



Planning Commission Meeting Agenda
January 16, 2024
7:00 PM

Chairperson: Todd Culver
Commissioners: Rhonda Giles, Jeremy Moritz, Kurt Kayner, Kent Wullenwaber, Susan Jackson and Joe Neely
Meeting Location: HMC @ 354 Smith St.

PUBLIC NOTICES:

1. *This meeting is open to the public and will be tape-recorded.*
2. *Copies of the Staff Reports or other written documents relating to each item on the agenda are on file in the office of the City Recorder and are available for public inspection.*
3. *The City Hall Council Chambers are handicapped accessible. Persons with disabilities wishing accommodations, including assisted listening devices and sign language assistance are requested to contact City Hall at 541-995-6655, at least 48 hours prior to the meeting date. If a meeting is held with less than 48 hours' notice, reasonable effort shall be made to have an interpreter present. The requirement for an interpreter does not apply to an emergency meeting. ORS 192.630(5)*
4. *Persons contacting the City for information requiring accessibility for deaf, hard of hearing, or speech-impaired persons, can use TTY 711; call 1-800-735-1232, or for Spanish voice TTY, call 1-800-735-3896.*
5. *The City of Harrisburg does not discriminate against individuals with disabilities, and is an equal opportunity provider.*
6. *For information regarding items of discussion on this agenda, please contact City Administrator Michele Eldridge, at 541-995-2200.*
7. *The Municipal Center is disinfected prior to meetings. Seating is 6' apart, and only 50 people can be in the room, dependent upon adequate spacing.*
8. *Masks are not required currently. The City does ask that anyone running a fever, having an active cough or other respiratory issues, not to attend this meeting.*
9. *If you would like to provide testimony, and are unable to attend, please contact the City Recorder. We can accept written testimony up until 5:00 on the day of the meeting and can also call someone during the meeting if verbal testimony is needed.*

CALL TO ORDER AND ROLL CALL

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

APPROVAL OF MINUTES

- 1. MOTION TO APPROVE MINUTES OF SEPTEMBER 19, OCTOBER 17, AND NOVEMBER 21, 2023**

WORK SESSION

- 2. THE MATTER OF CORRECTING THE HARRISBURG DEVELOPMENT CODE IN RELATION TO HMC TITLES 18 AND 19**

STAFF REPORT EXHIBITS:

Exhibit A: Title 18 Corrections

Exhibit B: Title 19 Corrections

ACTION: I MOVE TO:

“APPROVE AND RECOMMEND TO THE CITY COUNCIL THE CORRECTION OF HMC TITLES 18 AND 19 BASED ON FINDINGS CONTAINED IN THE JANUARY 9, 2024, STAFF REPORT. THIS MOTION IS BASED ON FINDINGS CONTAINED IN THE JANUARY 9, 2024 STAFF REPORT, AND ON FINDINGS MADE DURING DELIBERATIONS ON THE REQUEST.”

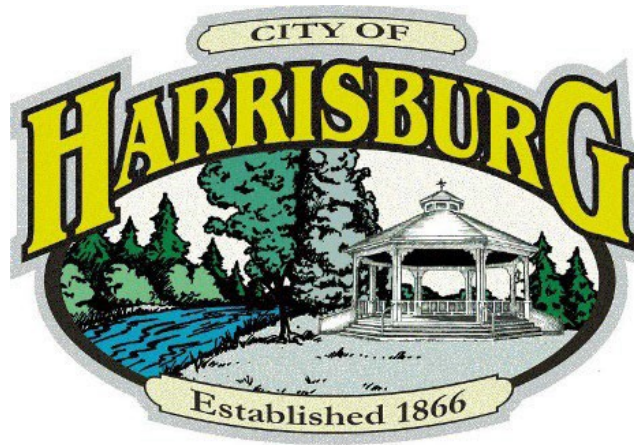
“APPROVE AND AMEND THE RECOMMENDATION TO CITY COUNCIL THE CORRECTION OF HMC TITLES 18 AND 19 BASED ON FINDINGS CONTAINED IN THE JANUARY 9, 2024, STAFF REPORT. THIS MOTION IS BASED ON FINDINGS CONTAINED IN THE JANUARY 9, 2024 STAFF REPORT, AND ON FINDINGS MADE DURING DELIBERATIONS ON THE REQUEST.”

“DENY THE RECOMMENDATION TO CITY COUNCIL THE CORRECTION OF HMC TITLES 18 AND 19 BASED ON FINDINGS CONTAINED IN THE JANUARY 9, 2024, STAFF REPORT. THIS MOTION IS BASED ON FINDINGS CONTAINED IN THE JANUARY 9, 2024 STAFF REPORT, AND ON FINDINGS MADE DURING DELIBERATIONS ON THE REQUEST.”

APPLICANT: None

OTHERS

ADJOURN



Planning Commission Meeting Minutes

September 19, 2023

Commissioners Present: Jeremy Moritz - Presiding, Joe Neely, Rhonda Giles, Kurt Kayner, and Kent Wullenwaber
Absent: Susan Jackson and Chairperson Todd Culver
Staff Present: City Administrator/Planner Michele Eldridge, and Utility Billings Supervisor Carol Canham
Meeting Location: Harrisburg Municipal Center located at 354 Smith St.

CALL TO ORDER AND ROLL CALL: Order was called at 7:00pm by Vice-Chairperson Jeremy Moritz.

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

APPROVAL OF MINUTES

Giles motioned to approve the minutes for June 20, 2023, and was seconded by Neely. The Planning Commission then voted unanimously to approve the Minutes for June 20, 2023.

PUBLIC HEARING

THE MATTER OF A VARIANCE AND PLAN REQUEST FOR VINCENT FERRIS CONSTRUCTION.

Vice-Chairperson Jeremy Moritz 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 7:07PM, the Public Hearing was opened.

Moritz 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.

Moritz then read aloud the criteria that were relied upon for this land use hearing and noted

September 19, 2023

additional copies of criteria near the door. He also directed the audience on how they would need to direct testimony towards the applicable criteria, and how an appeal could be made.

STAFF REPORT: Eldridge stated that the original application was approved on June 15, 2021. The time limit had lapsed on that application meaning the applicant had to reapply. They are requesting another structure with the same footprint as previously approved.

Eldridge highlighted the following conditions and Criteria:

- Criterion 1 – Met with Condition 1: Consistency with plans, and Condition 2: Water Connections.
- Criterion 2 – Met.
- Criterion 3 – Met with Condition 3: Landscaping.
- Criterion 4 – Met with Condition 4: Landscaping plan, and Condition 5: Outdoor lights.
- Criterion 5 – Met with Condition 6: Variance for Paving Requirement, Condition 7: ADA and access route paving, and Condition 8: Parking lot details.
- Criterion 6 – Met with Condition 9: Building permit plans, and Condition 10: Erosion & sediment control plan.
- Criterion 7 – Requires variance.

Staff feels that all requirements are met and recommends approval.

APPLICANTS TESTIMONY: Jed Truett of Metro Planning and applicant Vince Ferris addressed the Planning Commission. Truett asked to modify Conditions 1 and 2 to be done concurrent with the permitting deadlines. He also asked if he had to get a variance, as per Condition 6, or just comply with the current code. Eldridge said he could do either one. Truett then asked about paving for the future RV parking. Eldridge stated that there was nothing on this site plan for R.V. storage or parking. A new site plan would need to be submitted before that activity could happen on this piece of property.

- Kayner admittedly stated that he was against the current paving requirement in industrial zones and that the Planning Commission needed to have go back to the previous code's requirements for paving, which he fought for in 2012. Eldridge stated that we can bring this issue up for discussion during the next meeting. The Planning Commission could decide if they as a body wanted to correct the current code and then recommend those changes to the City Council.

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

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

The public hearing was closed at the hour of 8:35pm.

- **Giles motioned to approve the variance request of LU 452-2023, subject to the conditions of approval contained in the staff report of September 11, 2023. This motion is based on findings contained in the staff report of September 11, 2023, and on findings made during the deliberations on the request and was seconded by Kayner. The Planning Commission then voted two (2) members voted in favor, and three (3) voted against. Motion failed.**
- **Giles motioned to approve the site plan request of LU 453-2023, subject to the conditions of approval contained in the staff report of September 11, 2023, and as amended in Conditions 2 & 8. This motion is based on findings contained in the staff report of September 11, 2023, and on findings made during the deliberations on the request and was seconded by Neely. The Planning Commission then voted unanimously to approve the site plan request of LU 453-2023, subject to the conditions**

September 19, 2023

of approval contained in the staff report of September 11, 2023, and as amended in Conditions 2 & 8. This motion is based on findings contained in the staff report of September 11, 2023, and on findings made during the deliberations on the request.

OTHERS

- None discussed.

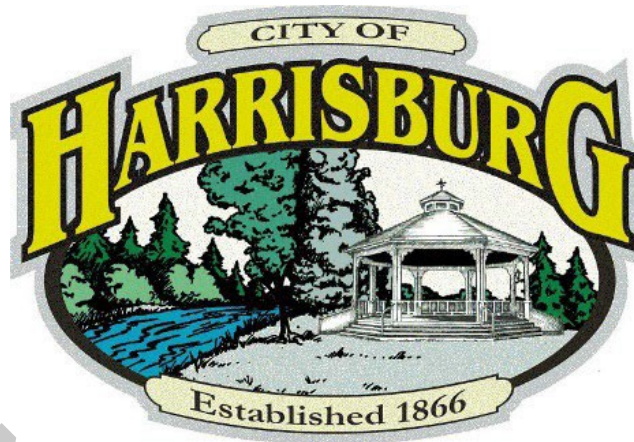
With no further discussion, the meeting was adjourned at the hour of 9:07 pm.

Chairperson

City Recorder

UNAPPROVED

October 17, 2023



Planning Commission Meeting Minutes

October 17, 2023

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

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

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

APPROVAL OF MINUTES

Moritz motioned to approve the minutes for July 18, 2023, and was seconded by Neely. The Planning Commission then voted unanimously to approve the Minutes for July 18, 2023.

WORK SESSION

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

STAFF REPORT: Eldridge shared that 2012 was the last time the Planning Commission had addressed paving the first 200 feet of an industrial zone driveway. The current code was refined to fit what we wanted from our ongoing discussing during the process of creating our new code. At the last meeting, some of the Planning Commission members expressed their surprise about the paving portion in industrial zones in the new code. They mentioned that they didn't see it in the giant Developmental Code packet while going through the review process. She highlighted pages 15-17 that show all areas that apply to paving in an industrial zone. We can handle this as a correction and not an amendment. Page 18 shows the previous code. We need to discuss beatification versus economy. The current and previous code states that driveways within 50 feet of a street require a hard surface. If the city did not require this in our code, then State regulations would require a truck wash station for industrial zones.

- Culver said that is it each member of the Planning Commissions responsibility to go through

1

October 17, 2023

their packets regardless of size and ask questions.

- Moritz said this is being discussed because of the Ferris application. He is building a new building with paving around the structure, but he thought he had to pave the entire parking lot per the new code.
- Neely said it should depend on the applicant. Ferris showed he was paving in the front and around the side, but not in back. Eldridge clarified that he was asking for the variance for a future site plan. He never stated in his application anything about future use, and he would have to come back for a variance. Neely then asked, using Ferris as an example, in M-1 and M-2 zones should all the property be paved if they are only performing work in the front portion. Eldridge stated that according to the new code, the front should be paved along with any area where vehicles are being maneuvered on.
- Culver asked if under the new code, an applicant can apply for a variance to not pave entire property. Eldridge said yes, they could. However, some of the board stated they would prefer to update the code rather than requiring a variance.
- Jackson asked if we were discussing if we want to keep the new code or revert to the old code for this section. Moritz added that if we went back to the old code, he would still have to pave 50 feet from the road and could have gravel up to the parking lot, which would have to also be paved for ADA compliance.
- Neely said that the 50-foot paving requirement does not cover all scenarios. Jackson agreed and said that different situations should call for variances.
- Moritz suggested that we stay with the new code and have applicants apply for a variance if needed.
- Neely suggested that we have further discussion and should get more clarification from parties involved. Jackson agreed.
- Moritz **motioned to table discussion on the HMC correction 18.80.030 (4) until the next Planning Commission Meeting and was seconded by Jackson. The Planning Commission then voted unanimously to table discussion on the HMC correction 18.80.030 (4) until the next Planning Commission meeting.**

OTHERS

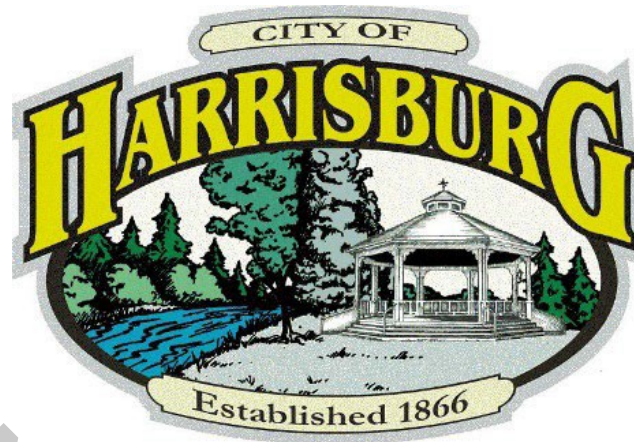
- Hayden Homes is taking over development of the 7.2-acre property south of Somerville Loop. There are wetland issues that are adding \$20,000-\$28,000 in extra costs per property for wetland mitigation. They are working with DSL.

With no further discussion, the meeting was adjourned at the hour of 8:26 pm.

Chairperson

City Recorder

November 21, 2023



Planning Commission Meeting Minutes

November 21, 2023

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

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

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

WORK SESSION

THE MATTER OF CORRECTING THE HARRISBURG DEVELOPMENT CODE IN RELATION TO PAVING IN INDUSTRIAL ZONED SITES, TO DRIVEWAYS IN INDUSTRIAL/COMMERCIAL ZONES, AND TO LANDSCAPING REQUIREMENTS IN INDUSTRIAL ZONES.

STAFF REPORT: Eldridge explained that we are still discussing this issue because it was tabled at the last meeting. The wording of what is being discussed and considered can be found on page 8 of the agenda packet. We are considering three (3) separate items. No. 1 – Paving of property, do we want to go back to the previous code? No. 2 – Paving of driveways, we can meet State TMDL requirements if the code stays the same as currently written. No. 3 – Landscaping requirements, the current code requires more than 30 spaces to have additional landscaping. Commission should consider the balance between higher value of property – vs- economic development. This would not be an issue for larger commercial owners but could become cumbersome for smaller industrial property owners. Regulatory issues coming from the state level are making a hardship on property owners and are currently being challenged by several cities. We can decide to remove subsections a & b on page 14 under section 5. We will handle each condition up for discussion separately including the motions.

No. 1 – Paving of property in the M-1 and M-2 zones.

- Kayner stated that he did not feel that the Planning Commission should be considering if

November 21, 2023

actions will increase property value. Cluver said that the Commission should make decisions that do not devalue the properties in the city.

- Jackson asked if we had the ability to make retail properties do something different than the rest of properties in the zones being discussed. Kayner said we could and that the current code already reflects this issue.
- Neely asked who reviews the plans. Eldridge replied that she does or a consultant. Neely followed up with if the size of the building triggers the need to have the property paved. Eldridge clarified that it is any area of the property that vehicles are maneuvered on and referred to page 15 section 4. Subsection d.
- Moritz reminded the commission that this is only referring to the M-1 and M-2 zones that touch any residential zone. Giles also added that if we are making a correction that means we are reverting to the previous code and would not require the entire process of an amendment.
- Giles **motioned to approve and recommend to the City Council the correction of HMC 18.80.030 (4) based on finding contained in the November 12 Staff Report. This motion is based on findings contained in the November 12 Staff report, and on findings made during deliberations on the request and was seconded by Kayner. The Planning Commission then voted unanimously to approve and recommend to the City Council the correction of HMC 18.80.030 (4) based on findings contained in the November 12 Staff Report. This motion is based on findings contained in the November 12 Staff report, and on findings made during deliberations on the request.**

No. 2 – Paving of driveways in the M-1 and M-2 zones.

- Eldridge clarified that it is currently written that the first 50 feet of a driveway needs to be paved when adjoining a road. Staff recommends denial of this consideration and keep the code as written to prevent TMDL issues and further requirements of property owners such as installing truck wheel wash stations. This recommendation is based on discussions with the Public Works Director. Eldridge stated that we try to use common sense while reviewing code requirements. She also reminded the Commission that City Council has the final say on if the code recommendations are approved.
- Kayner **motioned to approve the recommendation to City Council to correct HMC 18.70.030(4)(c), based on findings and recommendations contained in the November 12 staff report, and on findings made during deliberations on the request and was seconded by Giles. The Planning Commission then voted with Kayner, Giles and Wullenwaber voting in favor, and Moritz, Culver, Jackson, and Neely voting against. Motion failed 3 in favor and 4 against.**
- Moritz **motioned to deny the recommendation to City Council to correct HMC 18.70.030(4)(c), based on findings and recommendations contained in the November 12 staff report, and on findings made during deliberations on the request and was seconded by Neely. The Planning Commission then voted with Moritz, Culver, Jackson, and Neely voting in favor, and Kayner, Giles and Wullenwaber voting against. Motion passed 4 in favor and 3 against to approve the recommendation to City Council to correct HMC 18.70.030(4)(c), based on findings and recommendations contained in the November 12 staff report, and on findings made during deliberations on the request.**

No. 3 – Parking areas with more than 30 spaces or larger than 5,000 square feet of total parking surface area.

- Eldridge stated that staff was fine with removal of subsection b, subsection a is questionable. These conditions will only apply to site plans and conditional use permits.
- Moritz **motioned to approve and amend the recommendation to the City Council by removing the first sentence of Section A and all of Section B in the correction of HMC 18.75.030 (5)(b) based on finding contained in the November 12 Staff Report. This motion is based on findings contained in the November 12 Staff report, and on findings made during deliberations on the request and was seconded by Kayner. The Planning**

November 21, 2023

Commission then voted unanimously to approve and amend the recommendation to the City Council by removing the first sentence of Section A and all of Section B in the correction of HMC 18.75.030 (5)(b) based on finding contained in the November 12 Staff Report. This motion is based on findings contained in the November 12 Staff report, and on findings made during deliberations on the request.

OTHERS

- The next City Council Meeting where this will probably be discussed will be held on Thursday, December 14, 2023 at 6:30pm in the Municipal Center.

With no further discussion, the meeting was adjourned at the hour of 8:46 pm.

Chairperson

City Recorder

UNAPPROVED

Staff Report Harrisburg Planning Commission Harrisburg, Oregon

THE MATTER OF CORRECTING THE HARRISBURG DEVELOPMENT CODE IN RELATION TO HMC TITLES 18 AND 19

STAFF REPORT EXHIBITS:

Exhibit A: Title 18 Corrections

Exhibit B: Title 19 Corrections

ACTION: I MOVE TO:

1. *“Approve and recommend to the City Council the correction of HMC Titles 18 and 19 based on findings contained in the January 9, 2024, Staff Report. This motion is based on findings contained in the January 9, 2024 staff report, and on findings made during deliberations on the request.”*
2. *“Approve and amend the recommendation to City Council the correction of HMC Titles 18 and 19 based on findings contained in the January 9, 2024, Staff Report. This motion is based on findings contained in the January 9, 2024 staff report, and on findings made during deliberations on the request.”*
3. *“Deny the recommendation to City Council the correction of HMC Titles 18 and 19 based on findings contained in the January 9, 2024, Staff Report. This motion is based on findings contained in the January 9, 2024 staff report, and on findings made during deliberations on the request.”*

APPLICANT: None

LOCATION: N/A

HEARING DATE: January 16, 2024

ZONING: n/a

OWNER: n/a

BACKGROUND

The Harrisburg Development Code is now being applied to real-world properties located inside the jurisdictional boundaries of the City of Harrisburg. We recently made some corrections to paving in industrial zones. The following discussion will correct many of

the sections that we know needed adjustments in order to continue to improve development in Harrisburg.

INTRODUCTION

Staff have been working with our Planning Contractors at TBG Architects. (This firm formerly employed Jordan Cogburn, who is familiar to the Planning Commission). We recently received the land use application for the recent reiteration of Woodhill Crossing Subdivision, which will be analyzed and reviewed by TBG. We have tentatively scheduled this subdivision to be reviewed at the February 20th meeting. Staff have been working with the engineering company (Emerio Engineering & Design), and Hayden Homes; the company who is submitting this application. We had been allowing them to proceed with the subdivision design based on interpretation of the development code, after verifying the intent of our previous consultant. We are now making these changes to bring the development code back into compliance with the Comprehensive Plan, as well as the intent of providing more flexibility to allow for more housing options. Other changes allow for consistent terminology throughout the development code.

19.35.010 Purpose.

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

19.35.020 Procedure.

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

Staff is proceeding with these changes in the same manner as we have in the past, due to a consultation with our regional Department of Land Conservation & Development director. Staff was provided with the language from ORS 197.610 and OAR 661-018-0022; and it was suggested that Staff check with our legal team over the ramifications of determining whether or not we feel that the statutes, and OAR would apply in this case. Those are below:

ORS 197.610

(5) When a local government determines that the land use statutes, statewide land use planning goals and administrative rules of the commission that implement either the

statutes or the goals do not apply to a proposed change to the acknowledged comprehensive plan and the land use regulations, submission of the proposed change under this section is not required.

660-018-0022

Exemptions to Notice Requirements Under OAR 660-018-0020

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

The City’s legal team suggested this process if the City should feel that this could be a correction, rather than an amendment. The City has not had an application for a subdivision or a partition under the new development code, and therefore has not seen how these particular criteria in the code applies to a land use request. These changes will clear up inconsistencies in relation to the City’s Comprehensive Plan as well.

The amended document is somewhat difficult to read, as there are lots of small changes, and many comments. It is also somewhat of a challenge to review these in double column mode. Unfortunately, the templates from the website were taking far too long to convert to make these more readable. Most of the important changes were centered on the design tables, and in relation to density. Other changes were very small, or minor in nature, such as the one shown on page 18-12. Staff won’t be reviewing these during the meeting unless they are of concern to the Planning Commission or to City Council. The staff report focuses on the main changes, and shows you were to look in the development code to find them.

HMC Chapter 18 – Development Code Corrections

Density: Density is addressed in HMC Chapter 18.40, (Page 18-10) as well as repeated in the tables shown in HMC Chapter 18.45 (Page 18-19). The code was referring to gross acres, rather than net acres. There is an important distinction, as gross will take into account the total acreage, but net only looks at the acreage that is developable (i.e., removing right-of-way and unbuildable areas like detention ponds). The Comprehensive Plan says that we must use net acreage to configure density. The Planning Commission had also specifically talked about lowering the density in R-2 zones, simply because it provides more flexibility to developers. The first part of the tables in 18.45.040.4 corrects the densities to match both the written part of the code, and the Comprehensive Plan. Comprehensive Plan Policies 4 through 6 are below, showing the net acreage requirement, as well as the range of densities.

Harrisburg Comprehensive Plan Policies, Goal 10: Housing, Policies

- 4. High-density residential development, not to exceed 18 units per net acre (not including right-of-ways), shall be dispersed throughout the city including around the central commercial areas or in areas with good access to collector or arterial streets.*
- 5. Medium-density residential development, with a range of two to 12 units per net acre (not including right-of-ways), shall be dispersed throughout the city including around the central commercial areas or in areas with good access to collector or arterial streets.*

6. *Low-density residential development, not to exceed six units per net acre (not including right-of-ways), shall occur mostly in the eastern areas of the city.*

Townhomes – Single Family Attached Dwellings: In the R-1 zone, the table shown on Page 18-19, originally said that attached townhomes weren't permitted. However, according to the tables shown in 18.45.030 (Page 18-13), attached dwellings (townhomes) are allowed as a special use. HMC 18.50.060 then outlined the special review criteria that allows a townhome in the R-1 zone. We've also added wording about the Special Use Provisions. Lot widths in relation to townhomes also needed to be corrected.

Lot Widths: Not only were duplexes listed as requiring more width than a SFD, but the attached homes (townhomes) were shown as an example, at 80', when the intention was 80' for the total attached structure, with 40' per building being the desired standard. The table on page 18-21 was also stating 'not permitted', when townhomes are permitted. Duplexes, where they are allowed, should also be a smaller width. That makes it equal to what is allowed for single family dwellings, and more in line with HB2001.

Side Setbacks: Side setbacks were extremely difficult to explain to property owners and developers, so our consultant suggested the following widths. While they did have 6' listed under R-2 and R-3, I've changed it back to 7' for buildings that are more than 24' high. (Page 18-22) This is more in line with what we discussed in the Planning Commission. 1' is not much of a distance, so if the Planning Commission feels so inclined, please change it back to an equal distance of 6' regardless of which zone they are located in. Also, on Page 18-23, common walls, or zero lot line developments (also townhomes) were listed as a strange 5'-10' distance for side yards, but there was no distinction as to which measurement Staff should tell a contractor to abide by. You'll also see on this line that we are making sure the language is consistent throughout the development code.

Current Side Setback Code from Table 18.45.040.4

Interior Side Setback Yards	R-1	R-2	R-3	
Structure >24 ft height (total of 2 interior sides, with no setback yard less than 4 ft)	8 ft	7 ft	7 ft	
Structure 12 ft to 24 ft height (total of 2 interior sides, with no setback yard less than 4 ft)	7 ft	6 ft	6 ft	
Structure <12 ft height (total of 2 interior sides, with no setback yard less than 4 ft)	6 ft	5 ft	5 ft	

Setbacks for non-residential zones: On page 18-25, you'll find that there was a 20' setback for commercial and industrial zones. Commercial zones are affected by the Historical Zone overlay in the downtown areas, and by vision clearance issues along 3rd St. Adjusting this to zero, is similar to what we had prior to the development code amendments. The side yard and rear yards had only a five foot setback if they were abutting a residential use or zone. In the old M-1 code, we allowed for a yard along a street being 20', and other setbacks being 10', unless abutting a residential use or zone,

which then became 20'. Staff and the consultants suggest using 0' as the setback, and to allow vision clearance to apply to 3rd St. properties. This matches for the most part to the historical overlay zone requirements, and gives the most flexibility to new commercial development.

