

Planning Commission Meeting Agenda
May 17, 2022
7:00 PM

Chairperson: Todd Culver
Vice-Chair: Jeremy Moritz
Commissioners: Rhonda Giles, Kurt Kayner, Kent Wullenwaber, Susan Jackson and Joe Neely
Meeting Location: Harrisburg Municipal Center Located at 354 Smith St

PUBLIC NOTICES:

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

CALL TO ORDER AND ROLL CALL

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

APPROVAL OF MINUTES

Recommended Motion: *I move to approve the minutes from the February 15, 2022 and April 19, 2022 Planning Commission Meetings.*

1. Motion to Approve Minutes for February 15, 2022 and April 19, 2022

PUBLIC HEARING

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

STAFF REPORT EXHIBITS:

Exhibit A: Application Materials

Exhibit B: Applicants Rebuttal

Exhibit C: View of Parking lots at Or-Cal

ACTION: MOTION TO APPROVE (APPROVE WITH AMENDED CONDITIONS/DENY) THE OR-CAL SITE PLAN (LU 440-2022) AND VARIANCE (LU 441-2022) SUBJECT TO CONDITIONS OF APPROVAL CONTAINED IN THE MAY 10, 2022 STAFF REPORT AND AFTER DUE CONSIDERATION OF WRITTEN AND ORAL PUBLIC TESTIMONY AND FINDINGS MADE BY THE COMMISSION DURING DELIBERATIONS ON THE APPLICATION

APPLICANT: Richard Zink, Designer, for OrCal Inc.

WORK SESSION

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

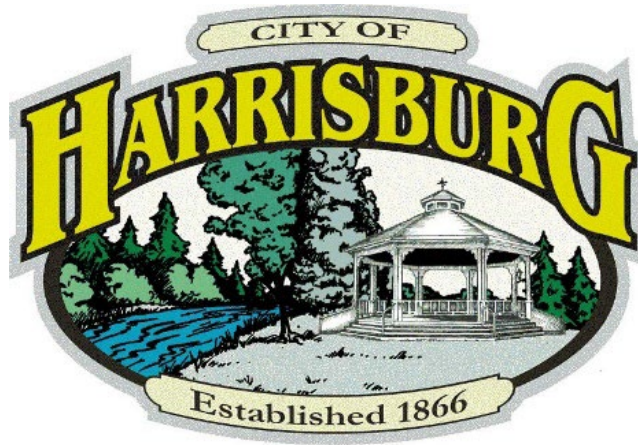
STAFF REPORT EXHIBITS:

Exhibit A: Harrisburg Model Code Revisions: to HMC 18.55

Exhibit B: Memo from Consultant John Hitt

ACTION: REVIEW AND DISCUSS CHANGES

OTHERS
ADJOURN



Planning Commission Meeting Minutes February 15, 2022

Vice-Chairperson: Jeremy Moritz, Presiding
 Commissioners Present: Kent Wullenwaber, Susan Jackson, and Rhonda Giles
 Absent: Todd Culver, and Kurt Kayner
 Staff Present: City Administrator/Planner Michele Eldridge, Finance Officer/Deputy City Recorder Cathy Nelson, and Private Consultant John Hitt (via Zoom)
 Meeting Location: Harrisburg Municipal Center located at 354 Smith St.

CALL TO ORDER AND ROLL CALL: Order was called at 7:01pm by Vice-Chairperson Jeremy Moritz.

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

WORK SESSION
THE MATTER OF REVIEWING FINAL CHANGES TO THE HARRISBURG ZONING, DEVELOPMENT, AND LAND PARTITION CODE.

STAFF REPORT: Eldridge discussed memo form legal counsel and explained the next steps. She then handed the floor over to Private Consultant Kohn Hitt who proceeded to highlight the following changes to the code from the last draft presented due to state legislative changes:

- Page 20-21 in the agenda packet are the new requirements listed in red.
- Page 68 shows the added requirements for childcare facilities. They are now permitted with a “S” review and the matrix for where they are permitted is shown on pages 40-41. The specific requirements for R1 through R3 zones are shown on page 49.
- Page 173 gives a summary of general review procedures. Page 176 describes the process for a Type II permit and Hitt highlighted the appeal process.
- Page 225 shows the new section 19.50 – Religious Owned Affordable Housing and Affordable Housing Land Use and includes 19.50.010 and 19.50.020.
- Page 63, 18.50.050 – Duplex Dwellings Section C – Standards, Sun-section 4. Are for clarification purposes.

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- Page 218, Section A – Applicability, Sub-section 3. Clarifies that the applicant can request up to a 30% reduction in landscaping, which is a minor adjustment. The applicant can go to the Planning Commission for a larger or major adjustment to landscaping.
- Page 192 added electrical charging stations in Sub-section i, and disposable recycling containers in sub-section k.
 - Moritz asked what building will have this requirement and if the charging stations would be dedicated spots. Hitt stated that multi-family and large commercial only and yes, they would be. He is expecting the state to come out with more regulatory directions soon.
- Jackson asked what we changed the irrigation in landscaping regarding the minor adjustment. Hitt stated that page 51 shows the minimum landscaping, and the adjustment gives flexibility. Jackson wanted to know why irrigation was a requirement and not an option.
 - Moritz agreed that as it is written, we are demanding that they have sprinklers, but they do not have to turn them on. Is this correct? Hitt said it was correct. The city can require maintenance of landscaping is the Planning Commission desired. The Commission can approve the code as written to get the legal process moving and come back and amend it before the final approval.
- **Wullenwaber motioned to approve the current draft version of the proposed Harrisburg Zoning, Development and Land Partition Code, and to continue with the next steps required for adoption of the new code. He was seconded by Giles. The Planning Commission then voted unanimously to approve the current draft version of the proposed Harrisburg Zoning, Development and Land Partition Code, and to continue with the next steps required for adoption of the new code.**

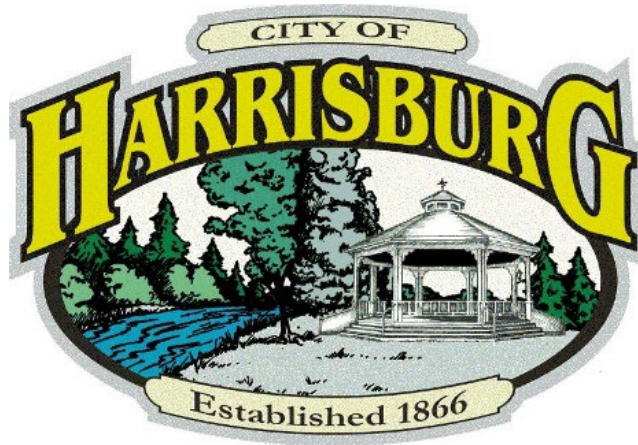
OTHERS

- Eldridge gave updates on Butterfly Garden on 7th Street. Tim is getting bought out by the developers. They are almost to the final plat stage.
- Eldridge gave update on Shadowood on the end of Sommerville Loop. They have until the 1st of March to submit their final plat. They are working on getting extensions on some of the requirements. They might have to come back in front of the Commission.
- Eldridge gave update on Meadowood on Sommerville Loop. They have acquired their wetlands delineation permit. The developer notified the property owner that they were not going to move forward with the project. However, the developer has not notified the City that they are not developing. They have until this summer to finish the project.
- Wullenwaber asked about what was happening to the people at the old paintball property. Eldridge stated that they were supposed to be building. The city is sending letters to notify them that they are not in compliance.

With no further discussion, the meeting was adjourned at the hour of 8:11 pm.

Chairperson

City Recorder



Planning Commission Meeting Minutes
 April 19, 2022

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

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

Planning Commission was introduced to newly appointed member Joe Neely.

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

PUBLIC HEARING
THE MATTER OF THE SHADOWOOD PRELIMINARY 13-LOT, RESIDENTIAL SUBDIVISION (LU 439-2022).

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 7:05 PM, 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 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.

April 19, 2022

STAFF REPORT: Eldridge gave a brief background of the previous application for the Shadowood Subdivision. She stated that this was an unusual situation. The owner was not able to get the final plat submitted before the extension expired. The subdivision has already been approved by the Planning Commission and most of the conditions are already met. They are still proposing on creating ten (10) high-density lots, for five (5) common wall duplexes. Two (2) larger lots will also be created. Eldridge highlighted the following.

- The City Planner and Engineer have eliminated the 5' planter utility strip requirement to allow for more parking.
 - Moritz asked what precedents are set for future roads. Scholtz stated that new developments will create more parking on Sommerville Loop due to being a collector street and not a residential street. Eldridge pointed out that street conditions are found in Condition #6.
- The Revised Conditions of Approval were handed out to the Planning Commission and applicant as attached.
- South 9th Street will be extended on the north side of Sommerville Loop, in 2022-2023, which will ease congestion on Sommerville Loop.
- Lot #13 is shown on page 38 on the agenda packet is a conceptual lot layout.
- Condition #4 requires a DEQ 1200-C permit, or that the plat contains language that notifies potential buyers that they must obtain one.
 - Moritz asked if this requirement meant that every lot created from Lot # 13 would need a DEQ 1200-C permit unless they do it now. Eldridge said that was correct. The owner will need to get written notice to buyers if they choose to not provide it now. Most developers choose to provide all of these approvals; this was a little unusual.
- Eldridge received an email from the Department of State Lands (DSL) that added another condition, that the applicant would need to show the relation of the subdivision plat to the wetlands as submitted to DSL. The applicant has been made aware and agrees to meet the condition.
- Storm lines will be culverted. The applicant had wanted to provide open storm lines in their original application packet, but was required in the last subdivision conditions of approval to place them underground.

APPLICANTS TESTIMONY: Applicants representative, Steven Wood, stated that he has seen and agrees to all of the updated conditions.

TESTIMONY IN FAVOR WAS ASKED FOR: None given.

TESTIMONY IN OPPOSITION WAS ASKED FOR: None given.

NEUTRAL TESTIMONY WAS ASKED FOR: Resident Cary Powell stated that his property abuts the new development. He wants to clarify that there will be an open pipe placed along with a ditch inlet to allow his stormwater to flow correctly. Scholtz said this is required by State ORS and will be a requirement.

The public hearing was closed at the hour of 7:46 pm.

- **Kayner motioned to approve with conditions as modified the Shadowood Subdivision application (LU 439-2022). He was seconded by Neely. The Planning Commission then voted unanimously to approve the Shadowood Subdivision application (LU 439-2022), subject to the modified conditions of approval in the April 11, 2022, staff report. This motion is based on findings**

April 19, 2022

presented in the April 11, 2022, staff report, and on public written and oral comments made on or about this application, and after due deliberation of the Harrisburg Planning Commission on this 19th Day of April 2022.

NEW BUSINESS

THE MATTER OF A ONE-TIME EXTENSION FOR THE SKIP TRACER & LADS SITE PLAN TO CONSTRUCT A 7,500 SQ. FT. EQUIPEMENT STORAGE BUILDING ON THE NORTH SIDE OF THEIR LOT LOCATED AT 23767 PEORIA ROAD.

STAFF REPORT: Eldridge gave a brief background on the original application. They ran out of time and are requesting an extension to complete their original plan.

- **Kayner motioned to allow a one-year extension of the Skip Tracer & Lads site plan to May 1, 2023. He was seconded by Wullenwaber. The Planning Commission then voted unanimously to allow a one-year extension of the Skip Tracer & Lads site plan to May 1, 2023.**

OTHERS

- Eldridge reported that the Woodhill Crossing project is not moving forward. The property is back on the market to be sold.

With no further discussion, the meeting was adjourned at the hour of 7:55 pm.

Chairperson

City Recorder

City of Harrisburg
PLANNING COMMISSION

NOTICE OF DECISION

REQUEST: The applicant requests approval of a proposed subdivision entitled Shadowood Subdivision (LU 439-2022) to create a 13-parcel subdivision.

LOCATION: The subject site is located adjacent and to the east of 995 Sommerville Loop, and is also known as tax lot 3000 of Linn County Assessor’s Map 15S04W15.

HEARING DATE: April 19, 2022

ZONING: R-2 (Medium Density Residential) and R-3 (High Density Residential)

APPLICANT Wood Construction & Development LLC
Richard Wood
5125 NW Greenwood Ave
Redmond, OR 97756

OWNER: William R. Wood
PO Box 3500-130
Sisters, OR 97759

APPEAL DEADLINE: May 2, 2022, at 5:00 p.m.

DECISION: The Harrisburg Planning Commission conducted a public hearing on April 19, 2022, and voted to approve the request, subject to the attached conditions of approval. The Planning Commission adopted the findings contained in the Staff Report of the April 19, 2022, Planning Commission meeting, and portions of the minutes from the meeting that demonstrate support for the Planning Commission’s actions.

APPEALS: The decision may be appealed by filing a Notice of Appeal with the City Recorder at 120 Smith Street. The Notice of Appeal should be filed by the Appeal Deadline date listed above. Specific information on the requirements for an appeal or a

copy of the complete file of this land use action may be obtained at Harrisburg City Hall. There is a fee of \$425.00.

EFFECTIVE DATE: May 3, 2022, unless an appeal has been filed with the City Recorder.

EFFECTIVE PERIOD: A Final Plat must be provided to the City within six months after the preliminary subdivision plat is approved. If the applicant has not submitted the final plat for approval within six months of approval, the preliminary plat shall be resubmitted to the Planning Commission for additional review (see HMC 17.25.010(1)). Where the Planning Commission finds that conditions have not changed, at its discretion and without a public hearing, the Commission may extend the approval period one time for a period not to exceed one additional year.

Unless appealed, this Subdivision approval will expire on May 3, 2023.



