site traffic.
5. A reduction to screening, or a reduction to the area reserved for common open space or landscaping by

20 percent or more;

- 6. Change to a condition of approval, (CUP or site plan) or a change similar to items 1-5, above, that could have a detrimental impact on adjoining properties. The City Administrator shall have discretion in determining detrimental impacts triggering a major modification; or
- 7. Other changes similar to those in subsections 1-6, above, in scale, magnitude, or impact to adjacent properties, as determined by the City Administrator.

B. Major Modification Applications; Approval Criteria. Requests for major modifications shall conform to all of the following procedures and criteria:

- 1. The applicant shall submit an application form, filing fee, letter describing the modification, and site plan demonstrating the major modification. The City may require other relevant information, as necessary, in evaluating the request;
- 2. The application shall be subject to the same approval criteria used for the initial project approval.
- 3. The scope of review shall be limited to the modification request. Notice shall be provided in accordance with Chapter 19.10; and
- 4. The ~~same decision body that granted final approval for the initial application shall review the modification request. Planning Commission. That decision body~~ shall approve, deny, or approve with conditions an application for major modification based on written findings on the applicable Code criteria (e.g., ~~Partition, S~~ubdivision, Site Design Review, ~~C~~onditional ~~U~~se Permit, etc.). ~~(GOOD CHANGE – JOHN)~~

19.30.040 Minor Modifications

A. Minor Modification. The City Administrator through a Type II procedure shall review proposals for Minor Modifications. Minor modifications include technical corrections to comply with codes and regulations, and changes that fall below the thresholds in 19.30.030, as determined by the City Administrator. ~~Modifications that affect only parking, landscaping, lighting, or signage will normally be reviewed as a minor modification.~~

B. Minor Modification Applications; Approval Criteria. An application for minor modification shall include an application form, filing fee, letter describing the modification, and site plan demonstrating the minor modification. The City Administrator may require other relevant information, as necessary, in evaluating the request.

C. Minor Modification Approval Criteria. The City Administrator shall approve, deny, or approve with conditions an application for minor modification based on findings of compliance or noncompliance with the applicable requirements of the Development Code and the conditions of approval of the original decision.

Chapter 19.35 – Amendments to Zoning Map or Code

Sections:

- 19.35.010 Purpose
- 19.35.020 Procedure
- 19.35.030 Criteria
- 19.35.040 Record of Amendments
- ~~19.35.050 Transportation Planning Rule Compliance~~

19.35.010 Purpose

The purpose of this chapter is to provide standards and procedures for ~~legislative and quasi-judicial~~ 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.

19.35.020 Procedure

- A. Except for corrections, amendments to ~~the Comprehensive Plan Development Code text~~ are Legislative (Type IV).
- B. Amendments to the ~~Development Code or Comprehensive~~ 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 Comprehensive~~ Zoning Map that are less than one acre and ~~for~~ affect only one parcel are ~~processed as Quasi-Judicial (Type III) decision actions.~~
- C. Amendments to the Zoning Map that require an amendment to the Comprehensive Plan are Legislative (Type IV) actions.
- D. Amendments that do not meet the criteria under subsections 18.120.020.A, 18.120.020.B, or 18.120.020.C may be processed as ~~either~~ Quasi-Judicial ~~or~~ Legislative amendments, ~~subject applicable-~~ ~~pursuant to the Type III procedure Oregon law.~~

19.35.030 Criteria

Planning Commission review and recommendation, and City Council approval, of an ordinance amending the Zoning Map, Development Code, or Comprehensive Plan shall be based on all of the following criteria:

- A. If the proposal involves an amendment to the Comprehensive Plan, the amendment must be consistent with the Statewide Planning Goals and relevant Oregon Administrative Rules;

~~B. The proposal Applications for Quasi-Judicial amendments must be consistent with~~conform to the regulatory policies of the Comprehensive Plan, in addition to the criteria in subsection A, above~~(the Comprehensive Plan may be amended concurrently with proposed changes in zoning);~~

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- C. ~~The Legislative amendments City Council must find the proposal to~~ be in the public interest with regard to community conditions; the proposal either responds to changes in the community, or it corrects a mistake or inconsistency in the current plan or code; and
 - D. ~~The All amendments~~ must conform to ~~Section 19.35.050 the Oregon~~ Transportation Planning Rule with regard to adequacy of the transportation system Compliance(OAR 660-012-060).

19.35.040 Record of Amendments

The City Planning Official shall maintain a record of amendments to the text of this Code and the Zoning Map in a format convenient for public use. In the case of a map amendment, the map shall be made part of the ordinance.

~~**19.35.050 Transportation Planning Rule Compliance**~~

~~Proposals to amend the Comprehensive Plan or Zoning Map shall be reviewed to determine whether they significantly affect a transportation facility pursuant to Oregon Administrative Rule (OAR) 660-012-0060 (Transportation Planning Rule TPR).~~

Chapter 19.40 - Adjustments and Variances

Sections:

- 19.40.010 Purpose
- 19.40.020 General Provisions
- 19.40.030 Adjustments
- 19.40.040 Variances
- 19.40.050 Expiration

19.40.010 Purpose

Chapter 18.125 provides standards and procedures for adjustments and variances, which are modifications to development standards that are not otherwise permitted elsewhere in this Code.

19.40.020 Intent

~~Adjustments are variances that are intended to provide relief from code standards in specific situations. Both procedures are intended to ensure that the resulting development is compatible with adjacent properties and is consistent with the intent of the Code.~~ It is the intent of the City of Harrisburg to provide appropriate flexibility in subdivision, zoning and development in land use standards while meeting the intent of this Code to maintain of development compatibility with adjacent properties in order to promote orderly development, greater housing and employment opportunities, and greater community accessibility to community, commercial, and professional services.

A. Adjustments. Adjustments provide limited ~~relief flexibility from in~~ specific code provisions when a code provision has the unintended effect of ~~preventing impeding~~ reasonable development in conformance with other code requirements. Adjustments are allowed in limited situations pursuant to Section 19.40.030.

~~Adjustment requests shall be a separate application, with a separate fee, that may be included with any building permit, site plan, CUP or subdivision application.~~

B. Variances. Variances provide greater flexibility to code standards than adjustments, where the physical characteristics of a site or its surroundings prevent reasonable development in compliance with a code standard.

C. Adjustment and Variance applications may be processed concurrently with any other application authorized by the Development Code.

19.40.030 Adjustments

~~Adjustments are minor modifications to Code standards that are intended to provide reasonable flexibility for planned land uses and development.~~ Adjustments are subject to the following standards and procedures. (Permitted uses, as provided in Article 2, shall not be adjusted.) (AGREE WITH ALL PROPOSED CHANGES ON THIS PAGE – JOHN)

A. Applicability. The City Administrator or Planning Commission, through a Type II procedure, may adjust the following standards where the criteria in Section 19.40.030.B are met:

1. **Setbacks:** Up to a 15 percent reduction to a minimum setback.
2. **Lot Coverage:** Up to a 20 percent increase to the maximum lot coverage.
3. **Landscaping/Irrigation:** Up to a 30% percent reduction in required landscaping and irrigation.
4. **Lot Dimensions:** Up to a 10 percent decrease to a minimum lot dimension.
5. **Lot Area:** Up to a 10 percent decrease in minimum lot area.
6. **Other Dimensional Standards:** Up to a 10 percent increase or decrease in a quantitative (numerical) standard not listed above. This option is limited to standards in Article 2 (Table 18.45.030 and Chapter 18.50 Special Uses) and Article 3; it does not include building code requirements, engineering design standards, public safety standards, or standards implementing state or federal requirements, as determined by the City Administrator.

B. Approval criteria. The City may grant an Adjustment only upon finding that all of the following criteria are met. The burden is on the applicant to demonstrate compliance with the criteria.

1. The Adjustment allows for a building plan that is compatible with adjacent land uses, and it does not create a conflict with adjacent uses;
2. Approval of an Adjustment Permit application is necessary in order for the applicant to develop his property consistent with the “highest and best” uses of the zone or to allow low intensity/less intensive development consistent with the zoning that could not otherwise occur.
3. Approval of the Adjustment does not create (a) violation(s) of any state or federal regulation or other adopted ordinance or code standard, and does not create the need for a Variance;
4. An application for an Adjustment is limited to not more than six lots per application;
5. Requests for more than one Adjustment on the same lot shall be consolidated on one application and reviewed concurrently by the City;
6. Not more than three Adjustments may be approved for one lot or parcel in a continuous 12-month period; and
7. All applicable building code requirements and City Engineering and Public Works design standards shall be met.

19.40.040 Variances

Applicability. A Variance is a code adjustment that does not otherwise meet the criteria under Chapter 19.40.030. (Permitted uses, as provided in Article 2 18.40 to 18.55, shall not be adjusted with a Variance.)

A. Approval Criteria. The Planning Commission through a Type III procedure may approve a Variance upon finding that it meets all of the following criteria:

1. The Variance is necessary because the subject Code provision does not account for special or unique physical or historical circumstances of the subject site, existing development patterns, or adjacent land uses. ~~A legal lot determination may be sufficient evidence of a hardship for purposes of approving a variance; or a variance is necessary to demonstrate economic viability; if an existing lot or development is nonconforming, the City may accept the nonconforming status as sufficient evidence of a hardship for purposes of approving a variance under Chapter 19.40.~~
2. The Variance is the minimum necessary to address the special or unique physical circumstances related to the subject site;
3. The Variance does not conflict with other applicable City policies or other applicable regulations;
4. The Variance will result in no foreseeable harm to adjacent property owners or to the public interest;
5. All applicable building code requirements and engineering design standards shall be met;
6. The variance is necessary for the preservation and enjoyment of the same property rights as possessed by owners of other property in the same zone; and
7. In granting a variance, the Planning Commission may attach conditions which it finds necessary to protect the best interests of the surrounding property or the community as a whole.