HMC Chapter 19 Application Review Procedures and Approval Criteria

Subdivisions/Partitions: We updated the land division purpose statement to reflect the correct number of lots allowed in each type of land use (Page 19-13). The definition in HMC 19.55 was also updated (Pages 19-47 & 19-43).

HMC 19.20.40 Lot Size Averaging, Flag Lots and Infill Development: Some of this section, shown on Page 19-16 cleans up the lot size averaging and flag lot sections so that they make more sense in planning terminology. On this same page, HMC 19.20.50(1)(b) referred to an impact study that was shown nowhere else in our code. If someone is providing us with a subdivision preliminary plat, most of HMC 18.85 will address water, sewer, storm, and street criteria; for which the criteria comes from the master plans. Restating this gives us more flexibility, and still allows Staff to apply more detailed analysis or study's if needed or required based on the nature of the land use application. The Planning Commission will notice that the planning consultants are suggesting that we should review this section, as well as variances/adjustments more in the future.

On Page 19-25, in HMC 19.40.030 Adjustments, this section has been updated to match the language used in the municipal code throughout this title. We have specifically deleted the limitations for adjustments, both the six lots per application limitation, as well as the limitations per year (Page 19-26) Adjustments are much more common, and easier for citizens to use, than are variances. As the Planning Commission has noted previously, we are trying to limit usage of variances; this is one way to do that.

The Planning Commission will notice that much of the comments here are between the consultants and Staff, notes that we will need to come back and adjust these sections more in the future. We don't want to necessarily compare ourselves to larger cities who deal with more adjustments and variances than what Harrisburg does. Our intentions in the code are to work with our citizens, so they can feasibly do what they can on their properties within certain parameters.

Definitions: Starting on Page 19-32, some of the definitions have been updated to match the language used in the other corrections in Titles 18 and 19. This includes updates to the number of lots allowed for both partitions and subdivisions. Some of the changes in Title 19 also dealt with flag lots, and providing current planning language, in relation to flag poles.

The final page of HMC 19, contains the comments that were overloaded on pages above.

CRITERIA AND FINDINGS OF FACT

Discussion: The Planning Commission has considered the comparisons between the current Zoning & Development Code, in both Titles HMC 18 and 19 in relation to the previous Zoning & Development Code (Titles HMC 18 and 17), and have determined that the City should correct some of the language used throughout both Chapters 18 and 19. In Title 18 and 19 both, the densities have been corrected, and terminology/methodology now matches the Harrisburg Comprehensive Plan. The changes to widths, and setbacks in the tables now matches the language used in the written section of the code. The corrections of townhomes specifically fixes the discrepancy in the tables, as shared wall townhomes are allowed in R-1 zones as a special use. Other corrections to language have been made for cohesiveness throughout the code.

Finding: As discussed in the Staff Report of Jan 9, 2024, the City has not had Adjustment code language previously, therefore the corrections to that section of the code are related to the initial adoption of that language. Language corrections and matching the written code to the Comprehensive Plan, included updating terminology so that it is consistent throughout the development code has also been discussed. These are all corrections within the allowances of HMC 19.35-020(1). The City has not applied the new development code to a subdivision or partition at this time, and therefore have not previously applied the criteria so that we were aware of how the inconsistencies would apply to actual land use requests. **Therefore, this Criteria has been met.**

CONCLUSIONS

The Planning Commission should discuss these issues, and determine if they feel that the current development code should be altered by the findings and recommendations in the staff report above. Staff recommends that the Planning Commission approve and recommend these corrections to HMC Titles 18 and 19 to the City Council.

RECOMMENDED MOTION(S)

Consistent with staff’s recommendation to the Planning Commission, Staff suggests Motion No. 1 to approve the recommendations to the City Council. If the Planning Commission should wish to amend any of the language above, they can use Motion No. 2, and if they should disagree with Staff’s recommendations, they can do so through Motion No. 3, which Deny’s Staff’s recommendation.

- 4. *“I move to approve and recommend to the City Council the correction of HMC Titles 18 and 19 based on findings contained in the January 9, 2024, Staff Report. This motion is based on findings contained in the January 9, 2024 staff report, and on findings made during deliberations on the request.”*

5. *I move to approve and amend the recommendation to City Council the correction of HMC Titles 18 and 19 based on findings contained in the January 9, 2024, Staff Report. This motion is based on findings contained in the January 9, 2024 staff report, and on findings made during deliberations on the request.”*
6. *I move to deny the recommendation to City Council the correction of HMC Titles 18 and 19 based on findings contained in the January 9, 2024, Staff Report. This motion is based on findings contained in the January 9, 2024 staff report, and on findings made during deliberations on the request.”*

Title 18
ZONING AND DEVELOPMENT

Chapters:

Division 1. Introduction and General Provisions

- 18.10 Introduction
- 18.15 Title, Purpose, and Authority
- 18.20 Lot of Record and Legal Lot Determination
- 18.25 Nonconforming Situations
- 18.30 Code Interpretations
- 18.35 Enforcement

Commented [KT1]: Not reviewed unless noted.

Commented [KT2]: Limited review only as noted in the one section.

Commented [KT3]: Not reviewed.

Division 2. Zoning Regulations

- 18.40 Establishment of Zoning Districts
- 18.45 Zoning District Regulations
- 18.50 Special Use Standards (S)
- 18.55 Overlay Zones and Specific Area Plan Regulations

Commented [KT4]: Only reviewed residential unless otherwise noted.

Commented [KT5]: Limited review in sections where comments.

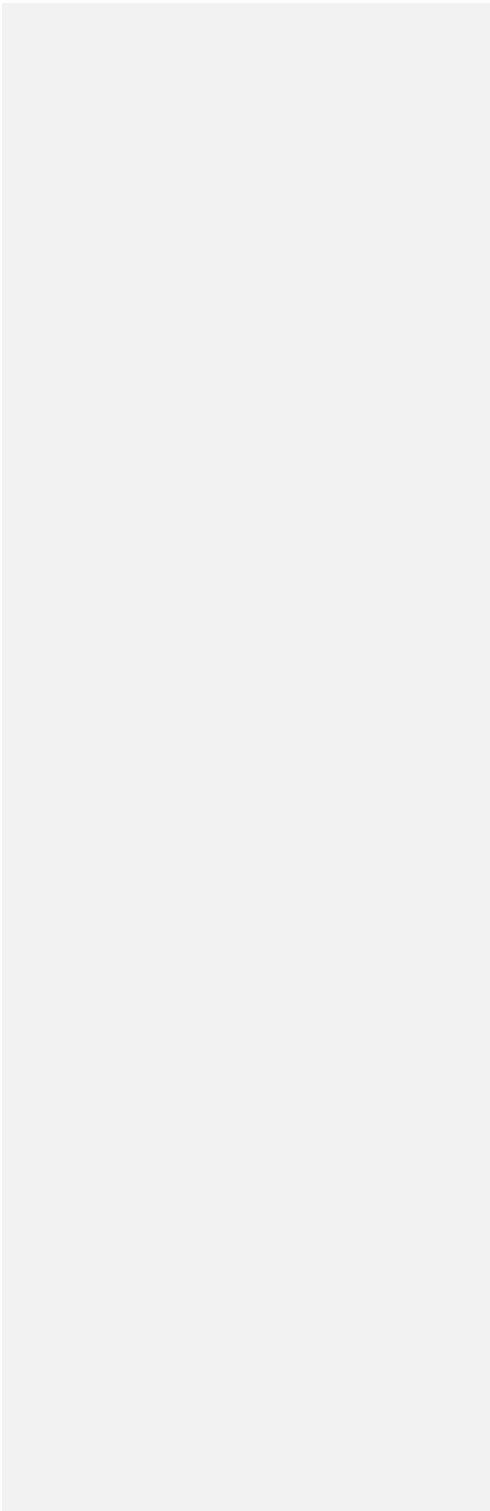
Division 3. Community Design Standards

- 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 for Commercial, Industrial, and Home Occupation Uses

Commented [KT6]: Not reviewed.

Commented [ZG7]: No identified corrections in Division 3.

Commented [KT8R7]: Division 3 not reviewed.



Division 1. Introduction and General Provisions

Chapter 18.15

Chapter 18.10

TITLE, PURPOSE, AND AUTHORITY

INTRODUCTION

Sections:

18.10.010 Introduction.

18.10.010 Introduction.

The City of Harrisburg Zoning and Development Code (“development code” or “code”) is administered by the City Administrator or their designee. The code regulates land use and development within the City of Harrisburg, and is organized as follows:

1. Division 1. Division 1 describes the title, purpose, authority, organization, and general administration of the code. Division 1 also explains how City officials interpret and enforce code requirements.

2. Division 2. Division 2 contains the zoning regulations. Zones are designated by the City of Harrisburg zoning map, consistent with the City of Harrisburg comprehensive plan. The zoning regulations specify allowed land uses, and lot and development standards that are specific to particular land uses or zones. Before purchasing a piece of property or commencing a new use or development, changing an existing use or development, or applying for a building permit, the property owner should verify the City’s zoning requirements.

3. Division 3. Division 3 contains public improvement requirements and building and site design standards for development.

4. HMC Title 19. HMC Title 19 contains application requirements and review procedures for land use and development decisions, including, but not limited to, procedures for land divisions, property line adjustments, conditional use permits, site design review, master planned developments, and variances.

5. Chapter 19.55 HMC contains definitions and other exhibits that the City uses to interpret and administer this code. [Ord. 987 § 1 (Exh. A), 2022.]

Sections:

- 18.15.010 Title.
- 18.15.020 Purpose.
- 18.15.030 Compliance and scope.
- 18.15.040 Rules of code construction.
- 18.15.050 Development title consistency with comprehensive plan and laws.
- 18.15.060 Development code and zoning map implementation.
- 18.15.070 Review of building permits for development code compliance.
- 18.15.080 Official action.

18.15.010 Title.

The official name of this title is “The City of Harrisburg Zoning and Development Code.” It may also be referred to as “development code” and “code.” [Ord. 987 § 1 (Exh. A), 2022.]

18.15.20 Purpose.

This code is enacted to promote the public health, safety, and welfare; and to encourage the orderly and efficient development and use of land within the City of Harrisburg, consistent with the City of Harrisburg comprehensive plan and the following principles:

- 1. Compact development, which promotes the efficient provision of public services and infrastructure;
- 2. Mixed-use, which, to the extent feasible, places homes, jobs, stores, parks, and services within walking distance of one another;
- 3. Housing, which promotes a mix of housing and full range of residential opportunities for both ownership and renting;
- 4. Full utilization of urban services (e.g., water, sewer, storm drainage, parks, and transportation facilities), which maximizes the return on public investments in infrastructure;
- 5. Transportation efficiency, or development of an interconnected street system supporting multiple modes of transportation, which yields more direct routes (shorter distances) between local destinations, conserves energy, reduces emergency response times, and provides alternatives to the

Commented [KT9]: This should be a "M"
Deleted: N

automobile for those who are unable or choose not to drive a car;

6. Human-scale design, or development in which people feel safe and comfortable walking from place to place because buildings, streetscapes, parking areas, landscaping, lighting, and other components of the built environment are designed foremost with pedestrians in mind;

7. Environmental health, which requires adequate light and air circulation, management of surface water runoff, and treatment and disposal of waste;

8. Employment opportunities, or development that brings employment opportunities and promotes access to the types of retail, professional and personal services that enhance quality of life;

9. Flexibility. A code that does not impose “one size fits all” type development but allows flexibility by encouraging unique or special design or uses consistent with a changing and evolving economy and built environment; and

10. Efficient administration of code requirements, consistent with the needs of the City of Harrisburg, a small city with limited administrative capacity. [Ord. 987 § 1 (Exh. A), 2022.]

18.15.30 Compliance and scope.

1. Compliance With the Development Code. No structure or lot shall hereinafter be used, developed, or occupied, and no structure or part thereof shall be erected, moved, reconstructed, extended, enlarged, or otherwise altered except as permitted by this code. Furthermore, annexations and amendments to the zoning map, and amendments to the development code shall conform to applicable provisions of this code.

2. Obligation by Successor. The requirements of this code apply to the owner(s) of record, persons undertaking the development or the use of land, and to those persons’ successors in interest.

3. Transfer of Development Standards Prohibited. Except as otherwise specifically authorized by this code, no lot area, yard, landscaping, or open space that is used to satisfy a requirement of this code for one use shall be used to satisfy the same requirement for another use. [Ord. 987 § 1 (Exh. A), 2022.]

18.15.40 Rules of code construction.

1. Provisions of This Code Declared to Be Minimum Requirements. The provisions of this code, in their interpretation and application, are minimum requirements, adopted for the protection of the public health, safety, and general welfare.

2. Highest Standard or Most Contextually Relevant Requirement Applies. Whenever the requirement of this code varies from another provision of this code, or with other applicable regulations, the highest standard, or that standard or regulation most contextually relevant to the proposed land use, shall govern. The City Administrator or Planning Commission, as applicable, shall determine which code provision sets the highest standard, and/or is most relevant. Where the applicability of a code provision is unclear, the Planning Commission, or upon referral the City Council, may issue a formal interpretation pursuant to Chapter 18.30 HMC, Code Interpretations.

3. Tenses. Words used in the present tense include the future; the singular form includes the plural; and the plural includes the singular.

4. Requirements Versus Guidelines. The use of the word “shall,” “must,” “required,” or similar directive terms, means the code provision is a requirement. The use of the word “should,” “encouraged,” “recommended,” or similar terms, means the provision is a guideline, which may be imposed as a requirement but only where the applicable code criteria allow the (City decision-making body) to exercise such discretion.

5. Interpreting Illustrations. This code contains illustrations and photographs, code “graphics,” which are intended to serve as examples of development design that either meet, or do not meet, particular code standards. Except where a graphic contains a specific numerical standard or uses the word “shall,” “must,” “required,” or “prohibited,” strict adherence to the graphic is not required.

6. Severability. The provisions of this code are severable. If any section, sentence, clause, or phrase is judged to be invalid by a court of competent jurisdiction, that decision shall not affect the validity of the remaining portion of the code. [Ord. 987 § 1 (Exh. A), 2022.]

18.15.50 Development title consistency with comprehensive plan and laws.

1. City of Harrisburg Comprehensive Plan. This title implements the City of Harrisburg comprehensive plan. Except as otherwise required by applicable State or Federal law, all provisions of this title shall be construed in conformity with the comprehensive plan, including any comprehensive plan elements or public facility master plans adopted pursuant to the comprehensive plan.

2. Compliance With Other Laws Required. In addition to the requirements of this title, all uses and development must comply with all other applicable City, State of Oregon, and Federal rules and regulations.

3. References to Other Regulations. All references to other City, State, and Federal rules and regulations are for informational purposes only and do not constitute a complete list of such requirements. The references do not imply any responsibility by the City for enforcement of State or Federal regulations. Where a proposal, permit, or approval is subject to both City of Harrisburg requirements and State or Federal requirements, the property owner is responsible for contacting the applicable agencies and complying with their rules and regulations.

4. Current Versions and Citations. All references to the regulations of other jurisdictions refer to the most current version and citation for those regulations, except where this title, City Council policy, or applicable law require otherwise. Where a referenced regulation has been amended or repealed, the City Planning Official, Planning Commission or, upon referral, the City Council, shall interpret and apply this title. [Ord. 987 § 1 (Exh. A), 2022.]

18.15.60 Development code and zoning map implementation.

1. Zoning of Areas to Be Annexed. The comprehensive plan map shall guide the designation of zoning for annexed areas. Concurrent with annexation of land to the City of Harrisburg, the City Council shall enact an ordinance applying applicable zoning designation(s) to the territory being annexed.

2. Land Use Consistent With Development Code. Land and structures in the City of Harrisburg may be used or developed only in accordance with

this code, including all amendments thereto. A lawful use of land (“use”) is one that is permitted in accordance with this code, or is allowed as a legal nonconforming use, provided State or Federal law does not prohibit the use.

3. Development Code and Zoning Map. The City’s official zoning map (“zoning map”), which may be published, amended, and filed separately from this code, is part of this code. The zoning districts depicted on the zoning map correspond to the zoning districts in this code. In addition, this code may contain zoning regulations for special areas (i.e., overlay zones), and for certain uses or structures that do not appear on the zoning map.

4. Interpreting the Zoning Map. Except as otherwise specified by this code, the City’s zoning boundaries are as designated on the official zoning map, which is kept on file at City Hall. The City may adopt and publish supplemental zoning maps. In addition, the City may require field verification and mapping (e.g., survey) of a regulated feature as part of a development application.

5. Boundary Lines. Zoning district boundaries are determined pursuant to Chapter 18.40 HMC.

6. Changes to Official Zoning Map. Proposed changes to the official zoning map are subject to review and approval under Chapter 19.35 HMC, Amendments to Zoning Map or Code. [Ord. 987 § 1 (Exh. A), 2022.]

18.15.070 Review of building permits for development code compliance.

A building permit shall not be issued until the City Administrator, or their designee, has confirmed that all applicable requirements of this code are met, including compliance with all conditions of approval imposed through the development review process, if any, or that the development is exempt from the all development code requirements. [Ord. 987 § 1 (Exh. A), 2022.]

18.15.80 Official action.

1. Official Action. The City of Harrisburg City Administrator, Planning Commission, and City Council are all vested with authority to issue permits and grant approvals in conformance with this code, pursuant to HMC Title 19, Application Review Procedures and Approval Criteria.

2. Void Future Actions. Any permit or approval issued or granted in conflict with the provisions of

this code shall be void, unless the City modifies it in conformance with the code. The City Administrator shall determine when an approval is void and, as applicable, he or she shall refer it back to the decision body for modification to ensure code compliance.

3. Referral to Planning Commission. In addition to those actions that require Planning Commission approval, the City Administrator may refer any question or permit request to the Planning Commission, who then shall take action on the request pursuant to the applicable provisions of this code. See also Chapter 18.30 HMC, Code Interpretations and HMC Title 19, Application Review Procedures and Approval Criteria.

4. Notices, Filing, and Validity of Actions. The failure of any person to receive mailed notice or failure to post or file a notice, staff report, or form shall not invalidate any actions pursuant to this code, provided a good faith effort was made to notify all parties entitled to such notice report, or form. See Chapter 19.10 HMC, General Review Procedures. [Ord. 987 § 1 (Exh. A), 2022.]

Chapter 18.20

LOT OF RECORD AND LEGAL LOT DETERMINATION

Sections:

- 18.20.010 Purpose and intent.
- 18.20.020 Criteria.
- 18.20.030 Legal lot determination procedure.

18.20.010 Purpose and intent.

The purpose of this chapter is to establish criteria and a process for determining when a lot of record exists for the purpose of allowing a use or development on a nonconforming lot (e.g., substandard lot that does not meet existing lot area, setback, or coverage regulations). The owner of a lot of record shall not be denied development of one single-family dwelling per lot of record, provided applicable building codes are met. If a lot is substandard as to area or dimension, the City may accept a legal lot determination as sufficient evidence of a hardship for purposes of approving a variance under Chapter 19.40 HMC. [Ord. 987 § 1 (Exh. A), 2022.]

18.20.020 Criteria.

A lot of record is a plot of land that meets one or more of the following criteria, pursuant to ORS 92.10 through 92.190:

- 1. The plot of land was lawfully created through a subdivision or partition plat in Linn County prior to annexation to the City of Harrisburg.
- 2. The plot of land was created through a deed or land sales contract recorded with Linn County. [Ord. 987 § 1 (Exh. A), 2022.]

18.20.030 Legal lot determination procedure.

The City Administrator, through a Type I procedure, shall process requests to validate a lot of record, pursuant to ORS 92.010 through 92.190. [Ord. 987 § 1 (Exh. A), 2022.]

Chapter 18.25

NONCONFORMING SITUATIONS

Sections:

18.25.010 Purpose and applicability.

18.25.020 Nonconforming use and development.

18.25.010 Purpose and applicability.

This chapter provides standards and procedures for the continuation of lots, uses, and developments that were lawfully established but do not comply with current code standards (“nonconformingsituations”). This chapter is intended to protect public health, safety, and general welfare, while allowing reasonable use of private property. [Ord. 987 § 1 (Exh. A), 2022.]

18.25.20 Nonconforming use and development.

Where a use of land exists that would not be permitted under the current code, but was lawful at the time it was established, the use may continue, provided it conforms to the following requirements:

1. Expansion of Nonconforming Use Limited. Any expansion of a nonconforming use exceeding 10 percent of the subject site or building, or for more than 2,000 square feet of building area that existed as of the construction of the now nonconforming use(s), requires approval of a conditional use permit under Chapter 19.25 HMC.

2. Location of Nonconforming Use. A nonconforming use shall not be moved in whole or in part from one lot to another lot, except as to bring the use into closer conformance with this code.

3. Discontinuation or Abandonment of Nonconforming Use. A nonconforming use that is discontinued for any reason (other than fire or other catastrophe or destruction beyond the owner’s control) for a period of more than 18 months, except six months for signs, shall be deemed abandoned and shall no longer be an allowed use. For purposes of calculating the 18-month period, a use is discontinued when the most recent of one or more of the following events has occurred:

a. The use of land is physically vacated;

b. The use ceases to be actively involved in the sale, production, storage or promotion of merchandise or the provision of services; for example, as evidenced by the removal of signs, goods, stock,

or office equipment, or the disconnection of telephone or other utilities;

c. Commercial or business signs that no longer reflect or communicate correct information shall be removed, demolished or updated within 60 days of notice of nonconforming status and shall be brought into conformity with Chapter 18.90 HMC;

d. Any lease or contract under which the nonconforming use has occupied the land is terminated;

e. A request for final reading of water and power meters is made to the applicable utility;

f. The owner’s utility bill or property tax bill account became delinquent;

g. Structures have become dilapidated, failing, hazardous or otherwise not suitable for their former use(s);

h. The owner does not obtain or keep current a City business license, as may be required in Chapters 5.05 through 5.25 HMC; or

i. An event occurs similar to those listed in subsections (3)(a) through (h) of this section, as determined by the City Administrator.

4. Application of Code Criteria and Standards to Nonconforming Use. Once the City deems a use abandoned pursuant to this chapter, any subsequent use of the subject lot shall conform to the current standards and criteria of this code.

5. Extension of Nonconforming Status for Discontinued Use. Notwithstanding the provisions of this chapter, a nonconforming use that is discontinued shall not be considered abandoned where, through a Type III procedure, the Planning Commission approves an extension for maintenance or repair, including ongoing, active renovation and efforts to lease the subject property. The owner must request the extension within the 18-month period of initial discontinuance. [Ord. 987 § 1 (Exh. A), 2022.]

Chapter 18.30

CODE INTERPRETATIONS

Sections:

18.30.010 Code interpretations.

18.30.10 Code interpretations.

[This section provides the City a process for interpreting the Municipal Code Chapters 18.10 to 18.90 and decisions issued pursuant to Municipal Code Chapters 19.10 to 19.50.]

1. Authorization of Similar Uses. Where a proposed use is not specifically identified by this code, or the code is unclear as to whether the use is allowed in a particular zone, the City Administrator may objectively find the use is similar to another use that is permitted, allowed conditionally, or prohibited in the subject zone and apply the code accordingly. However, uses and activities that this code specifically prohibits in the subject zone, and uses and activities that the City Administrator objectively finds are similar to those that are prohibited, are not allowed. Where these similar use rulings require the exercise of discretion, they shall be processed following the formal interpretation procedure, below. The City Administrator may also refer a request for a similar use determination to the Planning Commission for its review and decision following this procedure.

2. Code Interpretation Procedure. Requests for code interpretations, including, but not limited to, similar use determinations, shall be made in writing to the City Administrator and shall be processed pursuant to the Type II procedure in HMC 19.10.030, and as follows:

a. The City Administrator, within 14 business days of the inquiry, shall advise the person making the inquiry in writing as to whether the City will make a formal interpretation.

b. The City Administrator or Planning Commission shall advise the person making the inquiry of the City's decision within a reasonable time frame. However, at least five days prior to notification of interpretation to the applicant, the City Administrator shall provide public notice and inform all members of the Harrisburg Planning Commission of his/her proposed interpretation. Any member of the Planning Commission or the public may require a public hearing before the

Commission prior to any administrative code interpretation becoming final.

3. Written Interpretation. Following the close of the public comment period on an application for a code interpretation, the City Administrator shall

mail or deliver the City's decision in writing to the person requesting it, to any other person who specifically requested a copy of the decision, and to those who provided comment on the application. The decision shall become effective when the appeal period for the decision expires.

4. Referral to City Council. Where a code interpretation may have significant Citywide policy implications, the City Administrator may bypass the usual procedure and refer the request to the Planning Commission or City Council for legislative review in a public hearing. Such public hearings shall be conducted following Type IV procedure of this code.

5. Interpretations on File. The City shall keep on file a record of its code interpretations. [Ord. 987 § 1 (Exh. A), 2022.]

Deleted: Some terms or phrases within this code may have two or more reasonable meanings.

Commented [KT10]: Recommending broadening interpretation because it is not as limited as originally described like in the case of a missing allowed use category in the zoning districts. Add relevant Chapter references if this is intended to cover more than Chapter 18.

Deleted: resolving differences in the interpretation of the code text

Chapter 18.35

ENFORCEMENT

Sections:

18.35.010 Violations.

18.35.020 Other remedies.

18.35.010 Violations.

A person who violates or causes the violation of any of the provisions of this code and who fails to abate the violation as required by the City has committed an infraction. A conviction for an infraction is punishable as prescribed in Chapter 1.10 HMC. A person is guilty of a separate infraction for each and every day or portion of a day that a violation of this code is committed or continued. A person who is found guilty or convicted of violating this code and who pays fines or penalties as required by the court is not relieved of the duty to abate the violation. The court of primary jurisdiction to hear cases of infractions of this code section is the Harrisburg Municipal Court.

1. Violations. Violations will be identified by the City Administrator under the requirements of HMC 1.10.040 and 1.10.050.

2. Penalties. Code violations may be subject to criminal, civil, or other sanctions authorized under Chapter 1.10 HMC.

a. Civil Penalties and Remedies. In addition to, or in lieu of, the penalties under Chapter 1.10 HMC, a violation of this code or a violation of a permit issued under the authority of this code may be the subject of a civil action in the nature of an administrative civil penalty, debt lien, or any other appropriate remedy issued from a court of competent jurisdiction, including mandatory and prohibitory injunctions, orders of abatement, or order to reimburse the City for the City's expenses required to abate or mitigate the violation. [Ord. 987 § 1 (Exh. A), 2022.]