Jeremy Moritz
Planning Commission Vice-Chair

RECOMMENDED CONDITIONS OF APPROVAL

- 1. **Consistency with Plans** – Development shall comply with the plans and narrative in the applicant’s proposal, and all applicable land use and building code requirements contained in HMC Chapters 15, 17 & 18, except where modified by the following conditions of approval.
- 2. **Public Infrastructure** - Prior to the submission of a Final Plat the Applicant shall comply with all of the public utilities, ROW and easement requirements of HMC Titles 12 & 13. All utilities shall be located underground.
- 3. **Fire Hydrants** – The Fire Hydrant shall be installed to the specifications of the City and the Fire Marshal in the location as shown on Public Improvements Sheet G00.
- 4. **Excavating and Grading** - Applicant shall comply with Excavating and Grading provision as required by HMC 15.05.030 and the permitting procedures of HMC 15.05.040-070. Prior to any site disturbance, the applicant shall submit and gain approval for a DEQ 1200-C permit. Alternatively, the applicant shall provide written notice on the final plat to the buyer of the lots that no grading or other work will be allowed in the subdivision, to the north of the right-of-way, on private property, until the builder provides a DEQ 1200-C permit.
- 5. **Stormwater** – Applicant shall prepare and submit a stormwater impact drainage study demonstrating no post development increase runoff during peak conditions relative to pre-development rates. Stormwater detention shall be designed and constructed with the public improvements.
- 6. **Street Improvements:** Prior to the issuance of any Building Permits, the applicant is required to comply with the street plans in Sheet G0.0 as shown in Exhibit C.
- 7. **Street Trees:** Prior to any excavating, grading, or construction, the applicant shall submit a Street Tree list to the Public Works Director, showing one tree to be planted per residential lot. The developer shall pay to the City the street tree fees concurrently with the warranty bond and development agreement.
- 8. **Wetlands:** Prior to the submission of a Final Plat, Applicant shall provide the city with a site plan/plat in scale, showing the location of the proposed subdivision in relation to the wetlands shown on the approved DSL delineation report.
- 9. **Submission of Final Plat** - Applicant shall submit a Final Plat application consistent with HMC 17.25, within six months of this approval, unless an extension is timely requested and granted.

OTHER DEVELOPMENT CONSIDERATIONS:

- a. If there are any wells on the property that will not be used, they shall be properly abandoned by a licensed well driller.
- b. A separate Development Agreement (DVA) between Applicant and the City of Harrisburg will be required before ANY construction begins. The Development Agreement will include bond and deposit requirements, as well as other engineering requirements.
- c. Applicant shall provide an acceptable plan for the installation of items provided in design specifications, including but not limited to the number, type and location of fire hydrants, manholes, sidewalks, street signs and mail receptacles. These items shall be completed prior to any occupancy of any dwelling units.
- d. Requirements herein imposed upon the Applicant may be imposed upon a developer or builder if the developer or builder has accepted the responsibility in a written document, and the City of Harrisburg is satisfied that it will not have any adverse impact on bonding requirements or other guarantees of compliance.
- e. Applicant shall acquire all required building, electrical, mechanical, and plumbing permits before beginning construction as required by HMC 15.05.010 &.020.

**City of Harrisburg
PLANNING COMMISSION**

NOTICE OF DECISION – EXTENSION OF TIME

REQUEST: The applicant requests approval of Site Plan Review to construct a roughly 7,500 sq. ft. equipment storage building near the northern end of the property. No new parking or site improvements are proposed.

LOCATION: Tax Lot 606 of Linn County Assessor’s Map 15S04W09

HEARING DATE: April 19, 2022

ZONING: M-2 (Heavy Industrial)

**APPLICANT/
OWNER:** Brandon Tracer, on behalf of
Skip Tracer & Lads
PO Box 527
Harrisburg, OR 97446

APPEAL DEADLINE: May 2, 2022, at 5:00 p.m.

DECISION: The Harrisburg Planning Commission conducted a public hearing on April 19, 2022, and voted to approve the request, subject to the attached conditions of approval. The Planning Commission adopted the findings contained in the Staff Report of the April 19, 2022, Planning Commission meeting, and portions of the minutes from the meeting that demonstrate support for the Planning Commission’s actions.

APPEALS: The decision may be appealed by filing a Notice of Appeal with the City Recorder at 120 Smith Street. The Notice of Appeal should be filed by the Appeal Deadline date listed above. Specific information on the requirements for an appeal or a copy of the complete file of this land use action may be obtained at Harrisburg City Hall. There is a fee of \$425.00.

EFFECTIVE DATE: May 3, 2023, unless an appeal has been filed with the City Recorder.

EFFECTIVE PERIOD:

Site Plan Review approvals shall be effective for one year from the date of approval. If the applicant has not begun the work associated with the approval within one year, all approvals shall expire. Where the Planning Commission finds that conditions have not changed, at its discretion and without a public hearing, the Commission may extend the period one time for a period not to exceed one additional year.

Unless appealed, this Site Plan Review approval will expire on May 3, 2023.



Jeremy Moritz
Planning Commission Vice-Chair

CONDITIONS OF APPROVAL

1. **Consistency with Plans** – Development shall comply with the plans and narrative in the applicant’s proposal, except where modified by the following conditions of approval.

2. **Building Permits** – Prior to construction, the applicant shall obtain all necessary building permits for the construction of the proposed addition.

3. **Erosion & Sediment Control Plan** – Prior to the issuance of building permits, the applicant shall submit for review and approval an erosion and sediment control plan that demonstrates how the applicant will prevent sediment and runoff from the earthwork from impacting the City’s drainage system or other properties.

Staff Report
Harrisburg Planning Commission
Harrisburg, Oregon

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

STAFF REPORT EXHIBITS:

- Exhibit A: Application Materials
- Exhibit B: Applicants Rebuttal
- Exhibit C: View of Parking lots at Or-Cal

ACTION: MOTION TO APPROVE (APPROVE WITH AMENDED CONDITIONS/DENY) THE OR-CAL SITE PLAN (LU 440-2022) AND VARIANCE (LU 441-2022) SUBJECT TO CONDITIONS OF APPROVAL CONTAINED IN THE MAY 10, 2022 STAFF REPORT AND AFTER DUE CONSIDERATION OF WRITTEN AND ORAL PUBLIC TESTIMONY AND FINDINGS MADE BY THE COMMISSION DURING DELIBERATIONS ON THE APPLICATION

APPLICANT: Richard Zink, Designer, for OrCal Inc.

LOCATION: 480 Territorial Rd – 15S04W15BB03202

HEARING DATE: May 17, 2022 @ 7:00pm

ZONING: M-1 (Limited Industrial) & H-1 (Historical Zone Overlay)

OWNER: OrCal Building LLC

BACKGROUND

The applicant proposes a 11,400 sq. ft. manufacturing, and storage warehouse for the expansion of the slug and snail bait production that the company manufactures in existing facilities. The subject site is located between Territorial and Smith Street, and already houses a 11,300 sq. ft. administrative and manufacturing facility accessed from Territorial. The property (500 Territorial St.) immediately to the east is also owned by

OR CAL, Inc., and is their existing 25,600 sq. ft. warehouse and packaging facility. To the west, is property owned by Pratum Co-op, at 420 Territorial Rd.

The proposed 11,400 sq. ft. structure will be located to the south of the existing facility at 480 Territorial St. There is also a residential home immediately to the south, at 445 Smith St., which was constructed in 1930. The general purpose shed was constructed in 1962. While this property has been used as a residence since 1930, it is actually zoned as C-1 (Commercial). There is split zoning on this tax lot, as the general purpose shed is zoned as M-1 (Limited Industrial). Both properties are subject to the Zoning Overlay of H-1 (Historical Zone) but the home is not on the historical resource list.

The subject site already contains a manufacturing and administrative facility, off-street parking, limited on-site landscaping, and outdoor storage areas. The property is accessed from both Territorial St., and from Smith St. The loading dock which serves the proposed structure is located to the east, at the existing manufacturing and packaging facility. The proposed structure is located in both the M-1 (Limited Industrial) Zone, as well as being subject to a Zoning Overlay of H-1 (Historical Zone).

INTRODUCTION

The following findings demonstrate that the submitted Site Plan Review & Variance application either currently complies with all applicable approval criteria, or can be brought into compliance, upon demonstration by the applicant of meeting the relevant conditions of approval.

CRITERIA AND FINDINGS OF FACT

HMC 18.40.030 – Setback Requirements

- 1. Criterion: In an M-1 zone, the yards shall be as follows:**
 - 1. The yard along a street, other than an alley, shall be a minimum of 20 feet, unless otherwise specified by the Planning Commission.**
 - 2. The size of other yards shall be a minimum of 10 feet, except where the lot abuts a residential zone the yard shall be a minimum of 20 feet.**

Discussion: When Staff was reviewing the narratives and criteria for this site plan application (**Exhibit A**), and questioned the applicant on the set back of 10’ to the residential property located on the south side of the new facility, the applicant claimed that they weren’t required to provide a 20’ setback, due to the fact that the property located to the south was located on property zoned as C-1, and therefore didn’t require the larger setback. HMC 18.95.070 does allow the Planning Commission to increase the required lot size, lot width, or setbacks from all property lines. Because the other zones frequently refer to a lot *used* for residential purposes, in addition to being zoned residential, staff felt that asking for a setback of 20’ was reasonable.

The applicant, however, provided rebuttal in **Exhibit B** that pointed out that less than a 20’ separation between the existing facility, and the new facility, would require that the north wall of the new facility be constructed as a fire separation wall, or that fire sprinklers be installed throughout the structure. The applicant pointed out that either of these options would be a

financial burden to the company. The second option would be to reduce the building size by 10' in order to eliminate the more expensive options, but the change in building size would not allow for the placement of the new process equipment and related operations. The building has already been ordered and is scheduled to arrive in mid-June. The applicant also stressed that another perceived benefit to the 10' setback being allowed was that it wouldn't be large enough for the storage of any excess equipment, whereas a 20' setback would not only be a financial burden based upon fire protection protocol's but would also engender the possible storage of materials that would otherwise be placed in the area between buildings. Staff does offer that there is a small area on the southeast corner of the existing structure that could allow for overflow of materials that would eliminate the need for anything to be stored between the existing and new facilities, or on the south side of the new facility.

Regardless, the code does specifically say that the 20' setback is required where a lot abuts a residential zone, and the property to the south is zoned C-1 (Commercial) and M-1 (Limited Industrial). Ultimately, the Planning Commission does have the ability to determine if the setback should remain at the 10' as shown in HMC 18.40.030(2), or can require the applicant to enlarge the setback on the south side of the new facility. If the Planning Commission decides to allow the 10' setback as shown on the proposed site plan, then no condition addressing this will be required. If the Planning Commission decides to require the applicant to enlarge the setback to 20', then a new condition will need to be added. [**Possible Condition: Setbacks:** *With the submission of the Building Permit, the site plan shall be adjusted to show a 20' setback between the new facility and the south property line abutting the C-1 zone that is being used for residential purposes.*]

HMC 18.40.040 – Lot Coverage.

- 1. Criterion: In an M-1 zone, buildings shall not occupy more than 80 percent of the lot area.**

Discussion: The site plan shows the lot size as 53,730 sq. ft., and the combined buildings proposed for tax lot 3202 show 22,700 sq. ft., coming to 42.2% lot coverage.

Finding: As proposed, the lot coverage is within the standards required by HMC 18.40.040. **This criterion is met.**

HMC 18.95.060 – Site Plan Review Criteria

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

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

Discussion: There is an existing curb cut and access to the gravel lot in front of the manufacturing/administrative facility from Territorial St. This can also be accessed by large vehicles; however, the applicant has stated that they will be using the loading docks that are located on Tax Lot 3101. Vehicular access to and from the site is adequate to serve the use, and will not result in traffic-related problems on the street network in the immediate surrounding area.

The size, location, and surface types are discussed under Section HMC 18.95.100(5).

Finding: As proposed, vehicular access to and from the site will be adequate to serve the use and will not result in traffic-related problems on the street network in the immediate surrounding area. **The criterion is met.**

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

Discussion: The proposed facility will be served by the vehicle parking lot to the north of the existing industrial building. HMC 18.85.010(5)(e) requires that there is one space per employee, plus one per 700 sq. ft. per patron serving area. There are technically no patron serving areas, as this is not a retail office location. Currently, four employees work in the administrative offices, with one in the manufacturing/warehouse area. The company plans on adding another 4 employees with the additional facility. The applicant has stated that there can be up to 11 employees on the site at any given time, therefore, they have included 10 parking spaces, plus one ADA space. The applicant also proposes to pave the ADA space, along with a hard surfaced access way to the front door. **Condition No. 2** states that the applicant shall stripe these parking spaces prior to the building permit being issued. This includes paving the ADA space, and providing a hard surfaced accessway to the front door of the office area. In addition, wheel stops shall be installed.

Or-Cal Inc., runs their business out of both tax lots. However, the owners of Tax lot 3101 and 3202 are different. Or-Cal Building LLC owns the property located on Tax Lot 3202, but Tax Lot 3101 is owned by Wilcox Building LLC. While the mailing address is the same, the ownership is different. There are several options through which the ownership can be addressed. They could file for an easement and maintenance agreement between the two companies, do a property transfer so that the property is under a common ownership, or the LLC's could restructure in some way. **Condition No. 3** will address the options that are available, and the owners can determine which work best for their needs. Each option must be submitted to, and be approved by the City.

Finding: As conditioned, the off-street parking areas are suitable in terms of number and location to serve the proposed use. **The criterion is met.**

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

Discussion: The existing site is roughly 1.24 acres in size and contains an existing manufacturing/administrative building, off-street parking, and minimal on-site landscaping. The applicant proposes to construct a 11,400 sq. ft. manufacturing and storage facility on this property, located behind the existing facility. This building is intended to provide a space to manufacture their snail and slug bait product as well as to be used for storage.