Commented [JH160R158]: I AGREE WITH SCOTT. NO NEED TO GO BACK TO PC A 2ND TIME. NOT SURE HOW THAT GOT IN HERE, SECTION B SHOULD BE CHANGED TO TYPE I REVIEW WITH FINAL APPROVAL BY ADMINISTRATOR

Commented [SS161]: Lots of record that are substandard as to size or other land use requirement are considered legal, nonconforming lots. They do not by necessity require variances to exist or to receive development.

19.40.050 Expiration

Approvals granted under Chapter 19.40 shall expire if not acted upon by the property owner within 18 months of the City approving the variance. Where the owner has applied for a building permit or final plat, has made site improvements consistent with an approved development plan (e.g., Site Design Review or preliminary subdivision plan), or provides other evidence of working in good faith toward completing the project, the City Administrator may extend an approval accordingly.

Chapter 19.45 - Master Planned Developments/Planned Unit Development

Sections:

- 19.45.010 Purpose
- 19.45.020 Applicability
- 19.45.030 Review and Approvals Process
- 19.45.040 Modifications to Development Standards
- 19.45.050 Concept Plan Submission
- 19.45.060 Concept Plan Approval Criteria
- 19.45.070 Expiration
- 19.45.080 Detailed Development Plan Submission
- 19.45.090 Detailed Development Plan Criteria
- 19.45.100 Subsequent Development Reviews

19.45.010 Purpose

The purposes of Chapter 19.45 are to:

- A.** Implement the Comprehensive Plan by providing a means for master planning large development sites as an alternative to piecemeal subdivision development;
- B.** Encourage innovative planning that results in projects that benefit the community, for example, through greater efficiency in land use, improved protection of open spaces, transportation efficiency, and housing choices; or bring greater variety and opportunity for housing, commercial, and industrial development.
- C.** Encourage housing options for a range of household sizes, incomes, and lifestyles;
- D.** Encourage mixed-use development and diversified employment opportunities;
- E.** Promote an economic arrangement of land use, buildings, circulation systems, open space, and utilities;
- F.** Preserve to the greatest extent possible the existing landscape features and amenities that may not otherwise be protected through conventional development;
- G.** Encourage energy efficiency and improved air and water quality;
- H.** Implement public facility master plans; and
- I.** Provide flexibility in development standards, consistent with the above purposes.

19.45.020 Applicability

The master planned development designation may be applied and used on any of the City's zoning districts. It is an option available to developers of land.

19.45.030 Review and Approvals Process

A. Review Steps. There are three required steps to master planned development approval, which may be completed individually or combined for concurrent review:

1. Application for master planned development concept plan approval;
2. Application for detailed development plan approval, which may include a preliminary subdivision plan or site plan review; and
3. Application(s) for final development plan (e.g., final plat and/or site design review) approval.

B. Approval Process.

1. The master planned development concept plan shall be reviewed pursuant to the Type III procedure in Section 19.15 or Section 19.10.040, the submission requirements in Section 19.45.050, and the approval criteria in Section 19.45.060.
2. The detailed development plan and preliminary subdivision plan shall be reviewed using the Type II procedure in Section 19.10.030 to ensure substantial compliance with the approved concept plan.
3. Steps 1-2, above, may be combined in any manner, so long as the decision-making sequence follows the above order. Notification and hearings may be combined.

19.45.040 Modifications to Development Standards

The standards of HMC ~~Chapters-Titles 12, 18, Title 12,~~ and 19 may be modified through the master plan development process without the need for variance under Chapter 19.40. In evaluating this criterion, the City Planning Commission shall consider whether the proposal, on overall balance, exceeds the City's minimum or maximum requirements and provides greater community benefits than would otherwise occur under the base Development Code requirements. In evaluating community benefits, the City Planning Commission shall apply the following criteria: the City may deny an application for Master Planned Development concept plan approval that does not meet all of the following criteria:

- A. Comprehensive Plan.** The modification does not conflict with the Comprehensive Plan. A Master Planned Development may exceed the maximum density, commercial (minimum lot size) permitted by the underlying zone, provided that the overall density of the project is not greater than 125 percent of the density permitted by the underlying zone.
- B. HMC ~~Chapter-Title 18.~~** Standards regarding density, development standard setbacks, building height, lot size and frontage ~~in HMC Titles 18.40, 18.45, 18.50, 18.65 and 18.85~~ may be modified through an approved Planned Unit Development process.
- C. HMC ~~Chapter-Title 19.20 – 19.40.~~** ~~Land division (major partition), Partition,~~ subdivision, design standards, improvements, exceptions and variances may be modified through an approved Planned Unit process without separate applications.

Commented [JH162R161]: AGREED, AS WE DID WITH BUCHER'S SFD DEVELOPMENT)

Commented [SS163]: Title or Chapter 12?

Commented [SS164]: This is unclear. List the code sections can be modified, or refer to the tables by section number.

Commented [ME165R164]:

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- D. HMC Chapters 12.10-12.20.** Streets, curbs, gutters, landscaping and street tree requirements may be modified through an approved Planned Unit process.
 - E. Purpose and Intent of Development Code.** The modifications equally or better meet the purpose and intent goals of the Development Code section(s) to be modified, as compared to a project that strictly conforms to code standards.
 - F. Public Benefit.** The modification provides a net public benefit by accomplishing one or more of the following:
 1. Greater variety of housing types, commercial opportunities, or lot sizes, than would be achieved under the base Development Code standards;
 2. More publicly available open space, parks, or more usable open space or publicly available recreation opportunities than would normally occur under the base Development Code standards;
 3. Greater protection of natural features than would normally occur under the base Development Code standards;
 4. Greater employment and/or recreation opportunities or projects that promote more mixed uses;
 5. Avoidance of natural hazards (e.g., geological hazards, river resources, flood hazards, or wetland); and
 6. Improved transportation connectivity, such as the provision of pathways/bikeways and/or other transportation facilities, that would not otherwise be provided pursuant to base Development Code requirements.
 7. ~~Helps meet~~ Implementation of the City's capital improvement program, including but not limited to planned City transportation, parks, and Capital Facility Plans goals or requirements infrastructure projects.
 - G. Engineering Design Standards.** Modifications to the City's Engineering Design Standards require a separate non-land use variance to such standards as approved by the City Engineer. The City may grant such variances concurrently with the master planned development.

19.45.050 Concept Plan Submission

- A. General Submission Requirements.** An application for a Concept Development Plan shall follow the submission requirements for a Type III review under Section 19.10.040, and shall include all of the following:
 1. Statement of planning objectives to be achieved by the master planned development through the particular approach proposed by the applicant. This statement should include a description of the character of the proposed development and the rationale behind the assumptions and choices made by the applicant;
 2. Development schedule indicating the approximate dates when construction of the project and its various phases, if any, including public facilities, are expected to be initiated and completed;

-
3. Statement of the applicant's intentions with regard to the future selling or leasing of all or portions of the planned development; or proposed grants of property or construction of public amenities being offered by the applicant;
 4. Narrative report or letter documenting compliance with the applicable approval criteria contained in Chapter 19.45.060;
 5. Maintenance plan for any common areas or lands not dedicated to a public agency or owned in fee simple; and
 6. Additional reports or studies prepared by qualified professionals, as required by the City Administrator, to determine potential project impacts and mitigation, if any, related to: transportation; public facilities; geologic or other hazards; architecture; noise, light, solar access, air quality, or similar concerns; and natural features.

B. Additional Information. In addition to the general information described in subsection A, above, the concept plan, data, and narrative shall include all of the following exhibits and information:

1. Existing conditions map, as defined in Section 19.15.040 Site Design Review Application Submission Requirements;
2. Conceptual site plan (e.g., general land use, building envelopes, circulation, open space, utility connections, and other information necessary to convey the concept plan);
3. Off-site public and private improvements concept;
4. Grading concept (for hillside or sloping properties, or where extensive grading is anticipated);
5. Landscape concept (e.g., shows retention of existing vegetation and general planting areas, including concept irrigation);
6. Public/private utilities concept;
7. Architectural concept (e.g., plans illustrate architectural styles, building heights, and general materials);
8. Streets, pathways, parking circulation, both public and private concept.
9. Sign concept plan (e.g., locations, general size, style, and materials of signs), as applicable; and
10. Copy of all existing covenants and restrictions, and a general description of proposed restrictions or covenants (e.g., for common areas, access, parking, etc.);
11. Storm drainage concept;
12. Wetlands avoidance/mitigation concept.

19.45.060 Concept Plan Approval Criteria

The City, in approving or approving with conditions a Concept Plan, shall make findings that all of the following criteria are met. The City must deny an application where not all of the criteria are met.

A. Comprehensive Plan. The proposal conforms to the Comprehensive Plan. A Master Planned Development may exceed the maximum density, commercial (minimum lot size) permitted by the underlying zone, provided that the overall density of the project is not greater than 125 percent of the density permitted by the underlying zone.;

Commented [JH166R164]: GOOD
Commented [SS167]: Repeating density bonus authorization from above (verify the City wants this).