18.35.20 Other remedies.

The remedies under this code are cumulative and not exclusive. The City, in addition to finding that a code violation is an infraction, may use any of the other remedies available to it, including, but not limited to, the following:

1. Stop Work Order. The City may issue a stop work order.

2. Public Nuisance. The City may find a violation of this code is a public nuisance and take enforcement action pursuant to Chapters 8.05 and 8.10 HMC.

3. Mediation. The City and property owner may mutually agree to engage in a mediation process. [Ord. 987 § 1 (Exh. A), 2022.]

Division 2. Zoning Regulations

Chapter 18.40

ESTABLISHMENT OF ZONING DISTRICTS

Sections:

- 18.40.010 Purpose and classification of zoning districts.
- 18.40.020 Classification of zoning districts.
- 18.40.030 Determination of zoning district boundaries.

18.40.010 Purpose and classification of zoning districts.

This chapter establishes zoning districts, consistent with the City of Harrisburg comprehensive plan. Every unit of land (parcel, lot, tract, and right-of-way) within the City of Harrisburg is designated with a zoning district or "zone," and may also be designated with one or more overlay zones (Chapter 18.55 HMC). The use of land is limited to the uses allowed by the applicable zone(s). [Ord. 987 § 1 (Exh. A), 2022.]

18.40.20 Classification of zoning districts.

Zoning designations are as depicted on the City of Harrisburg zoning map. The City Administrator maintains official copies of the City zoning map and comprehensive plan. Where a conflict between documents arises, the comprehensive plan shall govern.

1. Residential Districts (R-1, R-2, R-3). Residential zoning districts are intended to accommodate a mix of residential uses at a variety of densities, consistent with the housing needs and goals of the City; promote the orderly development and improvement of neighborhoods; facilitate compatibility between dissimilar land uses; allow residences in proximity, and with direct connections to schools, parks, and community services; and to ensure efficient use of land and public facilities. The following summarizes the purpose of each residential district. See also Chapter 18.45 HMC, Zoning District Regulations, and Chapter 18.50 HMC, Special Use Standards.

a. The residential low density (R-1) district permits residential uses at densities between one and six dwelling units per net acre. Permitted

residential uses consist primarily of detached single-family housing, or duplex/townhome housing subject to special use standards, and community service uses such as churches, schools, and parks.

b. The residential medium density (R-2) district permits residential uses at densities between two and twelve dwelling units per net acre. Permitted residential uses consist of detached (e.g., single-family and duplex) housing and attached (e.g., townhouse and multifamily) housing. The R-2 district also allows, subject to special use standards, parks, schools, places of worship, and certain community or public service uses.

c. The residential high density (R-3) district permits residential and mixed uses at densities between twelve and eighteen dwelling units per net acre. Permitted residential uses consist of detached (e.g., single-family dwellings, vacation rentals, community gardens, and utility structures/City facilities). The R-3 district also allows certain commercial, public and institutional uses subject to specific special use or conditional use standards. The table in Chapter 18.45 HMC provides the actual list of allowed uses.

2. Commercial District (C-1). The commercial zoning district accommodates a mix of commercial services, retail, and civic uses, with existing residences permitted to continue, and new residential uses permitted in the upper stories of buildings. The commercial zoning district provides for the full range of commercial land uses within the City. The zoning district regulations are intended to promote the orderly development and improvement of walkable or short-trip auto commercial areas; facilitate compatibility between dissimilar land uses; provide employment opportunities in proximity to residential and industrial areas; and to ensure efficient use of land and public facilities. The commercial district allows many uses, except that different development and design standards may apply to specific types of development based on the physical context, traffic or pedestrian activity of each subarea of the C-1 zone. See Chapter 18.45 HMC, Zoning District Regulations, and Chapter 18.50 HMC, Special Use Standards.

3. Limited Industrial District (M-1). The M-1 zoning district accommodates a mix of less intensive uses engaged in manufacturing, processing, warehousing, distribution, and similar activities. The M-1 industrial zoning district provides for a

Commented [ME12]: This matches what the Planning Commission talked about when reviewing the code, and matches the tables in HMC 18.45. It also gives more flexibility to a developer who chooses to build SFD's, rather than multi-family housing.

Commented [ZG13]: These are descriptions and not a regulatory standard. However, the ranges here are different than those listed in the Table 18.45.040.4. The inconsistency is confusing and the continued mixing of gross and net can lead to different development outcomes.

The Code can be more restrictive (such as the ranges that have a greater minimum density) but should not be more permissive (such as gross densities instead of net) than the Comp Plan policies.

Commented [ME14R13]: Agreed, and need to be changed to match the Comprehensive Plan.

- Deleted: five
- Deleted: 12
- Deleted: gross
- Deleted: 12
- Deleted: 18
- Deleted: gross
- Deleted: -
- Deleted: -

Commented [ME11]: The City's Comprehensive Plan should guide the development code. Rather than using gross acre, the Comprehensive Plan uses net acre, which doesn't count right-of-way, or areas that are not dedicated to a residential use, such as storm detention areas.

- Deleted: five
- Deleted: d
- Deleted: gross

limited range of planned industrial land uses within the City. The district is intended to provide for efficient use of land and public services, employment opportunities and a high-quality environment for business, offer a range of parcel sizes and locations for industrial site selection, avoid negative impacts on neighboring parcels, provide transportation options for employees and customers, and facilitate compatibility between dissimilar uses.

4. General Industrial District (M-2). The M-2 zoning district accommodates a mix of industrial, manufacturing, processing, and related activities, including intensive uses. The district is intended to provide for efficient use of land and public services, employment opportunities, a variety of parcel sizes and locations for industrial uses.

5. Public Use and Facilities, Parks and Open Space Districts (PUZ). See also Chapter 18.45 HMC, Zoning District Regulations, and Chapter 18.50 HMC, Special Use Standards.

a. The public use and facilities (PUZ) district provides a zoning option where public and semi-public uses, including, but not limited to, schools, government offices, fire stations, police stations, libraries, public works yards, reservoirs, parks, recreation areas or fields, open space, community/senior centers, and similar uses, are permitted outright.

6. Greenway Special Purpose Overlay Zone (GSP). The greenway special purpose overlay zone represents special requirements that apply to M-1, C-1, and residential zones adjacent to the Willamette River as further described in HMC 18.55.040. [Ord. 987 § 1 (Exh. A), 2022.]

18.40.30 Determination of zoning district boundaries.

Due to the scale, lack of scale, lack of detail, or illegibility of the zoning map, or due to any other reason, where there is uncertainty, contradiction, or conflict as to the intended location of a zoning district boundary, the City Administrator or, upon referral, the Planning Commission, shall determine the boundary as follows:

1. Right-of-Way. Boundaries that approximately follow the centerlines of a street, highway, alley, bridge, railroad, or other right-of-way shall be construed to follow such centerlines. Whenever any public right-of-way is lawfully vacated, the lands formerly within the vacated right-of-way

shall automatically be subject to the same zoning district designation that is applicable to lands abutting the vacated areas. In cases where the right-of-way formerly served as a zoning district boundary, the vacated lands within the former right-of-way shall be allocated proportionately to the abutting zoning districts.

2. Parcel, Lot, Tract. Boundaries indicated as approximately following the boundaries of a parcel, lot, or tract shall be construed as following such boundaries.

3. Jurisdiction Boundary. Boundaries indicated as approximately following a City or County boundary, or the urban growth boundary, shall be construed as following said boundary.

4. Natural Feature. Boundaries indicated as approximately following a river, stream, topographic contour, or similar feature not corresponding to any feature listed in subsections (1) through (3) of this section shall be construed as following such feature. [Ord. 987 § 1 (Exh. A), 2022.]

Chapter 18.45

ZONING DISTRICT REGULATIONS

Sections:

- 18.45.010 Purpose.
- 18.45.020 Applicability.
- 18.45.030 Allowed uses.
- 18.45.040 Lot and development standards.
- 18.45.050 Setback yards exceptions.
- 18.45.060 Residential density standards.
- 18.45.070 Lot coverage.
- 18.45.080 Height measurement, exceptions, and transition.

18.45.010 Purpose.

This chapter regulates allowed land uses (“uses”) and sets forth lot and development standards, including minimum dimensions, area, density, coverage, structure height, and other provisions that control the intensity, scale, and location of development. The regulations of this chapter are intended to implement the City of Harrisburg comprehensive plan and the purposes of this title. [Ord. 987 § 1 (Exh. A), 2022.]

18.45.020 Applicability.

All real property in the City of Harrisburg is subject to the zoning regulations of this title and HMC Title 19. Certain types of land uses are also subject to the special use regulations in this title. In addition, some properties are subject to both the general (“base zone”) regulations and the overlay zone regulations of this title.

Property owners, realtors, project proponents, and others are advised to verify the regulations that apply to a particular property before beginning a new project, purchasing real estate, or marketing a property for sale. [Ord. 987 § 1 (Exh. A), 2022.]

18.45.30 Allowed uses.

1. Uses Allowed in Base Zones. Allowed uses include those that are permitted (P) outright, those that are permitted subject to meeting special use standards or requirements (S), and those that are allowed subject to approval of a conditional use permit (CU) as identified by Table 18.45.030. Allowed uses fall into four general categories: residential, public and institutional, commercial, and industrial. The examples listed in Table 18.45.030 are for informational purposes and are not exclusive. Where Table 18.45.030 does not list a

specific use, and Chapter 19.55 HMC, Definitions, does not identify the use or include it as an example of an allowed use, the City will provide an interpretation if the proposed use is allowed, or is not allowed, pursuant to HMC 18.30.10. Uses not listed in Table 18.45.030 and not found to be similar to an allowed use are prohibited.

2. Permitted Uses and Uses Permitted Subject to Special Use Standards. Uses listed as “Permitted Use (P)” are allowed provided they conform to relevant lot and development standards. Uses listed as “Permitted With Special Use Standards (S)” are allowed, provided they conform to Chapter 18.50 HMC, Special Use Standards. Uses listed as “Not Allowed (N)” are prohibited. Uses not listed but similar to those allowed may be permitted following the code interpretations of this title.

3. Conditional Uses. Uses listed as “Conditional Use Permit Required (CU)” are allowed subject to the requirements of Chapter 19.25 HMC, Conditional Use Permits.

4. Uses Regulated by Overlay Zones. Notwithstanding the provisions of this chapter, additional standards may apply to uses within overlay zones. In addition, an overlay zone may allow exceptions to some standards of the underlying zone. See Chapter 18.55 HMC.

5. Master Planned Developments/Planned Unit Developments. Uses that are not otherwise allowed by the underlying zone may be permitted through the master planned development procedure under Chapter 19.45 HMC.

6. Accessory Uses. Uses identified as “Permitted (P)” are permitted as primary uses and as accessory uses. For information on other uses that are customarily allowed as accessory, please refer to the description of the use categories in Chapter 19.55 HMC, Definitions.

7. Mixed-Use. Uses allowed individually are also allowed in combination with one another, in the same structure, or on the same site, provided all applicable development standards are met.

8. Outdoor Uses. Any use of real property that occurs primarily outside (i.e., not within a permitted building) requires a conditional use permit under this chapter. Examples of outdoor uses and unenclosed activities include, but are not limited to, automotive services, vehicle and equipment repair, fueling, drive-in restaurants, drive-up windows and similar drive-through facilities, auto-

Deleted: may find that

Commented [KT17]: Existing text is arbitrary and recommend the additional clarity.

Deleted: following

Deleted: the code interpretations of this title

Commented [KT15]: Remove parentheticals because not needed.

Commented [KT16]: Recommend adding this for clarity.

matic teller machines, kiosks, outdoor assembly and theaters, outdoor markets, and similar uses. Outdoor uses of the public right-of-way, for example, cafe seating, may be permitted without a conditional use permit when an encroachment permit is approved by the applicable roadway authority.

9. Temporary Uses. Temporary uses may occur no more than four times in a calendar year and are seasonal in nature. Approval of a special event or use permit in accordance with Chapter 9.52 HMC

is required. Uses may be permitted on a temporary basis, subject to review and approval under Chapter 19.15 HMC, Site Design Review.

10. Disclaimer. Property owners are responsible for verifying whether a specific use is allowed on a particular site. The City Administrator may require a special permit to allow an outdoor or temporary use(s) that is otherwise permitted in the zone.

Table 18.45.030 – Uses Allowed by Zoning District

Uses	Residential Zones			Commercial Zones and Employment Zones			Public Use
	R-1	R-2	R-3	C-1	M-1	M-2	PUZ
A. Residential Uses¹							
Single-family dwelling, nonattached	P	P	P	S	CU	CU	N
Single-family dwelling, attached (townhome)	S	P	P	S	N	N	N
Accessory dwelling	S	S	S	CU	N	N	N
Boarding or rooming house	N	CU	S	CU	N	N	N
Cottage housing cluster	N	S	S	N	N	N	N
Duplex dwelling	S	S	S	N	N	N	N
Manufactured home	S	S	S	S	CU	CU	N
Manufactured home park	N	S	S	N	N	N	N
Multifamily dwelling	N	S	S	S	N	N	N
Family daycare	S	S	S	N	N	N	N
Residential care home	S	S	S	N	N	N	N
Residential care facility	S	S	S	S	N	N	N
Home occupation	S	S	S	S	N	N	N
Micro-generation; wind, solar, or geothermal energy (household use)	S	S	S	S	S	S	S
Vacation rentals	S	P	P	S	N	N	N
KEY: P = Permitted Use; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.							

Commented [ZG18]: Because the use is allowed subject to special use standards, the City needs to provide basic development standards in the following sections. See details below.

Table 18.45.030 – Uses Allowed by Zoning District (Continued)

Uses	Residential Zones			Commercial Zones and Employment Zones			Public Use
	R-1	R-2	R-3	C-1	M-1	M-2	PUZ
B. Public and Institutional Uses							
Airport, public use	N	N	N	N	S	CU	S
Automobile parking, public off-street parking	N	N	CU	S	CU	CU	P
Cemetery, including crematorium	N	N	N	N	N	N	N
Child facility	S	S	S	S	S	N	S
Club lodge, fraternal organization	N	N	CU	CU	N	N	CU
Community service; includes governmental offices	N	N	CU	P	CU	N	P
Community garden	P	P	P	P	N	N	P
Clinic, outpatient only	N	N	S	P	CU	N	P
Emergency services; includes police, fire, ambulance	CU	CU	CU	CU	CU	N	P
Hospital, including acute care center	N	N	CU	CU	CU	N	S
Mortuary	N	N	CU	CU	CU	N	P
Nonprofit member organization offices	N	N	S	P	CU	CU	P
Parks and open space, including playgrounds, trails, nature preserves, athletic fields, courts, swimming pools, and similar uses	S	S	S	S	CU	CU	P
Prison	N	N	N	N	CU	N	
Public works utilities storage yards; includes vehicle and equipment storage, maintenance, and repair	N	N	N	CU	P	CU	P
Railroad facilities	N	N	N	N	P	P	CU
Religious institutions and houses of worship	CU	S	S	S	CU	N	S
School, preschool, kindergarten	CU	CU	CU	CU	CU	CU	P
School, secondary	CU	CU	CU	CU	CU	CU	P
KEY: P = Permitted Use; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.							

Table 18.45.030 – Uses Allowed by Zoning District (Continued)

Uses	Residential Zones			Commercial Zones and Employment Zones			Public Use
	R-1	R-2	R-3	C-1	M-1	M-2	PUZ
School, college or vocational	N	N	CU	CU	CU	CU	P
Solid waste disposal or recycling, except as accessory to permitted use	N	N	N	N	CU	CU	CU
Transportation facilities; includes construction, operation, and maintenance of facilities located within right-of-way controlled by a public agency, consistent with transportation system plan/comprehensive plan	CU	CU	CU	P	P	CU	P
Utility structures and facilities, City planned projects, i.e., utilities identified by an adopted City master plan or development review approval	P	P	P	P	P	P	P
Utility structures and facilities, regional projects; project is not part of an adopted City master plan or development review approval	CU	CU	CU	CU	CU	CU	CU
Wireless communication facilities	S	S	S	S	P	P	S
C. Commercial Uses							
Amusement, entertainment, and commercial recreation; includes theaters, bowling alleys, miniature golf, concert venues, arcades, similar uses	N	N	CU	P	CU	CU	CU
Artisanal and light manufacture uses in commercial zones; includes craftsman studios and uses providing instruction and/or retail sales related to painting, sculpting, photography, picture framing, knitting, sewing, literature, theater, music, specialty foods or catering, or similar uses			S	S	P	CU	N
Automobile parking, commercial parking	N	N	N	P	S	S	N
KEY: P = Permitted Use; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.							

Table 18.45.030 – Uses Allowed by Zoning District (Continued)

Uses	Residential Zones			Commercial Zones and Employment Zones			Public Use
	R-1	R-2	R-3	C-1	M-1	M-2	PUZ
Automotive repair and service; includes fueling station, car wash, tire sales and repair or replacement, painting, and other repair for automobiles, motorcycles, aircraft, boats, RVs, trucks, etc.	N	N	CU	S	S	CU	N
Automotive sales and rental; includes motorcycles, boats, recreational vehicles, and trucks	N	N	N	P	CU	CU	N
Bed and breakfast inn	S	S	S	P	N	N	N
Commercial retail sales and services	N	CU	CU	P	CU	CU	N
Commercial retail sales and services, in conjunction with a permitted industrial use, and limited to 5,000 square feet gross leasable area.	N	N	N	P	P	P	N
Customer call center	N	N	S	P	P	CU	N
Drive-through services (coffee stands, fast foods, and similar)	N	N	CU	S	S	N	N
Golf course without pro shop, clubhouse, or restaurant open to public	CU	N	N	CU	S	CU	CU
Hotels, motels, and similar overnight accommodations	N	N	CU	P	CU	CU	N
Kennel (See also “Veterinary clinic”)	N	N	N	S	CU	CU	N
Lumber yard and similar sales of building or contracting supplies, or heavy equipment	N	N	N	S	P	CU	N
Medical clinic, outpatient	N	N	S	P	N	N	S
Offices	N	N	S	P	P	CU	S
Recreational vehicle park	N	N	CU	CU	CU	CU	CU
Self-service storage, commercial	N	N	CU	S	P	P	N
Veterinary clinic	N	N	S	P	CU	CU	N

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

Table 18.45.030 – Uses Allowed by Zoning District (Continued)							
Uses	Residential Zones			Commercial Zones and Employment Zones			Public Use
	R-1	R-2	R-3	C-1	M-1	M-2	PUZ
D. Industrial and Employment Uses							
Artisanal and light manufacture uses in industrial and public facility zones	N	N	N	S	P	P	CU
Auction yard	N	N	N	S	P	CU	N
Beverage and bottling facility, except as allowed for commercial uses	N	N	N	S	P	CU	N
Bulk storage of flammable liquids or gases; petroleum products storage and distribution; wood or biomass fuel dealers	N	N	N	N	N	CU	N
Cement, glass, clay, and stone products manufacture; except as allowed for artisanal and light manufacture uses	N	N	N	CU	CU	CU	N
Chemical, fertilizer, insecticide, paint product manufacture, or similar uses	N	N	N	N	P	P	N
Concrete or asphalt batch plants	N	N	N	N	N	CU	N
Dairy products manufacture, e.g., butter, milk, cheese, ice cream; except as allowed for artisanal and light manufacture uses	N	N	N	CU	P	CU	N
Data center or server farm	N	N	S	P	P	P	N
Dwelling for a caretaker or watchman	N	N	S	S	P	P	N
Finished textile and leather products manufacture; except as allowed for artisanal and light manufacture uses	N	N	N	N	P	CU	N
Food processing, including canning, freezing, drying and similar food processing and preserving; except as allowed for artisanal and light manufacture uses. Rendering plants are prohibited.	N	N	N	N	P	P	N
KEY: P = Permitted Use; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.							

Table 18.45.030 – Uses Allowed by Zoning District (Continued)

Uses	Residential Zones			Commercial Zones and Employment Zones			Public Use
	R-1	R-2	R-3	C-1	M-1	M-2	PUZ
Freight terminals, including loading docks, storage, warehousing, wholesale distribution, cold storage; except self-service storage or mini-storage warehouses	N	N	N	CU	P	P	N
Machine shop, and sales, service and repair of machinery; except as allowed for artisanal and light manufacture uses	N	N	N	S	P	P	N
Metal plating	N	N	N	N	N	CU	N
Metal manufacture, welding; except as allowed for artisanal and light manufacture uses	N	N	N	N	CU	CU	N
Newspaper, periodical, publishing and printing; except artisanal and light manufacture uses	N	N	N	P	P	CU	N
Special trade contracting facilities, such as floor laying, masonry, stone, plumbing, electrical, metal work, roofing, heating and air conditioning, cabinet making, and carpentry	N	N	N	CU	CU	CU	N
Wood products manufacture, such as sawmills, paper and allied products, and secondary wood products; except artisanal and light manufacture uses	N	N	N	N	CU	CU	N
Wrecking, demolition, junk yards, recycling centers	N	N	N	N	N	CU	N

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

[Ord. 987 § 1 (Exh. A), 2022.]

18.45.40 Lot and development standards.

1. Development Standards. This section provides the general lot and development standards for each of the City’s base zoning districts. The standards of this section are organized into two tables: Table 18.45.040.4 applies to residential and resi-

dential-commercial zones, and Table 18.45.040.5 applies to nonresidential zones.

2. Development Standards. City standards for access, circulation, site and building design, parking, landscaping, fences and screening, and public improvements, among others, are located in HMC Title 18. Notwithstanding the provisions of Tables

Deleted: Design

18.45.040.4 and 18.45.040.5 and other standards in HMC Title 18. Additional standards may apply in specific locations, such as at street intersections, within overlay zones, adjacent to natural features, and other areas as may be regulated by this code or subject to State or Federal requirements. For requirements applicable to the City's overlay zones, please refer to Chapter 18.55 HMC.

3. Lot and Development Standards for Residential Districts. The development standards in Tables 18.45.040.4 and 18.45.040.5 apply to all new development as of the effective date of HMC Titles 18 and 19 in September 2022.
4. Table 18.45.040.4 – Lot and Development Standards for Residential Zones.

- Commented [KT20]: Recommend adding text for clarity.
- Deleted: ,
- Deleted: different
- Deleted: a
- Commented [KT21]: Is this needed? If yes, more context is needed.
- Commented [ME22R21]: Done with dates, and including Title 18 which was changed at the same time
- Deleted: -
- Deleted: ¶

Table 18.45.040.4 – Lot and Development Standards for Residential Zones
Except as provided by HMC 18.45.040 through 18.45.080, as modified under Chapter 19.40 HMC, Adjustments and Variances, or as approved under Chapter 19.45 HMC, Master Planned Developments.

Standard	R-1	R-2	R-3	(Reserve)
Residential Density, per HMC 18.45.060 (dwelling units per (net) acre) – minimum and maximum	Min. 1 per acre Max. 6 per acre (Per Comp Plan)	Min. 2 per acre Max. 12 per acre (Per Comp Plan)	Min. 12 per acre Max. 18 per acre (Per Comp Plan)	
Minimum Lot Area* (square feet)				
Single-family, not attached:				
Corner lot	7,000 sf	6,000 sf	4,000 sf	
Interior lot	6,000 sf	5,000 sf	4,000 sf	
*Single-family, attached (townhome) dwellings:				
Corner lot	7,000 sf	4,000 sf	4,000 sf	
Interior lot	6,000 sf	3,000 sf	2,500 sf	
(*Special Use Provisions Standards apply as per HMC Chapter 18.50)				
Single-family, with accessory dwelling	7,000 sf	6,000 sf	5,000 sf	
Duplex	9,000 sf	7,000 sf	6,000 sf	
Multiple-family or cottage cluster	9,000 sf for the first 3 dwelling units, plus 1,500 for each additional unit.	8,000 sf for the first 3 dwelling units, plus 800 – 1,500 for each additional unit.	8,000 sf for the first 3 dwelling units, plus 800 – 1,500 for each additional unit.	
Nonresidential uses	6,000 – 9,000 sf Same as single-family, not attached	6,000 – 9,000 sf Same as single-family, not attached	6,000 – 9,000 sf Same as single-family, not attached	

- Commented [ME23]: These now match HMC 18.40.020
- Deleted: 6
- Commented [ZG24]: Comp Plan uses NET and per HMC 18.40.020, the Code uses GROSS.
Listing both here is confusing to the user.
- Commented [KT25R24]: This Comp Plan/development code conflict is bigger issue that should be resolved ideally at the same time as current emergency amendment text clarifications. More time is needed to determine best way to approach this and understand implications to current pending application.
- Deleted: gross/
- Commented [ZG26]: Changed to "interior" for consistency with other code sections .
- Deleted: Not a corner
- Commented [ZG27]: Changed to "attached (townhome)" for consistency with Table 18.45.030 Uses Allowed, above.
- Deleted: common-wall
- Deleted: Not permitted
- Deleted: Not a corner
- Formatted: Indent: Left: 0"
- Deleted: ¶
- Deleted: ¶

Lot size may be reduced in new subdivisions through lot size averaging per HMC 19.20.040 or through approval of a master planned development under Chapter 19.45 HMC, provided the density standards of this section are met. Minimum lot sizes do not apply to open space tracts and similar properties where development is restricted.

18.45.040

ZONING DISTRICT REGULATIONS

<i>Minimum Lot Width</i>				
Single-family, not attached:				
Corner lot	60 ft	50 ft	40 ft	
Interior lot	50 ft	45 ft	40 ft	

Table 18.45.040.4 – Lot and Development Standards for Residential Zones (Continued)
 Except as provided by HMC 18.45.040 through 18.45.080, as modified under Chapter 19.40 HMC, Adjustments and Variances, or as approved under Chapter 19.45 HMC, Master Planned Developments.