Other than the proposed facility, no new improvements are proposed to be made to the property. Or-Cal operates the business located on Tax Lot 3101, a 1.93 acre parcel immediately to the east, which contains a 25,600 sq. ft. manufacturing and packaging facility. This facility has a small office area and loading docks for the product to be transferred to trucks. The slug and snail bait product will be manufactured in all 3 facilities. To the west of the subject property is a .92 acre property on which the Pratum Co-op facility, manufactures agricultural products. Immediately to the north, across Territorial St., is

Isovolta, Inc., who manufactures customized laminates to 150 airlines worldwide from a 70,000 sq. ft. structure. On the south side of the proposed facility location, is property that is split-zoned commercial, and M-1. The house located on this property was constructed in 1930 and has been used continuously as a residence since that time. The M-1 portion of this property has an accessory structure that has been in place since 1962.

The subject site is zoned M-1 (Limited Industrial). The proposed manufacturing/storage building, and operating characteristics of the use are reasonably compatible with the surrounding development, with the exception of the existing home.

Finding: As proposed, the size, design, and operating characteristics of the intended use are reasonably compatible with the surrounding development. **The criterion is met.**

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

Discussion: There are existing water, storm sewer, and sanitary sewer services available from Territorial and Smith St. The applicant does not propose to make any utility connections to the proposed facility, other than an existing 480 V, 3-phase service at 480 Territorial St., which will be used for the new facility, and storm drainage.

Storm drainage is proposed to be collected in gutters with downspouts which will drain to 2 new 6" storm drain lines. These empty out to an existing, private storm drain line, that flows in the opposite direction from what is shown on the site plan. The existing storm drain line is routed to a weep hole located on 4th St. These are all private storm lines.

Finding: As proposed, the utility systems are adequate to accommodate the proposed development. **The criterion is met.**

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

Discussion: The screening and buffering standards are discussed under HMC 18.95.100(1) and (6) below. Findings from under that section of the staff report are incorporated here by reference.

Finding: As conditioned, the proposed use will be adequately screened and buffered from the abutting residential home. **The criterion is met.**

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

Discussion: This criterion is more relevant for the building permit plan review process. **Condition of Approval No. 4** will require the applicant to provide the City with an erosion and sediment control plan with submission of their building permit that will demonstrate how the applicant proposes to keep sediment from leaving the property during construction.

Finding: As conditioned, the applicant will provide adequate measures to keep sediment from leaving the property and impacting surrounding properties or the City's drainage system. **The criterion is met.**

7. Criterion: Security measures are adequate to protect the general public from injury on the work site.

Discussion: The subject site is currently contained by a chain link fence. The proposed construction is to occur within the existing fencing. The applicant’s proposed construction inside the existing fencing will provide security measures to protect the general public from injury caused by work site.

Finding: As proposed, the applicant will provide security measures that will adequately protect the general public from injury on the work site. **The criterion is met.**

HMC 18.95.100 - Standards Applicable to Commercial and Industrial Site Plan Review

1. Criterion: Buffer. Where landscaping is not installed, buffering shall be considered with the following standards:

- a. A buffer shall be provided on each side of a property which abuts a lot which is zoned or used for residential purposes, and shall be a minimum of five feet in width.
- b. The buffer shall contain a continuous fence or wall a minimum of six feet in height, so as to effectively screen the property from adjoining residential properties. A berm or trees or shrubs can be used instead of, or to supplement, a fence or wall so long as any planted trees or shrubs can reasonably be expected to provide an adequate buffer within three years after planting.
- c. Buffers may not be used for buildings, parking, or driveways, unless there is no other suitable location for a driveway.
- d. Buffers may be used for landscaping, sidewalks, paths, or utility placement.

Discussion: As proposed, staff found that the application did not comply with the screening and buffering requirements in HMC 18.95.100(1) and (6) in relation to the residence located to the south of the proposed facility. The applicant has proposed a 10’ setback, which will provide the minimum 5’ buffer required by code. The buffer shall contain a continuous fence, berm or wall, a minimum of six feet in height, so as to effectively screen the proposed use from the adjoining residential property. The code allows for trees or shrubs to be used in place of a sight obscuring fence, but a private 6” storm line runs through the middle of the proposed 10’ setback area adjacent to the south side of the property. In **Condition No. 5**, the applicant shall be required to choose one of two options. The first is to provide a sight-obscuring 6’ tall fence, berm or wall on the south property line abutting the residential property located on Tax Lot No. 3300. The second is that the applicant may provide trees or shrubs to be planted in this area, that must be reasonably expected to provide an adequate buffer within three years after planting. The trees and/or shrubs can contribute to the landscaping requirement for the property if desired.

Finding: As conditioned, the application complies with the requirements of HMC 18.95.100(1). **The criterion is met.**

2. Criterion: Landscaping.

- a. In addition to the buffer requirements in subsection (1) of this section, and except as modified in subsection (2)(b) of this section, landscaping shall be placed and maintained as follows:
 - (2) In an M-1 zone, landscaping shall comprise at least two percent of the gross property area.
- b. If the Planning Commission finds it appropriate, the applicant can mitigate the landscaping requirement in subsection (2)(a) of this section by providing artwork or other landscape/park contributions to the betterment of the City.
- c. All front yards exclusive of accessways, and other permitted intrusions (such as parking lots) shall be landscaped within one year of building occupancy.
- d. Plans shall be provided to show how landscaping will be irrigated.

Discussion: The subject site plan contains on-site landscaping on Territorial St, consistent with prior land use actions that is 875 sq. ft. In the M-1 zone, landscaping must comprise 2% of the gross property area. Based on the lot size of 53,730 sq. ft., the applicant is required to provide 1074.6 sq. ft. of landscaping. With the existing landscape, and the 250 sq. ft. located in the northeast corner of the property, the applicant has provided 1,125 sq. ft. of landscape as required by HMC 18.95.100(2)(a)(2). A landscape plan showing detail on what will be placed in this area, and how it will be irrigated, will be required prior to the issuance of a building permit. **(Condition No. 6)** Landscaping shall be provided within a year of building occupancy. Conversely, if the applicant wishes to plant a buffer/screen along the south line of their property, then the resultant area of 675 sq. ft. would qualify as part of their 2% requirement, and the applicant could avoid the provision of 250 sq. ft. of landscaping in the northeast corner of the property. The landscape plan and irrigation requirements apply to whichever location landscaping is provided in.

Finding: As conditioned, the application complies with the landscaping requirements in HMC 18.95.100(2). **The criterion is met.**

3. Criterion: Fencing. Fences must meet the requirements set forth in HMC 18.80.010. The remainder of the criterion for fencing is referenced herein by reference.

Discussion: The subject site is currently surrounded by existing chain link fencing. While it might be 6' tall, it's not sight obscuring. The applicant can choose to install a 6' fence on the south property line that is solid, and sight obscuring, such as a wood fence, berm, or a wall, or as noted above, may apply a 5' planted buffer along the entire south line of the property. **(Condition No. 7)** Any trees or shrubs must provide an adequate buffer within 3 years after planting.

Finding: As conditioned, the fencing complies with the provisions of HMC 18.80. **The criterion is met.**

4. Criterion: Parking.

- a. Off-street parking shall be provided in compliance with the standards in HMC 18.85.010.

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

Discussion: The off-street parking standard for the proposed use is 1 space per employee, plus one space per 700 sq. ft. of patron area. There is an existing parking lot which was constructed to accommodate the employee and patron areas of the existing and former warehouse. The applicant plans to add additional employees, and therefore has added additional parking spaces to the parking area, to total 11 spaces, as well as one of those being an ADA paved parking space. This includes a paved walkway to the front entrance of the existing structure. As proposed the application complies with the standards in HMC 18.95.100.

The site plan shows that there is currently no paving for the existing parking area, and the applicant has acknowledged that the code specified that the first 50' of the parking lot should be paved. The applicant has made a statement in their narrative that with the graveled parking areas on the side of this property, that they are asking that the Planning Commission allow them to retain gravel parking. They further suggest that the pervious surface remaining will help to allow rainwater to percolate, rather than being gathered in a catch basin connected to the Public Stormwater system. They also state that the connectedness between all 3 properties will cause the paved area to continually fracture and become a maintenance issue.

In accordance with HMC 18.95.100(5)(f)&(g), the first 50-feet of private vehicular circulation area abutting the right of way must be paved. The primary reason for this is to avoid destruction of sidewalks and driveways in the right of way due to the transition from softer gravel areas to more rigid concrete, as well as controlling stormwater and gravels from migrating into the right of way. The new paving shall be engineered with a private stormwater collection system and defined circulation areas that organize traffic ingress/egress safely. Exhibit C shows screenshots from the Google Street View of their paved parking area versus the neighboring unpaved parking area and associated impacts to the public right of way.

While the city acknowledges the expense of paving this area, it could be setting a precedent if we did not require the code to be followed in this situation. The gravel in these lots is tracked onto the City's streets; at least some of that will be eliminated with the paving requirement. In addition, proper engineering (such as lifts) and proper support of the parking lot will likely eliminate frequent maintenance issues with the parking area. Pavement would likely increase the value of their property. The value would only increase more if they also chose to pave the entire front area. However, only the first 50' feet of all the property would be required by City Code. **Condition No. 8** specifies that the applicant shall provide the

plans for an engineered and paved parking lot that addresses a private stormwater collection system, and defined circulation areas that organize traffic ingress/egress safety. These plans shall be approved by the PW Director and/or City Engineer.

Finding: As conditioned, the application complies with the provisions in HMC 18.95.100(4). **The criterion is met.**

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

Discussion: There are two access driveways that enter the parking lot complex from Territorial St. into tax lot 3202. The western access driveway is shown as 60' wide, and only 20' of the driveway is on tax lot 3202, the remaining access is for tax lot 3201. The other access driveway is 46' wide and is located on the northeast corner of tax lot 3202. Because the first 50' of the parking lot is required to be paved, it will automatically include the first 50' of both access drives that would have required paving. **Condition No. 8** addresses both the parking lot, and access drives.

Finding: As conditioned, the application complies with the provisions in HMC 18.95.100(5). **The criterion is met.**

- 6. **Criterion: Screening Standards.**
 - a. **Refuse containers or disposal areas which would otherwise be visible from a public street, customer or employee parking area, any public facility, or any residential area, shall be screened from view by placement of a sight-obscuring fence, wall or hedge a minimum of six feet in height. All refuse material shall be contained within the screened area. No refuse container shall be placed within 15 feet of a dwelling window.**
 - b. **Building entrances or other openings adjacent to or across the street from a residential zone shall be prohibited if they cause glare, excessive noise, or otherwise adversely affect land uses in the residential zones.**
 - c. **All servicing, processing and storage on property abutting or facing a residential zone shall be screened from view by a permanently**

maintained sight-obscuring fence or dense evergreen landscape buffer, at least six feet in height.

Discussion: No refuse containers for tax lot 3202 are shown on the site plan, and conceivably are already located behind the existing facility, or are located on tax lot 3101. When the building permit is submitted for the new facility, the site plan shall show the location of any refuse containers, and how they will be screened from view as required by HMC 18.95.100(6). **(Condition No. 9)** The building openings/man doors located on the south and north walls of the new facility do not show any lights. These areas are both visible from nearby residential areas to the west and south of the facility. Therefore, if the applicant plans on installing lights at these doors, they shall be directed downwards and be shielded to eliminate any glare.

Finding: As conditioned, the application complies with the provisions in HMC 18.95.100(6). **The criterion is met.**

HMC 18.95.110 Performance standards applicable to the commercial and industrial zones.

In an industrial zone, or approved small-scale light manufacturing activities in the C-1 zone, uses and activities subject to site plan review shall meet and continue to comply with the following standards:

- 1. Criterion: Noise. All noise shall be muffled so as not to be objectionable to a reasonable individual due to intermittence, beat, frequency or shrillness; and, as measured at any property line, shall not exceed those standards set by State statutes and administrative rules.**

Discussion: Applicant’s processes must be muffled, so they’re not objectionable to reasonable individuals due to intermittence, beat, frequency or shrillness; and as measured at any property line, shall not exceed standards set by Oregon State Statutes and Oregon Administrative Rules. (OAR). Noise is regulated by the Department of Environmental Quality.

Finding: As proposed, the applicants processes may not exceed standards as set by State Statutes and OAR, and as regulated by the DEQ. **This criterion has been met.**

- 2. Criterion: Vibration. No vibration other than that associated with highway vehicles, trains and aircraft shall be permitted which is discernible by a reasonable individual at the property line of the use concerned.**

Discussion: No vibration shall be allowed as discernible by a reasonable individual at the property line.

Finding: As proposed, the applicants processes may not exceed standards as set by State Statutes and OAR. **This criterion has been met.**

- 3. Criterion: Smoke and Particulate Matter. It is the intent of this section to provide standards which, regardless of the intensification of industrial activity, will avoid creation of nuisance conditions and will maintain a high ambient air quality level.**

a. To accomplish this, the discharge of pollutants from any source shall not exceed those levels set by State Department of Environmental Quality statutes and rules.

b. All measurements of air pollution shall be by the procedures and with equipment approved by the State Department of Environmental Quality.

Discussion: The Harrisburg Plant for OR-Cal is considered a dry facility, in which they operate a pellet mill and produce Metaldehyde slug and snail baits. The product is also packaged at this location. This work site is monitored by the DEQ, as well as being registered with the Oregon State Fire Marshal, and they are currently permitted and registered. The levels are monitored and enforced by the DEQ air quality division. The City does not monitor regulatory requirements that are the responsibility of the State of Oregon, and the Environmental Protection Agency (EPA). The applicant may not exceed the level of pollutants beyond what they are allowed in their current permit from the DEQ and as required by their registration with the Oregon State Fire Marshal.

Findings: As proposed and regulated by the DEQ and Oregon State Fire Marshal, the **criterion has been met.**

4. Criterion: Odors. All odorous gases or matter emitted from any sources, detected by a reasonable person beyond the property line of the sources, are prohibited.

5. Criterion: Heat and Glare. Except for exterior lighting, operations producing heat or glare shall be conducted entirely within an enclosed building. Exterior lighting shall be directed away from adjacent residential zones.