B. Land Division Chapter. Except as may be modified under this Title, all of the requirements for land divisions, under Chapter 19.20, are met;

C. Article 2 and Article 3 Standards. Except as may be modified under this Title, all of the requirements of Chapters 18 and 12 are met;

D. Open Space. Master plans shall contain a minimum of 25 percent open space, at least half of which must be public, private, or a combination of public and private open space. Such open space shall be integral to the master plan and connect to a majority of the proposed residential lots. Plans shall provide space for both active and passive recreational uses, and may include, but are not limited to, neighborhood parks, pathways/trails, natural areas, plazas, and play fields. Open space areas shall be shown on the final plan and recorded with the final plat or separate instrument; the open space shall be conveyed in accordance with one of the following methods:

Commented [JH168R167]: GOOD WITH HIS CHANGES TO SECTIONS 'A' AND 'D'

~~1. The 25% open space requirement can be satisfied in whole or in part by~~ By dedicating to the City recreational or open space areas elsewhere in the City consistent with the City's Parks Master Plan or ~~TSP~~ Transportation System Plan (for trails).

~~3.1. By dedication to the City as publicly owned and maintained open space.~~ Open space proposed for dedication to the City must be acceptable to the Planning Commission with regard to the size, shape, location, improvement, environmental condition (i.e., the applicant may be required to provide an environmental assessment), and approved by City Council based on budgetary, maintenance, and liability considerations; or

~~4.2.~~ By leasing or conveying title (including beneficial ownership) to a corporation, homeowners' association, or other legal entity. The terms of such lease or other instrument of conveyance must include provisions for maintenance and property tax payment acceptable to the City. The City, through conditions of approval, may also require public access or street dedications to be provided, where the open space is deemed necessary, based on impacts of the development and to meet public recreational and transportation needs pursuant to the City's Comprehensive Plan and Master Plans.

E. Special Housing. If the Planned Unit Development proposes housing opportunities that implements local and regional housing goals or that meets other housing needs as identified by the City of Harrisburg, and that is not currently available (or only minimally available) in the city.

Commented [SS169]: This standard is meaningless. Open space will be either public, private, or a combination. You can delete this.

F. Modifications to Standards. ~~Planning Commission may modify these or other All HMC requirements.~~ Modifications to Code standards must conform to the criteria in Section 19.45.040.

Commented [SS170]: Code should be more specific about the types of housing that are encouraged/rewarded through the PUD process. "Special housing" sounds like special needs or group housing. Consider changing to, Housing that implements local or regional affordable housing goals or that meets other housing needs as identified by the City of Harrisburg.

19.45.070 Concept Plan and Expiration

A. Filing. Upon approval of a concept plan, the approved plan, including any conditions of approval, shall Harrisburg Zoning & Development Code Project 2022

be binding on future uses and development of the property, except where an approval expires.

B. Expiration. Except as provided by subsection C, below, a concept plan shall become void three years after the date of approval if the applicant, or successor, has not filed with the City an application for detailed development plan and final plat approval in conformance with Sections 19.45.080 and 19.45.090.

C. Extension. The City may grant extensions of the concept plan approval period, not to exceed 18 months per extension, provided that the extension request is made before expiration of the master planned development approval, the applicant can show intent of applying for detailed development plan review within the 18-month extension period, and there have been no substantive changes to the applicable Comprehensive Plan policies and ordinance provisions on which the approval was based.

19.45 – Master Planned Developments

19.45.080 Detailed Development Plan Submission

Detailed development plan submittal requirements are determined based on the conditions of approval for the concept plan. At a minimum, the detailed development plan submittal shall meet the minimum requirements for final plat submission under Chapter 19.20 and shall contain information demonstrating compliance with the concept plan. The detailed development plan and preliminary subdivision plan shall be reviewed using the Type III procedure in Section 19.10.030 to ensure substantial conformance to the approved concept plan. Site Design Reviews on detailed development plans shall be processed through the Type III procedure.

19.45.090 Detailed Development Plan Criteria

Approval of the detailed development plan shall be based upon a finding that the final plan substantially conforms to the concept plan, including any concept plan conditions of approval. Minor changes to the approved concept plan may be approved with the detailed plan where the City Administrator finds that the modification is necessary to correct an error or to address changes in circumstances beyond the applicant’s control that have occurred since the date of project approval. Other changes must be reviewed as major modifications under Chapter 19.30.

19.45.100 Subsequent Development Reviews

Notwithstanding the provisions of Section 19.15.030, where the City has previously approved a development project in concept as part of a master planned development approval subsequent land use applications for the same project may be processed through a Type II review.

19.50 – Religious Owned Affordable Housing and Affordable Housing Land Use

19.50.010 Purpose To ~~implement Oregon State Legislature Bills SB 8 and HB 2008, as well as~~ enhance affordable housing opportunities in Harrisburg, consistent with the Harrisburg Comprehensive Plan. In addition, open Harrisburg Zoning & Development Code Project 2022

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Commented [SS172]: City may apply statutes directly without incorporating them into code. Replace bills with statutes.

opportunities for land not currently zoned residentially for affordable housing developments consistent with ~~SB-8 and HB 2008~~ [ORS 307.140](#) and HMC 19.50.

19.50.020 Applicability

~~A. This section applies to all land in the Harrisburg Urban Growth Boundary currently zoned residential, commercial, public use or M-I that is and;~~

~~B. Are~~ owned by religious, governmental, or non-profit organizations. (Non-profits must have housing development as their primary goal/purpose). If not currently residentially zoned the area may be developed for affordable housing without a zone change application or process provided all conditions of this section and state law are met ~~and;~~

~~The~~
~~C. Is~~ proposed ~~to develop~~ affordable housing must be for those individuals or households with a combined annual income at or below 60% of the most recent Linn County median income ~~and; and the site must be~~

~~D. Is~~ contiguous to one or more existing parcels zoned R-1, R-2, or R-3.

19.50.030 Application Requirements

A. Application shall be made on forms prescribed by the City Administrator and shall demonstrate that all state requirements and the standards of HMC 18.45.040 (R-3 Zone); and this section; are met, ~~and;~~

B. The parcel(s) proposed for affordable housing development shall not contain a slope of 25% or greater, be located within the City's 100-year floodplain or be identified as hazardous land, and;

C. The site, when developed, shall meet all state and county requirements for public safety, health, and habitability, and as well as city utility, street, and water drainage requirements.

19.50.040 Review and Approval Standards

Housing developed under this section shall be reviewed through the Type II process. Shall Approval criteria shall be as set forth as applicable in SB-9 and HB 2008 in Oregon statutes and this Codend Harrisburg Municipal Code, Type II review, and Chapter 18.45.040 R-3 Zone.

Commented [JH173R172]: GOOD

Commented [SS174]: I believe the City can apply its clear and objective standards.

Chapter 19.55 — Definitions

Commented [SS175R174]: GOOD

Sections:

- 19.55.010 Purpose
- 19.55.020 Applicability
- 19.55.030 Definitions

19.55.010 Purpose

The purpose of Chapter 18.135 is to define terms that are used in the City of Harrisburg Development Code and other terms that may arise in interpreting the Code, particularly those that may be uncommon or have more than one meaning.

19.55.020 Applicability

- A. Definitions.** The definitions in Chapter 18.135 apply to all actions and interpretations under the City of Harrisburg Development Code. The meanings of some terms in this chapter may, in certain contexts in which they are used, be clearly inapplicable. In such cases the context in which a term is used will indicate its intended meaning, and that intent shall control.
- B. When a Term is Not Defined.** Terms not defined in this Code shall have their ordinary accepted meanings within the context in which they are used. [*Webster’s Third New International Dictionary of the English Language, Unabridged,*] shall be considered a standard reference.
- C. Land Use Categories.** Chapter 18.135 defines the land use categories used in Article 2.
- D. Conflicting Definitions.** Where a term listed in Chapter 18.135 is defined by another section of this Code or by other regulations or statutes referenced by this Code, the term is not redefined herein for purposes of that other code.

19.55.030 Definitions

The following definitions are organized alphabetically.

A

Abutting. Contiguous or adjoining.

Access. A way or means of approach to provide pedestrian, bicycle, and/or motor vehicular entrances or exits to a property.

Access Control. Where the right of access between a property abutting the highway and the highway has been acquired by a roadway authority, or eliminated by law, pursuant to access or approach spacing standards.

Access Easement. An easement conveyed for the purpose of providing vehicle, bicycle, and/or pedestrian access from a public street to a lot or parcel across intervening property under separate ownership from the parcel being provided access. **Cross access easement** is an easement providing vehicular access between two or more separate sites, so that the driver need not enter the public street system between sites.

Access Management. The systematic control of the location, spacing, design, and operation of driveways, median openings interchanges, and street connections to a roadway to minimize conflicts between turning and through vehicles, bicyclists, and pedestrians. The purpose of access management is to provide vehicular access to land development in a manner that preserves the safety and efficiency of the transportation system. Public facility measures to support access management include roadway design applications, such as median treatments and auxiliary lanes, and the appropriate spacing of traffic signals. Measures that may be included as conditions of approval for development decisions include, but are not limited to, 1) standards such as minimum spacing of driveways and onsite vehicle storage requirements; 2) mitigations related to site conditions such as right-in-right-out only approaches, medians, dedicated turn lanes, and shared driveways; and 3) provision for future opportunities for mitigation by land dedication or easement.