Standard	R-1	R-2	R-3	(Reserve)
Minimum Lot Width				
Single-family, attached (townhome): Corner lot	40 ft (See also HMC 18.50)	40 ft	37.5 ft	
Interior lot	35 ft (See also HMC 18.50)	35 ft	35 ft	
Duplex				
Corner lot	60 ft	50 ft	40 ft	
Interior lot	50 ft	45 ft	40 ft	
Multiple-family (3 or more dwelling units on a lot, where allowed)		40 ft	85 ft	
Nonresidential uses	120 ft	85 ft	80 ft	
Minimum Lot Depth Street frontage width may be less than minimum lot width where flag lots are allowed, per HMC 19.20.040.				
	1.5 times min. width or 80 feet, whichever is less	1.5 times min. width or 75 feet, whichever is less	1.5 times min. width or 70 feet, whichever is less	
Building or Structure Height. See also HMC 18.45.050, Setback yards exceptions, HMC 18.45.080, Height measurement, exceptions, and transition, HMC 18.70.020(8), Vision Clearance, and HMC 18.75.040, Fences and walls.				
Level site (slope less than 15%), maximum height	30 ft	35 ft	40 ft	
Building height transition required abutting R-1 district (HMC 18.45.080)	No	Yes	Yes	
Fences and Nonbuilding Walls				
Max. height – Front yard	*3 ft – 4 ft	*3 ft – 4 ft	*3 ft – 4 ft	
Max. height – Interior side	7 ft	7 ft	7 ft	
Max. height – Rear yard	7 ft	7 ft	7 ft	
Max. height – Street-side; or reverse frontage lot (rear)	6 ft; with 4 ft landscape buffer	6 ft; with 4 ft landscape buffer	6 ft; with 4 ft landscape buffer	
(See also HMC 18.75.040.) *A fence that obscures more than 50% of a person’s view cannot exceed 3 ft in height.				

- Commented [ME29R28]:** Agreed. They are permitted in HMC 18.50, and we talked about it during Planning Commission meetings.
- Deleted:** or common wall
- Commented [ZG28]:** Recommend striking aggregate Lot Width dimension because it assumes that Townhomes will only be built as 2-units. However, Townhomes in R-1 can be built in groups of 4 (per HMC 18.50) and there is no limitation on attached units in the R-2 and R-3 zones. Providing a single dimensions simplifies use and administration.
- Deleted:** Not permitted
- Deleted:** 80 ft
- Deleted:** 75 ft
- Commented [ZG30]:** Insert note “(see also HMC 18.50)”
HMC 18.50 includes other design criteria. It does not set a dimensional standard for lot width. It is also not accurate that the use is “not permitted”.
- Commented [ME31R30]:** Agreed
- Deleted:** Not permitted
- Deleted:** 70 ft
- Deleted:** 70 ft
- Deleted:** 100 ft
- Deleted:** 75 ft
- Deleted:** 75 ft
- Commented [KT33]:** Based on the original addition of the 37.5 ft under R3 and the original intent described, is it consistent to change as proposed here for Duplexes, which is consistent with the other revised dimensions in other housing types/zoning districts and allows lots for duplexes to be equal to what is allowed for single family, which is consistent with HB2001 and Harrisburg’s goals of flexibility and increasing housing? Also Multiple-family is 40 ft in R2 and if original text left in place, a duplex lot is 75 ft, which might be hard to defend and not consistent with HB2001.
- Deleted:** *37.5 ft per lot for 2 lots 85
- Formatted:** Font: 11 pt
- Commented [ZG34]:** Text is not clear. Multiple Family Dwellings are permitted in the R-2 zone. A dimensional standard is needed. We see 2 simple options.
 - Use same dimension as Duplex – 75 feet – for simple administration.
 - Use 40 ft min as stated here to minimize change, but remove confusing text that follows (preferred)
- (Not related to current subdivision but this needs clarity.)
- Deleted:** *
- Deleted:** each lot of 2 or more lot duplex or multifamily
- Formatted:** Font: 11 pt
- Deleted:** *If one lot
- Formatted:** Right: 0.65"

Table 18.45.040.4 – Lot and Development Standards for Residential Zones (Continued)
 Except as provided by HMC 18.45.040 through 18.45.080, as modified under Chapter 19.40 HMC, Adjustments and Variances, or as approved under Chapter 19.45 HMC, Master Planned Developments.

<i>Standard</i>	R-1	R-2	R-3	<i>(Reserve)</i>
Lot Coverage (two options):				
1. Maximum lot coverage (foundation plane area as percent of site area)				
Single-family, not attached	50%	55%	60%	
Single-family, attached/common wall	Not permitted	70%	75%	
Duplex	60%	70%	75%	
Multifamily or cottage cluster	60%	70%	80%	
Mixed-use/live work/commercial	Not applicable	75%	90%	
Civic/institutional/open space	60%	60%	60%	
2. Coverage bonus				
The City Administrator, subject to review through a Type II procedure, may approve an increase to the lot coverage standards, above, pursuant to HMC 18.45.070.				
Minimum Landscape Area (percent of lot area) Landscape area may include plant areas and some nonplant areas as allowed under HMC 18.75.030.	The lesser of the front and side yards or 30%	The lesser of the front and side yards or 25%	The lesser of the front and side yards or 20%	
Minimum Setbacks (Feet). See also HMC 18.45.050, Setback yards exceptions, HMC 18.45.080, Height measurement, exceptions, and transition, HMC 18.70.020(8), Vision Clearance, and HMC 18.75.040, Fences and walls.				
Front and Street-Side Setback Yards				
Standard setback	15 ft	15 ft	12 ft	
Garage or carport opening	20 ft	20 ft	20 ft	
Porch or similar open structure (e.g., balcony, portico, patio, wall) where structure is less than 50% enclosed	15 ft	10 ft	10 ft	
Exception: 0 ft for wheelchair ramp				
Interior Side Setback Yards				
Structure >24 ft height ↓	6 ft	7 ft	7 ft	
Structure 12 ft to 24 ft height ↓	5 ft	5 ft	5 ft	
Structure <12 ft height ↓	4 ft	4 ft	4 ft	
Garage or carport opening, except alley	20 ft	20 ft	20 ft	
Paved parking pad – Minimum size 18 ft by 12 ft, to match size of garage/carport	18 ft x 12 ft Minimum	18 ft x 12 ft Minimum	18 ft x 12 ft Minimum	

- Commented [ME35]:** These were confusing before, and hard to explain to homeowners. I've changed the taller buildings back to 7' in these zones, as they are sometimes abutting ranch style homes.
- Commented [KT37R36]:** Revised to show the example in all 3 zoning districts.
- Deleted:** (total of 2 interior sides, with no setback yard less than 4 ft)
- Deleted:** 8
- Deleted:** 7
- Deleted:** 6
- Deleted:** (total of 2 interior sides, with no setback yard less than 4 ft)
- Deleted:** 7
- Deleted:** 6
- Deleted:** 6
- Deleted:** (total of 2 interior sides, with no setback yard less than 4 ft)
- Deleted:** 6
- Deleted:** 5
- Deleted:** 5

Table 18.45.040.4 – Lot and Development Standards for Residential Zones (Continued)
 Except as provided by HMC 18.45.040 through 18.45.080, as modified under Chapter 19.40 HMC, Adjustments and Variances, or as approved under Chapter 19.45 HMC, Master Planned Developments.

Standard	R-1	R-2	R-3	(Reserve)
Exceptions:				
Alley	5 ft	5 ft	5 ft	
Porch or similar open structure (e.g., balcony, wheelchair ramp, portico, patio, wall) where structure is less than 50% enclosed	5 ft	5 ft	5 ft	
Common walls or zero lot line developments	Not permitted	0 ft at shared common wall; 5 ft at interior yard side	0 ft at shared common wall; 5 ft at interior yard side	
Rear Setback Yard				
Structure >24 ft height	15 ft	10 ft	10 ft	
Structure 12 ft to 24 ft height	10 ft	5 ft	5 ft	
Structure <12 ft height	5 ft	5 ft	3 ft	
Garage or carport opening, except alley	20 ft	20 ft	20 ft	
Paved parking pad – Minimum size 18 ft by 12 ft, to match size of garage/carport	18 ft x 12 ft Minimum	18 ft x 12 ft Minimum	18 ft x 12 ft Minimum	
Exception to rear yard setbacks:				
Alley	5 ft	5 ft	5 ft	
Porch or similar open structure (e.g., balcony, portico, patio wall) where structure is <50% enclosed	N/A	0 ft	0 ft	
Special Setback for Planned Street Improvements. New structures or structure additions on lots abutting an existing public street that do not meet the minimum standards of HMC 18.85.020 for right-of-way width shall provide setbacks sufficient to allow for the future widening of the right-of-way, plus the minimum required yard setback. Building permits shall not be issued for new structures or additions that do not meet this standard. An exemption to this requirement is allowed where the City Engineer/Public Works Director determines that the street is at its ultimate width and no additional right-of-way is likely to be needed for future improvements, as consistent with the TSP.				

- Commented [ME39R38]:** I think it was meant to be more space between buildings, but there are no guidelines as to when I make builders provide 5' as compared to 10'.
- Deleted:** one side
- Deleted:** one side
- Deleted:** – 10 ft
- Deleted:** – 10 ft
- Deleted:** other
- Commented [KT38]:** Why 5-10 ft? Is the intent force the building to be a min 5 ft min and 10 ft max? If the max was not an issue, meaning the building could be setback any dim greater than 5 ft, recommend as shown removing the 10 ft. Added clarity to language.
- Deleted:** other

5. Lot and Development Standards for Nonresidential Districts. The development standards in Table 18.45.040.5 apply to all new development as of the date of adoption of this chapter in the City's nonresidential zones, as follows:

Table 18.45.040.5 – Lot and Development Standards for Nonresidential Zones
 Except as provided by HMC 18.45.040 through 18.45.080, as modified under Chapter 19.40 HMC, Adjustments and Variances, or as approved under Chapter 19.45 HMC, Master Planned Developments.

Standard	C-1	M-1	M-2	PUZ
Minimum Lot Area* (square feet) *Development must conform to lot width, depth, yard setback and coverage standards.	None	None	None	None
Minimum Lot Width and Depth	None	None		None

- Commented [ZG40]:** Not related to Housing production and Residential zones. No proposed changes.
- Commented [KT41R40]:** Not reviewed.

Table 18.45.040.5 – Lot and Development Standards for Nonresidential Zones (Continued)				
Except as provided by HMC 18.45.040 through 18.45.080, as modified under Chapter 19.40 HMC, Adjustments and Variances, or as approved under Chapter 19.45 HMC, Master Planned Developments.				
Standard	C-1	M-1	M-2	PUZ
Building and Structure Height*				
Standard (slope less than 15%), maximum height	60 ft	No limit	No limit	50 ft
Height bonus for residential use in upper building story	15 ft	N/A	N/A	None
Building height transition required adjacent to R-1 district, per HMC 18.45.080.	Yes	Yes	Yes	No
*Height increase The City may increase the standard height, above, for specific projects with approval of a conditional use permit (CUP), per Chapter 19.25 HMC	Yes	Yes	Yes	Yes
Fences and Nonbuilding Walls				
Maximum height – Front yard	*3 ft – 4 ft	4 ft, except City-required screens		
Maximum height – Interior side	8 ft	8 ft, except City-required screens		
Maximum height – Rear yard	10 ft	10ft, except City-required screens		
Maximum height – Street-side or reverse frontage lot (rear) (See also HMC 18.75.040.) *A fence that obscures more than 50% of a person’s view cannot exceed 3 ft in height.	6 ft with 5 ft landscape buffer	6 ft with 5 ft landscape buffer		
Lot Coverage (two options):				
1. Maximum lot coverage (foundation plane area as percent of site area)	90%	90%		90%
2. Coverage bonus	The Planning Official/Planning Commission, subject to review through a Type II/III procedure, may approve an increase to the lot coverage standards, above, pursuant to HMC 18.45.070.			
Minimum Landscape Area (percent of site area) includes required parking lot landscaping and any required screening. This standard does not apply to individual, detached single-family dwellings, but does apply to mobile home parks, HMC 18.50.140. (Landscape area may include street trees and civic space improvements in some zones, per HMC 18.65.050 and 18.75.030.)				
	15%	10%	5%	20%

Table 18.45.040.5 – Lot and Development Standards for Nonresidential Zones (Continued)
 Except as provided by HMC 18.45.040 through 18.45.080, as modified under Chapter 19.40 HMC, Adjustments and Variances, or as approved under Chapter 19.45 HMC, Master Planned Developments.

<i>Standard</i>	C-1	M-1	M-2	PFZ
Minimum Setback Yards (feet): (See also HMC 18.45.080, R-1, height step-down.)				
Front, street-side, interior side, and rear property lines, except garage or carport, or as required by other code provisions	0 ft	15 ft	0 ft	
Garage or carport entry, set back from street	20 ft	20 ft	20 ft	
Alley	3 ft	3 ft	3 ft	
Adjacent to R-1 zone	5 ft, and per HMC 18.45.070	20 ft, and per HMC 18.45.070	30 ft, and per HMC 18.45.070	
Special Setback for Planned Street Improvements. New structures or structure additions on lots abutting an existing public street that does not meet the minimum standards of HMC 18.85.020 for right-of-way width shall provide setbacks sufficient to allow for the future widening of the right-of-way, plus the minimum required yard setback. Building permits shall not be issued for new structures or additions that do not meet this standard. An exemption to this requirement is allowed where the City Engineer/Public Works Director determines that the street is at its ultimate width and no additional right-of-way is likely to be needed for future improvements, as consistent with the TSP.				

Commented [ZG42]: City identified this apparent inconsistency between the 2 minimum setback standards shown. Specifically under C-1, both 0 ft and 20 ft are shown as minimums.

This appears to be a typo, as the "Garage or carport entry" line item does not have a standard listed in the table and the standards across the top row are next to the italicized section heading.

The larger setback for "Garages..." is consistent with approach in Table 18.45.040.4 for the residential zones.

Deleted: 0 ft

Deleted: 15 ft

Deleted: 0 ft

Deleted: 20

Deleted: 20

Deleted: 20

[Ord. 987 § 1 (Exh. A), 2022.]

18.45.50 Setback yards exceptions.

1. Encroachments.
 - a. Except as otherwise restricted by applicable building codes, building elements such as eaves, chimneys, bay windows, overhangs, heating, cooling and ventilation systems, and similar incidental structures may extend into the required setback yards by no more than 24 inches; provided, that a setback of not less than 36 inches is maintained, all applicable building codes are met, and the clear vision standards in HMC 18.70.030 are met.
 - b. Porches, decks, patios, and similar features not exceeding 30 inches in height may encroach into setbacks, provided a minimum setback of not less than 36 inches is maintained and all applicable building codes are met.
 - c. Fences may be placed within setback yards, subject to the standards of Tables 18.45.040.4 and 18.45.040.5.
2. Flag Lots. The City Administrator or the Planning Commission may designate the front yard of a flag lot (to ensure compatibility with adjacent

land uses, based on existing development patterns and location of adjacent driveways, utilities, and natural features), as either the:

- a. Front yard parallel to the street providing automobile access; or
- b. Front yard parallel to the flagpole from which driveway access is received; or
- c. Other, as surrounding land uses or building construction needs may indicate.

The City shall review proposals for flag lots pursuant to the standards in HMC 19.20.040. [Ord. 987 § 1 (Exh. A), 2022.]

18.45.60 Residential density standards.

To ensure efficient use of buildable lands and to provide for a range of needed housing in conformance with the comprehensive plan, all new developments in the residential districts shall conform to the minimum and maximum densities prescribed in Table 18.45.040.4, except as provided in subsections (1) through (3) of this section:

1. Residential care homes and facilities, senior housing, including assisted living, accessory

dwellings, and subdivisions, are exempt from the minimum density standard.

2. The density standards may be averaged over more than one development phase (i.e., as in a master planned development). Duplex lots used to comply with the density standard shall be so designated on the final subdivision plat.

3. Minimum and maximum housing densities are calculated by multiplying the total parcel or lot area by the applicable density standard.

4. Areas reserved for flag lot access (flag poles) are not counted as part of the total parcel or lot area for the purpose of calculating density. [Ord. 987 § 1 (Exh. A), 2022.]

18.45.70 Lot coverage.

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

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

a. Lot coverage may increase by up to one-half square foot for every one square foot of proposed automobile parking area to be contained in a parking structure (either above or below leasable ground floor space, e.g., residential, commercial, or civic use), not to exceed a 20 percent increase in allowable coverage.

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

c. Lot coverage may increase by up to three-quarters (75 percent) of a square foot for every one square foot of City-approved water quality treatment area (e.g., vegetative swale or biofiltration) to be provided on the subject site.

d. In approving increases in lot coverage under subsections (2)(a) through (c) of this section,

the City may require additional landscape buffering or screening, above that which is required by other provisions of this code, and may impose reasonable conditions of approval to ensure the ongoing maintenance of parking areas and surface water management facilities.

e. Notwithstanding the lot coverage increases authorized by this section, all other development standards of this chapter, and other applicable provisions of this code, must be met. [Ord. 987 § 1 (Exh. A), 2022.]

18.45.80 Height measurement, exceptions, and transition.

1. Building Height Measurement. Building height is measured pursuant to the building code.

2. Exception From Maximum Building Height Standards. Except as required pursuant to FAA regulations, chimneys, bell towers, steeples, roof equipment, flag poles, and similar features not for human occupancy are exempt from the maximum building heights; provided, that all applicable fire and building codes are met.

3. Fence Height Increase. Where Tables 18.45.040.4 and 18.45.040.5 provide for a height increase, the proposal shall be subject to City review and approval pursuant to Chapter 19.25 HMC. [Ord. 987 § 1 (Exh. A), 2022.]

Chapter 18.50

SPECIAL USE STANDARDS (S)

Sections:

- 18.50.010 Purpose.
- 18.50.020 Applicability.
- 18.50.030 Review process for “S” special review for C-1 and M-1 zones.
- 18.50.040 C-1 and M-1 artisanal and light manufacture uses.
- 18.50.050 Duplex dwellings.
- 18.50.060 Townhomes, attached single-family dwellings, special review criteria.
- 18.50.070 Multifamily development.
- 18.50.080 Dwellings in commercial and mixed employment zones.
- 18.50.090 Family daycare.
- 18.50.100 Residential care homes, residential care facilities and childcare facilities.
- 18.50.110 Home occupations.
- 18.50.120 Manufactured home on a single-family lot.
- 18.50.130 Mobile home and manufactured dwelling parks.
- 18.50.140 Temporary mobile homes and recreational vehicles uses.
- 18.50.150 Accessory structures – Type I or II depending upon zoning.
- 18.50.160 Accessory dwellings.
- 18.50.170 Bed and breakfast inns.
- 18.50.180 Special use standards in the public use zone.
- 18.50.190 Special use standards in the residential zones.
- 18.50.200 Special use standards in the C-1 zone.
- 18.50.210 Special use standards in the M-1 and M-2 zones.
- 18.50.220 Special use standards in the PUZ zone.

18.50.010 Purpose.

Special uses included in this chapter are uses which, due to their effect on surrounding properties, must be developed in accordance with special conditions and standards. These special use standards supplement the standards established for other uses in the same zoning district. [Ord. 987 § 1 (Exh. A), 2022.]

18.50.020 Applicability.

All uses designated as special (“S”) uses in Table 18.45.030, and uses the City determines to be similar to such uses, are subject to the standards

of this chapter. When a dimensional standard for a special use differs from that of the underlying district, the standard for the special use shall apply. [Ord. 987 § 1 (Exh. A), 2022.]

18.50.030 Review process for “S” special review for C-1 and M-1 zones.

The Type II administrative review process is used for permitting special uses in the C-1 and M-1 zones, except that the City Administrator may directly refer a special use application to the Planning Commission for a Type III process or require the applicant to use the site plan review process, as in accordance with Chapter 19.15 HMC. [Ord. 987 § 1 (Exh. A), 2022.]

18.50.40 C-1 and M-1 artisanal and light manufacture uses.

1. Purpose. The following provisions are intended to encourage mixed-use development, including cottage industries and business incubators, by integrating small-scale manufacturing with commercial uses. For the purposes of this section, artisanal uses are those that blend manufacturing and retail uses such as brewpubs, winery tasting rooms, artist studios, cabinet makers, and similar uses, on the same site.

2. Applicability. The following standards apply where manufacturing uses are allowed in commercial zones and where retail uses are allowed in industrial zones.

3. Standards.

a. Where a manufacturing use is allowed in a commercial zone, it shall be wholly enclosed in a building except as unenclosed operations may be authorized by a conditional use permit (Chapter 19.25 HMC).

b. A manufacturing use in the C-1 zone shall not exceed the lesser of 50 percent of any adjacent commercial use or 5,000 square feet.

c. Where a manufacturing use is allowed in the C-1 or M-1/M-2 zone and the subject site is located within 100 feet of a residential zone, the City may limit the hours of operation of the commercial or industrial uses to between 6:00 a.m. and 10:00 p.m. whenever noise generation exceeds

actual ambient background noise levels by 60 dB for more than 15 minutes between the hours of 10:00 p.m. to 7:00 a.m. and 80 dB for more than 15 minutes between the hours of 7:00 a.m. to 10:00 p.m.

d. Manufacturing uses in commercial zones shall be limited to those uses that produce no additional air pollution or noxious odors.

e. Where a commercial use is allowed in an industrial zone, it shall be permitted only in conjunction with a primary industrial use and shall not exceed the lesser of 50 percent of the floor area of the primary industrial use or 5,000 square feet.

f. A commercial use in/on a vacant industrial zone parcel shall be permitted only if:

(1) It is under 5,000 square feet; and

(2) It meets all C-1 and development standards of Table 18.45.040.5.

(3) It meets all M-2 (Table 18.45.040.5) standards and the requirements of this subsection (3). [Ord. 987 § 1 (Exh. A), 2022.]

18.50.50 Duplex dwellings.

1. Purpose. The following provisions are intended to promote compatibility between duplex dwellings and single-family dwellings in the R-1, R-2, and R-3 zones.

2. Applicability. The following standards apply where a duplex is proposed on a lot abutting a lot containing a single-family dwelling. The standards are applied through a Type II review procedure, prior to submittal of building plans to the Building Official.

3. Standards. The duplex shall meet all of the following standards:

a. The duplex shall not exceed the height of the subject single-family dwelling by more than 10 percent.

b. The duplex shall have no blank wall oriented to a street. This standard is met if any elevation facing a public street is composed of not less than 20 percent windows and door surface area, exclusive of garage door.

c. The roof form on the duplex (e.g., gable, flat, or hipped) shall be the same as the roof form of any adjacent single-family dwellings.

d. The duplex shall not exceed the lesser gross floor area of:

(1) Fifteen percent larger than the combined size of the closest two single-family dwell-

ings on abutting lots (or two times the size of the closest dwelling if there is only one abutting lot containing a single-family dwelling); or

(2) Four thousand five hundred square feet.

e. In R-1 zones, the duplex minimum lot size shall be 9,000 square feet.

f. In the R-2 zones, the duplex minimum lot size shall be 7,000 square feet.

g. In the R-3 zones, the duplex minimum lot size shall be 6,000 square feet. [Ord. 987 § 1 (Exh. A), 2022.]

18.50.60 Townhomes, attached single-family dwellings, special review criteria.

1. Purpose. The following provisions are intended to promote a compatible building scale where attached single-family ([townhome](#)) dwellings are proposed, while minimizing the impact of garages along street fronts and creating a streetscape that is conducive to walking.

2. Applicability. The following standards apply to new attached single-family ([townhome](#)) dwellings in all residential zones. The standards are applied through the [zoning checklist](#). Those not meeting these requirements must meet the review standards and criteria of a site plan review pursuant to Chapter 19.15 HMC, prior to issuance of building permits.

3. Standards. Where attached single-family ([townhome](#)) dwellings are proposed, the structure(s) shall meet all of the following standards:

a. Each building shall contain not more than four consecutively attached dwelling units and not exceed an overall length or width of 125 feet.

b. The primary entrance of each dwelling unit shall orient to a street or an interior courtyard that is not less than 24 feet in width. This standard is met when the primary entrance faces or is within 45 degrees of parallel to an abutting street or courtyard.

c. Where the subject site is served by an existing or planned alley, vehicle access shall be from the alley and all garage entrances shall orient to the alley. Planned alleys shall be at least 24 feet in width.

d. The development standards of Chapter 18.45 HMC and the building and site design standards of Chapters 18.60 through 18.75 HMC shall be met.

Commented [ZG43]: Clarification needed. The standards are clear and objective so the City could simplify the process to facilitate a quicker review/approval for housing development in Harrisburg.

The direct reference I found was to zoning checklist (Type I) or a special conditions checklist (Type II). There was no "special review process" under 19.10.010.

Deleted: special review process

e. Every dwelling unit in a townhouse/attached single-family dwelling shall, on the primary entrance side, be composed of not less than 20 percent windows and door surface area, exclusive of the garage door(s).

f. The standards of this subsection (3) shall be met.

g. ~~Attached single-family (townhome) dwellings that include an attached row of,~~ three or more dwelling units shall provide a total of five or more off-street parking locations, consistent with HMC 18.80.020(3)(a) and (b). [Ord. 987 § 1 (Exh. A), 2022.]

18.50.70 Multifamily development.

1. Purpose. The following standards are intended to ensure that multifamily developments are planned with adequate open space and are designed to prevent conflicts between residential uses, and provide on-site recreation, and vehicle circulation and parking areas. The standards supplement the design standards of Chapters 18.60 through 18.90 HMC.

2. Applicability. This applies to new multifamily developments of three or more dwelling units in the R-2 and R-3 zones.

3. Standards.

a. Common Open Space and Landscaping. A minimum of 25 percent of the site area in the R-2 district and 20 percent of the site area in the R-3 district shall be designated and permanently reserved as common area, landscaped area, recreation area, or open space, in accordance with all of the following criteria:

(1) "Site area" for the purposes of this section is defined as the subject lot or lots after subtracting any required dedication of street right-of-way.

(2) The common area or open space shall contain one or more of the following: outdoor recreation area, tree grove (e.g., existing mature trees), turf play fields or playgrounds, sports courts, swimming pool, walking fitness course, natural area with picnic benches, or similar open space amenities as appropriate for the intended residents.

(3) In order to be counted as eligible toward the minimum open space area, such areas shall have dimensions of not less than 20 feet in every direction.

(4) Open space and common areas not otherwise developed with recreational facilities shall be landscaped; alternatively, the City Planning Commission or City Administrator may approve a tree preservation plan (retain mature tree groves) in lieu of landscaping.