6. Criterion: Insects and Rodents. All materials, including waste which is edible or attractive to rodents or insects, shall be stored outdoors only in closed containers, and all grounds shall be maintained in a manner which will not attract or aid the propagation of rodents or insects or create a health hazard.

Discussion: The applicant may not produce odors beyond the property line, produce heat and glare, or attract insects and rodents through the manner in which they produce, and store their product, nor or they allowed to create a health hazard. The work site is monitored by the DEQ, and is also registered through the State of Oregon Fire Marshal.

Findings: As proposed, **this criterion has been met.**

HMC 18.115.020 Criteria for granting a variance.

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

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

Discussion: Staff was surprised to find that this property is located in the H-1 (Historical) overlay zone. This zone is defined as the area between Monroe and Macy Streets, and between 1st St. and the Union Pacific Railroad tracks. This building is not in the local inventory of historic properties, nor is it a historical resource. It appears that when the zone

was formed, it was based on an area of town that had higher concentrations of historical structures, and rather than creating boundaries that jogged according to the placement of historical structures, was based on a nice rectangular box shape. The existing warehouse is not located in the H-1 zone, as the northern line of the zone is located on Monroe St. Only the southern half of the former Wilcox industrial buildings, and in particular, the feed mill located on Smith St. were located in the H-1 zone. The closest true historical industrial structure, which is also not in the H-1 zone, is the Leo Stalp Building. This is an old mill property, that is cedar boarded, with steep roofing, located near 495 Territorial St. There is also an older industrial property located on 125 Smith St., which is the old May & Senders Store. This building is brick, and iron, with arched doors. Both of these properties, if used as a guideline for what a historical industrial structure should look like, would be exorbitant to construct, and likely would not be suitable for the type of facility and production that is planned by Or-Cal.

Findings: There are unique circumstances that apply to the location of this part of the applicant's property, over which the applicant has no control. **As such, the criteria have been met.**

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

Discussion: All of the buildings on this entire block that surround this part of the applicant's property are circa 1950's to 1970's types of general industrial structures indicative of agricultural types of businesses; with the exception of the residential home to the south. Being surrounded by the same type of industrial looking structures show that this variance is necessary for the preservation and enjoyment of the same property rights as other owners have in the same zone.

Findings: This variance is necessary for the preservation of the same property rights as possessed by owners of other property in the same zone. **The criterion is met.**

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

Discussion: Goal 9 of the State of Oregon Comprehensive Plan is in relation to Economics. Related policies to the use of this land is No. 5, which encourages start up and growth of small to medium-sized businesses providing family wage jobs, as well as No. 8, encouraging cooperation between public and private sectors to support economic growth. In 1(b), the City should conserve historically significant places and properties as listed in the Harrisburg Historic Register, and aid in the rehabilitation of buildings and properties, particularly in the downtown historic district. This company does provide family wage jobs, and the City should support economic growth. This property is not a historically significant place, nor does it have any structure that is listed in the historic register. The addition of this facility, as well as new jobs, is important to our town, and will expand our property tax base. In addition, they likely qualify for Enterprise Zone benefits.

Findings: As proposed, the variance is consistent with Goal No. 9 of the Oregon Comprehensive Plan. **This criterion is met.**

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

Discussion: A good example of what a special privilege would provide, is the allowance of a marijuana facility on a lot in town, even though Harrisburg’s citizens voted against allowing any kind of marijuana facilities inside the city boundaries.

Findings: As proposed, the variance does not confer a special privilege upon an applicant. As such, **the criterion has been met.**

5. **Criterion: The variance shall not violate any provision of law.**

Discussion/Finding: As proposed, the variance shall not violate any provision of law. **This criterion has been met.**

CONCLUSIONS

The applicant requests approval of a site plan and variance for a new 11,400 sq. ft. building. As demonstrated by the above discussion, analysis and findings, the application, as conditioned, complies with the applicable criteria from relevant Harrisburg Municipal Code and state requirements.

PLANNING COMMISSION ACTION

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

- 1. Approve the request;
- 2. Approve the request with conditions; or
- 3. Deny the request.

Based upon the criteria, discussion, and findings of facts above, Staff recommends the Planning Commission Approve with Conditions, LU 440-2022 and LU 441-2022. Motions are located at the top of the Staff Report and on the agenda.

RECOMMENDED CONDITIONS OF APPROVAL

- 1. **Consistency with Plans** – Development shall comply with the plans and narrative in the applicant’s proposal, except where modified or added to by the following conditions of approval.
- 2. **Parking Area** – Prior to issuance of a building permit, applicant shall be required to stripe the parking area for 11 spaces, pave the ADA parking space, and provide a hard surfaced accessway to the front office area. A wheel stop/bumper rail that is a minimum of four inches high shall be installed for each parking space.
- 3. **Off-Street Parking Areas – Loading Docks.** Prior to the issuance of a building permit, the owners must choose and complete one of the following options:
 - a. Applicant shall be required to provide to the City an easement and maintenance agreement between the owners of 15S04W15BB03202 and

15S04W15BB03101, for the access and loading dock areas. Following approval by the City, this document shall be recorded at the Linn County Clerk’s office; or,

- b. A property transfer can be made in order to have the property under a common ownership. Proof of the property transfer must be provided to the City; or,
- c. The LLC’s can restructure in some way, or the LLC’s can sell their respective lots to a third party. Proof of such shall be provided to the City.

4. **Erosion & Sediment Control Plan** – With the submission of the building permits, the applicant shall submit for review and approval an erosion and sediment control plan that demonstrates how the applicant will prevent sediment and runoff from the earthwork from impacting the City’s drainage system or other properties. This plan shall be reviewed and approved by the City’s Public Works Director.
5. **Screening/Buffer** – Prior to issuance of a building permit, the applicant will be required to provide a plan showing what kind of buffer they will be providing on the south side of their facility, a minimum of five feet in width. The buffer shall contain a continuous fence or wall, a minimum of six feet in height, so as to effectively screen the property from adjoining residential properties. A berm or trees or shrubs can be used instead of, or to supplement a fence or wall, so long as any planted trees or shrubs can be reasonably expected to provide an adequate buffer within three years after planting.
6. **Landscaping** – Prior to the issuance of a building permit, the applicant will inform the City which area shall be landscaped. A landscape plan must show detail, including how irrigation will be provided. Landscape shall be installed within a year of occupancy of the new facility.
7. **Fencing** – With the submission of building permits, the applicant shall show on the building permit site plan their choice of a 6’ wood fence, berm or wall, that is solid, and sight obscuring, such as a wood fence, berm, or a wall, or as noted in the landscape discussion, may apply a 5’ planted buffer along the entire south line of the property. Any trees or shrubs must provide an adequate buffer within 3 years after planting.
8. **Parking and Access Drives** – Prior to the issuance of a building permit, the applicant shall provide the plans for an engineered and paved parking lot that addresses a private stormwater collection system, and defined circulation areas that organize traffic ingress/egress safety. These plans shall be approved by the PW Director and/or City Engineer.
9. **Screening Standards** – With the submission of building permits, the site plan shall show the location of any refuse containers, and how they will be screened from view as required by HMC 18.95.100(6). If lights are added to the wall in relation to the man doors located on the north and south elevations, they shall be directed downwards and shielded to eliminate any glare in relation to residential areas located nearby.
10. **Building Permits** – Prior to building permit submission, the applicant shall obtain all necessary building permits for the construction of the proposed facility.
 - a. Classification: The applicant has been asked to provide the City with the classification of the proposed facility. Depending upon the classification, which must be provided by a licensed professional, there is a possibility that sprinklers

will be required. This would be a requirement from the State of Oregon Building Code Division.

- b. Hazardous Building: If the classification of the structure is deemed as hazardous, then it must be placed a minimum of 20' from any other structures. In addition, a mechanical engineer may be required to provide engineering that shows that residences in town are protected from particles that are emitted during production. This is also a requirement from the State of Oregon Building Code Division.



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

LAND USE APPLICATION

STAFF USE ONLY	
File Number: 441-2022 & 442-2022	Date Received: 04/21/2022
Fee Amount: \$950.00 & \$1,000	

04.26.22

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

PLEASE PROVIDE A BRIEF SUMMARY OF THE PROPOSAL	
Project Description	WE ARE PROPOSING TO CONSTRUCT A NEW 11,100 STRUCTURE TO HOUSE THE EXPANDED MANUFACTURING REQUIREMENT OF ORCAL'S SLUG & SHALL BALT.
Project Name	NEW MANUFACTURING FACILITY @ 400

The City of
Harrisburg
APR 21 2022
RECEIVED

LAND USE AND OVERLAY ZONES

Existing Zone(s) **M-1**

Existing Comprehensive Plan Designation(s) **M-1**

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

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

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

CHECK THE BOX NEXT TO INCLUDED EXHIBITS

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

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

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

To: City of Harrisburg

From: Richard Zink, Designer
159 E 16th Ave.
Eugene, OR 97401

Reg: OrCal Inc.,
480 Territorial Road
Harrisburg, OR 97446

OrCal Inc., is continuing to grow by developing and manufacturing of crop protection and sustainable farming practice products. They are in need to expand their manufacturing of their Slug and Snail bait production. The proposed 11,400 s.f. Facility will house the manufacturing and storage of this product line that is currently housed within the North Harrisburg site. The structure will be a NuCor Engineered Steel Structure as shown in the provided documentation and will be located south of the existing Administration and Warehousing Building at 480 Territorial Road. This new facility will be operated in conjunction with the current OrCal facility just East at 500 Territorial Road. The material and product work flow will be via the (2) large OHD's located on the East side of the new facility. All intake of raw materials and shipping of finished goods will be via the existing Loading Docks that are provided at 500 Territorial Road. Truck circulation will be primarily constrained to this adjacent property.

As part of this proposed work OrCal is proposing to add a new Landscaped area between the road access to 500 Territorial and the East entry to 480 Territorial. This area of 250 s.f. along with the existing 875 s.f. Landscaped area will comply with HMC 18.95.100(2)(a)(2) for an area of 1125 s.f. The Lot area is 53,987 s.f., 2% of this area is 1,080 s.f.

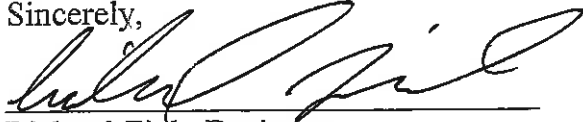
The existing parking for the existing Administration/Warehousing facility is gravel and is between the structure and Territorial Road, as shown on the provided Site Plan. The current Administration area has the capacity for (5) employees. The existing Warehouse area has (1) employee. The proposed Manufacturing/Warehouse will have a maximum of (5) employees. This is a total of (11) employees on site at any given time. We have shown (11) designated parking spaces and (1) ADA compliant parking stall per HMC 18.85 with the ADA space, aisle and adjacent space being paved. The remainder will remain as gravel with new wheel-stops installed.

We acknowledge the requirements of HMC 18.95.100(5)(f)&(g) for the first 50' of vehicular circulation adjacent to the public street be of hard surface. This existing driveway and parking area is currently gravel and while we show the required paving area within the provided Site Plan, it is the desire of OrCal to maintain as gravel. The existing gravel is a pervious surface allowing rainwater to percolate rather than have to be gathered in a catch basin and connected to the Public Stormwater system. Also with only

a partial paved lot, the edge at the 50' line will continually fracture and become a maintenance issue. We appeal to the Planning Commision to not require this standard at this time.

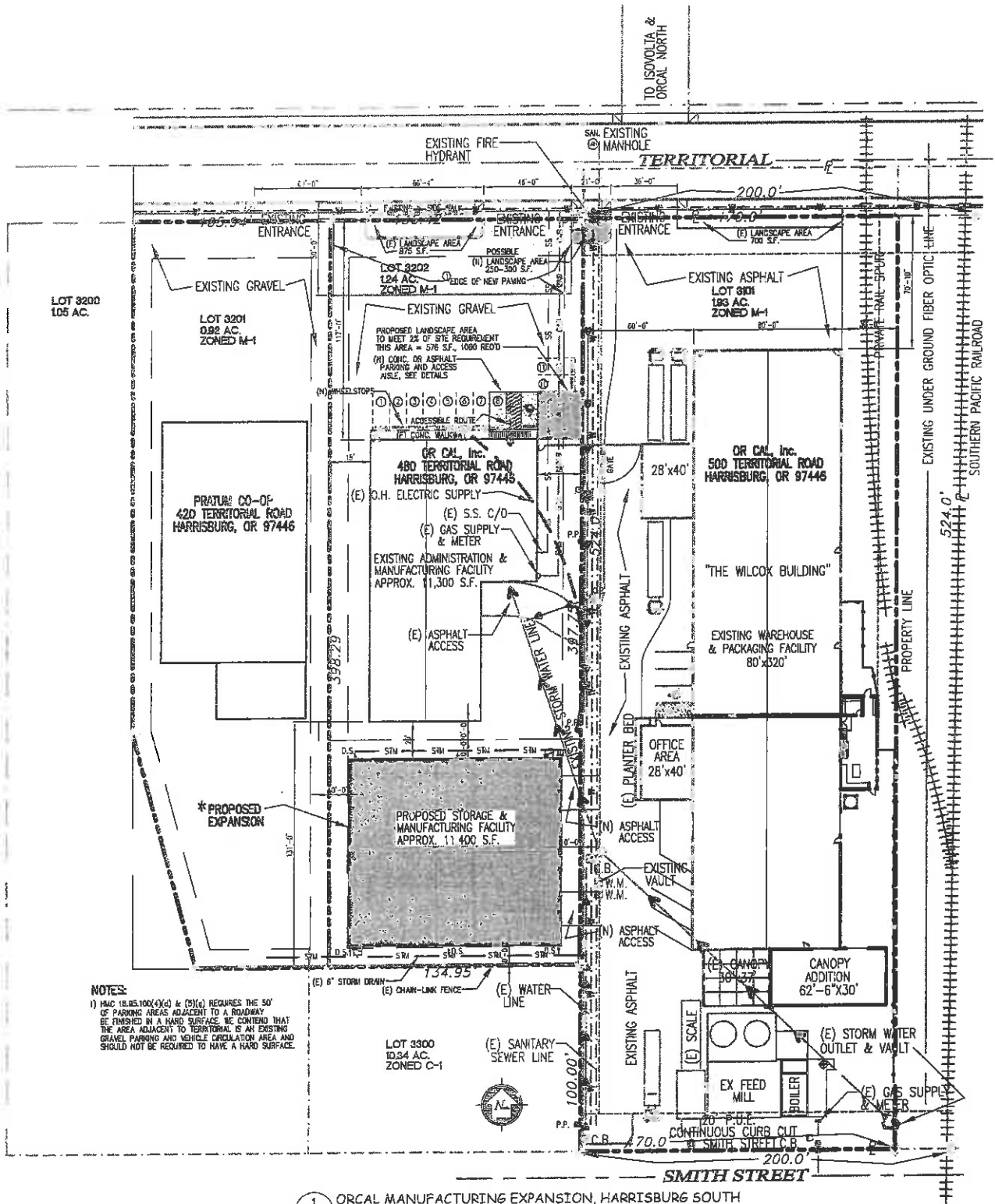
I thank you for the opportunity to present this information and the provided documentation. If you have any further comments or questions you may reach myself, Richard Zink, at (541) 968-4375 or e-mail, rzdesigner@aol.com or of course the owners.