Access Management Plan. A plan adopted by the City, or jointly by the Oregon Transportation Commission (OTC) in coordination with the City, for managing access on a designated section of an arterial street or highway[, or within the influence area of a highway interchange.]

Access Way. A walkway or multi-use path connecting two rights-of-way to one another where no vehicle connection is made.

Alternate Access. The right to access a property by means other than the proposed approach or access connection. It may include an existing public right-of-way, another location on the subject street or highway, an easement across adjoining property, a different street, a service road, a local road, or an alley, and may be in the form of a single or joint approach.

Access, Reasonable. Access that does not require excessive out-of-direction travel or pose a safety hazard.

Access Point. A connection providing for the movement of vehicles between a lot or parcel and a public roadway.

Access Spacing / Intersection Spacing. The minimum required distance from an intersection of a public or private street to the nearest driveway or other access connection, measured from the closest edge of the pavement of the intersecting street to the closest edge of the pavement of the connection along the traveled way.

19.55 – Definitions

Access Way. A walkway providing a through connection for pedestrians between two streets, between two lots, or between a development and a public right-of-way. It may be an access way for pedestrians and bicyclists (with no vehicle access), or a walkway on public or private property (i.e., with a public access easement); it may also be designed to accommodate emergency vehicles. See also, Walkway.

Accessible. Two meanings are possible depending on the specific code provision. In general, accessible means approachable by pedestrians, vehicles, or other transportation modes, as applicable. Accessible may also mean approachable and useable by people with disabilities, in conformance with the federal Americans with Disabilities Act. Either or both definitions may apply in a particular situation.

Accessory Dwelling. An accessory structure to a single family dwelling used as a separate residence on the same parcel of land as the single family dwelling it is accessory to.

Accessory Structure. A structure of secondary importance or function on a site. In general, the primary use of the site is not carried on in an accessory structure. Accessory structures are detached from the primary structure. Examples of accessory structures include, but are not limited to, garages, decks, fences, arbors, gazebos, heat pumps, workshops, and other structures. See also, Primary Structure.

Accessory Use. A use or activity that is a subordinate part of a primary use and that is clearly incidental to a primary use on a site. See also, Primary Use.

Adjacent. Abutting or located directly across a street right-of-way or easement.

Affordable Housing. Any type of residential development where at least 40% of the proposed dwelling units m are or will be available for rent or sale to the general public at amounts not to exceed 40% of the most recent Linn County definition (standards) for low to moderate household income(MADE SMALL CHANGE)

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Alter/Alteration. A change in use or occupancy or physical change to a structure or site. Alteration does not include normal maintenance and repair. Alterations may or may not require land use approval, but property owners should check with the City of [name] before preparing project plans or commencing development. Alterations include, but are not limited to, the following:

- Changes in use or occupancy;
- Changes to the exterior of a building;
- Changes to the interior of a building;
- Increases or decreases in floor area of a building;
- Changes to other structures on the site, or the development of new structures;
- Changes to exterior improvements;
- Changes to landscaping; and
- Changes in the topography of the site.

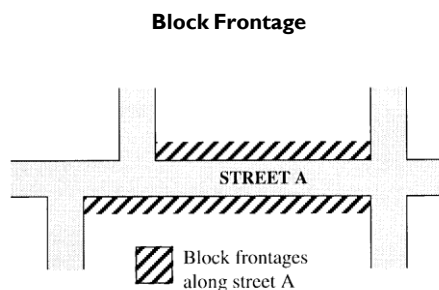
Applicant. A person who applies for a permit or approval under this Code. An applicant can be the owner of the property, a contract purchaser, or someone who is legally authorized to represent the owner, such as a builder, developer, or contract purchaser.

B

Bed and Breakfast Inn. Any establishment located in a structure designed for a single-family residence and structures appurtenant thereto, providing limited overnight lodging and meals for guests pursuant to the special use requirements for bed and breakfast inns.

Block. All of the property bounded by streets, rights-of-way (pedestrian or vehicle ways), water features, or any combination thereof, but is not divided or separated in any way by streets or water features.

Block Face / Street Frontage. All of the property fronting on one side of a street that is between intersecting or intercepting streets, or that is between a street and a water feature, or end of a dead end street. An intercepting street determines the boundary of the block frontage only on the side of the street that it intercepts. See figure, below.



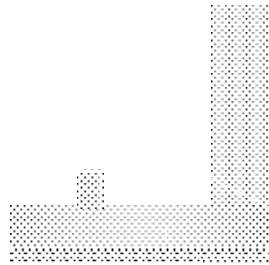
Building. See applicable building code.

Building Footprint. The outline of a building, as measured around its foundation.

Building/Structure Height. The vertical distance from the grade plane to the average height of the highest roof structure.

Building Line. A line running parallel to a lot line that is the same distance from the lot line as the closest portion of a building on the site, typically used in reference to required setback yards. See figure, below.

Building Lines



Building Official. The person certified by the State of Oregon who enforces the building ordinances and regulations for the City, and other ordinances and regulations as assigned.

Building Inspector. The person certified by the State of Oregon to perform various types of building, electrical, plumbing, and mechanical inspections.

Bulb-out. A concrete traffic structure intended to make pedestrian street crossings safer and to reduce traffic speeds. They involve extending the curb and walkway a few feet into the street area, and are located at intersections or in the middle of long blocks.

C

Capacity. Maximum holding or service ability, as used for transportation, utilities, parks, and other public facilities. See also, definition of “Occupancy” in applicable building codes.

Carpport. A stationary structure consisting of a roof, its supports, and not more than one wall or storage cabinets substituting for a wall, used to shelter motor vehicles, recreational vehicles, or boats; does not include temporary shelters or canopies not affixed to a permanent foundation per applicable building codes.

Change of Use. Change in the primary or basic type of use(s) on a site.

Child Care Facility. Facilities that provide care and supervision of minor children for periods of less than 24 hours that do not otherwise meet the definition of Family Daycare.

City. The City of Harrisburg, Oregon.

City Planner. The person designated by the City of Harrisburg to deal with land use matters on behalf of the City, or that person's designee.

Clearing (as in clearing and grading). Any activity that removes existing vegetation or strips surface material from any portion of the site and exceeding typical yard maintenance for a single-family dwelling.

Clear and Objective. Decision criteria and standards that do not involve substantial discretion or individual judgment in their application.

Club. Any organization, group, or association supported by the members thereof, the purpose of which is to render a service customarily rendered for members and their guests, but shall not include any organization, group, or association, the chief activity of which is to render a service customarily carried on as a business.

Commercial. Land use involving buying/selling of goods or services as the primary activity. See also, Retail Sales and Services.

Commercial Outdoor Recreation (Land Use). Includes firing ranges, golf courses, and driving ranges, etc.

Commission. The Planning Commission of the City of Harrisburg, Oregon.

Common Area. Land jointly owned to include open space, landscaping, or recreation facilities (e. g., may be managed by a homeowners' association).

Community or Public Interest(s). Those activities or development proposals that provide a tangible benefit(s) to the quality of life of City residents, including greater safety, educational opportunities, recreation, professional or commercial services, employment, transportation, or other public services.

Community Services (Land Use). Community Services are uses of a public, nonprofit, or charitable nature generally providing a local service to people of the community, except for Schools, which are categorized separately. Generally, they provide the service on the site or have employees at the site on a regular basis. The service is ongoing, not just for special events. Private lodges, clubs, and non-profit organizations that have membership provisions may be considered a Community Service. Uses providing mass shelter or short term housing where tenancy may be arranged for periods of less than one month, when operated by a public or non-profit agency, may also be considered a Community Service. The use may also provide special counseling, education, or training of a public, nonprofit, or charitable nature. See also, Religious Institutions, and Parks and Open Spaces.

Comprehensive Plan. The current adopted Comprehensive Plan of the City of Harrisburg.

Comprehensive Plan Amendment. An amendment to the text or map of the current comprehensive plan which has been adopted.

Conditional Use. A use that requires a Conditional Use Permit. See Chapter 18.110.

Condominium. Ownership of a single unit in a multi-unit structure that may contain common areas and facilities; includes both residential and commercial condominiums. See ORS 100 for applicable requirements.

Corner lot. See Lot, Corner lot.

Corner Radius. The radius of a street corner, as measured around the curb or edge of pavement, except as otherwise specified by applicable engineering design standards.

Council/City Council. The City Council of Harrisburg, Oregon.

County. Linn County.

D

Days. Calendar days, unless specifically stated as working days. Working days include Monday through Friday, excluding federal or state holidays.

Dedication. The designation of land by its owner for any public use as shown on a subdivision plat or deed. The term may also be used for dedications to a private homeowners' association.

Density(ies). A measurement of the number of dwelling units in relationship to a specified amount of land ~~based on the minimum lot size per dwelling unit required by the applicable zone.~~

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Develop. To construct or alter a structure or to make a physical change to the land, including excavations, clearing, and fills, but excluding structures of less than 200 square feet or temporary structures.

Development. 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.

Discontinued Use. A use that physically left the land it was on, a permitted use that ceased, or a use terminated at the end of a lease or contract. See Chapter 18.10 Non-Conforming Situations.

Discretionary. A permit action or decision that involves substantial judgment or discretion.