(5) Up to one-half of the required common open space may be met by one or more structures offering recreational, meeting spaces, or cooking/eating facilities.

b. Private Open Space. Private open space areas shall be required for dwelling units based on the following criteria:

(1) A minimum of 80 percent of all ground-floor dwelling units shall have front or rear patios or decks containing at least 48 square feet of usable area. Ground floor housing means the housing unit entrance (front or rear) is within five feet of the finished ground elevation (i.e., after grading and landscaping).

(2) A minimum of 80 percent of all upper-floor housing units shall have balconies or porches containing at least 48 square feet of usable area. "Upper-floor housing" means housing units that are more than five feet above the finished grade.

(3) Affordable housing units with 50 percent or more of the site area designated and permanently reserved as landscaped common or recreational area shall be allowed to eliminate balconies or porches.

c. Access, Circulation, Landscaping, Parking, Public Facilities. The standards of Chapters 18.60 through 18.85 HMC shall be met.

d. Trash Storage. Trash receptacles, recycling, and storage facilities shall be oriented away from building entrances, set back at least 10 feet from any public right-of-way and adjacent residences and shall be screened with an evergreen hedge or solid fence or wall of not less than six feet in height. Receptacles/trash storage area must be accessible to trash trucks. [Ord. 987 § 1 (Exh. A), 2022.]

18.50.80 Dwellings in commercial and mixed employment zones.

1. Purpose. This section provides standards for residential uses in the C-1, M-1, M-2, and PUZ zones.

2. Applicability. This section applies to dwellings in the C-1, M-1, M-2, and PUZ zones.

- Deleted:
- Deleted: Townhouse
- Deleted: buildings containing

Commented [KT44]: The remaining sections unless noted otherwise, were not reviewed.

3. Standards. Residential uses in the C-1, M-1, and PUZ zones shall conform to all of the following standards:

a. New residential uses shall not be located in a ground building floor space within the historical district overlay zone.

b. New residential uses within the historical district overlay zone shall be permitted only above or below a ground-floor space approved for a permitted nonresidential use.

c. New residential uses in the C-1 zone are not allowed except as part of a mixed-use development requiring a site plan review or master planned development application.

d. Single-family dwellings lawfully existing as of the date of adoption of this chapter may continue as permitted uses; and in the event of involuntary damage or destruction due to fire or other event beyond the owner's control, such single-family use may be rebuilt and reestablished pursuant to HMC 18.45.030 and applicable building codes.

e. New residential uses in the C-1, M-1, M-2, and PUZ zones shall consist of not more than two dwelling units per parcel, each dwelling unit not to exceed 2,500 square feet, and off-street parking provided for at least three vehicles, except for the historical district overlay.

f. New residential uses in the C-1, M-1, and M-2 zones shall not exceed a lot/parcel coverage ratio of 40 percent. [Ord. 987 § 1 (Exh. A), 2022.]

18.50.090 Family daycare.

Family daycare uses are limited to on-site care for not more than 16 children and shall conform to the State licensing requirements and standards under ORS 657A.250 and 657A.440(4). Family daycare uses must also have a current City of Harrisburg business license. [Ord. 987 § 1 (Exh. A), 2022.]

18.50.100 Residential care homes, residential care facilities and childcare facilities.

Residential care homes, residential care facilities, and childcare facilities, where allowed, shall conform to all of the following standards and procedures. Residential care facilities are not the same as acute care facilities, which are classified as community service uses, and they are not the same as senior housing facilities that provide limited or no

medical care, which are classified as multifamily housing.

1. Licensing and State Requirements. Residential care homes, residential care facilities, and childcare facilities shall be licensed by the State of Oregon and comply with State requirements.

2. Residential Care Homes. Residential care homes, permitted in all residential zones, may provide residential care alone, or in conjunction with treatment or training, for five or fewer individuals who need not be related. Staff required to meet State licensing requirements is not counted in the number of facility residents and need not be related to each other or the residents. The same development code standards that apply to single-family dwellings also apply to residential care homes, except where State law supersedes City standards.

3. Residential Care Facilities. Residential care facilities, permitted in all residential zones, may provide residential care alone, or in conjunction with treatment or training, for between six and 15 individuals who need not be related. Staff required to meet State licensing requirements is not counted in the number of facility residents and need not be related to each other or the residents. The same development code standards that apply to multiple-family dwellings also apply to residential care homes, except where State law supersedes City standards.

4. Childcare Facilities. Childcare facilities are permitted as "S" type review and standards as applicable to and consistent with the requirements of the R-3 zone as contained herein.

5. Access. The access and circulation standards of Chapter 18.70 HMC shall be met.

6. Parking. The parking standards of Chapter 18.80 HMC shall be met.

7. Landscaping. Residential care facilities are required to comply with the landscaping and screening standards of Chapter 18.75 HMC. The City may require the installation of a landscape hedge or fence on the property line separating a residential care facility from an abutting lot containing a single-family dwelling for the purposes of visual screening and privacy between uses.

8. Building Design Standards. Residential care facilities are required to comply with the building orientation and design standards for multifamily housing, pursuant to Chapter 18.60 HMC; except where a State requirement conflicts with a City

standard, the State requirement, not the City standard, shall apply. The building design standards do not apply to residential care homes.

9. Review Procedure. Residential care homes, other than a childcare center, are subject to review and approval through a Type II review procedure under HMC 19.10.030 prior to issuance of building permits. Residential care facilities are subject to a Type III (public hearing) review and approval under HMC 19.10.040. [Ord. 987 § 1 (Exh. A), 2022.]

18.50.110 Home occupations.

1. Purpose. The purpose of this section is to encourage those who are engaged in small commercial ventures that could not necessarily be sustained if it were necessary to lease commercial quarters, or which by the nature of the venture are appropriate in scale and impact to be operated within a residence.

2. Applicability. This section applies to home occupation uses in residential zones. A home-based business in a commercial or residential-commercial zone is considered a commercial use and is not subject to the standards of this section.

3. Home Occupation in Residential Zones. Home occupations are permitted, provided the owner completes a home occupation registration form and obtains a City of Harrisburg business license and meets the requirements of Chapters 5.05 and 5.07 HMC.

4. Home Occupation Standards. Home occupations shall conform to all of the standards of Chapter 5.07 HMC, except the City Administrator may require a conditional use permit in accordance with Chapter 19.25 HMC. All uses and structures on the subject property conform to applicable City regulations, including, but not limited to, building codes and nuisance regulations.

5. Enforcement. With cause, the City's Code Enforcement Officer or other law enforcement official may visit a home occupation site to inspect the site and enforce the provisions of this code.

a. Any violations noted by the inspecting officer shall be corrected within 15 days;

b. Failure to correct a violation will result in the issuance of a citation and complaint, and resultant fine as per Chapter 1.10 HMC;

c. Failure to pay the fine levied in Municipal Court within the time period as determined by the

Municipal Judge will further result in an indefinite suspension of the home occupation license until such time as the enforcement officer confirms that all violations have been corrected. [Ord. 987 § 1 (Exh. A), 2022.]

18.50.120 Manufactured home on a single-family lot.

Manufactured homes are permitted on individual lots, subject to all of the following design standards. Manufactured dwellings relocated into the City of Harrisburg shall conform to City standards. The following standards do not apply to dwellings lawfully established and existing within the City prior to the effective date of this chapter. See also Chapter 18.45 HMC and HMC 18.50.130 and 18.50.140, respectively, regarding mobile home and manufactured home parks, and mobile homes and recreational vehicles used as dwellings.

1. Floor Plan. The manufactured home shall be multi-sectional and have an enclosed floor area of not less than 1,000 square feet and be at least 20 feet wide.

2. Roof. The manufactured home shall have a pitched roof with a slope not less than three feet in height for each 12 feet in width (14 degrees).

3. Residential Building Materials. The manufactured home shall have exterior siding and roofing which in color, material, and appearance are similar to the exterior siding and roof material used on nearby residences; horizontal wood or horizontal wood-appearance siding and composite roofing is also permitted.

4. Garages and Carports. A carport or garage sufficient to house two or more vehicles shall be constructed of materials and of similar appearance to those used on the home prior to manufactured home occupancy.

5. A manufactured home will be considered new construction and all City requirements for curbs, gutters, sidewalks and landscaping shall be complied with.

6. At time of placement, the manufactured dwelling shall be in good repair, free of damage or any internal or external material defects and built after June 15, 1976, and conform to the NHCSA Act of 1974, as amended, and fully prepared for human habitation.

7. Wheels, axles, and tongue shall be removed.

8. Thermal Envelope. The manufactured home shall be certified by the manufacturer to meet the thermal envelope requirements equivalent to those for a single-family dwelling constructed under the State Building Code. Evidence demonstrating that the manufactured home meets “Super Good Cents” energy efficiency standards, or an equivalent standard, is deemed to satisfy the exterior thermal envelope certification requirement.

9. Manufactured Dwelling Placement Permit. An approved permit is required prior to placement.

10. Placement. The manufactured home shall be placed on an excavated and continuous back-filled foundation and enclosed at the perimeter such that the manufactured home is located not more than 16 inches above grade and complies with the minimum set-up standards of the adopted State Administrative Rules for Manufactured Dwellings, OAR Chapter 918. Where the building site has a sloped grade, no more than 16 inches of the enclosing material shall be exposed on the uphill side of the home.

11. Floodplain. Manufactured homes shall comply with HMC 15.20.170 and 15.20.180 and the following standards:

a. The stand shall be a minimum of 12 inches above base flood elevation (BFE) unless the foundation wall is opened on one side or end so that floodwater cannot be trapped. (Manufactured Dwelling Specialty Code, 4-3.1(5))

b. The bottom of the longitudinal chassis frame beam in A zones, and the bottom of the lowest horizontal structural member supporting the dwelling in V zones shall be a minimum of 12 inches above BFE. See definition of “lowest floor” in Manufactured Dwelling Specialty Code.

c. The manufactured dwelling shall be anchored to prevent flotation, collapse, or 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 anchoring techniques). (44 CFR 60.3(c)(6))

d. Electrical crossover connections shall be a minimum of 12 inches above BFE. (Manufactured Dwelling Specialty Code, 6-4.2(1))

12. Foundation Skirt. The foundation area of the manufactured home shall be fully skirted with concrete, horizontal wood or vinyl siding, or other

materials, pursuant to applicable building codes and consistent with the rest of the manufactured dwelling. The foundation skirt shall be painted with a color and style consistent with the rest of the manufactured dwelling.

13. Prohibited. The manufactured home shall not be located in the City’s designated historic district (H-1) or next to any structure on the Harrisburg register of historic resources. [Ord. 987 § 1 (Exh. A), 2022.]

18.50.130 Mobile home and manufactured dwelling parks.

Mobile home and manufactured dwelling parks (not including recreational vehicles) are permitted on parcels of one acre to two and one-half acres, subject to compliance with subsections (1) through (6) of this section:

1. Permitted Uses. Single-family residences, manufactured home park manager’s office, home occupations, and accessory structures that are necessary for the operation and maintenance of the manufactured dwelling park (e.g., landscape maintenance).

2. Development Standards. Development of manufactured and mobile home parks, including placement of manufactured and mobile homes with a park, shall comply with applicable building codes and State requirements for mobile home and manufactured dwelling parks in ORS Chapter 446.

3. Perimeter Landscaping. When manufactured dwellings are oriented with their back or side yards facing a public right-of-way, the City may require installation of fencing and planting of a landscape buffer of five to 10 feet in width between the right-of-way and a manufactured home park for the privacy and security of park residents or for privacy of adjacent residences.

4. Manufactured Dwelling Design. In manufactured dwelling parks, manufactured homes shall meet the following standards:

a. The manufactured home shall have a pitched roof with a slope not less than three feet in height for each 12 feet in width (14 degrees).

b. The manufactured home shall have exterior siding and roofing which in color, material, and appearance are similar to the exterior siding and roof material used on nearby residences; horizontal wood or horizontal wood-appearance siding and composite roofing is also permitted.

c. The maximum park density shall be one manufactured dwelling per 4,500 square feet of area within the park boundary.

d. Each structure on/in the park shall meet all setback standards of the R-3 zone except that minimum distance (setback) between manufactured dwelling units shall be 12 feet.

e. All manufactured dwelling parks shall provide separate recreational areas of the greater of 3,500 square feet or 250 square feet per dwelling space. Landscaped areas can serve as a credit toward meeting this requirement, but not to exceed 1,000 square feet. Structures such as clubhouses, playgrounds, fitness facilities, sport courts, etc., can meet the requirement.

f. A separate storage area of 750 square feet for every 10 (or portion thereof) dwelling spaces shall be provided.

g. Fencing, landscaping, internal circulations/streets, etc., shall meet the standards of Tables 18.45.040.4 and 18.45.040.5, and the minimum landscape area for the C-1 zone.

h. All standards of this section and Chapters 18.70 through 18.90 HMC shall be met.

5. City Administrator shall determine submission requirements for applications complying with this section.

6. All applications not consistent with these standards and requirements shall be required to make application under Chapter 19.15 HMC, Site Design Review. [Ord. 987 § 1 (Exh. A), 2022.]

18.50.140 Temporary mobile homes and recreational vehicles uses.

1. Temporary Uses. Temporary uses are characterized by their short term, occurring no more than four times in a calendar year, and for not longer than eight days cumulatively in any calendar year, as well as by the fact that permanent improvements are not made to the site. Temporary uses include, but are not limited to, construction trailers, leasing offices, parking lot sales, retail warehouse sales. This section contains permit procedures for three types of temporary uses, temporary sales offices and model homes, and temporary buildings, trailers, kiosks, RVs as dwellings, and other structures, as follows:

a. Temporary Sales Office or Model House. Through a Type II procedure, pursuant to HMC 19.10.030, the City shall approve, approve with

conditions, or deny a temporary use application for a temporary sales office or model home, based on the following criteria:

(1) Temporary Sales Office. The use of any real property within the City as a temporary sales office or model home, for the purpose of facilitating the sale of real property, shall meet all of the following criteria:

(a) The mobile temporary sales office shall be located within the boundaries of the subdivision or tract of land in which the real property is to be sold.

(b) A mobile temporary sales office shall not be permanently improved for that purpose and shall be removed when home sales cease.

(c) A permanent model home or sales office shall meet these requirements, as well as all zoning and building codes.

(d) Public health, safety, and welfare shall be protected through conditions imposed by the City regarding temporary or permanent utility connections.

b. Temporary Buildings, Trailers, Kiosks, and Other Structures. Through a Type II procedure, pursuant to HMC 19.10.030, the City shall approve, approve with conditions, or deny an application for the placement and use of a temporary building, trailer, food truck, kiosk, or other structure, based on the following criteria:

(1) The use is permitted in the underlying zone.

(2) The applicant, if different than the property owner, has proof of the owner's permission.

(3) Ingress and egress are adequate and do not raise safety concerns when the proposed use is combined with the other uses of the site, pursuant to Chapter 18.70 HMC, Access and Circulation.

(4) There is sufficient parking to accommodate the temporary use and other uses existing on the site, pursuant to Chapter 18.80 HMC, Parking and Loading.

(5) The use does not create adverse off-site impacts including vehicle traffic, noise, odors, vibrations, glare, or lights that affect an adjoining use in a manner in which other uses allowed outright in the district do not affect the adjoining use.

(6) The use is adequately served by sewer or septic system and water, as applicable, as needed.

(7) The structure does not violate any applicable building codes or requirements of Linn County Environmental Health.

(8) Except where specifically authorized by the City Administrator, the length of time that the temporary structure may remain on a site shall not exceed six consecutive months or a total of 10 months in any one calendar year.

(9) The applicant has obtained and will maintain all required licenses and permits.

(10) Public health, safety, and welfare are protected through the installation of a water meter, if necessary, and other improvements, as necessary.

c. Emergency Housing. Upon declaration of an emergency by Linn County or the State of Oregon that includes the City of Harrisburg, the City Administrator may approve the use of RVs or trailers as temporary housing for up to 12 months upon the issuance of a permit and approval of all relevant property owners. [Ord. 987 § 1 (Exh. A), 2022.]

18.50.150 Accessory structures – Type I or II depending upon zoning.

1. Type I or II Procedures.

a. If an accessory structure is located in a residential zone, then a Type I procedure will apply.

b. If an accessory structure is located in a commercial or industrial zone, then a Type II procedure will apply.

2. Number of Structures. A maximum of three accessory structures is allowed per legal lot except for:

a. Structures 200 square feet or less that are not more than 15 feet in height;

b. Structures in the C-1, M-1, M-2, and PUZ zones.

3. Floor Area. An accessory structure cannot exceed the lesser of 50 percent of the floor area of the primary structure or 1,000 square feet, and its height cannot exceed the primary dwelling.

4. Structure Design. Accessory structures include freestanding, metal-framed, canvas-covered, wood, metal, concrete, or glass sheds, garages, greenhouses, etc.

5. Screening and Buffering. The City may require landscaping or a fence to be installed to screen a new accessory building from abutting property uses.

6. Setbacks. Accessory structure walls must be set back at least three feet from the nearest property line. Roof overhangs and similar may encroach not more than one foot into the three-foot setback.

7. Permits. All accessory structures, except those of 200 square feet or less, require a building permit. Those structures with electrical, HVAC, or plumbing require those respective permits.

8. Prohibited Accessory Structures in Residential Zones. Nonallowed structures such as trailers, cargo/freight containers/boxes, or any structure consisting of easily damaged materials or construction, including dilapidated or dangerous structures.

9. Lot Coverage. The total lot coverage percentage of the primary structure, and all accessory structures shall not exceed the allowances of Table 18.45.040.4, except as may be adjusted. [Ord. 998 § 1 (Exh. A), 2023; Ord. 987 § 1 (Exh. A), 2022.]

18.50.160 Accessory dwellings.

Accessory dwellings, where allowed, are subject to review and approval through a Type II procedure, pursuant to HMC 19.10.030, and shall conform to all of the following standards:

1. One Unit. A maximum of one accessory dwelling unit is allowed per legal lot.

2. Floor Area. An accessory dwelling unit shall not exceed 1,000 square feet of floor area, or 60 percent of the primary dwelling unit's floor area, whichever is smaller. The unit may be a detached cottage, a unit attached to a dwelling, or in a portion of an existing dwelling. The floor area of any garage associated with the primary dwelling is not included in the calculation of maximum floor area.

3. Lot Size. The minimum lot size for a lot with an accessory dwelling in the R-1 zone is 6,000 square feet. Total lot coverage of the primary and accessory dwelling cannot exceed the standards of Table 18.45.040.4, except as may be adjusted.

4. Building Design. The accessory dwelling shall comply with all applicable Oregon Structural Specialty Code requirements.

5. Building Types. Mobile or manufactured homes, cargo containers, and dwellings on wheels are prohibited as accessory dwellings or materials for accessory dwellings.

6. Building Height. The height of an accessory dwelling shall not exceed the height of the primary dwelling.

7. Screening and Buffering. The City may require a landscape hedge or fence be installed on the property line separating a detached accessory dwelling from an abutting lot containing a single-family dwelling for the purposes of visual screening and privacy between uses. Screening and buffering shall conform to the standards of Chapter 18.75 HMC.

8. Setbacks. All building and other setbacks required by Table 18.45.040.4 are applicable to accessory dwellings.

9. Utilities. The City’s Public Works Director shall determine whether a proposed accessory dwelling requires separate or additional water, sewer, or storm drainage services or connections to City utilities infrastructure. If one or more separate connections are required, systems development charges and land use fees shall be imposed as required by the City.

10. All accessory dwelling structures are required to obtain a building permit regardless of size.

11. Conversion of an accessory structure to accessory dwelling shall require a change of use building permit, regardless of size. [Ord. 987 § 1 (Exh. A), 2022.]

18.50.170 Bed and breakfast inns.

Bed and breakfast (B&B) inns in the R-1, R-2, and R-3 zones, where allowed, are subject to review and approval through a Type II procedure, pursuant to HMC 19.10.030, and shall conform to all of the following standards:

1. Accessory Use. The use must be accessory to a permitted residential use and conform to HMC 18.50.180.

2. Maximum Size. A maximum of five bedrooms for guests, and a maximum of 10 guests are permitted per night. New construction for bed and breakfast inns shall not exceed 3,500 square feet.

3. Length of Stay. The maximum length of stay is 28 days per guest(s) reservation of stay. Any longer stays are classified as a hotel or commercial lodging use.

4. Employees. The inn shall have not more than three nonresident employees on site at any one time. There is no limit on resident employees.

5. Food Service. Food service must be provided only to overnight guests of the B&B. A restaurant

use in conjunction with a B&B is allowed only in the C-1 zone.

6. Signs. Signs shall not exceed a total of eight square feet of surface area on each side of one or two faces. Sign regulations in Chapter 18.90HMC shall be met.

7. Screening and Buffering. The City shall require a landscape hedge or fence, or both, to be installed on the property line separating a detached accessory dwelling unit from an abutting single-family dwelling for the purposes of visual screening and privacy between uses. Screening, fencing and buffering shall conform to the standards of Chapter 18.75 HMC. [Ord. 987 § 1 (Exh. A), 2022.]

18.50.180 Special use standards in the public use zone.

1. Accessory Uses. The use must be accessory to any use permitted outright in each zone and meet the requirements of this section and HMC 18.50.150 through 18.50.170.

2. Maximum Size. Structures shall not exceed 3,000 square feet, may not include development of more than 50 percent (parking included) of the parcel or parcels proposed for development.

3. Approved Uses. At least 50 percent of any structure shall be accessible to the public, with or without fee, as well as 75 percent of all landscaped areas suitable for human use (trails, bike paths, parking, picnic areas, sports fields, etc.)

4. Screening and Buffering. The City shall require special landscaping and/or fencing to screen structures and uses from nearby residential uses for the purposes of privacy, reducing noise, etc., as required by Table 18.45.040.5 and HMC 18.75.030(1).

5. Churches, Religious Institutions. Churches and religious institutions are permitted in R-2, R-3, C-1, and PUZ zones if they conform to all of the following special standards:

a. Parcel size must be a minimum of 10,000 square feet.

b. Off-street parking is provided conforming to Table 18.80.030(5) and HMC 18.80.030.

c. The primary church structure shall not exceed 3,000 square feet. [Ord. 987 § 1 (Exh. A), 2022.]

18.50.190 Special use standards in the residential zones.

1. Purpose. The following provisions are intended to encourage a variety of residential uses and compatible uses in the residential zones. Compatible uses within walking distances of residential zones include uses such as small professional offices, personal services providers, transitory rentals, religious and community organizations and facilities and many others typically found in Harrisburg and similar small communities.

2. Applicability. The standards in this section are applicable to "S" rated uses, as per Table 18.45.030.

3. Standards.

a. Traffic. The traffic generated by the proposed use shall not exceed the greater of an estimated two times that of a single-family dwelling or two times the use generated per MFD.

b. All other City development and building standards as per Table 18.45.040.4 must be met.

c. Parking. "S" rated uses in the residential zones must provide adequate off-street parking to demonstrate compatibility with existing uses. Parking needs in excess of two times that of an SFD must be provided on site.

d. RV parks in the R-3 zone may not exceed three acres.

e. Commercial uses in the R-3 zone may not exceed a gross area of one acre nor structure(s) exceeding 3,000 square feet. [Ord. 987 § 1 (Exh. A), 2022.]

18.50.200 Special use standards in the C-1 zone.

1. Purpose. The following provisions are intended to provide a variety of uses in the C-1 zone that promote business-related development that helps assure the long-term economic vitality of the zone and is compatible with small-scale retail and professional uses typical of the Harrisburg C-1 zone.

2. Applicability. These standards are required to be met by all "S" rated uses for the C-1 zone.

3. Standards.

a. Traffic. The traffic generated by the proposed use shall not exceed the greater of twice that

of a 1,500-square-foot convenience store or equal to a 1,000-square-foot fast food restaurant.

b. All other City development and building standards as per HMC 18.45.040(5) must be met.

c. Parking. "S" rated uses in the commercial zones must provide adequate off-street parking to demonstrate compatibility with existing uses. Parking in excess of two times that of a 1,000-square-foot convenience store must be provided on site.

d. Total site area, including structures, parking and landscaping, cannot exceed two acres.

e. Uses may not begin prior to 6:00 a.m. nor continue after 10:00 p.m.

f. Noise generation may not exceed a measured average of 75 dB. [Ord. 987 § 1 (Exh. A), 2022.]

18.50.210 Special use standards in the M-1 and M-2 zones.

1. All uses must be open and available to the general public with or without fees.

2. All uses must meet all parking, setback, landscaping and related requirements of this code.

3. The site total area cannot exceed two acres including landscaping, building and parking, except for recreational uses that cannot exceed 10 acres.

4. Those uses that offer "drive-through" products or services to the public must provide a dedicated and paved automobile stacking area of at least 150 feet. [Ord. 987 § 1 (Exh. A), 2022.]

18.50.220 Special use standards in the PUZ zone.

1. All uses must be open and available to the public without fee (except fees for personal or professional services or club or fraternal uses that impose a standard membership fee).