Sincerely,



Richard Zink, Designer

21 April 2022



NOTES:
 1) HUD (16.05.100)(4)(2) & (5)(1) REQUIRES THE 50' OF PARKING AREAS ADJACENT TO A ROADWAY BE FINISHED IN A HARD SURFACE. WE CONSIDER THAT THE AREA ADJACENT TO TERRITORIAL IS AN EXISTING GRAVEL PARKING AND VEHICLE CIRCULATION AREA AND SHOULD NOT BE REQUIRED TO HAVE A HARD SURFACE.

1 ORCAL MANUFACTURING EXPANSION, HARRISBURG SOUTH
 A1.0 SCALE: 1"=80'

To: City of Harrisburg

From: Richard Zink, Designer
159 E 16th Ave.
Eugene, OR 97401

Reg: OrCal Inc.,
480 Territorial Road
Harrisburg, OR 97446

OrCal Inc., is continuing to grow by developing and manufacturing crop protection and sustainable farming practice products. They need to expand their manufacturing of their Slug and Snail bait production. The proposed 11,400 s.f. facility will house the manufacturing and storage of this product line that is currently housed within the North Harrisburg site. The structure will be a NuCor Engineered Steel Structure as shown in the provided documentation and will be located south of the existing Administration and Warehousing Building at 480 Territorial Road. This new facility will be operated in conjunction with the current OrCal facility just East at 500 Territorial Road. The material and product work flow will be via the (2) large OHD's located on the East side of the new facility. All intake of raw materials and shipping of finished goods will be via the existing loading docks that are provided at 500 Territorial Road. Truck circulation will be primarily constrained to this adjacent property.

As part of this proposed work OrCal is proposing to add a new landscaped area between the road access to 500 Territorial and the East entry to 480 Territorial. This area of 250 s.f. along with the existing 875 s.f. landscaped area will comply with HMC 18.95.100(2)(a)(2) for area of 1125 s.f. The Lot area is 53,987 s.f., 2% of which is 1,080 s.f.

HMC 18.95.060 Decision criteria for site plan review.

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

There is an existing curb cut and access to the existing gravel parking lot. This access point is more than adequate for the (11) on-site employees. All truck loading and unloading take place at the loading docks at 500 Territorial under common ownership.

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

The existing gravel parking area is undefined and does not provide and ADA parking stall.

The existing parking for the existing Administration/Warehousing facility is gravel and is between the structure and Territorial Road, as shown on the provided Site Plan. The current Administration parking area has the capacity for (5) employees. The existing warehouse area has (1) employee. The proposed Manufacturing/Warehouse will have a maximum of (5) employees. This is a total of (11) employees on site at any given time. We have shown (11) designated parking spaces and (1) ADA compliant parking stall per HMC 18.85 with the ADA space, aisle and adjacent space being paved. The remainder will remain as gravel with new wheel-stops installed.

We acknowledge the requirements of HMC 18.95.100(5)(f)&(g) for the first 50' of vehicular circulation adjacent to the public street be of hard surface. This existing driveway and parking area is currently gravel and while we show the required paving area within the provided Site Plan, it is the desire of OrCal to maintain as gravel. The existing gravel is a pervious surface allowing rainwater to percolate rather than have to be gathered in a catch basin and connected to the Public Stormwater system. Also, with only a partial paved lot, the edge at the 50' line will continually fracture and become a maintenance issue. We appeal to the Planning Commision to not require this standard at this time.

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

The properties adjacent to the proposed facility, East, West, and North are all zoned M-1 and have buildings of similar size or larger than our proposed facility. These properties all manufacture various agricultural products or plastic sheeting goods. The property due south is zoned C-1 and seemingly used as residential and of a bit smaller scale than the proposed manufacturing facility. The proposed facility will not change the compatibility with the adjacent development.

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

All utilities are in place to accommodate the limited needs of the proposed facility. There is an exiting 480 V, 3-phase service at 480 Territorial that will be used to serve the new manufacturing plant. Water, Sanitary sewer, and water are all available at the East property line separating Lots 3202 and 3101 (480 & 500 Territorial St).

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

The adjoining properties are zoned M-1 and C-1 and do not require screening or buffering from our M-1 property with an allowed use.

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

There will be no additional runoff to the adjoining properties and additional loading to the City stormwater system will be the collected roof water that will be connected to the City Storm system. Our intention is to maintain the existing gravel access and parking areas to minimize any additional surcharge to the City system by having this area percolate.

7) *Security measures are adequate to protect the general public from injury on the work site.*

All activities related to the manufacture, packaging, and shipping of the various crop protection products are done within the proposed and existing buildings that have limited access. The Site also has a chain-link fence and gate to restrict access when the property is not otherwise occupied.

I thank you for the opportunity to present this information and the provided documentation. If you have any further comments or questions you may reach myself, Richard Zink, at (541) 968-4375 or e-mail, rzdesigner@aol.com or of course the owners.

Sincerely,
Richard Zink

Richard Zink, Designer
21 April 2022

To: City of Harrisburg

From: Richard Zink, Designer
159 E 16th Ave.
Eugene, OR 97401

Reg: OrCal Inc.,
480 Territorial Road
Harrisburg, OR 97446

It has been brought to our attention that the existing facilities at 480 and 500 Territorial Street are within the Historical Zone Overlay. We are requesting a variance to this provision per;

HMC 18.115.020 Criteria for granting a variance.

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

We can not specify that unique or extraordinary circumstances apply to this property but can direct the attention to the surrounding properties within this zone. What we are proposing is consistent with all the other M-1 properties proximate to our proposed facility with the added condition that our proposed facility is behind existing structures and not proximate to the Public roadway. The only structure of any historical value in our immediate area is directly across from 500 territorial St and is not of a scale to be used in todays industrial environment. It would seem that a change of exterior siding and/or steeper roof pitches might contribute to a more historic “Barn” look but not necessarily consistent with even early “Industrial Building” look. If steeper roof pitch or cedar siding were to be required the project would become cost prohibitive and would possibly cause the owner to reconsider alternate solutions.

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

A study of the adjoining industrial use properties will demonstrate that what we are proposing is in line with what exists within the adjoining M-1 zone and should be allowed in order to preserve the desired use within this zone.

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

The goal of the Historical Zone Overlay is to maintain a look and use consistent with what has historically been within any given area. The area the proposed facility is located within has historically been of agricultural product warehousing, manufacturing, and shipping as indicated by the proximity to the train tracks and multiple spur lines. The scale of buildings necessary to maintain this use has increased over time and should be

allowed to change in order to maintain the desired uses.

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

As indicated above, an investigation of the adjoining industrial use properties will demonstrate that what we are proposing is in line with what exists within the adjoining M-1 zone and should be allowed in order to preserve the desired use within this zone and is not conferring any special privilege to OrCal.

5) *The variance shall not violate any provision of law.*

The application complies with applicable law and all requirements of the Harrisburg Municiple Code (HMC), including any Conditions of Approval, and the 2019 OSSC (Oregon Commercial Building Code).

I thank you for the opportunity to present this information and the provided documentation. If you have any further comments or questions you may reach myself, Richard Zink, at (541) 968-4375 or e-mail, rzdesigner@aol.com or of course the owners.

Sincerely,
Richard Zink

Richard Zink, Designer
25 April 2022

From: [Rzdesigner](#)
To: [Michele Eldridge](#)
Cc: [Kent Campbell](#); [Brooke Baker](#); [Rory Thompson](#); [George Baker](#); [brandon@rockbuildersinc.com](#)
Subject: Re: OrCal Site Plan review and Variance narrative
Date: Tuesday, May 10, 2022 10:37:26 AM

Michele,

I thank you for your prompt response to our comments. For your information I wish to let you know that the requirement to alter the rear yard setback to 20' from the Code required 10' is a burden on OrCal for two reasons: First being, the shown 20' separation between the existing structure and the proposed building is required or the proposed buildings north wall would need to be constructed as a 'Fire-Separation Wall' or fire sprinklers installed throughout the structure, either of which is a financial burden. A second option could have been to reduce the proposed buildings size by 10'. This is not desirable as the current building size is needed to accommodate planned new process equipment and related operations. In addition, the building has been ordered and is scheduled to arrive on site mid-June, 2022.

I do wish to address the issue of benefit to the residence you are intending to protect from a perceived encroachment upon their property. I would contend that any perceived difference of this structure being placed 10' from the property line vs. 20' from the same line is minimal, if any at all. This might be best illustrated by actually approaching a 20' high wall then placing ones-self 10' from that wall and looking at it, then doing the same from 20'. There is minimal, if any, difference in the sense of encroachment. If the proposed building was to the south of the affected property there would be a greater impact from a shading perspective but negligent from the north.

I would also wish to address the space created by the setback; A 10' building setback provides little access except enough to maintain the building. A 20' setback is large enough that equipment can access and there would be a tendency for the operation to find a use for this space which in essence brings the operation closer to the residence you are desiring to protect. Use of this larger setback for storage might be unsightly from the neighboring property, which would be undesirable.

On the matter of the 'Enterprise Zone'; All indications are that OrCal is in need of this facility as soon as possible to accommodate production needs, but I will let their ownership and staff weigh in on that directly.

Respectfully,
 Richard Zink, Designer

-----Original Message-----

From: Michele Eldridge <meldridge@ci.harrisburg.or.us>
 To: Rzdesigner <rzdesigner@aol.com>
 Cc: Kent Campbell <kent@orcalinc.com>; Brooke Baker <brooke@orcalinc.com>; Rory Thompson <rory@orcalinc.com>; George Baker <george@orcalinc.com>; brandon@rockbuildersinc.com <brandon@rockbuildersinc.com>
 Sent: Mon, May 9, 2022 8:31 pm
 Subject: RE: OrCal Site Plan review and Variance narrative

Hi Richard;

In all of our other zones, the wording is such that it refers to a lot that is zoned residential, or that 'is a lot used for residential purposes'. We would prefer that 20' is provided to the residential home that has been in this location since 1930, and had hoped that it wouldn't be a hardship to adjust the distance between warehouses to 10' in order to accommodate this. You are correct that the M-1 zone does not technically state this, and if you wished to keep the setback at 10', then I would be stating that it's allowed within the M-1 zone in relation to the C-1 zone.

However, I do want to point out that HMC 18.95.070 does allow the Planning Commission to increase the required lot size, lot width, or setbacks from all property lines. It will be up to the Planning Commission to decide if they want to allow the setback to be 10', or if they prefer a 20' setback. If there is a reason that maintaining the 20' distance between the existing and new warehouse is important, then please let me know now, so that I can also include this in my staff report, or you can also choose to simply discuss it during your presentation in the Planning Commission meeting.

Please let me reiterate that we are thrilled that the company is able to expand, and will do what we can to support that within the requirements of what is specified in the code. A case in point being that I absolutely agree that having a H-1 zone requirement at this location makes no sense, especially with the use of the neighboring properties, and your other facility. At the same time, however, we also need to be respectful of the uses of abutting properties within reason.

I haven't had a chance yet to speak with George, or any of the other principals in this application. If you are adding employees, (rather than moving them from a different location) as well as investing in a new facility, then there is a chance that you might be eligible for credits in the Harrisburg Enterprise Zone. Please let me know if you've considered this, and if you'd like me to look further into the possibilities with my contact in Biz Oregon. We would need to move quickly, as the application would normally be required **prior to any land use application**, construction, installation of equipment, or hiring of employees. Technically, the property should be new, and you are already using it for manufacturing and processing, so we would need to ascertain if you meet that point of eligibility....this would likely be my first question for my contact.

Please note that if you need to move quickly on the construction of the property, then even if you are eligible, you may choose to not pursue the Enterprise Zone. We would need to meet in a pre-application conference with the Linn County Assessor, and I'm not certain of how quickly we can manage that based on financing, and construction schedules. Please let me know when you have a moment.

Have a good evening;



Michele Eldridge, CMC
City Administrator
PO Box 378
120 Smith St.
Harrisburg, OR 97446
541-995-2200

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Public Records Law Disclosure: This e-mail is a public record of the City of Harrisburg and is subject to public disclosure unless exempt from disclosure under Oregon Public Records Law. This e-mail is subject to the State Retention Schedule.