Drive-Through/Drive-Up Facility. A facility or structure that is designed to allow drivers to remain in their vehicles before and during an activity on the site. Drive-through facilities may serve the primary use of the site or may serve accessory uses. Examples are drive-up windows; automatic teller machines; coffee kiosks and similar vendors; menu boards; order boards or boxes; gas pump islands; car wash facilities; auto service facilities, such as air compressor, water, and windshield washing stations; quick-lube or quick-oil change facilities; and drive-in theaters. All driveways queuing and waiting areas associated with a drive-through/drive-up facility are similarly regulated as part of such facility.

Driveway. The area that provides vehicular access to a site from a street, or the area that provides vehicular

circulation on a site.

Driveway Apron. The edge of a driveway where it meets a public right-of-way. Note: The design standards of the applicable roadway authority apply.

Driveway Approach. A driveway connection to a public street or highway where it meets a public right-of-way. Note: The design standards of the applicable roadway authority apply. See also, Oregon Administrative Rules 734, Division 51, for definitions specific to state highways.

Driveway, Shared. When land uses on two or more lots or parcels share one driveway. An easement or tract (owned in common) must be created and recorded for this purpose.

Dwelling. A structure conforming to the definition of a dwelling under applicable building codes and providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation. If the individual units are self-contained, assisted living facilities for the elderly or disabled as defined by the State of Oregon, having common food preparation, dining, social, recreational, and/or housekeeping facilities are included in this definition. Typical accessory uses include: accessory storage buildings; private garage and parking areas; storage of not more than one commercial vehicle per dwelling unit; common area buildings for residents, guest houses, and guest quarters not in the main building, provided such houses and quarters are and remain dependent upon the main building for either kitchen or bathroom facilities, or both, and the guest facilities are used for temporary lodging only and not as a place of residence; and the taking of boarders or leasing of rooms by a resident family, providing the total number of boarders and roomers does not exceed [two] in any dwelling unit. For the purposes of this Code, the following types of dwelling units are defined:

- **Accessory Dwelling.** A secondary dwelling unit on a lot where the primary use is a single-family dwelling.
- **Attached, Single-Family (Townhome).** A dwelling unit located on its own lot that shares one or more common or abutting walls with one or more dwelling units on adjacent lot(s).
- **Duplex Dwelling.** A structure that contains two primary dwelling units on one lot. The units must share a common wall or common floor/ceiling or if detached, must be constructed on a lot of 8000 square feet or more.
- **Dwelling Unit.** A building, or a portion of a building, that has independent living facilities including provisions for sleeping, cooking, and sanitation, and that is designed for residential occupancy by one or more persons. Buildings with more than one set of cooking facilities are considered to contain multiple dwelling units or accessory dwelling units, as applicable, unless the additional cooking facilities are clearly accessory to the primary use.
- **Manufactured Home.** A structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities; that is intended for human occupancy; that is being used for residential purposes; and that was constructed in accordance with federal manufactured housing

construction and safety standards and regulations in effect at the time of construction.

- **Mobile Home.** A structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities; that is intended for human occupancy; that is being used for residential purposes; and that was constructed between January 1, 1962, and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.

- **Multifamily Development.** A structure or grouping of structures containing three or more dwellings on the same lot.

- **Multifamily Structure.** A structure containing three or more dwelling units. The land underneath the structure is not divided into separate lots.

- **Residential Trailer.** A structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities; that is intended for human occupancy; that is being used for residential purposes; and that was constructed before January 1, 1962.

- **Recreational Vehicle (RV).** A vehicle, with or without motive power, that is designed for human occupancy and to be used temporarily for recreational, seasonal, or emergency purposes and is further defined by state law and/or administrative rules.

- **Residential Home** is a residential treatment or training or adult foster home licensed by or under the authority of the Department of Human Services, under ORS 443.400 to 443.825, a residential facility registered under ORS 443.480 to 443.500, or an adult foster home licensed under ORS 443.705 to 443.825 that provides residential care alone or in conjunction with treatment or training or a combination thereof for five or fewer individuals who need not be related. (See also, ORS 197.660.).

- **Residential Facility** is defined under ORS 430.010 (for alcohol and drug abuse programs), ORS 443.400 (for persons with disabilities), and ORS 443.880; residential facilities provide housing and care for 6 to 15 individuals who need not be related. Staff persons required to meet state licensing requirements are not counted in the number of facility residents and need not be related to each other or the residents.

- **Senior Housing.** Housing designated and/or managed for persons over a specified age. Specific age restrictions vary, and uses may include assisted living facilities, retirement homes, convalescent or nursing homes, and similar uses not otherwise classified as Residential Homes or Residential Facilities.

- **Single-Family, Detached Dwelling.** A detached dwelling unit located on its own lot.

E

Easement. A grant of rights by a property owner that allows others to use the owner’s land for a specific purpose, such as access, or to locate utilities. Recorded and on record at Linn County.

Emergency Apparatus Lane or Fire Lane. Unobstructed area or driveway, including a turn-around, meeting Uniform Fire Code requirements, typically not to be used for parking or loading area.

Floodplain/Hazard Area. Area as so indicated by the federal Flood Insurance Rate Map, as amended.

F

Family Daycare. Care for not more than 16 children in a home. See ORS 657A.440(4) for applicable licensing and other requirements.

Fence, sight-obscuring. A fence or evergreen planting arranged in such a way as to obscure vision.

Final Plat. The diagrams, drawings, and other writing containing all the descriptions, locations, dedications, provisions, and information concerning a land division, pursuant to ORS 92 and Chapter 18.105 of this Code.

Flooding. The rise of waters of a natural stream which periodically covers an area of land that is not usually under water.

Floor Area. Area of building, which may be described in terms of gross (overall) square feet, or net marketable/leasable space.

Front yard planting area. A minimum planting area of three feet in width, and/or a maximum of three feet in height. Plants are to be maintained, as to height and width, by the property owner.

G

Garage. A covered permanent structure designed to provide shelter for vehicles, and which is accessory to a dwelling or other primary use. Carports are considered garages.

Grade. The lowest point of elevation of the finished surface of the ground, paving, or sidewalk within the area between the building and the property line or, when the property line is more than five feet from the building, between the building and a line five feet from the building. This is the definition used in the Oregon Structural Specialty Code (the International Building Code as amended by the State of Oregon).

Grading. All cuts, fills, embankments, stockpile areas, and equipment maneuvering areas associated with development.

Ground Cover. Living or processed plant material (e. g., mulch, bark chips), river rock, and cinders used for aesthetic purposes and to prevent erosion (i.e., cover bare ground) in designated landscape areas. See Chapter 3.4 Landscaping.

Group Living. Group Living is characterized by the long-term (i.e., more than 28 days) residential occupancy of

a structure by a group of people. The size of the group typically is larger than the average size of a household. Group Living structures do not include self-contained units but rather have common facilities for residents, including those for dining, social and recreational activities, and laundry. Group Living is divided into two subcategories based on whether or not residents receive any personal care, training, and/or treatment:

Room and board facilities are group living establishments where no personal care, training, and/or treatment is provided. Examples include dormitories, fraternities, sororities, boarding houses, monasteries and convents, residential hotels, lodging houses operated by organizations for members only, and similar uses.

Long-term care facilities are group living establishments where personal care for children, the aged, and special categories of persons with some limits on ability for self-care is provided. In addition to the provision of room and board, services such as supervision; protection; assistance while bathing, dressing, grooming, or eating; management of money; transportation; and recreation are provided. Medical care may or may not be a major element. Examples include hospice, nursing and personal care facilities, homes for the deaf or blind, and similar uses.

H

Hard Surfaced. Concrete or asphalt or, if approved by the City, alternatives such as brick or paving stones.

Hazardous Substances. Any substance, material, or waste listed below:

- Nuclear or radioactive materials or waste
- Chemicals subject to reporting under Title III of the Superfund Amendments and Reauthorization Act (SARA) of 1986, published July 1987, U. S. Environmental Protection Agency
- Hazardous Materials Table, in the Code of Federal Regulations (CFR), Title 49, Part 172.101
- Other substances as determined by applicable state or federal agency
- Biological waste

Height of Building. The vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitch or hip roof.

High Security Area. A designated area needed by business or industry to protect equipment or materials on the premises from any exterior intrusion.

Home Occupation, Home Occupation Site. A business activity that is carried out on the same site as a dwelling unit, and which is accessory to the residential use on the site, subject to the special use provisions of Chapter 18.50.

Hospital. An establishment which provides sleeping and eating facilities to persons receiving medical, obstetrical or surgical care and nursing service on a continuous basis.

Hotel/Motel. A building or portion thereof designed and used for occupancy of transient individuals lodged with or without meals for a continuous period not to exceed 29 days. (See ORS 446.310.)

Household. An individual or two or more persons who live together in a dwelling unit.

Household Day Care Provider. A day care provider who regularly provides day care at the provider’s home to fewer than 13 children, including children of the provider, regardless of full- or part-time status.

I

Incidental and Subordinate to. Secondary to, and less apparent than, the primary use or other portion of the development.

Intersection. An at-grade connection of a public or private approach road to the highway.

Industrial Service Uses. Industrial Service firms are engaged in the repair or servicing of industrial, business, or consumer machinery, equipment, products, or by-products. Examples include welding shops; machine shops; tool repair; electric motor repair; sales, repair, salvage, or wrecking of heavy machinery, metal, building materials, autos, or trucks (does not include junk yards); towing and temporary vehicle storage; heavy truck servicing and repair; tire re-treading or recapping; truck stops; building, heating, plumbing, or electrical contractors; printing, publishing, and lithography; exterminators; recycling operations; janitorial and building maintenance services; fuel oil distributors; solid fuel yards; research and development laboratories; industrial laundry, dry-cleaning, and carpet cleaning plants; photofinishing laboratories; and similar uses.