2. Buildings or structures may not exceed 5,000 square feet.

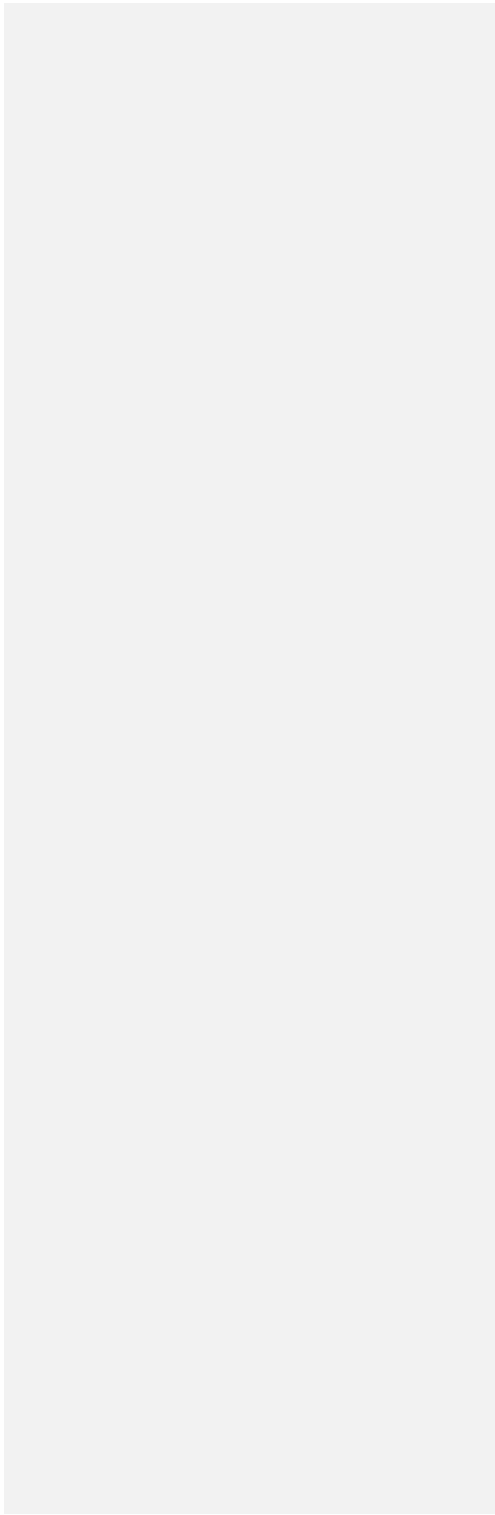
3. On-site parking must equal or exceed the standards of an equivalent sized convenience store as described in the most recent version of the UTM.

4. Total site area may not exceed 20 acres. [Ord. 987 § 1 (Exh. A), 2022.]

- Deleted: related
- Deleted: with particular emphasis on the R-3 zone. The R-3 zone is a higher density zone with
- Deleted: numerous c
- Deleted: -
- Commented [KT45]: There are other uses in other residential zones that use "S" so recommend editing this text.
- Deleted: . These
- Deleted: -

18.55.010

OVERLAY ZONES AND SPECIFIC AREA PLAN REGULATIONS



Title 19

APPLICATION REVIEW PROCEDURES AND APPROVAL CRITERIA

Chapters:

- 19.10 General Review Procedures
- 19.15 Site Design Review
- 19.20 Land Divisions and Property Line Adjustments
- 19.25 Conditional Use Permits
- 19.30 Modifications to Approved Plans and Conditions
- 19.35 Amendments to Zoning Map or Code
- 19.40 Adjustments and Variances
- 19.45 Master Planned Developments/Planned Unit Development
- 19.50 Religious Owned Affordable Housing and Affordable Housing Land Use
- 19.55 Definitions

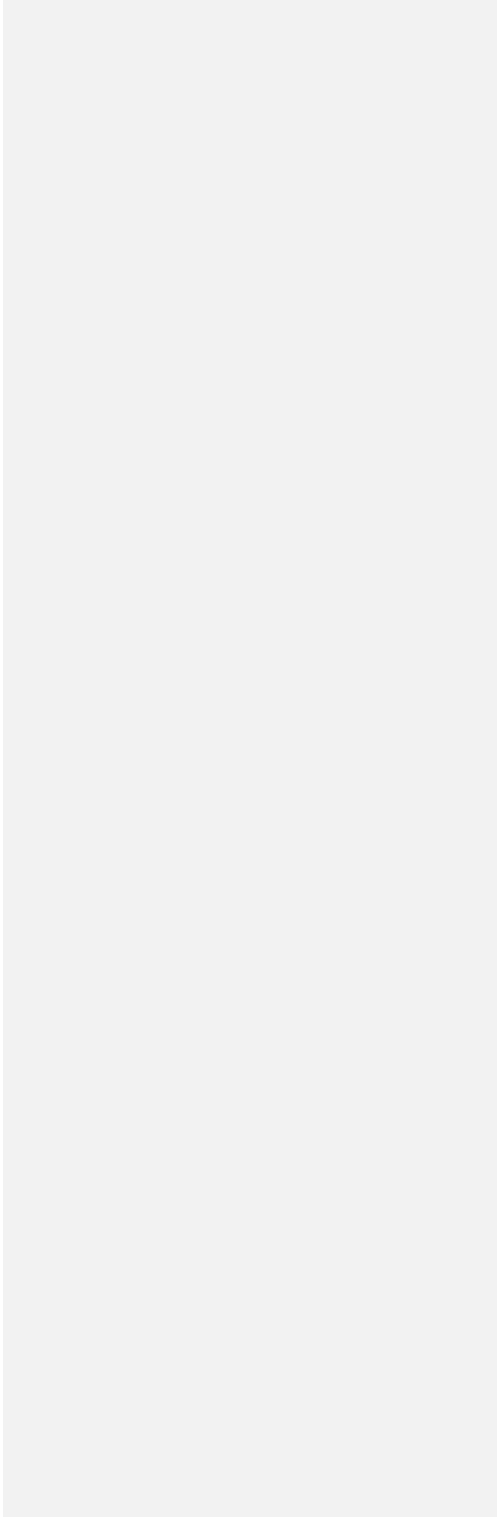
Commented [KT1]: Unless noted below, sections were not reviewed.

Commented [KT2]: Limited review as noted.

Commented [ZG3]: Includes proposed revisions

Commented [KT4]: Limited review as noted.

Commented [ZG5]: Includes proposed revisions



Chapter 19.10

GENERAL REVIEW PROCEDURES

Sections:

- 19.10.010 Purpose and applicability.
- 19.10.020 Type I procedure (ministerial review).
- 19.10.030 Type II procedure (administrative review with notice).
- 19.10.040 Type III procedure (quasi-judicial review – Public hearing).
- 19.10.050 Type IV (legislative decisions).
- 19.10.060 Time limit, consolidated review, and City Administrator’s duties.

19.10.10 Purpose and applicability.

1. 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.

2. 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 (2)(a) through (d) of this section. Table 19.10.10 lists the City’s land use and development approvals and corresponding review procedure(s).

a. Type I Procedure (Ministerial Review). Type I decisions are made by the City Administrator, or 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., clear and objective standards). 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.

b. Type II Procedure (Administrative Review with Notice). Type II decisions are made by the City Administrator, with public notice and an opportunity for appeal. 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 procedure applies to land use decisions that may involve the use of increased or heightened City standards and criteria (as described in the relevant sections of Chapter 19.50 HMC), but do not require discretion, as there are clear and objective standards but which, nevertheless, may invite greater public interest.

c. Type III Procedure (Quasi-Judicial Review – Public Hearing). Type III decisions are made by the Planning Commission after a public hearing, with an opportunity for appeal to the City Council; or in the case of a quasi-judicial zone change (e.g., a change in zoning on one property to comply with the comprehensive plan), a Type III decision is made by the City Council on recommendation of the Planning Commission. Quasi-judicial decisions involve discretion but implement established policy.

d. 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 affect more than a small number of properties. Type IV reviews are considered by the Planning 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.

Table 19.10.010 – Summary of Approvals by Type of Review Procedure

Approvals*	Review Procedures	Applicable Regulations
Building Permit Review	Type I	Applicants are required to complete a zoning or special conditions checklist before applying for any permit or approval. See HMC 19.10.020.
Special Conditions Checklist	Type II	
Access to a Street	Type I	Chapter 19.40 HMC and the standards of the applicable roadway authority (City/County/ODOT)
Adjustment	Type II	Chapter 19.40 HMC
Annexation	Type IV	See ORS Chapter 222
Code Interpretation	Type II	Chapter 18.30 HMC
Code Text or Zoning Map Amendment		Chapter 19.35 HMC
Quasi-Judicial	Type III	
Legislative	Type IV	
Comprehensive Plan Amendment	Type IV	Chapter 19.35 HMC
Conditional Use Permit	Type III	Chapter 19.25 HMC
Home Occupation	Type I or II	
Legal Lot Determination	Type I	Chapter 18.20 HMC
Master Planned Development		
Concept Plan	Type III	Chapter 19.45 HMC
Detailed Plan	Type III	Chapter 19.45 HMC
Modification to Approval or Condition of Approval	Type II	Chapter 19.30 HMC
Nonconforming Use or Structure, Expansion of	Type II	Chapter 18.25 HMC
Partition, or Replat of three or fewer lots		Chapter 19.20 HMC
Preliminary Plat	Type II	
Final Plat	Type I	
Property Line Adjustments, including Lot Consolidations	Type I	Chapter 19.20 HMC
Site Design Review	Type III	Chapter 19.15 HMC

Table 19.10.010 – Summary of Approvals by Type of Review Procedure (Continued)		
Approvals*	Review Procedures	Applicable Regulations
Subdivision		Chapter 19.20 HMC
Preliminary Plat	Type II	
Final Plat	Type I	
Variance	Type III	Chapter 19.40 HMC
Planned Unit Development	Type IV	Chapter 19.45 HMC
Religious and Other Owned Affordable Housing	Type II	Chapter 19.50 HMC (ORS 197.830 and 197.850)

Commented [KT6]: Delete "Type III" for general description Subdivision. This seems to be a typing error because the two parts to the application noted provide the application type.

Change Prelim Plat to "Type III" consistent with HMC 19.20.30(1).

Deleted: Type III

* 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.

[Ord. 987 § 1 (Exh. A), 2022.]

19.10.20 Type I procedure (ministerial review).

1. Type I Procedure (Staff Review). The City Administrator, or 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).

2. 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 Division 2 of HMC Title 18 (Zoning and Development) before more detailed plans are prepared and before the City authorizes the Building Official to issue a building permit.

3. Application Requirements.

a. Application Forms. Approvals requiring Type I review, including zoning checklists, shall be made on forms provided by the City.

b. Application Requirements. When a zoning checklist is required, it shall:

- (1) Include the information requested on the application form;
- (2) Address the criteria in sufficient detail for review and action; and

(3) Be filed with the required fee.

4. 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.

5. 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.

6. Effective Date. A 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 HMC 18.15.070, Review of building permits for development code compliance.) 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 compel-

ling 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. [Ord. 987 § 1 (Exh. A), 2022.]

19.10.30 Type II procedure (administrative review with notice).

The City Administrator, or his/her designee, shall determine Type II land use decisions based on clear and objective criteria as described herein. Those Type II decisions that involve the use of discretion, that are not clearly described herein, or that invite significant public interest may be made by the City Administrator (with the right of review by the Planning Commission) or referred directly to the Planning Commission by the City Administrator.

1. Application Requirements.

a. Application Forms. Applications for projects requiring administrative review shall be made on forms provided by the City Administrator.

b. 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:

- (1) The information requested on the application form;
- (2) Plans and exhibits required for the specific approval(s) being sought, pursuant to Table 19.10.010;
- (3) A written statement or letter explaining how the application satisfies each and all of the relevant criteria and standards in sufficient detail;
- (4) Information demonstrating compliance with prior decision(s) and conditions of approval for the subject site, as applicable; and
- (5) The required fee.

2. Procedure.

a. 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:

- (1) All owners of record of real property within a minimum of 200 feet of the subject site;
- (2) Any person who submits a written request to receive a notice;
- (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 Admin-

istrator 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; and

(4) Harrisburg Fire Rescue District and Harrisburg School District.

b. The City Administrator shall apply the relevant clear and objective criteria in Chapter 18.50 HMC, 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 may be referred to the City Planning Commission for review and hence to the City Council.

c. The notice of pending administrative decision, at a minimum, shall contain all of the following information:

- (1) 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;
- (2) 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;
- (3) 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;
- (4) The street address or other easily understandable reference to the location of the proposed use or development;
- (5) 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
- (6) 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.

d. 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 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.

e. 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 HMC 19.10.060.

f. 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.

g. The administrative notice of decision shall contain all of the following information:

(1) 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;

(2) 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);

(3) A statement of where the City’s decision can be obtained;

(4) The date the decision shall become final, unless appealed; and

(5) A statement that all persons entitled to notice may appeal the decision to the Planning

Commission pursuant to subsection (4) of this section.

3. Effective Date of Decision. Unless the conditions of approval specify otherwise, an Administrative Decision becomes effective 10 days after the City mails the decision notice, unless the decision is appealed pursuant to subsection (4) of this section.

4. Appeal of Type II (Administrative) Decision. A Type II administrative decision made by the City Administrator may be referred to the City of Harrisburg Planning Commission for their review. The Planning Commission review may be referred to the City Council, as applicable.

a. Who May Appeal. The following people have legal standing to appeal a Type II administrative decision:

(1) The applicant or owner of the subject property;

(2) Any person who was entitled to written notice of the Type II decision; and

(3) Any other person who participated in the proceeding by submitting written comments on the application to the City by the specified deadline.

b. Appeal Filing Procedure.

(1) Notice of Appeal. Any person with standing to appeal, as provided in subsection (4)(a) of this section, may appeal a Type II administrative decision by filing a notice of appeal according to the following procedures:

(2) Time for Filing. A notice of appeal shall be filed with the City Administrator within the time frame specified on the notice of decision; typically, this will be within 10 days of the date the notice of decision is mailed.

(3) Content of Notice of Appeal. The notice of appeal shall be accompanied by the required filing fee and shall contain:

(a) An identification of the decision being appealed, including the date of the decision;

(b) A statement demonstrating the person filing the notice of appeal has standing to appeal;

(c) A statement explaining the specific issues being raised on appeal; and

(d) If the appellant is not the applicant, a statement demonstrating that the appeal issues were raised during the comment period.

c. 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 HMC. The hearing appeal body may not allow additional evidence or testimony concerning other standards, criteria, conditions, or issues.

d. 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 HMC 19.10.040. HMC 19.10.040 contains requirements for public hearing notices, conduct of hearings, and decision-making procedures. [Ord. 987 § 1 (Exh. A), 2022.]

19.10.40 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.

1. Application Requirements.

a. Application Forms. Applications requiring quasi-judicial review shall be made on forms provided by the City Administrator.

b. 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:

- (1) The information requested on the application form;
- (2) Plans and exhibits required for the specific approval(s) being sought;
- (3) A written statement or letter explaining how the application satisfies each and all of the relevant criteria and standards in sufficient detail;
- (4) Information demonstrating compliance with prior decision(s) and conditions of approval for the subject site, as applicable;
- (5) The required fee;

(6) Evidence of neighborhood contact, as applicable, pursuant to this section.

2. Procedure.

a. Mailed and Posted Notice.

(1) 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:

(a) All owners of record of real property located 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) The City Administrator shall notify in writing the Oregon Department of Land Conservation and Development (DLCD) of applications for quasi-judicial amendments to the development code or zoning map at least 35 days before the first evidentiary hearing.

(e) 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:

- i. Each owner whose property would be directly affected by the proposal (e.g., rezoning); see ORS 227.186 for instructions;
- ii. Any affected governmental agency;
- iii. Any person who requests notice in writing; and
- iv. For a zone change affecting a manufactured home or mobile home park, all mailing addresses within the park, in accordance with ORS 227.175.

(2) 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 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.

(3) 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.

b. Content of Notice. Notice of a quasi-judicial hearing to be mailed and published per subsection (2)(a) of this section shall contain all of the following information:

(1) A summary of the proposal and the relevant approval criteria, in sufficient detail to help the public identify and locate applicable code requirements;

(2) The date, time, and location of the scheduled hearing;

(3) The street address or other clear reference to the location of the proposed use or development;

(4) 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;

(5) 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;

(6) A statement that a copy of the City's staff report and recommendation to the hearing 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;

(7) A general explanation of the requirements to submit testimony, and the procedure for conducting public hearings; and

(8) 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.

3. Conduct of the Public Hearing.

a. At the commencement of the hearing, the presiding officer shall state to those in attendance all of the following information and instructions:

(1) The applicable approval criteria by code chapter that apply to the application;

(2) 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;

(3) 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;

(4) 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

(5) 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 subsection (3)(e) of this section, or leave the record open for additional written evidence or testimony as provided in subsection (3)(f) of this section.

b. The public is entitled to an impartial hearing body as free from potential conflicts of interest and prehearing 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.

c. Presenting and Receiving Evidence.

(1) 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;

(2) 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

(3) 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.

d. 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).

e. 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.

f. 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:

(1) 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;

(2) An extension of the hearing or record granted pursuant to this section is subject to the limitations of HMC 19.10.060 (ORS 227.178 – 120-day rule), unless the applicant waives their right to a final decision being made within 120 days of filing a complete application; and

(3) 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 evi-

dence, provided the applicant may expressly waive this right.

(4) In any and all circumstances, the Planning Commission shall render a final decision on all Type III applications within 60 days of a complete application.

g. The notice of quasi-judicial decision shall contain all of the following information:

(1) 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;

(2) 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);

(3) A statement of where the City’s decision can be obtained;

(4) The date the decision shall become final unless appealed; and

(5) A statement that all persons entitled to notice and who testified during the Planning Commission hearing specifically addressing the applicable criteria may appeal the Planning Commission’s decision to City Council pursuant to subsection (5) of this section or may appeal the City Council’s decision to the State Land Use Board of Appeals, as applicable.

4. 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 subsection (5) of this section.

5. Appeal of Planning Commission Decision. The Planning Commission’s decision may be appealed to the City Council as follows:

a. Who May Appeal. The following people have legal standing to appeal:

(1) The applicant or owner of the subject property; and

(2) Any person who testified orally or in writing during the subject public hearing before the close of the public record.

b. Appeal Filing Procedure.

(1) Notice of Appeal. Any person with standing to appeal, as provided in subsection (5)(a) of this section, 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:

(2) Time for Filing. A notice of appeal shall be filed with the City Recorder within the time frame specified on the notice of decision; but not more than 10 days after the date the notice of decision is mailed.

(3) Content of Notice of Appeal. The notice of appeal shall be accompanied by the required filing fee and shall contain:

(a) An identification of the decision being appealed, including the date of the decision;

(b) A statement demonstrating the person filing the notice of appeal has standing to appeal;

(c) A statement explaining the specific issues being raised on appeal; and

(d) If the appellant is not the applicant, a statement demonstrating that the appeal issues were raised during the comment period.

c. 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.

6. Record of the Public Hearing.

a. The official public hearing record shall include all of the following information:

(1) All materials considered by the hearing body;

(2) All materials submitted by the City Administrator to the hearing body regarding the application;

(3) The minutes of the hearing;

(4) The final written decision; and

(5) Copies of all notices given as required by this chapter, and correspondence regarding the application that the City mailed or received.

b. The meeting minutes shall be filed with the City Recorder. The minutes and other evidence presented as a part of the hearing shall be part of the record.

c. All exhibits received and displayed shall be marked to provide identification and shall be part of the record.

7. Effective Date. A final land use decision by the City is effective the date the City mails the decision notice. [Ord. 987 § 1 (Exh. A), 2022.]

19.10.50 Type IV (legislative decisions).

1. 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.

2. Application Requirements.

a. Application Forms. Legislative applications shall be made on forms provided by the City Administrator.

b. Submittal Information. The application shall contain all of the following information:

(1) The information requested on the application form;

(2) A map and/or plan addressing the appropriate criteria and standards in sufficient detail for review and decision (as applicable);

(3) The required fee, except when the City of Harrisburg initiates the request; and

(4) One copy of a letter or narrative statement that explains how the application satisfies each and all of the relevant approval criteria and standards.

3. 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:

a. The City Administrator shall notify in writing the Oregon Department of Land Conservation and Development (DLCD) of legislative amendments at least 35 days before the first evidentiary public hearing.

b. For 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 pre-

pared in conformance with ORS 227.175 and mailed to:

(1) 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;

(2) Any affected governmental agency;

(3) Any person who requests notice in writing; and

(4) For a zone change affecting a manufactured home or mobile home park, all mailing addresses within the park, in accordance with ORS 227.175.

c. 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.

d. For each mailing and publication of notice, the City Recorder shall keep an affidavit of mailing/publication in the record.

e. 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.

4. 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. [Ord. 987 § 1 (Exh. A), 2022.]

19.10.60 Time limit, consolidated review, and City Administrator's duties.

1. Time Limit – Ninety-Day Rule. The City shall take final action on administrative and quasi-judicial land use applications, pursuant to this chapter within 90 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 90-day rule does not apply to legislative land use decisions.)

2. 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.

3. 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.

4. City Administrator's Duties. The City Administrator, or their designee, shall perform all of the following duties with regard to administration of this code:

a. Prepare application forms based on the provisions of this code and applicable State law;

b. Prepare required notices and process applications for review and action;

c. Assist the Planning Commission and City Council in administering the hearings process;

d. Answer questions from the public regarding the City's land use regulations;

e. Prepare staff reports summarizing pending applications, including applicable decision criteria;

f. Prepare findings consistent with City decisions on land use and development applications;

g. 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

h. Maintain and preserve the file and public record for each application. [Ord. 987 § 1 (Exh. A), 2022.]

Chapter 19.15 is not being changed

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 Lot size averaging, flag lots, and infill development.
- 19.20.050 Preliminary plat submission requirements.
- 19.20.060 Preliminary plat approval criteria – Partition.
- 19.20.070 Preliminary plat approval criteria – Subdivision.
- 19.20.080 Final plat submission and approval criteria for partitions.
- 19.20.090 Final plat submission requirements and approval criteria for subdivision.
- 19.20.100 Filing and recording.
- 19.20.110 Replatting and vacation of plats.
- 19.20.120 Property line adjustments.

19.20.10 Purpose.

The purpose of this chapter is to implement the objectives in subsections (1) through (5) of this section:

1. Provide rules, regulations, and standards governing the approval of subdivisions, partitions, and property line adjustments as follows:
 - a. Subdivisions are the creation of four or more lots in one calendar year.
 - b. Partitions are the creation of three or fewer lots in one calendar year.
 - c. 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).
2. Carry out the City’s development pattern, as envisioned by the City’s comprehensive plan.
3. Encourage efficient use of land resources and public services, and provide transportation options.
4. Promote the public health, safety, and general welfare through orderly and efficient urbanization.
5. Provide adequate light and air, prevent overcrowding of land, and provide for adequate transportation, water supply, sewage, fire protection,

Commented [KT7]: See the corresponding definitions at HMC 19.55, which are proposed to be changed to be consistent with these sections.

pollution control, surface water management, and protection against natural hazards. [Ord. 987 § 1 (Exh. A), 2022.]

19.20.20 General requirements.

1. 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:

- a. The preliminary plat must be approved before the final plat can be submitted for approval consideration; and
- b. 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 HMC 19.20.120; but are not subject to HMC 19.20.020 through 19.20.110.

2. Compliance With ORS Chapter 92. All subdivision and partition proposals shall conform to State regulations in ORS Chapter 92, Subdivisions and Partitions.

3. 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 HMC. These systems shall be located and constructed underground where feasible.

4. 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 HMC.

5. 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 HMC.

6. Off-Site/Public Improvement. The City may impose off-site or on-site public improvements as a condition(s) of approval of the preliminary or final plat process as may be necessary to fulfill the purposes of HMC 19.20.010. [Ord. 987 § 1 (Exh. A), 2022.]

19.20.30 Preliminary plat approval process.

1. Review of Preliminary Plat. Preliminary plats shall be processed using the Type III procedure

under HMC 19.10.040. All preliminary plats, including partitions and subdivisions, are subject to the approval criteria in HMC 19.20.070.

2. 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 HMC 19.20.090, within the two-year period. The Planning Commission may approve phased subdivisions, pursuant to subsection (4) of this section, with an overall time frame of more than two years between preliminary and final plat approvals.

3. 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 HMC. 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:

- a. Any changes to the preliminary plat follow the procedures in Chapter 19.30 HMC;
- b. The applicant has submitted written intent to file a final plat within the one-year extension period;

c. An extension of time will not prevent the lawful development of abutting properties;

d. There have been no materially inconsistent 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

e. The extension request is made before expiration of the original approved plan.

f. 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.

g. The proposed changes are not materially inconsistent with the conditions of the original approval.

4. 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:

- a. In no case shall the construction time period (i.e., for required public improvements, utilities, streets) for the first subdivision phase be more

Commented [KT8]: This is unclear - what is the intent?

Deleted: -

Commented [KT9]: What if the changes are insignificant? See suggested edits. "Materially significant" needs to be addressed. The purpose is to allow for a change without a new application if a clarification like we are doing now occurs that doesn't change the meaning.

Commented [ZG10R9]: Does "materially significant" need a definition? Perhaps a threshold similar to the 10% adjustment currently allowed so there is wiggle room for dimensions to shift?

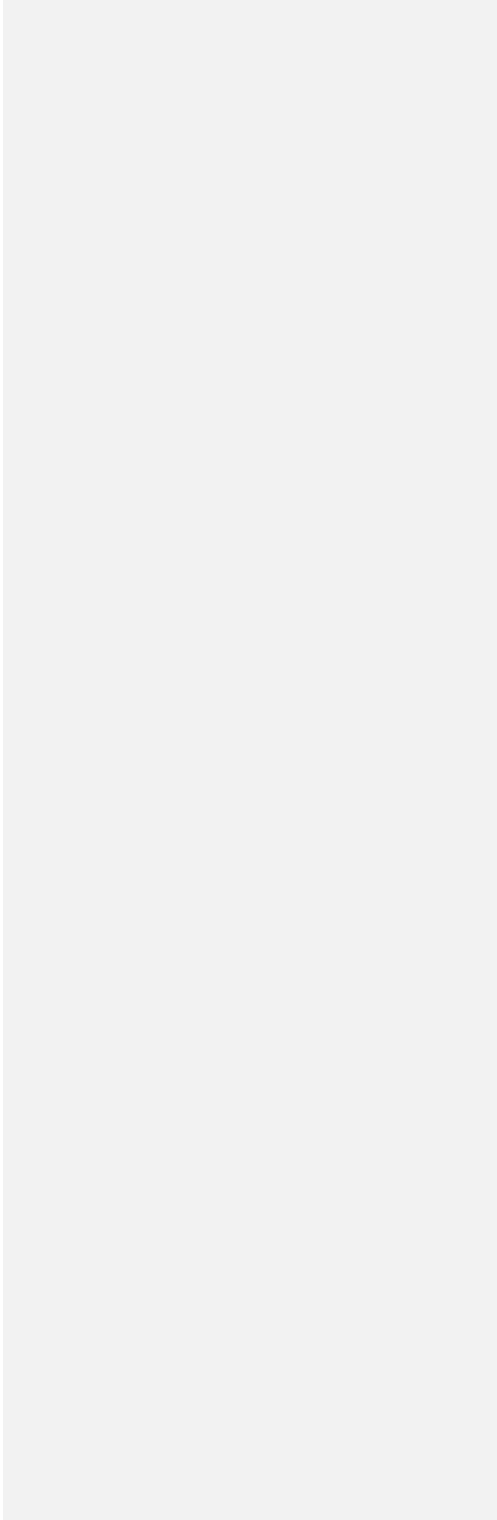
Commented [KT11R9]: Maybe replace suggested materially significant with "materially inconsistent."