From: Rzdesigner <rzdesigner@aol.com>
Sent: Monday, May 9, 2022 2:33 PM
To: Michele Eldridge <meldridge@ci.harrisburg.or.us>
Cc: Kent Campbell <kent@orcalinc.com>; Brooke Baker <brooke@orcalinc.com>; Rory Thompson <rory@orcalinc.com>; George Baker <george@orcalinc.com>; brandon@rockbuildersinc.com
Subject: Re: OrCal Site Plan review and Variance narrative

Michele,
My understanding of HMC 18.40.030 is that the property has a 20' front yard setback and 10' setback on sides and rear except when adjacent to a Residential zoned property. The property in question, 455 Smith Street is zoned C-1 (Commercial), there is no mention of a properties use only the zoning of said property. Could you please explain how this understanding is not correct?
Respectfully,
Richard Zink, Designer

-----Original Message-----
From: Michele Eldridge <meldridge@ci.harrisburg.or.us>
To: Rzdesigner <rzdesigner@aol.com>
Cc: Kent Campbell <kent@orcalinc.com>; Brooke Baker <brooke@orcalinc.com>; Rory Thompson <rory@orcalinc.com>; George Baker <george@orcalinc.com>; brandon@rockbuildersinc.com <brandon@rockbuildersinc.com>
Sent: Mon, May 9, 2022 1:07 pm
Subject: RE: OrCal Site Plan review and Variance narrative

Good Afternoon Richard;

I'm starting to write the staff report for this site plan; can you please have a licensed professional tell us what the classification of the NuCor Steel structure is? There is nothing in the detailed drawings you have provided that has this information.

Also, as I'm starting to write the report, I did want to convey to you that you will need to have 20' of setback from the residential home located on Smith St. That reduces the distance between the existing structure, and the proposed new structure to 10'.

Please let me know if you have any questions;

Michele Eldridge, CMC
City Administrator
PO Box 378
120 Smith St.

Harrisburg, OR 97446
541-995-2200

Confidentiality Notice: This e-mail message and all attachments transmitted with it may contain legally privileged and confidential information intended solely for the use of the addressee. If you have received this message by mistake, please notify us immediately by replying to this message or calling us.. Please do not review, disclose, copy or distribute it. Thank you.

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From: Rzdesigner <rzdesigner@aol.com>
Sent: Monday, April 25, 2022 1:03 PM
To: Michele Eldridge <meldridge@ci.harrisburg.or.us>
Cc: Kent Campbell <kent@orcalinc.com>; Brooke Baker <brooke@orcalinc.com>; Rory Thompson <rory@orcalinc.com>; George Baker <george@orcalinc.com>; brandon@rockbuildersinc.com
Subject: OrCal Site Plan review and Variance narrative

Michele Eldridge,
Per your request we have formatted our narrative to address the specific criteria list and have included our responses to each of the variance criteria. Please review and again comment if necessary or include within our the complete Application.
Also, OrCal personnel have indicated they can have a check to your desk tomorrow morning. Please let me know if that will not work and I or someone else will make a special delivery today.
Respectfully,
Richard Zink, Designer



Staff Report Harrisburg Planning Commission Harrisburg, Oregon

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

STAFF REPORT EXHIBITS:

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

ACTION: REVIEW AND DISCUSS CHANGES

MEETING DATE: May 17, 2022

BACKGROUND

The Planning Commission has been focusing on the review of the model code for the last two years. Technically, the project was initially started in 2016. It has since become a priority project, with the goal of completion and adoption by July 30, 2022.

The Harrisburg Zoning & Development Code has now been reviewed by MIG, as well as undergoing a Housing Code Analysis that was paid for through a grant obtained by the OCWCOG (Oregon Cascades West Council of Governments). Because of the large number of comments and suggestions made by Scot Siegel in MIG, Staff have split up the code, and for this meeting, will only review the proposed code from HMC 18.05 to 18.55 (**Exhibit A**). The code was also reviewed by DLCD, who had no changes to suggest.

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

and in some cases, has proposed new code based on his suggestions. His memo is located in **Exhibit B**.

The City also participated in an Affordable Housing Grant that was provided by the Oregon Cascades West Council of Governments. The consultants hired by that grant reviewed our model code, as well as the Comprehensive Plan, and were specifically looking for changes that are supportive of affordable housing. Some of their suggestions were focused on densities in the zone, and as a result, we removed some of the overlap between housing units located in the R-1 and R-2 zones. Some other adjustments have been made through out the code. The City Council has asked for us to prioritize housing; however, the focus is on housing in general, and not necessarily 'affordable' housing. There were some other suggestions that we didn't agree with, such as adding in the allowance for residential uses to be on the bottom floor of a structure that has mixed uses in the commercial zone. From experience, the City knows how hard this is to verify, and we prefer to focus on the commercial uses in that zone.

CONCLUSIONS

The Planning Commission should review and discuss these changes to update the proposed draft code. The consultant and staff will return in the June meeting with the code from HMC 18.55 to the end.

PLANNING COMMISSION ACTION

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

RECOMMENDED MOTION(S)

None

REVISIONS TO PENDING ZONING AND LAND DEVELOPMENT CODE

TO: CITY OF HARRISBURG PLANNING COMMISSION

FM: JOHN HITT- CONSULTANT

SUBJECT: SECOND LOOK AT DRAFT ZONING AND DEVELOPMENT CODE

The City Administrator and I felt it prudent to ask a “third set of eyes” to take a look at our entire draft document in the light of the fairly extensive changes we made to the state’s Model Code. Scott Siegler of MIG consulting, a senior urban planner with extensive experience in code drafting, reviewed our entire document.

In addition, the Oregon State Department of Land Conservation and Development, as well as Oregon Cascades West Council of Government, also reviewed our most recent draft.

The changes showed in the attached document represent our responses to these reviews. (Please note, this is slightly less than half of the total document as Michele and I thought it appropriate not to try and cover everything in one Planning Commission meeting.)

I consider almost all of the changes minor and they do not negatively impact the city’s overall goals in adopting these new code sections. They do, however, provide for more precise terminology, correct some possible misunderstandings/contradictions, and respond to required changes in state law regarding availability of housing and special land uses such as religious.

In addition, I added wording to clarify what non-permitted outright uses could qualify as a Special Uses in the Industrial, Commercial and Public Use Zones.

I will briefly review these with you at your May 17th regular meeting. Should you have questions you would like to ask before the meeting, please let me or Michele know, and I will be sure and provide the requested information on the 17th.

John Hitt

City of Harrisburg

Zoning and Development Code

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

May 2022

Acknowledgements

Oregon Transportation and Growth Management Program

Harrisburg Planning Commission

Staff

Michele Eldridge – City Administrator

John Hitt – Project Consultant & Former City Administrator

Scot Siegel, MIG, Inc. – Code Review

Brian Latta - former City Administrator & Project Initiator

Jamie Knox, Office Staff

City of Harrisburg Zoning and Development

Volume II – List of Chapters and Sections

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Chapter 18.05 - Comp Plan

Chapter 18.10 – Introduction

Chapter 18.15 – Title, Purpose, and Authority

- 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 Code Consistency with Comprehensive Plan and Laws
- 18.15.060 Development Code and Zoning Map Implementation
- 18.15.070 Review of Building Permits for Compliance with Development Code
- 18.15.080 Official Action

Chapter 18.20 – Lot of Record and Legal Lot Determination

- 18.20.010 Purpose and Intent
- 18.20.020 Criteria
- 18.20.030 Legal Lot Determination Procedure

Chapter 18.25 – Non-Conforming Situations

- 18.25.010 Purpose and Applicability
- 18.25.020 Non-conforming Use and Development

Chapter 18.30 – Code Interpretations

- 18.30.010 Code Interpretations

Chapter 18.35 – Enforcement

- 18.35.010 Violations
- 18.35.020 Other Remedies

ARTICLE 2 – ZONING REGULATIONS

Chapter 18.40 – Establishment of Zoning Districts

- 18.40.010 Purpose and Classification of Zoning Districts
- 18.40.020 Classification of Zoning Districts
- 18.40.030 Determination of Zoning District Boundaries

Chapter 18.45 – Zoning District Regulations

- 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

Chapter 18.50 – Special Use Standards

- 18.50.010 Purpose
- 18.50.020 Applicability
- 18.50.030 Review Process
- 18.50.040 Artisanal and Light Manufacture Uses
- 18.50.050 Duplex Dwellings
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- 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 and Residential Care 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 Mobile Homes and Recreational Vehicles Used as Dwellings
- 18.50.150 Accessory Structures
- 18.50.160 Accessory Dwellings
- 18.50.170 Bed and Breakfast Inns
- 18.50.180 Public Use Zone
- 18.50.190 Special Use Standards in Residential Zones
- 18.50.200 Special Use Standards in the C-1 Zone
- 18.50.210 Special Use Standards in M-1 and M-2 Industrial Zones
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Chapter 18.55 – Overlay Zones and Specific Area Plan Regulations

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- 18.55.040 Willamette Greenway
- 18.55.050 Safe Harbor Zone
- 18.55.060 Wetland Protection
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ARTICLE 3 - COMMUNITY DESIGN STANDARDS

Chapter 18.60 - Design Standards Administration

- 18.60.010 Purpose
- 18.60.020 Applicability

Chapter 18.65 – Building Orientation and Design

- 18.65.010 Purpose
- 18.65.020 Applicability
- 18.65.030 Residential Buildings
- 18.65.040 Non-Residential Buildings
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Chapter 18.70 - Access and Circulation

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Chapter 18.75 - Landscaping, Fences and Walls, Outdoor Lighting

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- 18.75.030 Landscaping and Screening
- 18.75.040 Fences and Walls
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Chapter 18.80 - Parking and Loading

- 18.80.010 Purpose
- 18.80.020 Applicability and General Regulations
- 18.80.030 Automobile Parking
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Chapter 18.85 - Public Facilities

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- 18.85.020 Transportation Standards
- 18.85.030 Public Use Areas
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- 18.85.060 Utilities
- 18.85.070 Easements
- 18.85.080 Construction Plan Approval
- 18.85.090 Facility Installation
- 18.85.100 Performance Guarantee and Warranty

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- 18.90.020 Exempt Signs
- 18.90.030 Allowed Signs by Zone
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Chapter 19.10 – General Review Procedures

- 19.10.010 Purpose and Applicability
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- 19.25.010 Purpose
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- 19.25.040 Criteria, Standards, and Conditions of Approval
- 19.25.050 Revocation

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- 19.30.020 Applicability
- 19.30.030 Major Modifications
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- 19.35.030 Criteria
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- 19.40.010 Purpose
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- 19.40.030 Adjustments
- 19.40.040 Variances
- 19.40.050 Expiration

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- 19.45.010 Purpose
- 19.45.020 Applicability
- 19.45.030 Review and Approvals Process
- 19.45.040 Modifications to Development Standards
- 19.45.050 Concept Plan Submission
- 19.45.060 Concept Plan Approval Criteria
- 19.45.070 Concept Plan and Expiration
- 19.45.080 Detailed Development Plan Submission
- 19.45.090 Detailed Development Plan Criteria
- 19.45.100 Subsequent Development Reviews

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- 19.50.010 Purpose
- 19.50.020 Applicability
- 19.50.030 Application Requirements
- 19.50.040 Review and Approval Standards

Chapter 19.55 — Definitions

- 19.55.010 Purpose
- 19.55.020 Applicability
- 19.55.030 Definitions

Article I — Introduction and General Provisions

Chapters:

- 18.10 Introduction
- 18.15 Title, Purpose, and General Administration
- 18.20 Lot of Record and Legal Lot Determination
- 18.25 Non-Conforming Situations
- 18.30 Code Interpretations
- 18.35 Enforcement

Chapter 18.10 — 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:

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

Article 2. Article 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.

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

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.

HMC Title 19.50. Article 5 contains definitions and other exhibits that the City uses to interpret and administer this code.

Commented [SS1]: Edited for accuracy – and because significant expansion is not defined. Development is defined.

18.15 – Title, Purpose, and Authority

Chapter 18.15 — Title, Purpose, and Authority

Sections:

- Section 18.15.010 Title
- Section 18.15.020 Purpose
- Section 18.15.030 Compliance and Scope
- Section 18.15.040 Rules of Code Construction
- Section 18.15.050 Development Code Consistency with Comprehensive Plan and Laws
- Section 18.15.060 Development Code and Zoning Map Implementation
- Section 18.15.070 Review of Building Permits
- Section 18.15.080 Official Action

18.15.010 Title

The official name of this Title 18 is “The City of Harrisburg Zoning and Development Code.” It may also be referred to as “Development Code” and “Code.”

18.15.020 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:

- A. Compact Development**, which promotes the efficient provision of public services and infrastructure;
- B. Mixed-Use**, which, to the extent feasible, places homes, jobs, stores, parks, and services within walking distance of one another;
- C. Housing**, which promotes a mix of housing and full range of residential opportunities for both ownership and renting.
- D. Full Utilization of Urban Services** (e.g., water, sewer, storm drainage, parks, and transportation facilities), which maximizes the return on public investments in infrastructure;
- E. 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 automobile for those who are unable or choose not to drive a car;
- F. 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;
- G. Environmental Health**, which requires adequate light and air circulation, management of surface water

runoff, and treatment and disposal of waste; and

- H. **Employment Opportunities**, or development that brings employment opportunities and promotes access to the types of retail, professional and personal services that enhances quality of life.
- I. **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.
- J. **Efficient Administration of Code Requirements**, consistent with the needs of the City of Harrisburg, a small city with limited administrative capacity.

18.15.030 Compliance and Scope

- A. **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 Development Code shall conform to applicable provisions of this Code.
- B. **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.
- C. **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.

18.15.040 Rules of Code Construction

- A. **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.
- B. **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 ~~or applicable~~ 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 applicable~~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 Interpretation.
- C. **Tenses**. Words used in the present tense include the future; the singular form includes the plural; and the plural includes the singular.
- D. **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.

E. 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.

F. 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.

18.15.050 Development Title Consistency with Comprehensive Plan and Laws

A. 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.

B. 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.

C. 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.

D. 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.

18.15.060 Development Code and Zoning Map Implementation

A. 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.

B. 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 non-conforming use, provided state or federal law does not prohibit the use.