J

Junk Yard. (1) Any property or establishment on which one or more persons are engaged in breaking up, dismantling, sorting, storing, distributing, buying, or selling scrap or waste materials. (2) Any establishment or place of business on which two or more inoperable motor vehicles or an equivalent volume of waste or refuse are maintained, stored, bought, or sold. Includes wrecking yards, automobile graveyards, garbage dumps, and scrap metal processing facilities.

K

Kennel. Any lot or premises where three or more dogs or cats aged six months or older are boarded or bred for compensation. Establishments where animals are offered for sale as the primary use, such as pet stores, are not classified as kennels.

L

Land Division. The process of dividing land to create parcels or lots. See Chapter 18.105.

Landscaping. Any combination of living plants such as trees, shrubs, plants, vegetative ground cover, or turf grasses, and may include structural features such as walkways, fences, benches, plazas, works of art, rock or stone work, reflective pools, fountains, or the like. Also includes irrigation systems, mulches, topsoil, and

re-vegetation or the preservation, protection, and replacement of trees.

Land Use. The activity or activities that occur on a piece of land. Activities may be individually identified as primary or accessory uses.

Land Use Decision. A final decision or determination made by the City of Harrisburg (or other agency with jurisdiction) that concerns the adoption, amendment, or application of the Statewide Planning Goals, the Comprehensive Plan, or any land use regulation (i.e., this Code) where the decision requires the interpretation or exercise of policy or legal judgment (ORS 197.015). Note: All decisions requiring Quasi-Judicial review by the City of Harrisburg are Land Use Decisions. Decisions subject to Administrative review are considered Limited Land Use Decisions, pursuant to ORS 197.015.

Legislative. A legislative action or decision is the making of law, as opposed to the application of existing law to a particular use (e. g., adoption of, or amendment to, a comprehensive plan or development regulation). See also, Section 18.95.050.

Level of Service ("LOS"). A quantitative standard for transportation facilities describing operational conditions. See City of Harrisburg Transportation System Plan.

Loading Area. The area available for the maneuvering and standing of vehicles engaged in delivering and loading goods, freight, or other articles. See also, Chapter 18.80 Parking and Loading.

Lot. A lot is a legally defined piece of land other than a tract that is the result of a land division. The following definitions for "lot" apply to the state definition of both lot (result of subdividing) **and** parcel (result of partitioning). See figures, below.

- **Corner Lot.** A lot that has frontage on more than one intersecting street. A street that curves with angles of 120 degrees or less, measured from the center line of the street, is considered two intersecting streets for the purpose of evaluating whether a lot is a corner lot. See figures, below.
- **Flag Lot.** A lot with two distinct parts:
 - The flag, which is the only building site and is located behind another lot; and
 - The pole, which connects the flag to the street, provides the only street frontage for the lot, and at any point is less than the minimum lot width for the zone.
- **Through/Reverse Frontage Lot.** A lot that has frontage on two parallel or approximately parallel streets.

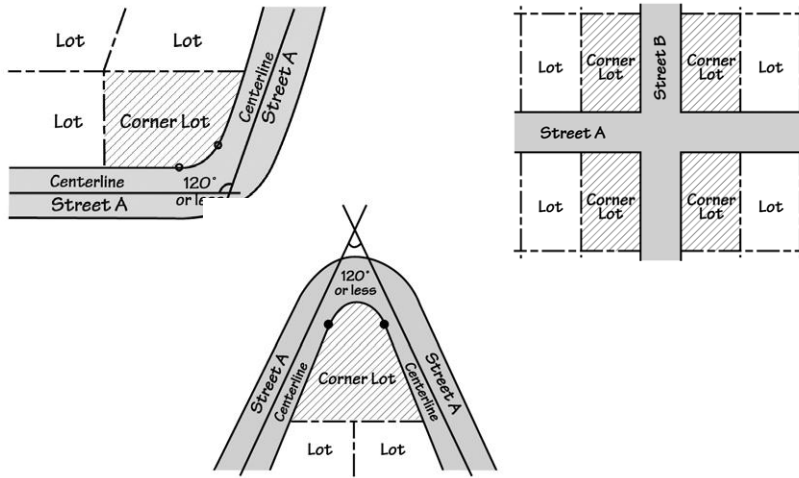
Lot Lines / Property Lines. The property lines along the edge of a lot or site. See figures, below.

- **Front Lot Line.** A lot line, or segment of a lot line, that abuts a street. On a corner lot, the front lot line is the shortest of the lot lines that abut a street. The applicant or property owner can choose which lot line is to be the front lot line for the purpose of determining required setbacks. However, a through lot has two front lot lines regardless of whether the street lot lines are of equal or unequal length. See figures, below.
- **Rear Lot Line.** A lot line that is opposite a front lot line. A triangular lot has two side lot lines but no rear lot line. For other irregularly shaped lots, the rear lot line is all lot lines that are most nearly

opposite the front lot line. See figures, below.

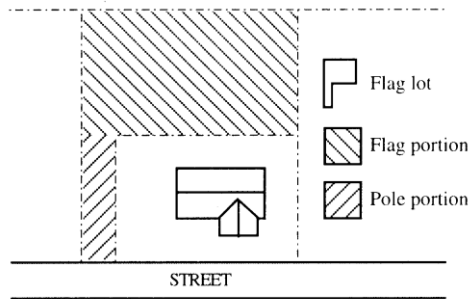
- **Side Lot Line.** A lot line that connects front and rear lot lines.
- **Side Street Lot Line.** A lot line that is both a side lot line and a street lot line. See figures, below.
- **Street Lot Line.** A lot line, or segment of a lot line, that abuts a street. Street lot line does not include lot lines that abut a dedicated alley. On a corner lot, there are two (or more) street lot lines. Street lot line can include front lot lines and side lot lines, however, both are considered front yards for the purpose of measuring required setbacks. See figures, below.

Corner Lots

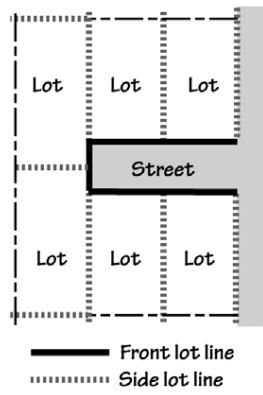


19.55 – Definitions

Flag Lot

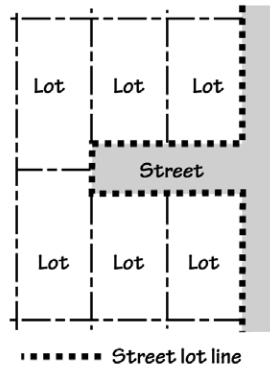


Front and Side Lot Lines

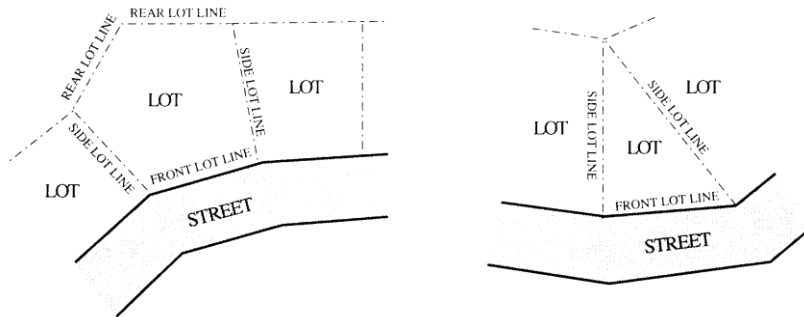


19.55 – Definitions

Street Lot Lines



Lot Lines on Irregular Lots



- **Lot of Record.** A legally created lot or parcel meeting all applicable regulations in effect at the time of creation and held in separate ownership, or any other lot deemed a legal lot under Chapter 18.20.

19.55 – Definitions

Lot, Double-Frontage. See Lot, Through/Reverse Frontage Lot.

Lot Area. The total surface area (measured horizontally) within the boundary lines of a lot.

Lot Consolidation. The reduction in the number of lots, i.e., the creation of one lot from two or more existing lots.

Lot Coverage. The total area of a lot covered by building(s) ~~or impervious surfaces~~, as provided by the applicable land use district development standards.

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Lot Line Adjustment. See Property Line Adjustment.

M

Main/Primary Building Entrance. A main entrance is the entrance to a building that most pedestrians are expected to use. Generally, each building has one main entrance; however, some buildings may have more than one primary entrance or may have entrances that open directly into the building's lobby or principal interior ground level circulation space.

Ground Floor. Building floor closest to street level and within four feet of finished grade.

Major Remodeling. Projects where the floor area or the developed area of the site increases by 10 percent or more.

Maneuvering Area/Aisle. The driving area in a parking lot where motor vehicles are able to turn around and access parking or loading spaces.

Manufactured and Mobile Homes. See definitions under Dwelling.