Commented [ME12R9]: Changed to Inconsistent

Commented [KT13]: You might want to add this.

Commented [ME14R13]: Looks good

than 18 months;



b. Public facilities required for each phase shall be constructed in conjunction with or prior to each associated phase;

c. 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;

d. The proposed phasing schedule shall be reviewed with the preliminary subdivision plat application; and

e. Planning Commission approval is required for modifications to phasing plans. [Ord. 987 § 1 (Exh. A), 2022.]

19.20.40 Lot size averaging, flag lots, and infill development.

1. Lot Size Averaging Subdivisions. To allow flexibility in subdivision design that meets the intent of the applicable code standards or 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 18.45 HMC; 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 as provided in HMC Chapter 18.75. in site design where substandard lots are proposed to abut standard- or larger-sized lots.

2. Flag Lots. Flag lots may be created only when a through street cannot be extended to serve abutting uses or future development due to a physical or legal barrier. A flag lot access driveway (“flag pole”) shall serve not more than four flag lots taking access off the same flag pole, not including accessory dwellings. The layout of flag lots, the placement of buildings on such lots, and the alignment of shared drives shall be designed so that future street connections can be made as adjacent properties develop, to the extent practicable, and in accordance with the transportation connectivity and block length standards of HMC 18.70.030 and 18.85.020. All flag lot driveways shall be paved from the serving public or private street to the property line of each lot in conformance with the requirements of HMC 18.70.030(4).

3. Infill Development and Mid-Block Drives. Mid-block drives are private drives serving four or more dwelling units with reciprocal access

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

4. Emergency Vehicle Access. A drive serving more than one lot shall have a reciprocal access and maintenance easement recorded for all lots it serves. Said easement shall be at least 25 feet wide at its most narrow point, paved, and able to carry 75,000/square foot of load and meet the requirements of HMC 18.70.030. A five-foot-wide pedestrian walkway is required to be marked in paint. No fence, structure, or other obstacle shall be placed within the drive area. Emergency vehicle apparatus lanes, including any required turnaround, shall conform to applicable building and fire code requirements. Fire sprinklers may also be required for buildings that cannot be fully served by fire hydrants due to distance from hydrant, insufficient fire flow, or adjacency to wildfire areas.

5. Maximum Drive Length. The maximum length of a drive serving more than one dwelling is subject to requirements of the Uniform Fire Code, unless approved by the Fire Marshal and City Engineer. [Ord. 987 § 1 (Exh. A), 2022.]

19.20.50 Preliminary plat submission requirements.

Applications for preliminary plat approval shall contain all of the following information:

1. General Submission Requirements.

a. Information required for a Type II or Type III review as required (see HMC 19.10.030 or 19.10.040); and

b. Public Facilities and Services Impact Study. The City may require additional analysis to demonstrate compliance with City Standards under adopted ordinances and facility master plans based on the extent of required infrastructure and impact on public facilities and services. The impact study shall quantify and assess the effect of the development on the applicable identified public facilities and services. The City shall advise as to the scope of the study, which shall address the applicable Municipal Code Standards at HMC 18.85 and the adopted public facilities master plans.

- Deleted: lanes
- Deleted:
- Deleted: -
- Deleted: lanes
- Commented [KT15]: Unclear as currently written.
- Commented [ME16R15]: I like the additions
- Commented [KT17]: This change is consistent with the original intent to allow flexibility in subdivision design and the changes are limited to physical constraints (example list imply existing), which can be hard to meet and is more similar to a Variance. This change allows PC and CC to consider the modification option to a subdivision design that is trying to creatively meet the intent of code while balancing all of the relevant code standards.
- Commented [ME18R17]: Great!
- Deleted: and
- Commented [KT27]: This is regulated through the fire code requirements.
- Commented [ME28R27]: The City has had an issue with this in the past, and wanted to make sure that developers/builders are aware of sprinklers being required. It is redundant, but calls their attention to it.
- Deleted: Lane
- Deleted: -
- Deleted: -
- Commented [KT29]: The fire code and building code ... [7]
- Commented [ME30R29]: I've removed the wording ... [8]
- Commented [KT19]: This is too open ended to provi ... [1]
- Commented [ME20R19]: I think this references it if ... [2]
- Deleted: -
- Deleted: -
- Deleted: dwelling units
- Commented [KT21]: This is awkward and unclear a ... [3]
- Commented [ME22R21]: Additional language adde ... [4]
- Deleted: and dwell- ings on individual lots
- Deleted: -
- Commented [KT31]: Is there another location this S ... [9]
- Commented [ME32R31]: This is located nowhere ... [10]
- Commented [KT23]: Per Michele's email on 1/3/2024.
- Commented [KT25]: Use terms consistent with othe ... [5]
- Deleted: Lanes
- Deleted: Where consecutive flag lot developments ... [6]
- Deleted: , at a minimum
- Deleted: ,
- Deleted: the
- Deleted: lanes
- Deleted: for the transporta- tion system, including ... [11]

2. Preliminary Plat Information. In addition to the general information described in subsection (1) of this section, 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 the City Administrator:

a. General Information.

(1) 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);

(2) Date, north arrow, and scale of drawing;

(3) Location of the development sufficient to define its location in the City, boundaries, and a legal description of the site;

(4) Zoning of parcel to be divided, including any overlay zones;

(5) 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

(6) Identification of the drawing as a "preliminary plat."

b. 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:

(1) Streets: Location, name, and present width of all streets, alleys, and rights-of-way on and abutting the site;

(2) Easements, streets: Width, location and purpose of all existing easements of record on and abutting the site;

(3) 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;

(4) 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 six percent;

(5) The location and elevation of the closest benchmark(s) within or adjacent to the site (i.e., for surveying purposes);

(6) North arrow and scale; and

(7) 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.

c. 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:

(1) 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;

(2) Easements: Location, width and purpose of all proposed easements;

(3) Lots and private tracts (e.g., private open space, common area, or street): Approximate dimensions, area calculation (e.g., in square feet), and identification numbers for all proposed lots and tracts;

(4) 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;

(5) Proposed public street improvements, pursuant to Chapters 18.70 and 18.85 HMC;

(6) 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

Deleted: 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 HMC 18.85.020.

setbacks and applicable engineering design standards;

(7) Preliminary design for extending City water and sewer service to each lot, per HMC 18.85.040;

(8) Proposed method of storm water drainage, retention, and treatment, if required, pursuant to HMC 18.85.050;

(9) The approximate location and identity of other utilities, including the locations of street lighting fixtures, as applicable;

(10) Evidence of compliance with applicable overlay zones, including but not limited to City of Harrisburg floodplain overlay; and

(11) Evidence of contact with the applicable road authority for proposed new street connections. [Ord. 987 § 1 (Exh. A), 2022.]

19.20.60 Preliminary plat approval criteria – Partition.

1. Approval Criteria. The City Administrator may approve, approve with conditions or deny a preliminary partition. The City Administrator’s decision shall be based on findings of compliance with all of the following approval criteria:

a. The land division application meets the requirements of HMC 19.20.020 and this section;

b. The proposed lots conform to applicable provision requirements of Chapter 18.45 HMC for the assigned zone(s);

c. All lots are served by public facilities including water, sewer, electricity, surface water drainage, and streets, or private facilities if approved by the City Engineer;

d. The proposed surface water drainage facilities conform to applicable engineering standards;

e. All necessary public and/or private easements are in place to build/service and maintain all utilities, and any private access lanes or streets;

f. All lots demonstrate consistency with public facilities master plans including any required off-site improvements, and easements for planned trails or utility improvements, that are required to mitigate the impacts of development.

2. 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. [Ord. 987 § 1 (Exh. A), 2022.]

19.20.70 Preliminary plat approval criteria – Subdivision.

1. 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:

a. The land division application shall conform to the requirements of this chapter;

b. All proposed lots, blocks, and proposed land uses shall conform to the applicable provisions of Chapter 18.45 HMC;

c. 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 HMC;

d. The proposed plat name is not already recorded for another subdivision, and satisfies the provisions of ORS Chapter 92;

e. The proposed streets, utilities, park land or open space dedication, and surface water drainage facilities, as applicable, are consistent with the City of Harrisburg adopted public facilities master plans and comply with 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;

f. 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;

g. Evidence that any required State and Federal permits, as applicable, have been obtained or can reasonably be obtained prior to development; and

h. 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.

2. Conditions of Approval. The Planning Commission may attach such conditions as are necessary to carry out provisions of this code, and other applicable ordinances and regulations. [Ord. 987 § 1 (Exh. A), 2022.]

Commented [KT35]: We will need to review these sections to see if any changes are needed based on the changes to flat lot and mid-block drive sections at HMC 19.20.040.

Commented [ME36R35]: In the future

Deleted: conform to

Commented [KT37]: If the master plans policies were intended for City guidance and not development standards, I would change word to consistency and I think a bit more time looking at the best way to clarify this section and HMC 19.20.50(1)(b) per the original intent is warranted.

Commented [ME38R37]: Agreed

Deleted: -

Deleted: compliance

Deleted: -

Commented [KT33]: If the master plans policies were intended for City guidance and not development standards, I would change word to consistency and I think a bit more time looking at the best way to clarify this section and HMC 19.20.50(1)(b) per the original intent is warranted.

Commented [ME34R33]: Again, we can review this more in the future.

19.20.80 Final plat submission and approval criteria for partitions.

1. 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 Chapter 92.

2. Approval Process and Criteria. By means of a Type I review, the City Administrator shall approve or deny the final plat application based on findings of compliance or noncompliance with all the following criteria:

- a. The final plat is consistent with the approved preliminary plat including required conditions of approval;
- b. All required public improvements have been installed and/or bonded in conformance with HMC 18.85.090;
- c. All required easements, accesses, rights-of-way, etc., are dedicated for public or City use without reservation;
- d. All required CC&Rs, easements, maintenance agreements, and common areas shall be furnished with final plat application;
- e. Evidence that City water and sewer are available not more than 25 feet from the nearest lot line;
- f. 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. [Ord. 987 § 1 (Exh. A), 2022.]

19.20.90 Final plat submission requirements and approval criteria for subdivision.

Final plats require review and approval by the City Administrator or their designee prior to recording with Linn County. The final plat submission requirements, approval criteria, and procedure are as follows:

- 1. Submission Requirements. The applicant shall submit the final plat within two years of the approval of the preliminary plat as provided by HMC 19.20.070. The format of the plat shall conform to ORS Chapter 92.
- 2. Approval Process and Criteria. By means of a Type I review, the City Administrator or their designee shall review and approve or deny the final

plat application based on findings of compliance or noncompliance with all of the following criteria:

- a. 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;
- b. 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 HMC 18.85.090;
- c. 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;
- d. All required streets, access ways, roads, easements, and other dedications or reservations are shown on the plat;
- e. 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;
- f. As applicable, the applicant has furnished acceptable copies of covenants, conditions, and restrictions (CC&Rs) (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;
- g. Verification by the City that water and sanitary sewer service is available to the lot line of every lot depicted on the plat; and
- h. 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. [Ord. 987 § 1 (Exh. A), 2022.]

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.

Commented [KT39]: Stopped review here for the remainder of this Chapter.

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:

1. 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.

2. 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.

3. Prerequisites to Recording the Plat.

a. 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.

b. No plat shall be recorded until the County Surveyor, Planning Commission, or City Administrator approves it in the manner provided by ORS Chapter 92. [Ord. 987 § 1 (Exh. A), 2022.]

19.20.110 Replatting and vacation of plats.

Any plat or portion thereof may be replatted 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 replat or vacate a plat. Street vacations are subject to ORS Chapter 271. A replat 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. [Ord. 987 § 1 (Exh. A), 2022.]

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 HMC 19.10.020. The application submis-

sion and approval process for property line adjustments is as follows:

1. 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 HMC 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.

2. 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:

a. Parcel Creation. No additional (new) parcels or lots are created by the lot line adjustment;

b. Lot Standards. All resulting lots conform to the applicable lot standards of the zoning district (Chapter 18.45 HMC) including lot area, dimensions, setbacks, and coverage. As applicable, all lots and parcels shall conform the City of Harrisburg floodplain overlay; and

c. Access and Road Authority Standards. All lots conform to the standards or requirements of Chapter 18.70 HMC, 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.

3. Recording Property Line Adjustments.

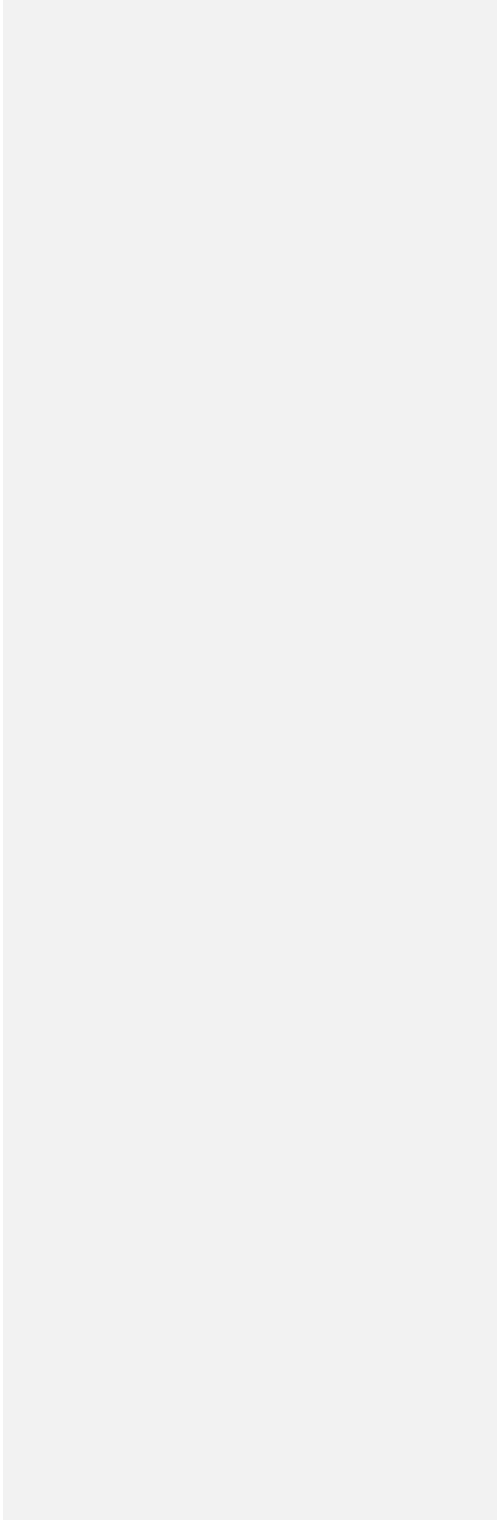
a. Recording. Upon the City’s approval of the proposed property line adjustment, the applicant shall record the property line adjustment documents with Linn County within 60 days of approval (or before the decision expires) and submit a copy of the recorded survey map to the City, to be filed with the approved application.

b. Time Limit. The applicant shall submit a copy of the recorded property line adjustment survey map to the City within 15 days of recording

19.25.010

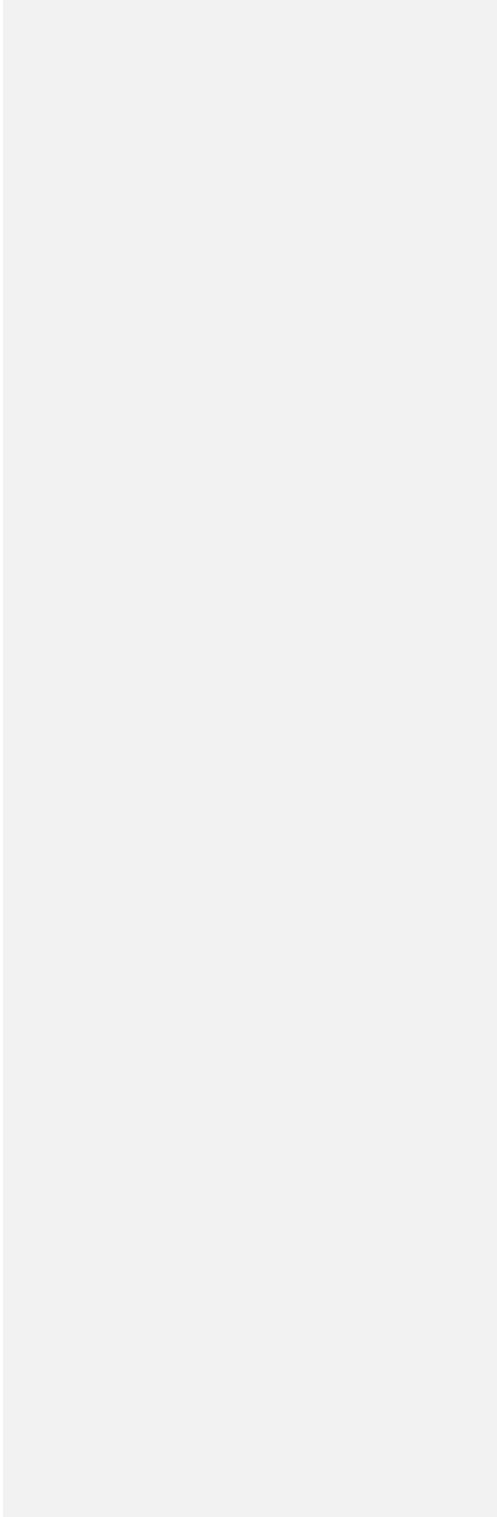
CONDITIONAL USE PERMITS

and prior to any application being filed for a building permit on the reconfigured lots. [Ord. 987 § 1 (Exh. A), 2022.]



Chapter 19.25 CONDITIONAL USE PERMITS

{This section has not been altered}



Chapter 19.30

MODIFICATIONS TO APPROVED PLANS AND CONDITIONS

{No changes to this part of the code are proposed}

Chapter 19.35

**AMENDMENTS TO ZONING MAP OR
CODE**

**{No changes to this part of the code are
proposed}**

Chapter 19.40

ADJUSTMENTS AND VARIANCES

Sections:

- 19.40.010 Purpose.
- 19.40.020 Intent.
- 19.40.030 Adjustments.
- 19.40.040 Variances.
- 19.40.050 Expiration.

19.40.010 Purpose.

This chapter provides standards and procedures for adjustments and variances, which are modifications to development standards that are not otherwise permitted elsewhere in this code. [Ord. 987 § 1 (Exh. A), 2022.]

19.40.20 Intent.

It is the intent of the City of Harrisburg to provide appropriate flexibility in land use standards while meeting the intent of this code to maintain development compatibility with adjacent properties.

1. Adjustments. Adjustments provide limited flexibility in specific code provisions when a code provision has the unintended effect of impeding reasonable development in conformance with other code requirements. Adjustments are allowed in limited situations pursuant to HMC 19.40.030.

2. 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.

3. Adjustment and variance applications may be processed concurrently with any other application authorized by the development code. [Ord. 987 § 1 (Exh. A), 2022.]

19.40.30 Adjustments.

Adjustments are intended to encourage design proposals that respond to the intent of the code and creatively meet or exceed the specific development standards and allow adjustment to the identified code standards in an efficient and effective manner. Adjustments are subject to the following standards and procedures. (Allowed uses by Zoning District, as provided in Division 2 of HMC Title 18, shall not be adjusted.)

dure, may adjust the following standards where the criteria in subsection (2) of this section are met:

- a. Setbacks: Up to a 15 percent reduction to a minimum setback.
- b. Lot coverage: Up to a 20 percent increase to the maximum lot coverage.
- c. Landscaping/irrigation: Up to a 30 percent reduction in required landscaping and irrigation.
- d. Lot dimensions: Up to a 10 percent decrease to a minimum lot dimension.

1. Applicability. The City Administrator or Planning Commission, through a Type II proce-

Commented [KT40]: A little more review time is recommended for Adjustments and Variances.

Commented [ME41R40]: We will do this in the future

Commented [KT42]: This might help in providing context for Adjustments.

Commented [ME43R42]: It does

Deleted: -

Deleted: Permitted

Commented [KT44]: Recommend maintaining consistency with language w/in Division 2.

e. Lot area: Up to a 10 percent decrease in minimum lot area.

f. 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 Division 2 of HMC Title 18 (Table 18.45.030 and Chapter 18.50 HMC, Special Use Standards) and Division 3 of HMC Title 18; 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.

2. 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.

a. The adjustment allows for a building plan that is compatible with adjacent land uses, and it does not create a conflict with adjacent uses;

b. Approval of an adjustment is necessary in order for the applicant to develop his property consistent with the "highest and best" uses of the zone or to allow less intensive development consistent with the zoning that could not otherwise occur;

c. 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;

d. Requests for more than one adjustment on the same lot shall be consolidated on one application and reviewed concurrently by the City;

Commented [ME45]: Section 2 is being revised at this time only to remove the limitations to an adjustment. This is more flexible, and also syncs better with the states requirements for providing for more development.

Commented [KT46]: This needs further clarity. I would recommend considering deleting this and being more specific by tying back to relevant code sections and approved master plan documents applicable to project and requiring applicant to demonstrate how they creatively meet or exceed the intent and applicability of the applicable HMC code sections and adopted master plan policies (this is an appropriate place to have applicant reference the master plans to support their proposed adjustments to the letter of the code). In other words, they are responsible to explain why/where/how they can't meet "letter of the code" and demonstrate why/where/how they have meet the "intent of the code."

Ideally each adjustment would have clearer standards for approval to avoid legal issues. Eugene Adjustment Review criteria are good examples because many have been litigated and edited as a result.

Commented [ME47R46]: We will continue review of this section in the future, and will need to review adjustments from a smaller City than Eugene. (Eugene has 37 different types of adjustment rules).

Commented [KT48]: Not sure that this is needed. More review is needed for this section and Variance.

Commented [ME49R48]: We will address this in the future

Deleted: <#>An application for an adjustment is limited to not more than six lots per application;¶

Deleted: <#>Not more than three adjustments may be approved for one lot or parcel in a continuous 12- month period; and¶

e. All applicable building code requirements and City Engineering and Public Works design standards shall be met. [Ord. 987 § 1 (Exh. A), 2022.]

19.40.40 Variances.

1. Applicability. A variance is a code adjustment that does not otherwise meet the criteria under HMC 19.40.030. (Permitted uses, as provided in Chapters 18.40 to 18.55 HMC, shall not be adjusted with a variance.)

2. Approval Criteria. The Planning Commission through a Type III procedure may approve a variance upon finding that it meets all of the following criteria:

a. 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. 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 this section;

b. The variance is the minimum necessary to address the special or unique physical circumstances related to the subject site;

c. The variance does not conflict with other applicable City policies or other applicable regulations;

d. The variance will result in no foreseeable harm to adjacent property owners or to the public interest;

e. All applicable building code requirements and engineering design standards shall be met;

f. 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

g. 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. [Ord. 987 § 1 (Exh. A), 2022.]

19.40.050 Expiration.

Approvals granted under this chapter 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. [Ord. 987 § 1 (Exh. A), 2022.]

Commented [KT50]: I recommend a bit more time for review of Adjustments and Variances now or in the future to avoid legal issues and provide clearer criteria for use and review/approval..

Commented [ME51R50]: Agreed

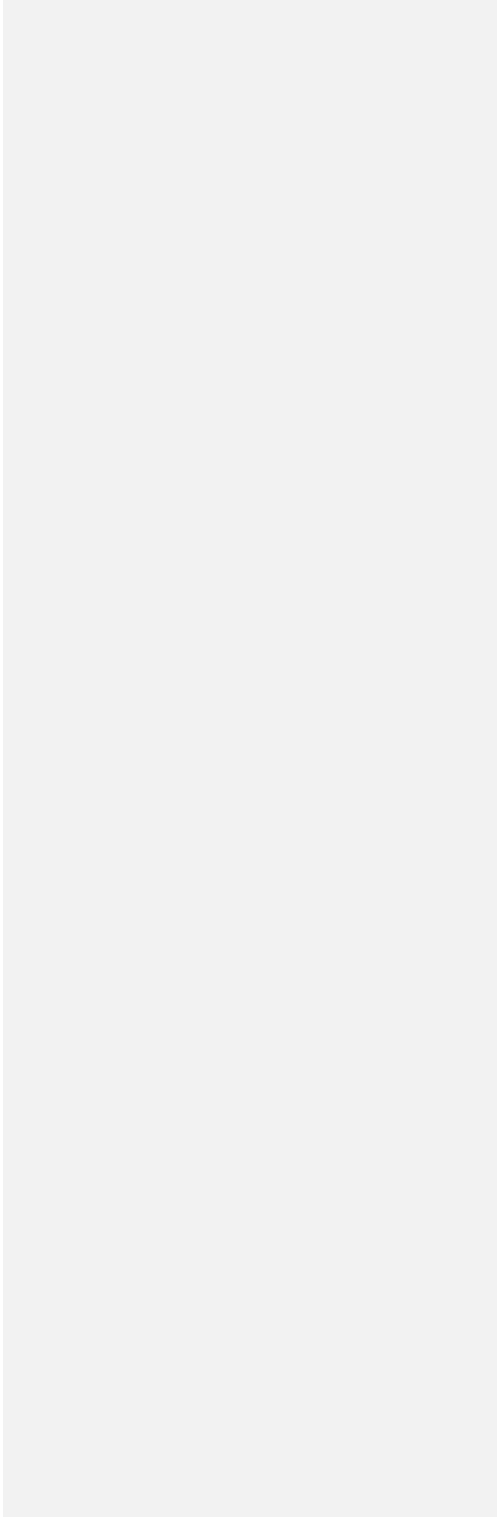
Commented [KT52]: Is this the intention because the approval criteria below is very specific and isn't aligned with Applicability, so I recommend changing description of Applicability or the criteria for approval.

Commented [ME53R52]: The language is the same as what we have used in the past for variances. I do agree that we should further review this section.

Commented [KT54]: This language is too arbitrary/subjective for approval criteria.

Commented [ME55R54]: Again, we will address this in the future

HMC 19.45 and 19.50 have no changes, and have been removed from this document.