C. 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.

D. 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, ~~where the feature is thought to exist on or adjacent to the subject property, but its exact location is unknown.~~

Commented [SS2]: The deleted text is surplus. The City has jurisdiction over land that is subject to a development review application only, not lands that lie outside the scope of the application. An applicant for development cannot be required to survey adjacent property.

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

F. Changes to Official Zoning Map. Proposed changes to the Official Zoning Map are subject to review and approval under HMC 19.35 Amendments.

18.15.070 Zoning Checklists and Coordination Review of Building Permits for Development Code Compliance

Commented [SS3]: Edited to clarify the respective roles of Building Official and other city officials in review of building permits. The State delegates the decision making authority to the Building Official. Removed reference to “zoning checklist”, which the Model Code had suggested as an administrative aid. The City can create a building permit checklist if it would like without it being specified by Code.

~~**Land Use Approvals and Building Permits.** Land use and building approvals are processed by two City officials: The Building Official administers building codes and issues building permits; and the City Administrator administers the Development Code, floodplain regulations, processes land use approvals, and coordinates with the Building Official, City Engineer, and Fire Marshall on development and building projects to ensure compliance with the Development Code.~~

~~**Zoning Compliance Required for Building Permits.** 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 or appropriate conditions of approval are in place to ensure compliance imposed through the development review process, if any; or that the development is exempt from the all Development Code requirements.~~

18.15.080 Official Action

Commented [SS4]: Removed part below because there are no penalties on public officials granting approvals in error when acting in good faith within the scope of their duties (Administrative Immunity). The language does not address erroneous denials, because those would be subject to appeal by an applicant. Note that invalidating a permit granted in error could open the City to legal challenge. But so could allowing an erroneously approved permit to stand. The question is how best to cure the error.

A. 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 Title 19 Application Requirements, Administrative Procedures, and Approval Criteria. ~~City officials shall issue no permit and grant no approval for any development or use that violates or fails to comply with conditions or standards imposed to carry out this Code.~~

Commented [ME5]: In relation to the note directly below: As noted by the Planning Commission during the review process, it is preferred that any type I or Type II application can be referred to the Planning Commission if the City Administrator deems that review by the Planning Commission is warranted.

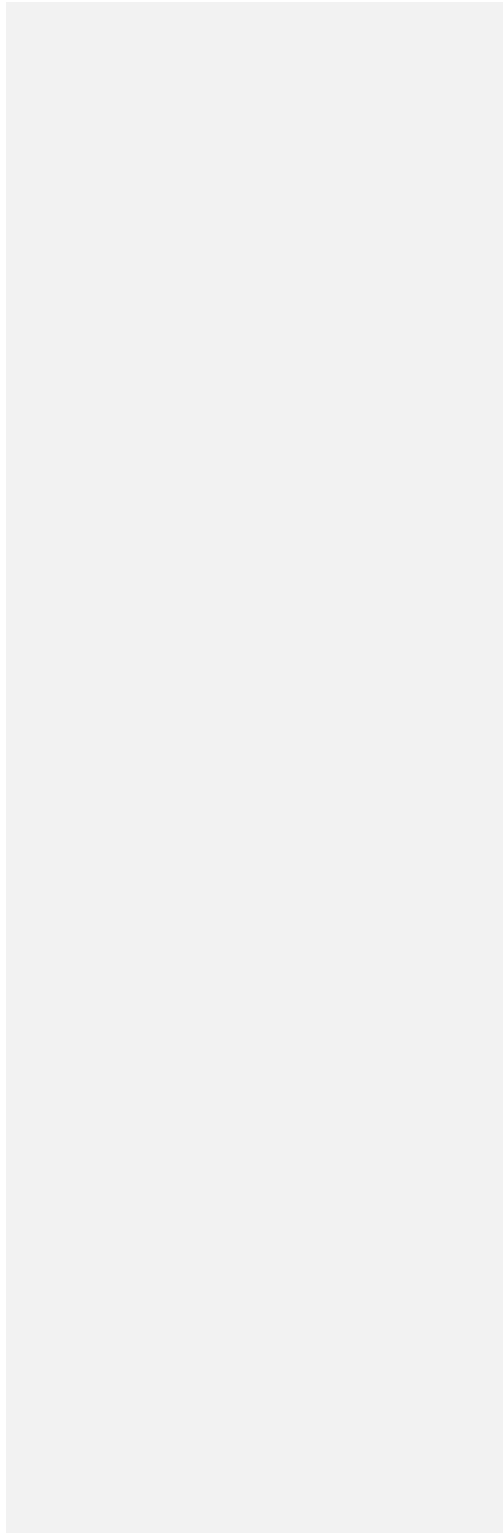
B. Void Future Actions. Any permit or approval issued or granted in conflict with the provisions of this Code shall be void, unless the City modifies it in conformance with the Code. The City Administrator shall determine when an approval is void and, as applicable, he or she shall refer it back to the decision body for modification to ensure Code compliance.

C. 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 Code Interpretations and Title 19 Application Requirements, Administrative Procedures, and Approval Criteria.

Commented [SS6]: Typically you would do this only for discretionary decisions (Type II). However staff could refer a (Type I) ministerial decision to the Planning Commission if an applicant felt that the decision involved the exercise of discretion. In doing so, the application would essentially be elevated to from Type I to Type II, and the City would provide notice to properties within 100 feet (or greater if code requires), and allow public comment (14 days minimum) and opportunity for appeal. Alternatively, the Code could allow staff to refer any Type II decision to the PC, but no Type I’s.

D. 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 General Review Procedures.



18.20 – Lot of Record and Legal Lot Determination

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 Chapter 18.20 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 non-conforming 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. ~~The If a lot is substandard as to area or dimension, the City shall may~~ accept a legal lot determination as sufficient evidence of a hardship for purposes of approving a variance under Chapter 19.40.

Commented [SS7]: Lots of record that are substandard as to size or other land use requirement are considered legal, nonconforming lots. They do not by necessity require variances to exist or to receive development.

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 92.010 through 92.190:

- A. The plot of land was lawfully created through a subdivision or partition plat in Linn County prior to annexation to the City of Harrisburg.
- B. The plot of land was created through a deed or land sales contract recorded with Linn County.

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 to 92.190.

Chapter 18.25 — Non-Conforming Situations

Sections:

- 18.25.010 Purpose and Applicability
- 18.25.020 Non-conforming Use
- 18.25.030 Non-conforming Development
- 18.25.040 Non-conforming Lot

18.25.010 Purpose and Applicability

Chapter 18.25 provides standards and procedures for the continuation of lots, uses, and developments that were lawfully established but do not comply with current Code standards (“non-conforming situations”). The Code is intended to protect public health, safety, and general welfare, while allowing reasonable use of private property. The chapter contains three sections, as follows:

18.25.020 Non-conforming Use & 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:

- A. Expansion of Non-conforming Use Limited.** Any expansion of a non-conforming 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 non-conforming use(s), requires approval of a Conditional Use Permit under Chapter 19.110.
- B. Location of Non-conforming Use.** A non-conforming 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.
- C. Discontinuation or Abandonment of Non-conforming Use.** A non-conforming 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:
 1. the use of land is physically vacated;
 2. 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;
 3. commercial or business signs that no longer reflect or communicate correct information shall be removed, demolished or updated within 60 days of notice of non-conforming status and shall be brought into conformity with HMC Section 18.90;
 4. any lease or contract under which the non-conforming use has occupied the land is terminated;

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5. a request for final reading of water and power meters is made to the applicable utility;
 6. the owner's utility bill or property tax bill account became delinquent; or
 7. structures have become dilapidated, failing, hazardous or otherwise not suitable for their former use(s);
 8. the owner does not obtain or keep current a city business license, as may be required in HMC 5.05-5.25;
 9. an event occurs similar to those listed in subsections 1-8, above, as determined by the City Administrator.

D. Application of Code Criteria and Standards to Non-conforming Use. Once the City deems a use abandoned pursuant to this Title, any subsequent use of the subject lot shall conform to the current standards and criteria of this Code.

E. Extension of Non-Conforming Status for Discontinued Use. Notwithstanding the provisions of this Title, a non-conforming 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.

Commented [SS8]: Maintenance and repair are generally exempt from permits under the Development Code. Therefore, it is reasonable to include both here.

18.30 – Code Interpretations

Chapter 18.30 — Code Interpretations

Sections:

18.30.010 Code Interpretations

18.30.010 Code Interpretations

Some terms or phrases within this Code may have two or more reasonable meanings. This section provides a process for resolving differences in the interpretation of the Code text.

A. 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 Type I procedure, below of HMC 19.10.020. 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.

B. 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:

1. 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.
2. The City Administrator or Planning Commission shall advise the person making the inquiry of the City's decision within a reasonable timeframe. However, at least five days prior to notification of interpretation 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 public may require a public hearing before the Commission prior to any administrative code interpretation becoming final.

C. 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.

D. 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 directly to the City Council for ~~its~~ legislative review in a public hearing. Such public hearings shall be conducted following Type IV procedure of this Code.

Commented [SS9]: Staff can provide formal or informal determinations. Most will be informal. However, the City will need to run these through the Type II process where a significant amount of discretion is involved and an interpretation may be disputed.

E. Interpretations on File. The City shall keep on file a record of its code interpretations.

~~18.35 — Enforcement~~

~~Chapter 18.35 — Enforcement~~

~~Sections:~~

~~18.35.010 Violation~~

~~18.35.020 Other Remedies~~

Commented [SS10]: This appears to be boilerplate Model Code. Has the City reviewed this with the City Attorney?

~~18.35.010 — Violations~~

~~Any person violating or causing the violation of any of the provisions of this Code who fails to abate said violation has committed an infraction, which, upon conviction thereof, is punishable as prescribed in HMC 1.10. Such person is guilty of a separate violation for each and every day during any portion of which a violation of this Code is committed or continued. A finding of a violation of this Code shall not relieve the responsible party 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.~~

~~**A. Violations.** Violations shall be identified by the City Administrator under the requirements of HMC 1.10.050 and 1.10.040.~~

~~**B. Penalties.** Code violations may be subject to criminal, civil, or other sanctions authorized under HMC 1.10.~~

- ~~1. Civil Penalties and Remedies—In addition to, or in lieu of, the penalties under HMC 1.10, a violation of this code or a permit issued hereunder may be the subject of a civil action in the nature of a debt lien, or of any appropriate remedy issuing from a court of competent jurisdiction, including mandatory and prohibitory injunctions and orders of abatement.~~

~~18.35.020 — Other Remedies~~

~~The City, in addition to finding a Code violation is an infraction, may use any of the other remedies available to it, including, but not limited to, the following:~~

- ~~**A. Stop Work Order.** The City may issue a stop work order.~~
- ~~**B. Public Nuisance.** The City may find a violation of this Code is a public nuisance and take enforcement action pursuant to HMC 8.05 and 8.10.~~
- ~~**C. Mediation.** The City and property owner may mutually agree to engage in a mediation process.~~

~~Chapter 18.35 — Enforcement~~

~~Harrisburg Zoning & Development Code Project 2022~~

Commented [ME11]: This revision of Chapter 18.35 was provided by our City Attorney, Jim Brewer

Sections:

18.35.010 Violation

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 HMC 1.10. 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.

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

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

1. Civil Penalties and Remedies - In addition to, or in lieu of, the penalties under HMC 1.10, 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.

18.35.020 Other Remedies

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

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

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

C. Mediation. The City and property owner may mutually agree to engage in a mediation process.

ARTICLE 2 – ZONING REGULATIONS

Chapters:

- 18.40 Establishment of Zoning Districts
- 18.45 Zoning District Regulations
- 18.50 Special Use Standards
- 18.55 Overlay Zones

Chapter 18.40 – Establishment of Zoning Districts

Sections:

18.40.010 Purpose

18.40.020 Classification of Zoning Districts

18.40.030 Determination of Zoning District Boundaries

18.40.010 Purpose and Classification of Zoning Districts

Chapter 18.40 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 (HMC 18.55). The use of land is limited to the uses allowed by the applicable zone(s).

18.40.020 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.

A. 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 Zoning District Regulations and Chapter 18.50 Special Use Standards.

1. The Residential Low Density (R-1) district permits residential uses at densities between one and five dwelling units per gross acre. Permitted residential uses consist primarily of detached single-family housing, or duplex housing subject to special use standards, and community service uses such as churches, schools, and parks.
2. The Residential Medium Density (R-2) district permits residential uses at densities between two-five and twelve dwelling units per gross 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.
3. The Residential High Density (R-3) district permits residential and mixed uses at densities between twelve and eighteen dwelling units per gross 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, subject to special use standards, certain commercial, public and institutional uses subject to specific special use or conditional use standards. Tables in HMC 18.45 provides the actual list of allowed

Commented [ME12]: OCWCOG Housing Code Audit noted to change this to make it more clear for housing purposes.

uses, detached (e.g. duplex dwellings, manufactured homes, manufactured home parks) and attached dwellings, (e.g. multifamily dwellings, residential care home and facilities) and unattached structures (e.g. family daycare, child care facilities, outpatient clinics, non-profit organizations) and parks and open spaces. Also allowed under special use standards are artisanal and light manufacturing structures, automobile parking, bed and breakfast inns, data center/server farms, customer call centers, medical outpatient clinics, offices, veterinary clinics. Certain conditional uses are allowed under those standards, (e.g., emergency services, schools, transportation facilities). This also includes commercial uses (e.g., recreational facilities, automotive repair & service facilities, drive-through services, hotels/motels, RV parks, and commercial self-service storage).

Commented [SS13]: The examples of attached and detached are confusing, as those terms are usually associated with different types of dwellings. For example, single-family may be attached (townhomes) or detached (individual, freestanding houses). Other forms of attached housing include duplexes and multifamily dwellings. Manufactured homes, whether on individual lots or in MH parks are considered generally considered single-family dwellings, and they are almost always detached.