Manufactured Dwelling and Mobile Home Park (Land Use). Any place where four or more manufactured dwellings are located within 500 feet of one another on a lot, tract, or parcel of land under the same ownership, the primary purpose of which is to rent or lease space, or keep space for rent or lease, to any person for a charge or fee paid, or to be paid, for the rental or lease or use of facilities, or to offer space free in connection with securing the trade or patronage of such person. Manufactured dwelling park does not include a lot or lots located within an approved subdivision being rented or leased for occupancy by one manufactured dwelling per lot. See also, ORS Chapter 446.

Manufacturing and Production (Land Use). Manufacturing and Production firms are involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Examples include processing of food and related products; breweries and distilleries when not accessory to a commercial use; slaughter houses or meat packing; taxidermist; lumber mills, pulp and paper mills, and other wood products manufacturing; woodworking, including cabinet makers; production of chemical, rubber, leather, clay, bone, plastic, stone,

19.55 – Definitions

or glass materials or products; concrete batching and asphalt mixing; production or fabrication of metals or metal products, including enameling and galvanizing; manufacture or assembly of machinery, equipment, vehicles, appliances; sign making; production of prefabricated structures, including mobile homes; and the production of energy.

Mixed-Use. The combination of residential uses with commercial (e.g., office, retail, or services), civic, or light industrial uses on a site.

Modifications/adjustments. That limited relief from the standards of HMC Chapters 18 & 19 as described and defined in HMC 19.30(GOOD ADDITION – JOHN)

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Multifamily Development and Structure. See definitions under Dwelling.

N

New construction. A new structure constructed for the purpose of human occupancy, employment, recreation, etc., including placement of a manufactured dwelling or other similar dwellings.

Nonconforming Development. An element of a development, such as lot area, setback, height, lot coverage, landscaping, sidewalk, or parking area, or lack thereof, that was created in conformance with development regulations but which subsequently, due to a change in the zone or applicable Code standards, is no longer in conformance with the current applicable development regulations. See Chapter 18.25.

Nonconforming Situation. A Nonconforming Development or Nonconforming Use. A situation may be nonconforming in more than one aspect. For example, a site may contain a nonconforming use and also have some nonconforming development. See also, Nonconforming Development and Nonconforming Use. See Chapter 18.25.

Nonconforming Use. A use that was allowed by right when established or a use that obtained a required land use approval when established, but that subsequently, due to a change in the zone or zoning regulations, the use or the amount of floor area of the use is now prohibited in the zone. See Chapter 18.25.

O

Office (Land Use). Office uses are characterized by activities conducted in an office setting and generally focusing on business, government, professional, medical, or financial services.

Off-street Parking. All off-street areas designed, constructed, used, or required, or intended to be used, for the parking of motor vehicles. See Chapter 18.80 for parking standards.

On-street Parking. Parking in the street right-of-way, typically in parking lanes or bays, when allowed by the applicable roadway authority. See Chapter 18.80 for parking standards.

Orientation. To cause to face toward a particular point of reference (e.g., “A building oriented to the street”).

Owner. The owner of the title to real property or the contract purchaser of real property of record, as shown on the latest assessment records in the Office of the County Assessor. Owner also includes a deed holder or contract purchaser whose name does not appear in the latest assessment records, but who presents to the City a copy of a deed or contract of sale signed by the owner of record.

P

Parcel. A legally defined area of land created through a partition.

Parks and Open Space (Land Use). Parks and Open Space Areas are public parks or private common areas consisting mostly of recreational facilities, community gardens, or natural areas.

Parking Area. A parking area is all the area devoted to the standing, maneuvering, and circulation of motor vehicles. Parking areas do not include driveways or areas devoted exclusively to non-passenger loading or fire apparatus lanes.

Parking Lot Perimeter. The boundary of a parking lot area that usually contains a landscaped buffer area.

Parking Space. An improved space designed to provide standing area for a motor vehicle. See Chapter 18.80 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.

Partition (Minor). To divide an area or tract of land into two or three parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year. See ORS 92.010(8).

Partition (Major). To divide an area or tract of land into four or five parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year. See ORS 92.010(8).

Partition Plat. A final map and other writing containing all the descriptions, locations, provisions, and information concerning a major or minor partition.

Pathway. A walkway, bikeway, or access way conforming to City standards and separated from the street right-of-way, that may or may not be within a public right-of-way.

Paving or Paved. Any natural surface covered with concrete, asphalt, brick, paving stones, or other hard surface materials, including semi-permeable materials.

Pedestrian Way. A right-of-way for pedestrian traffic.

Person. Every natural, firm, partnership, association, social or fraternal organization, corporation, estate, trust, receiver, syndicate, branch of government, or any other group or combination acting as a unit.

Planned Road or Street. A highway, road, street, or alley identified in an adopted corridor plan, comprehensive plan or transportation system plan in accordance with administrative procedures of OAR 660-012 and ORS Chapter 197, but that has not been constructed.

Planning Commission. The Planning Commission of the City.

Planter Strip. A landscape area for street trees and other plantings within the public right-of-way, usually a continuous planter area between the street and a sidewalk.

Plat. Diagrams, drawings, and other writing containing all the descriptions, locations, dedications, provisions, and information concerning a land division. This term includes the state law definitions of "partition plat" and "subdivision plat." See also, Chapter 18.105, Land Divisions.

Posted Speed. The statutory speed established by ORS 811.105 or ORS 811.180, or the designated speed established by ORS 810.180.

Practicable. Capable of being done after taking into consideration reasonable cost, existing technology, and logistics in light of overall project purposes.

Primary Structure. A structure or combination of structures of chief importance or function on a site. In general, the primary use of the site is carried out in a primary structure. The difference between a primary and accessory structure is determined by comparing the size, placement, design, appearance, and the orientation of the structures on a site.

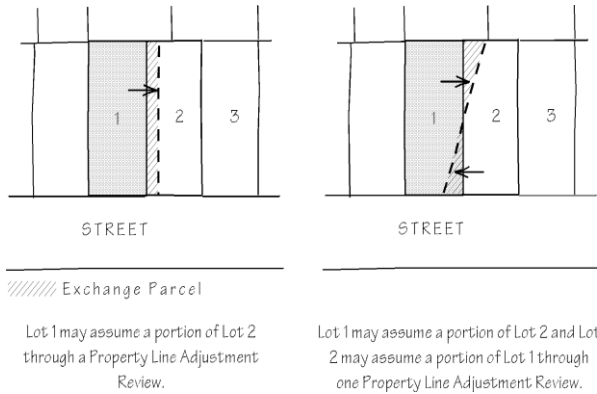
Primary Use. An activity or combination of activities of chief importance on the site. One of the main purposes for which the land or structures are intended, designed, or ordinarily used. A site may have more than one primary use.

Project. An existing or proposed use or development subject to one or more land use approvals.

Property Line. The division of land between two units of land.

Property Line Adjustment. The relocation of a single common property line between two abutting properties not resulting in an increase in the number of lots, pursuant to Chapter 18.105. See figure, below.

Property Line Adjustment



Public Access Easement. A public access easement is an easement granted to the public for vehicular and pedestrian access, or for non-motorized access.

Public Improvements. Development of public infrastructure, as required by the City, a special district, or road authority, as applicable. See Chapter 18.85.

Q

Quasi-judicial. An action or decision that requires substantial discretion or judgment in applying the standards or criteria of this Code to the facts of a development or land use proposal, and requires a public hearing. See Section 18.95.040.

R

Radio Frequency Transmission Facilities (Land Use). Radio Frequency Transmission Facilities includes all devices, equipment, machinery, structures, or supporting elements necessary to produce non-ionizing electromagnetic radiation within the range of frequencies from 100 KHz to 300 GHz and operating as a discrete unit to produce a signal or message. Towers may be self supporting, guyed, or mounted on poles or buildings.

Recreational Vehicle. A vacation trailer or other unit with or without motive power which is designed for human occupancy and to be used temporarily for recreational, seasonal, or temporary purposes, and has a gross floor space of less than 400 square feet. "Recreational vehicle" includes camping trailers, camping vehicles, motor homes, park trailers, bus conversions, van conversions, tent trailers, travel trailers, truck

campers and any vehicle converted for use or partial use as a recreational vehicle. The unit shall be identified as a recreational vehicle by the manufacturer or converter.

Recreational Vehicle Park (Land Use). A commercial use providing space and facilities for motor homes or other recreational vehicles for recreational use or transient lodging. There is no minimum required stay in a recreational vehicle park, however, the City may establish the maximum length of stay. Uses where unoccupied recreational vehicles are offered for sale or lease, or are stored, are not included as Recreational Vehicle Parks.

Religious Institutions and Places of Worship (Land Use). Uses primarily providing meeting areas for religious activities; may include schools as an accessory use.

Residential Facility. Defined in ORS 443.400 to include the terms “residential care facility,” “residential training facility,” residential treatment facility,” residential training home,” and “residential treatment home,” and includes a facility licensed under ORS 443.400 through 443.460, for six or more physically or mentally handicapped persons or elderly persons who need not be related. Staff persons required to meet Department of Human Resources licensing requirements shall not be counted in the number of facility residents and need not be related to each other or to any resident of the residential facility.

Residential Home. A residence for five or fewer unrelated physically or mentally handicapped persons and for staff persons who need not be related to each other or to any other home resident.

Residential Trailer. A structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, and that was constructed before January 1, 1962.

Residential Use (Land Use). Long-term (i.e., more than 28 days) occupancy of a dwelling unit, which may be owner-occupied or rented. Occupancy of a dwelling unit for shorter periods of time is considered an overnight accommodation.