Chapter 19.55

DEFINITIONS

Sections:

- 19.55.010 Purpose.
- 19.55.020 Applicability.
- 19.55.030 Definitions.

19.55.010 Purpose.

The purpose of this chapter 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. [Ord. 987 § 1 (Exh. A), 2022.]

19.55.20 Applicability.

1. Definitions. The definitions in this chapter 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.

2. When a Term Is Not Defined. Terms not defined in this chapter 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.

3. Land Use Categories. This chapter defines the land use categories used in HMC Title 18, Division 2.

4. Conflicting Definitions. Where a term listed in this chapter 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. [Ord. 987 § 1 (Exh. A), 2022.]

19.55.30 Definitions.

The following definitions are organized alphabetically.

“Abutting” means contiguous or adjoining.
“Access” means a way or means of approach to provide pedestrian, bicycle, and/or motor vehicular entrances or exits to a property.

“Access control” means 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” means 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” means 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: (a) standards such as minimum spacing of driveways and on-site vehicle storage requirements; (b) mitigations related to site conditions such as right-in-right-out only approaches, medians, dedicated turn lanes, and shared driveways; and (c) provision for future opportunities for mitigation by land dedication or easement.

“Access management plan” means 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 point” means a connection providing for the movement of vehicles between a lot or parcel and a public roadway.

“Access, reasonable” means access that does not require excessive out-of-direction travel or pose a safety hazard.

“Access spacing” or “intersection spacing” means 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.

“Access way” means 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 usable 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” means 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” means 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” means 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” means abutting or located directly across a street right-of-way or easement.

“Affordable housing” means any type of residential development where at least 40 percent of the proposed dwelling units are or will be available for rent or sale to the general public at amounts not to exceed 40 percent of the most recent Linn County definition (standards) for low to moderate household income.

“Alter” or “alteration” means 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 Harrisburg before preparing project plans or commencing development. Alterations include, but are not limited to, the following:

- a. Changes in use or occupancy;
- b. Changes to the exterior of a building;
- c. Changes to the interior of a building;
- d. Increases or decreases in floor area of a building;
- e. Changes to other structures on the site, or the development of new structures;
- f. Changes to exterior improvements;
- g. Changes to landscaping; and
- h. Changes in the topography of the site.

“Alternate access” means 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.

“Applicant” means 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.

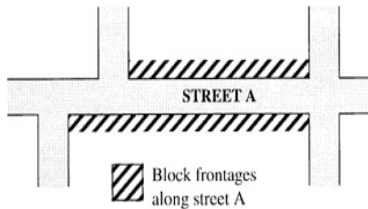
“Bed and breakfast inn” means any establishment located in a structure designed for a single-family residence and structures appurtenant thereto, providing limited overnight lodging and meals for guests pursuant to the special use requirements for bed and breakfast inns.

“Block” means all of the property bounded by streets, rights-of-way (pedestrian or vehicleways), water features, or any combination thereof, but is not divided or separated in any way by streets or water features.

“Block face” or “street frontage” means 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.

Block Frontage



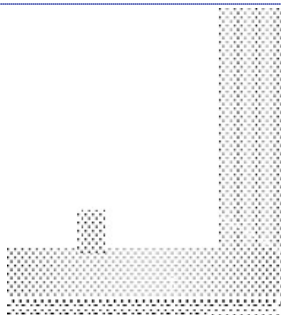
Building. See applicable building code.

“Building footprint” means the outline of a building, as measured around its foundation.

“Building Inspector” means the person certified by the State of Oregon to perform various types of building, electrical, plumbing, and mechanical inspections.

“Building line” means 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” means 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/structure height” means the vertical distance from the grade plane to the average height of the highest roof structure.

“Bulb-out” means 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.

“Capacity” means maximum holding or service ability, as used for transportation, utilities, parks, and other public facilities. See also, definition of “occupancy” in applicable building codes.

“Carport” means a stationary structure consisting of a roof, its supports, and not more than one wall or storage cabinet 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” means change in the primary or basic type of use(s) on a site.

“Child care facility” means a facility that provides care and supervision of minor children for periods of less than 24 hours that does not otherwise meet the definition of family daycare.

“City” means the City of Harrisburg, Oregon.

“City Planner” means the person designated by the City of Harrisburg to deal with land use matters on behalf of the City, or that person’s designee.

“Clear and objective” means decision criteria and standards that do not involve substantial discretion or individual judgment in their application. “Clearing” (as in clearing and grading) means 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.

“Club” means 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” means land use involving buying/selling of goods or services as the primary activity. See also “Retail sales and service uses.”

Commented [ZG56]: Beyond current scope. Illegible graphic.

Commented [ME57R56]: This is a correct graphic - verified through versions of the code approved by us, submitted to State of Oregon for legal review, and verified through the DLCDC model code online at this current time.

“Commercial outdoor recreation” (land use) includes firing ranges, golf courses, and driving ranges, etc.

“Commission” means the Planning Commission of the City of Harrisburg, Oregon.

“Common area” means 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)” means those activities or development proposals that provide a tangible benefit(s) to the quality of life of Cityresidents, 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 nonprofit 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 nonprofit 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 places of worship” and “Parks and open space.”

“Comprehensive plan” means the current adopted comprehensive plan of the City of Harrisburg.

“Comprehensive plan amendment” means an amendment to the text or map of the current comprehensive plan which has been adopted.

“Conditional use” means a use that requires a conditional use permit. See Chapter 19.25 HMC.

“Condominium” means 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 Chapter 100 for applicable requirements.

Corner lot. See “Lot, Corner lot.”

“Corner radius” means 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” or “City Council” means the City Council of Harrisburg, Oregon.

“County” means Linn County.

“Days” means calendar days, unless specifically stated as working days. Working days include Monday through Friday, excluding Federal or State holidays.

“Dedication” means 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)” means a measurement of the number of dwelling units in relationship to a specified amount of net land in a parcel(s).

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

“Discontinued use” means 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 18.25 HMC, Nonconforming Situations.

“Discretionary” means a permit action or decision that involves substantial judgment or discretion.

“Drive-through/drive-up facility” means 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 compressors, water, and windshield washing stations; quick-lube or quick oil change facilities; and drive-in theaters. All driveway queuing and waiting areas associated with a drive-

Commented [ZG58]: Definition here is general and maintains flexibility. However, per the comments in Title 18, there is an inconsistency between Comp Plan and Code regarding net and gross densities that should be addressed in the future.

Commented [ME59R58]: This is now repaired.

through/drive-up facility are similarly regulated as part of such facility.

“Driveway” means the area that provides vehicular access to a site from a street, or the area that provides vehicular circulation on a site, including the case of multiple lots sharing a single mid-block private drive (see HMC 19.20.040(3) or flagpole (see HMC 19.55 Definition of Flag Lot), where the vehicular access to some lots are located off of a mid-block private drive or flagpole.

“Driveway approach” means 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 OAR Chapter 734, Division 51, for definitions specific to State highways.

“Driveway apron” means the edge of a driveway where it meets a public right-of-way. Note: The design standards of the applicable roadway authority apply.

“Driveway, shared” means 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” means 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:

a. “Accessory dwelling” means a secondary dwelling unit on a lot where the primary use is a

single-family dwelling.

b. “Attached, single-family (townhome)” means a dwelling unit located on its own lot that

Deleted: .

Commented [KT60]: Revised to be consistent with other clarifications in this Chapter.

shares one or more common or abutting walls with one or more dwelling units on adjacent lot(s).

c. "Duplex dwelling" means 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 8,000 square feet or more.

d. "Dwelling unit" means a building, or a portion of a building, which 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.

e. "Manufactured home" means 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.

f. "Mobile home" means 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.

g. "Multifamily development" means a structure or grouping of structures containing three or more dwellings on the same lot.

h. "Multifamily structure" means a structure containing three or more dwelling units. The land underneath the

structure is not divided into separate lots.

i. "Recreational vehicle (RV)" means a vehicle, with or without motive power, which 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.

j. "Residential home" means 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.)

k. "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 six 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.

l. "Residential trailer" means 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.

m. "Senior housing" means 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.

n. "Single-family detached dwelling" means a detached dwelling unit located on its own lot.

"Easement" means 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" means an unobstructed area or driveway, including a turn-around, meeting Uniform Fire Code requirements, typically not to be used for parking or loading area.

"Family daycare" means care for not more than 16 children in a home. See ORS 657A.440(4) for applicable licensing and other requirements.

"Fence, sight-obscuring" means a fence or evergreen planting arranged in such a way as to obscure vision.

"Final plat" means the diagrams, drawings, and other writing containing all the descriptions, loca-

tions, dedications, provisions, and information concerning a land division, pursuant to ORS Chapter 92 and Chapter 19.20 HMC.

"Flag Lot" means a lot located behind another lot except for a narrow portion (i.e., "flagpole") extending to the public street which is suitable for vehicular, bicycle, and pedestrian access. The "flagpole" of a flag lot is the access driveway to the buildable "flag portion" of a single lot or a flagpole can be the shared access driveway for up to 4 flag lots sharing a single flagpole.

"Flooding" means the rise of waters of a natural stream which periodically covers an area of land that is not usually under water.

"Floodplain/hazard area" means an area as so indicated by the Federal Flood Insurance Rate Map, as amended.

"Floor area" means the area of a building, which may be described in terms of gross (overall) square feet, or net marketable/leasable space.

"Front yard planting area" means 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.

"Garage" means 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" means 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" means all cuts, fills, embankments, stockpile areas, and equipment maneuvering areas associated with development.

"Ground cover" means 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 18.75 HMC, Landscaping, Fences and Walls, Outdoor Lighting.

"Ground floor" means the building floor closest to street level and within four feet of finished grade.

Group Living. Group living is characterized by the long-term (i.e., more than 28 days) residential

19.55.030

DEFINITIONS

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:

a. 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.

b 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.

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

“Hazardous substances” means any substance, material, or waste listed below:

- a. Nuclear or radioactive materials or waste.
- b. 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.
- c. Hazardous Materials Table, in 49 CFR, Part 172.101.
- d. Other substances as determined by applicable State or Federal agency.
- e. Biological waste.

“Height of building” means 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” means a designated area needed by business or industry to protect equipment or materials on the premises from any exterior intrusion.

“Home occupation” or “home occupation site” means 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 HMC.

“Hospital” means an establishment which provides sleeping and eating facilities to persons receiving medical, obstetrical or surgical care and nursing service on a continuous basis.

“Hotel” or “motel” means 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” means an individual or two or more persons who live together in a dwelling unit.

“Household day care provider” means 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.

“Incidental and subordinate to” means secondary to, and less apparent than, the primary use or other portion of the development.

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 junkyards); towing and temporary vehicle storage; heavy truck servicing and repair; tire retreading 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.

“Intersection” means an at-grade connection of a public or private approach road to the highway.

“Junkyard” means (a) 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 or (b) 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.

“Kennel” means 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.

“Land division” means the process of dividing land to create parcels or lots. See Chapter 19.20 HMC.

“Land use” means the activity or activities that occur on a piece of land. Activities may be individually identified as primary or accessory uses.

“Land use decision” means 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 State-wide 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.

“Landscaping” means 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 stonework, reflective pools, fountains, or the like. Also includes irrigation systems, mulches, topsoil, and revegetation or the preservation, protection, and replacement of trees.

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 HMC 19.10.050.

“Level of service (“LOS”)” means a quantitative standard for transportation facilities describing operational conditions. See City of Harrisburg Transportation System Plan.

“Loading area” means 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 HMC, Parking and Loading.

“Lot” means 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.

a. “Corner lot” means 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.

b. “Flag lot” means a lot with two distinct parts:

(1) The flag, which is the only building site and is located behind another lot; and

(2) 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.

c. “Through/reverse frontage lot” means a lot that has frontage on two parallel or approximately parallel streets.

“Lot area” means the total surface area (measured horizontally) within the boundary lines of a lot.

“Lot consolidation” means the reduction in the number of lots, i.e., the creation of one lot from two or more existing lots.

“Lot coverage” means the total area of a lot covered by building(s), as provided by the applicable land use district development standards.

Lot, Double-Frontage. See “Lot, through/reverse frontage lot.”

Lot Line Adjustment. See “Property line adjustment.”

“Lot lines” or “property lines” means the property lines along the edge of a lot or site. See figures below.

a. “Front lot line” means a lot line, or segment of a lot line, which 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.

b. "Lot of record" means 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 HMC.

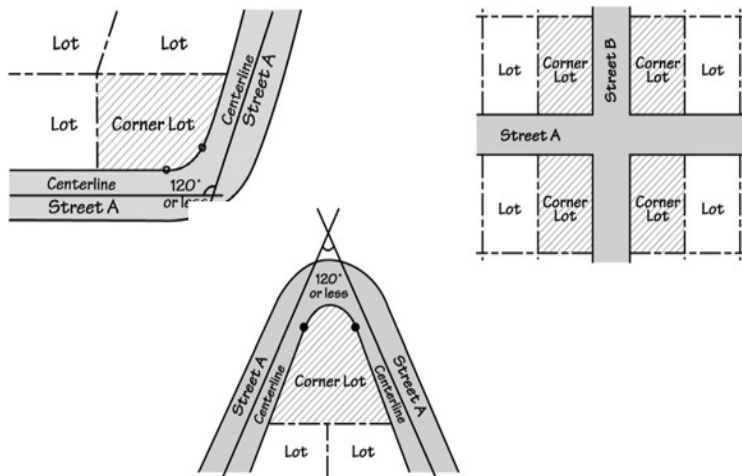
c. "Rear lot line" means a lot line that is opposite a front lot line. A triangular lot has two side lot lines but no rear lot line. For other irregularly shaped lots, the rear lot line is all lot lines that are most nearly opposite the front lot line. See figures below.

d. "Side lot line" means a lot line that connects front and rear lot lines.

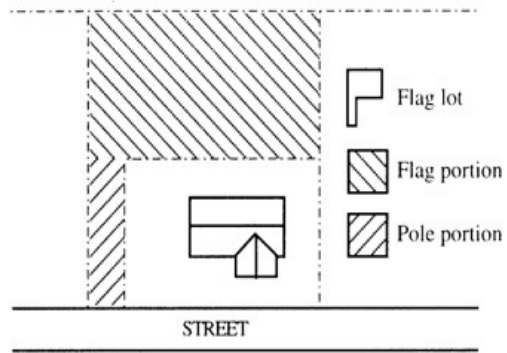
e. "Side street lot line" means a lot line that is both a side lot line and a street lot line. See figures below.

f. "Street lot line" means 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.

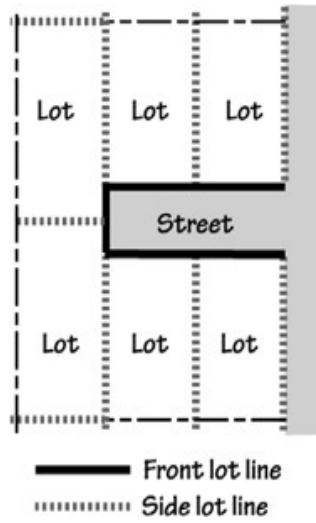
Corner Lots



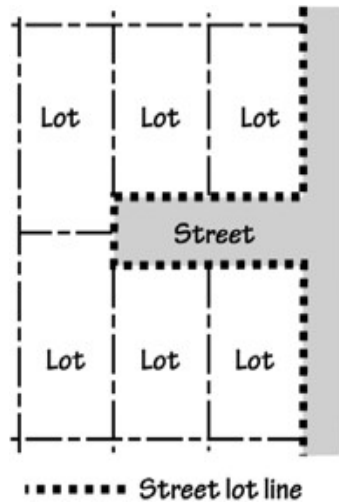
Flag Lot



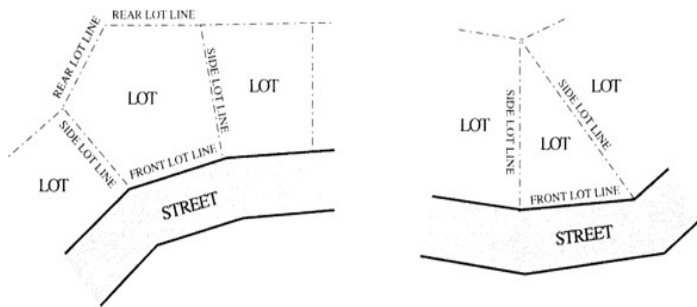
Front and Side Lot Lines



Street Lot Lines



Lot Lines on Irregular Lots



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.

“Major remodeling” means projects where the floor area or the developed area of the site increases by 10 percent or more.

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

Manufactured and Mobile Homes. See definitions under “Dwelling.”

“Manufactured dwelling and mobile home park” (land use) means 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; slaughterhouses or meat packing; taxidermist; lumber mills, pulp and paper mills, and other wood products manufacturing; wood-working, including cabinet makers; production of chemical, rubber, leather, clay, bone, plastic, stone, 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” means the combination of residential uses with commercial (e.g., office, retail, or services), civic, or light industrial uses on a site.

“Modifications” or “adjustments” means that limited relief from the standards of HMC Titles 18 and 19 as described and defined in Chapter 19.30 HMC.

Multifamily Development and Structure. See definitions under “Dwelling.”

“New construction” means 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” means 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 HMC.

“Nonconforming situation” means 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 HMC.

“Nonconforming use” means 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 HMC.

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” means all off-street areas designed, constructed, used, or required, or intended to be used, for the parking of motor vehicles. See Chapter 18.80 HMC for parking standards.

“On-street parking” means parking in the street right-of-way, typically in parking lanes or bays, when allowed by the applicable roadway authority. See Chapter 18.80 HMC for parking standards.

“Orientation” means to cause to face toward a particular point of reference (e.g., a building oriented to the street).

“Owner” means 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.

“Parcel” means a legally defined area of land created through a partition.

“Parking area” means all the area devoted to the standing, maneuvering, and circulation of motor

vehicles. Parking areas do not include driveways or areas devoted exclusively to nonpassenger loading or fire apparatus lanes.

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

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

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

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.

“Partition (major)” means to divide an area or tract of land into ~~three or fewer~~ 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 (minor)” means 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 plat” means final map and other writing containing all the descriptions, locations, provisions, and information concerning a major or minor partition.

“Pathway” means a walkway, bikeway, or access way conforming to City standards and separated from the street right-of-way, which may or may not be within a public right-of-way.

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

“Pedestrian way” means a right-of-way for pedestrian traffic.

“Person” means 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” means 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” means the Planning Commission of the City.

“Planter strip” means 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” means 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 19.20 HMC, Land Divisions and Property Line Adjustments.

“Posted speed” means the statutory speed established by ORS 811.105 or 811.180, or the designated speed established by ORS 810.180.

“Practicable” means capable of being done after taking into consideration reasonable cost, existing technology, and logistics in light of overall project purposes.

“Primary structure” means 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” means 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” means an existing or proposed use or development subject to one or more land use approvals.

“Property line” means the division of land between two units of land.

“Property line adjustment” means the relocation of a single common property line between two abutting properties not resulting in an increase in

Commented [KT61]: Change to be consistent with HMC 19.20.010(1)(b).

Deleted: four or five

Deleted: -

Deleted: -

the number of lots, pursuant to Chapter 19.20 HMC. See figure below.

Property Line Adjustment



“Public access easement” means an easement granted to the public for vehicular and pedestrian access, or for nonmotorized access.

“Public improvements” means development of public infrastructure, as required by the City, a special district, or road authority, as applicable. See Chapter 18.85 HMC.

“Quasi-judicial” means 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 HMC 19.10.040.

“Radio frequency transmission facilities” (land use) includes all devices, equipment, machinery, structures, or supporting elements necessary to produce nonionizing 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” means 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) means 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) means uses primarily providing meeting areas for religious activities; may include schools as an accessory use.

“Residential facility” is 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” means 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” means 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) means 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” means real property or an interest in real property owned by a roadway authority for the purpose of constructing, operating, and maintaining public facilities.

“Roadway” means 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” means the City or other agency (e.g., Oregon Department of Transportation, City of Harrisburg, or Linn County) with jurisdiction over a road or street.

“Schools” (land use) means public and private schools, secular or parochial, at the primary, elementary, middle, junior high, or high school level.

“Self-service storage” means 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” or “setback yard” means 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” means a driveway used to access two or more parcels.

“Shared parking” means 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 HMC.

“Sidewalk” means 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” means 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” means 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:

a. If a proposed development includes multiple ownerships, then the site is the combined area of all contiguous ownerships.

b. 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.

c. 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” means the part of a site that abuts a street. See also “Block face” or “street frontage.”

“Spacing standards” means 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” means an improved or unimproved public or private right-of-way that is created to provide ingress or egress for vehicular traffic to one or more lots or parcels, excluding a private drive that is created to provide ingress or egress to mid-block drives (HMC 19.20.040) or land in conjunction with the use of land for forestry, mining, or agricultural purposes. A “street” includes the land between right-of-way lines or within the ingress/egress easement areas serving multiple residential lots but excluding “flagpole” portions of flag lots. 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” is 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” or “oriented to street” means a wall plane of a structure that faces or is oriented within 45 degrees or less from a street lot line.

“Street stub” means 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” means 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” means, 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” means a person who undertakes the subdividing of a parcel of land, including

Commented [KT62]: Cleaned up definition so consistent with flag poles. Let the code standards address ped and bicycle and leave out to avoid confusion/requirement of these facilities. A flag pole is typically a shared driveway accomplished through an easement. Can add Mid-Block drive per HMC 19.20.040(3).

Deleted: means 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.

Commented [KT63]: So is an alley intended to meet street standards because most allow for vehicular access? This could implicate an alley to meet excessive standards. This is an item that might want to be looked at further.

Commented [ME64R63]: In the future

changes in street or lot lines, for the purpose of transfer of ownership or development.

“Subdivision” means to divide land into **four** or more lots within a single calendar year. See also Chapter 19.20 HMC, Land Divisions and Property Line Adjustments, and ORS 92.010.

Commented [KT65]: Change to be consistent with HMC 19.20.010(1)(a).
Deleted: six

“Subdivision plat” means a final map and other supplemental information containing all the descriptions, locations, specifications, dedications, provisions and other information concerning a subdivision.

“Through street” means 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” means where existing slopes, landforms (e.g., streams, canals, rock outcropping, etc.) or existing manmade feature (e.g., embankment or berm) make conformance with a code standard impracticable.

“Townhome” means three or more attached single-family dwellings or row houses that are individually owned.

“Tract” means 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 homeowners’ association or other entity for maintenance.

“Traffic impact analysis” means a report prepared by a professional engineer that analyzes existing and future roadway conditions, and which may recommend transportation improvements and mitigation measures.

“Travel trailer” means 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.”

“Turnaround” means 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.

“Use” (land use) means 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: (a) private: telephone, elec-

tric, telecommunication, and similar franchise facilities; and (b) public: water and wastewater conveyance and treatment facilities.

“Utilities” (land use) means 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 publicly 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; storm water 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.

“Variance” means a Planning Commission decision to lessen or otherwise modify the requirements of this code. See Chapter 19.40 HMC.

“Vehicle areas” means 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” means repair of passenger vehicles, trucks or other motor vehicles such as motorcycles, boats and recreational vehicles.

“Vehicle servicing” means gas stations, unattended card key stations, car washes, commercial vehicle maintenance and/or oil and lubrication services, and similar uses.

“Vision clearance area” means 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 HMC.

“Walkway” means 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.”

“Warehouse,” “freight movement” and “distribution” mean the storage or movement of goods,

except as accessory to a primary permitted use on the subject site.

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.

“Waste/trash collection areas” includes 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.

“Wireless communication equipment” means cellular towers, antennas, monopoles, and related facilities used for radio signal transmission and receiving.

“Yard” means the area defined by setbacks (i.e., between the setback line and nearest property line).

“Yard, front” means 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” means 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” means 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.

“Zoning Official” means an individual or committee designated by the City of Harrisburg with the duties and authority to enforce the provisions of this title. [Ord. 987 § 1 (Exh. A), 2022.]

Page 5: [1] Commented [KT19] Kristen Taylor 1/4/2024 11:11:00 AM

This is too open ended to provide guidance and defensible requirement. Look at potential existing standards that can be referenced here. Maybe consider applicability under a different zoning district like commercial due to context.

Page 5: [2] Commented [ME20R19] Michele Eldridge 1/8/2024 6:01:00 PM

I think this references it in a way that makes it more defensible as a requirement. The developer can decide if they want to provide their own upgrades to the lot as mentioned in HMC 18.75

Page 5: [3] Commented [KT21] Kristen Taylor 1/4/2024 11:23:00 AM

This is awkward and unclear as currently written. What was the intent? I think this can be removed if the limit is 4 dwelling units, which could be on 1 to 4 lots. One of the lots would be the flag serving the other lots. Added additional sentence to provide more clarity if desired. Added definition at HMC 19.55, which could be helpful.

Page 5: [4] Commented [ME22R21] Michele Eldridge 1/8/2024 6:04:00 PM

Additional language added, along with the definition improves it and makes it clearer.

Page 5: [5] Commented [KT25] Kristen Taylor 1/4/2024 1:48:00 PM

Use terms consistent with other references in code.

Page 5: [6] Deleted Kristen Taylor 1/4/2024 1:51:00 PM

Page 5: [7] Commented [KT29] Kristen Taylor 1/4/2024 2:02:00 PM

The fire code and building code have paths that a turnaround and 2nd access would not be required in this instance. I suggest letting the Fire/Building officials work with developer as needed to allow flexibility as allowed in Fire/Building codes.

Page 5: [8] Commented [ME30R29] Michele Eldridge 1/8/2024 6:02:00 PM

I've removed the wording in relation to the access drive, but have left the approval of the fire marshal and city engineer for anything otherwise.

Page 5: [9] Commented [KT31] Kristen Taylor 1/4/2024 2:56:00 PM

Is there another location this Study is referenced/ defined/requirements outlined?
This is a tricky one that we might want to look at further before finalizing.

Page 5: [10] Commented [ME32R31] Michele Eldridge 1/8/2024 6:11:00 PM

This is located nowhere else in the code, including in the definitions. I like the language that has been added. It gives us more flexibility, including to protect the City by asking for more in-depth analysis if needed. Technically, the applicant will be providing all storm water, street, sewer, and water information as required in HMC 18.85

Page 5: [11] Deleted Kristen Taylor 1/4/2024 3:06:00 PM

▼
a.