Retail Sales and Service Uses (Land Use). Retail Sales and Service uses sell, lease, or rent new or used products, goods, or services. They include services such as barber/salon, accountant, restaurant, bar, repair service, and similar uses. See also, Vehicle Servicing.

Right-Of-Way. Real property or an interest in real property owned by a roadway authority for the purpose of constructing, operating, and maintaining public facilities.

Roadway. The portion of a right-of-way that is improved for motor vehicle and bicycle travel, subject to applicable state motor vehicle licensing requirements. Roadway includes vehicle travel lanes and on-street parking areas. Roadway does not include area devoted to curbs, parking strips, or sidewalks.

Road/Roadway Authority. The City or other agency (e. g., Oregon Department of Transportation, City of Harrisburg, or Linn County) with jurisdiction over a road or street.

S

Schools (Land Use). Public and private schools, secular or parochial, at the primary, elementary, middle, junior high, or high school level.

Self-Service Storage. Mini-storage or other storage areas for individual or business uses. The storage areas are designed to allow private access by the tenant for storing personal property.

Setback / Setback Yard. The minimum distance required between a specified object, such as a building, and another point, measured from lot lines to a specified object. Typically, a setback refers to the minimum distance (yard dimension) from a building to a specified property line.

Shared Driveway. A driveway used to access two or more parcels.

Shared Parking. Required parking facilities for two or more uses, structures, or lots or parcels, which are satisfied jointly with the same facilities. See Chapter 18.80.

Sidewalk. A paved walkway within a public street right-of-way that is generally located adjacent to and separated from the roadway by a curb[, *drainage facility (e.g., ditch or swale),*] or planter strip.

Sight Distance. The unobstructed viewing distance measured from one object or location to another object or location, usually required for the purpose of traffic safety (e.g., a length of street or highway that a driver can see with an acceptable level of clarity, pursuant to the standards of the applicable roadway authority).

Sign. Any outdoor device, or device visible from outdoors, providing identification, advertising, or directional information for a specific business, group of businesses, service, product, brand, person, organization, place or building. included in this definition of signs are: graphic devices such as logos and trademarks; attention-attracting objects such as wind-driven spinners, portable sign devices, logo sculptures, banners, balloons, streamers, strobe lights, flags, inflatable structures, projected picture signs, holographic projection signs, and laser projected designs/images/copy; and other attention attracting media and devices.

Site. For land divisions, property line adjustments, and lot consolidations, the site is the lots, lots of record, parcels, or tracts proposed to be divided or reconfigured. For all other purposes, the site is an ownership except as follows:

- If a proposed development includes multiple ownerships, then the site is the combined area of all contiguous ownerships.
- If a proposed development includes only a portion of an ownership, and the balance of the ownership is vacant, then the applicant may choose to define the site as the portion of the ownership that is proposed for development.
- If a proposed development includes only a portion of an ownership, and there is other development on the ownership, then the applicant may choose to define the site as the portion of the ownership that is currently developed plus the portion proposed for development.

Site Frontage. The part of a site that abuts a street. See also, Block/Street Frontage.

Spacing Standards. The minimum distance required between a proposed street or driveway connection, as applicable, and the center of the nearest existing street or driveway connection on the same side of the highway in both directions, as set forth by the standards of the applicable roadway authority. Spacing standards for state highways are contained in OAR 734-051-4020.

Street. A right-of-way that is intended for motor vehicle, pedestrian, or bicycle travel; or for motor vehicle, bicycle, or pedestrian access to abutting property. For the purposes of this Code, street does not include alleys and rail rights-of-way that do not also allow for motor vehicle access, or freeways and their ramps.

Street Connectivity. Expressed as the number of street and/or access way connections within a specific geographic area. Higher levels of connectivity provide for more direct transportation routes and better dispersion of traffic, resulting in less traffic on individual streets and potentially slower speeds through neighborhoods.

Street-Facing / Oriented to Street. A wall plane of a structure that faces or is oriented within 45 degrees or less from a street lot line.

Street Stub. A temporary street ending where the street will be extended through adjacent property in the future, as those properties develop. Not a permanent street-end or dead-end street.

Structural Alteration. A change to the supporting members of a structure, including the supporting parts of foundations, bearing walls or partitions, columns, beams, girders, or the roof.

Structure. Except as provided by applicable building codes, any object constructed in or on the ground. Structure includes buildings, decks, fences, towers, flag poles, signs, utility vaults, and other similar objects. Structure does not include paved areas or vegetative landscaping materials.

Subdivider. A person who undertakes the subdividing of a parcel of land, including changes in street or lot lines, for the purpose of transfer of ownership or development.

Subdivision. To divide land into six or more lots within a single calendar year. See also, Chapter 18.105 Land Divisions, and ORS 92.010.

Subdivision Plat. A final map and other supplemental information containing all the descriptions, locations, specifications, dedications, provisions and other information concerning a subdivision.

T

Through Street. A street that connects to other streets at both ends or is planned to do so in the future, pursuant to a comprehensive plan, transportation system plan, access management plan, or land use approval.

Topographical Constraint. Where existing slopes, landforms (e.g., streams, canals, rock outcropping, etc.) or existing man-made feature (e.g., embankment or berm) make conformance with a Code standard impracticable.

Townhome. Three or more attached single-family dwellings or row houses that are individually owned.

Tract. A piece of land within a platted subdivision reserved for open space, utility corridor, recreation facilities,

sensitive lands, or other purpose; may be dedicated to a homeowner’s association or other entity for maintenance.

Traffic Impact Analysis. A report prepared by a professional engineer that analyzes existing and future roadway conditions, and which may recommend transportation improvements and mitigation measures.

Turnaround. A vehicle maneuvering area at the end of a dead-end street (e.g., hammerhead, cul-de-sac, or other configuration) that allows for vehicles to turn around.

Travel Trailer. A vacation structure or self-propelled vehicle equipped with wheels for street or highway use; intended for human occupancy; equipped with plumbing, sink, or toilets; used for vacation and recreational purposes; and not used as a residence. See ORS 446.003(5), (24), and Recreational Vehicle.

U

Use (Land Use). The purpose for which land or a structure is designed, arranged, intended, occupied, or maintained.

Utilities. For the purposes of this Code, there are two types of utilities: 1) Private: telephone, electric, telecommunication, and similar franchise facilities; and 2) Public: water and wastewater conveyance and treatment facilities.

Utilities (Land Use). Utilities are infrastructure services, which need to be located in or near the area where the service is provided. Basic Utility uses may or may not have regular employees at the site. Services may be public or privately provided. Examples include water and sewer pump stations; sewage disposal and conveyance systems; electrical substations; water towers and reservoirs; water quality and flow control facilities; water conveyance systems; stormwater facilities and conveyance systems; telephone exchanges; suspended cable transportation systems; public safety facilities; district heating and cooling systems; solar, wind, or geothermal power generation facilities that are not accessory to a primary use; and emergency communication broadcast facilities. Larger-scale utility facilities, and those that do not conform to the above definition (e.g., biomass power generation), may be classified as Industrial uses or “Other” uses (e.g., Utility Corridor) as applicable.

V

Variance. A Planning Commission decision to lessen or otherwise modify the requirements of this Code. See Chapter 18.125.

Vehicle Areas. All of the areas on a site where vehicles may circulate or park, including parking areas, driveways, drive-through lanes, and loading areas. See also, Driveway and Parking Area.

Vehicle Repair. Repair of passenger vehicles, trucks or other motor vehicles such as motorcycles, boats and recreational vehicles.

Vehicle Servicing. Gas stations, unattended card key stations, car washes, commercial vehicle maintenance and/or oil and lubrication services, and similar uses.

Vision Clearance Area. Areas near intersections of roadways and motor vehicle access points where a clear field of vision is required for traffic safety and to maintain adequate sight distance. See Chapter 18.70.

W

Walkway. A sidewalk or path, including any access way, improved to City standards, or to other roadway authority standards, as applicable. See also, Access Way, Pathway, and Sidewalk.

Waste/Trash Collection Areas. Waste collection areas include areas set aside or designed to be used for garbage collection and collection of materials for recycling. Waste collection areas include areas occupied by dumpsters and other solid waste receptacles.

Waste-Related Use. Waste-related uses are characterized by uses that receive solid or liquid wastes from others for disposal on the site or for transfer to another location, uses that collect sanitary wastes, or uses that manufacture or produce goods or energy from the biological decomposition of organic material. Waste-related uses also include uses that receive, store, sort, and distribute post-consumer recyclable materials; and those that receive hazardous wastes from others and are subject to the regulations of OAR 340-100-110, Hazardous Waste Management.

Warehouse, Freight Movement and Distribution. The storage or movement of goods, except as accessory to a primary permitted use on the subject site.

Wireless Communication Equipment. Cellular towers, antennae, monopoles, and related facilities used for radio signal transmission and receiving.

Y

Yard. The area defined by setbacks (i.e., between the setback line and nearest property line).

Yard, front. A yard between side lot lines and measured horizontally at right angles to the front lot line to the nearest point of the building.

Yard, rear. A yard extending between side lot lines and measured horizontally at right angles to the rear lot line, from the rear lot line to the nearest point of the building.

Yard, side. A yard between the front and rear yards measured horizontally and at right angles to the side lot line, from the side lot line to the nearest point of the building.

Z

Zoning Official. An individual or committee designated by the City of Harrisburg with the duties and authority to enforce the provisions of this title.