R-3 is a mixed-use zone. Consider removing the specific references to specific uses in this description, and instead refer to a mix of residential uses at densities between ... and certain commercial, public, and institutional uses subject to specific land use standards or conditional use permit requirements. The Use Table provides the actual list of allowed uses.

Commented [ME14]: The OCWCOG Housing Audit also noted that the City could limit commercial uses in the R-3 zone. The Planning Commission could decide to remove some of these types of uses when we review the Zoning District Regulations in HMC 18.45.

B. 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 ~~of some~~ 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 Zoning District Regulations and Chapter 18.50 Special Use Standards.

Commented [SS15]: This would be in upper stories of any building, or in commercial buildings and subject to specific standards.

C. 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 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 provide 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.

Commented [ME16]: The OCWCOG Housing Audit suggested that the City consider adding in street-facing live/work units on ground floor residences in the commercial zone. The City currently allows a 40% use of the ground floor of buildings in the commercial zone. This has been confusing for the City to regulate, and doesn't address what the City should do if there is no commercial use in the ground floor. Does the Planning Commission wish to add the allowance of partial residential uses based on the recommendations of the OCWCOG Housing Analysis?

D. 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.

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

- 1. The Public Facilities (PFZ) district provides a zoning option ~~for 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~~.

Commented [SS17]: This is the reason for applying the PFZ. It streamlines the permit process for these types of uses.

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 Chapter 18.55.040.

18.40.030 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:

- A. 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.
- B. Parcel, lot, tract.** Boundaries indicated as approximately following the boundaries of a parcel, lot, or tract shall be construed as following such boundaries.
- C. Jurisdiction boundary.** Boundaries indicated as approximately following a City or County boundary, or the Urban Growth Boundary, shall be construed as following said boundary.
- D. Natural feature.** Boundaries indicated as approximately following a river, stream, topographic contour, or similar feature not corresponding to any feature listed in subsection A-C, above, shall be construed as following such feature.

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

Chapter 18.45 regulates allowed land uses (“uses”) and sets forth lot and development standards, including minimum dimensions, area, density, coverage, structure height, and other provisions that control the intensity, scale, and location of development. The regulations of this chapter are intended to implement the City of Harrisburg Comprehensive Plan and the purposes of the Harrisburg Municipal Code, Title 18.

18.45.020 Applicability

All real property in the City of Harrisburg is subject to the zoning regulations of Titles 18 and 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.

Commented [SS18]: Per previous comment, recommend removing nonregulatory language, as the City is not providing legal advice with this Code.

Commented [ME19R18]: We don’t consider it legal advice to remind someone to verify regulations.

18.45.030 Allowed Uses

A. Uses Allowed in Base Zones. Allowed uses include those that are permitted (P) outright, those that are permitted subject to meeting special use standards or requirements (S), 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. Where Table 18.45.030 does not list a specific use, and Chapter 19.55 Definitions does not identify the use or include it as an example of an allowed use, the City may find that use is allowed, or is not allowed, following the Code Interpretations of this Title. Uses not listed in Table 18.45.030 and not found to be similar to an allowed use are prohibited.

B. Permitted Uses and Uses Permitted Subject to Special Use Standards. Uses listed as “Permitted (P)” are allowed provided they conform to relevant Lot and Development Standards. Uses listed as “Permitted Subject to Special Use Standards (S)” are allowed, provided they conform to the Chapter 18.50 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 pursuant to the Conditional Use Permit process of this Title.~~

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

D. Uses Regulated by Overlay Zones. Notwithstanding the provisions of Chapter 18.45, 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.

E. Master Planned Developments/Planned Unit Developments. Uses that are not otherwise allowed by the underlying zone may be permitted through the Master Planned Development procedure under Chapter 19.45 of this Title.

F. Accessory Uses. Uses identified as “Permitted (P)” are permitted as primary uses and as accessory uses. For information on other uses that are customarily allowed as accessory, please refer to the description of the Use Categories in Chapter 19.50 Definitions.

G. Mixed-Use. Uses allowed individually are also allowed in combination with one another, in the same structure, or on the same site, provided all applicable development ~~standards and building code requirements~~ are met.

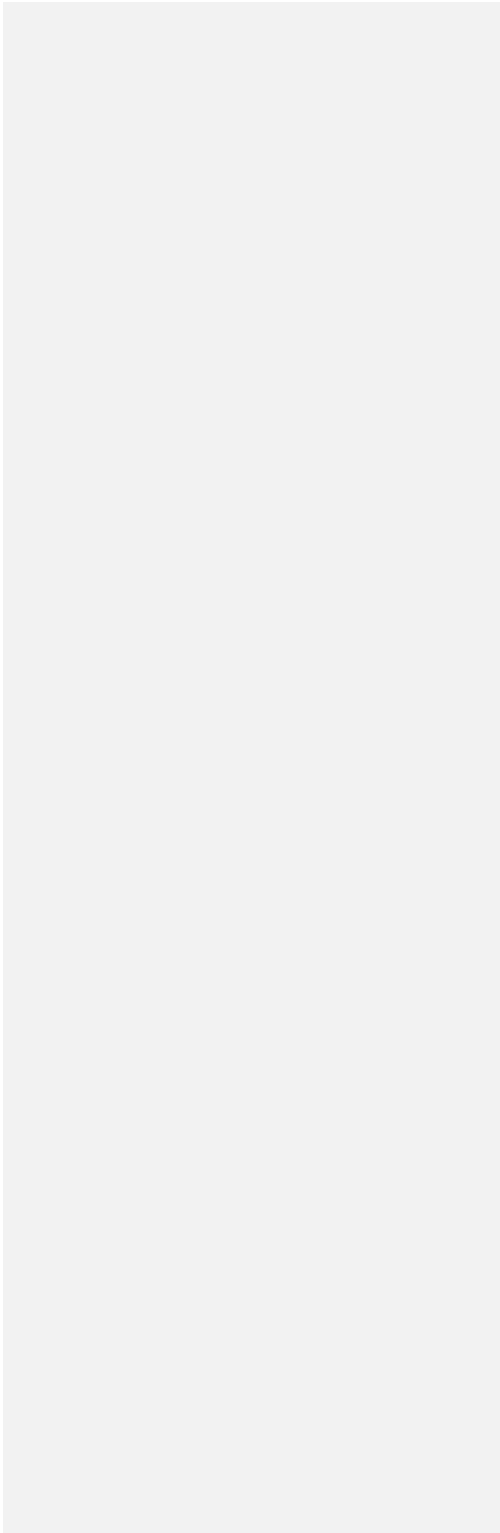
Commented [SS20]: Building Code standards, which always must be met, are not part of Development Code.

-
- H. **Outdoor Uses.** Any ~~outdoor activities or regular ongoing or continuous accessory use~~ of real property that occurs primarily outside (i.e., not within a permitted building) requires a Conditional Use Permit under this Title. ~~[Examples of outdoor uses and unenclosed activities that may or may not be considered accessory uses,~~ include, but are not limited to, automotive services, vehicle and equipment repair, fueling, drive-in restaurants, drive-up windows and similar drive-through facilities, automatic teller machines, kiosks, outdoor assembly and theaters, outdoor markets, and ~~similar uses.~~ Outdoor uses of the public right-of-way, for example, café seating, may be permitted without a conditional use permit when an encroachment permit is approved by the applicable roadway authority.]
 - I. **Temporary Uses.** Temporary uses may occur no more than four times in a calendar year and are seasonal in nature, for not longer than eight days cumulatively in any calendar year. Approval of a special event or use permit in accordance with HMC 9.52 is required. Uses may be permitted on a temporary basis, subject to review and approval under Chapter 19.15 Site Design Review.
 - J. **Disclaimer.** Property owners are responsible for verifying whether a specific use is allowed on a particular site. The City Administrator may require a special permit to allow outdoor or temporary use(s) that is otherwise permitted in the zone.

Commented [SS21]: Code regulates uses not activities.

Commented [SS22]: Code regulates uses, not activities.

Commented [SS23]:



18.45 – Zoning District Regulations | Allowed Uses

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, Non-Attached	P	P	P	S		CU	CU	N	
Single-Family Dwelling, Attached (Townhome 5)	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	NS		NCU	NCU	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	

Commented [SS24]: The CU criteria are not clear and objective and therefore as applied to housing appear to conflict with ORS 197.307(4).

Commented [SS25]: Same comment as above.

Commented [SS26]: Same comment as above.

Commented [SS27]: Same comment as above.

Commented [SS28]: Manufactured home must be allowed on individual lots in zones where single-family detached dwellings are allowed. ORS 197.314. https://oregon.public.law/statutes/ors_197.314

Commented [ME29R28]: We agreed with this change.

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

18.45 – Zoning District Regulations | Allowed Uses

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	
B. Public and Institutional Uses²									
{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	SN	
Child Facility (Per HB-3109)	S	S	S	S		S	N	S	
Club Lodge, Fraternal Organization	N	N	CU	SCU		N	N	SCU	
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	
Non-Profit Member Organization Offices	N	N	S	P		CU	CU	P	
Parks and Open Space, including Playgrounds, Trails, Nature Preserves, Athletic Fields, Courts, Swim Pools, and similar uses	S	S	S	S		CU	CU	P	
{Prison}	N	N	N	N		CU	N	CU	

Commented [ME30]: We have no sections of code pertaining to a cemetery; therefore we should say N or must address this in the PUZ.

Commented [SS31]: Add reference to Special Use section where this is addressed.

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

18.45 – Zoning District Regulations | Allowed Uses

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	
B. Public and Institutional Uses³ (continued)									
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	
[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	CU	CU	CU	CU		P	P	S	

Commented [SS32]: City may have land use jurisdiction on real property that is used by railroads but not railroad ROW.

Commented [ME33R32]: The only railroad ROW in town is for the fast tracks, for UPRR.

Commented [SS34]: This may conflict with the Religious Land Use and Institutionalized Persons Act (RLUIPA) where the Code is more restrictive on religious institutions than it is on other nonprofit and public land uses.
<https://www.justice.gov/crt/religious-land-use-and-institutionalized-persons-act>

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

18.45 – Zoning District Regulations | Allowed Uses, Intensity of Uses

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	—	
C. Commercial Uses⁴									
Amusement, Entertainment, and Commercial Recreation; includes theaters, bowling alleys, miniature golf, concert venues, arcades, similar uses	N	N	CU	P	CU	CU		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	S <u>N</u>	P	S	S		N	
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 5000 square feet gross leasable area	N	N	N	P	P	P		N	

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

18.45 – Zoning District Regulations | Allowed Uses

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
C. Commercial Uses (continued)⁵							
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 or driving range, with pro shop, clubhouse, or restaurant open to public	CU	N	N	CU	CU	N	CU
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

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⁵ **KEY: P = Permitted Use; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.**

18.45 – Zoning District Regulations | Allowed Uses

Uses	Residential Zones			Commercial Zones and Employment Zones				PUZ	
	R-1	R-2	R-3	C-1	M-1	M-2			
D. Industrial and Employment Uses⁶									
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	

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

18.45 – Zoning District Regulations | Allowed Uses

Table 18.45.030 – Uses Allowed by Zoning District			M-2: General				M-1: Light		
Uses	Residential Zones			Commercial Zones and Employment Zones				[Public Use]	
	R-1	R-2	R-3	C-1	M-1	M-2	PUZ		
D. Indus. and Mixed Employment Uses⁷ (cont')									
Finished Textile and Leather Products Manufacture; except as allowed for Artisanal and Light Manufacture Uses	N	N	N	N	P	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		
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		

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

18.45.040 Lot and Development Standards

A. Development Standards. Section 18.45.040 provides the general lot and development standards for each of the City’s base zoning districts. The standards of Section 18.45.040 are organized into two tables: Table 18.45.040.D applies to Residential and Residential-Commercial zones, and Table 18.45.040.E applies to non-residential zones.

B. Design Standards. City standards for Access, Circulation, Site and Building Design, Parking, Landscaping, Fences and Screening, and Public Improvements, among others, are located in Chapter 18. Notwithstanding the provisions of Table 18.45.040 and Chapter 18, different 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 18.55.1

Commented [SS35]: Removed advisory language.

~~**C. Disclaimer.** Property owners are responsible for verifying whether a proposed development meets the applicable standards of this Code. Submittal of a Zoning Checklist for review and approval by the City Administrator may be required in order to determine whether use is allowed on a given site, and whether further land use review is required.~~

D-C. Lot and Development Standards for Residential Districts. The development standards in Table 18.45.040.D and E apply to all new development as of the effective date of Chapter 19 of this code.

Table 18.45.040.D – Lot and Development Standards for Residential zones
 (Except as provided by 18.45.040.F through 18.45.080, as modified under Chapter 18.125 Adjustments and Variances, or as approved under Chapter 18.130 Master Planned Developments.)

Standard	R-1	R-2	R-3	[Reserve]
Residential Density, per Section 18.45.060 (Dwelling Units per [gross / net] acre) – Minimum and Maximum	Min 1 acre Max 6 per acre [Per Comp Plan]	Min 2 per acre Max 12 per acre [Per Comp Plan]	Min 6 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	
Not a Corner Lot	6,000 sf	5,000 sf	4,000 sf	
Single-Family, common-wall dwellings:				
Corner Lot	Not permitted	4,000 sf	4,000 sf	
Not a Corner Lot	Not permitted	3,000 sf	2,500 sf	
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.	
Non-Residential Uses	6,000-9,000 sf	6,000-9,000 sf	6,000-9,000 sf	
	Same as single-family, not attached	Same as single-family not attached	Same as single-family, not attached	
<p>[*Lot size may be reduced in new subdivisions through Lot Size Averaging, per Section 18.125.050, or through approval of a Master Planned Development under Chapter 18.130, 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.</p>				

18.45 –Zoning District Regulations | Lot and Development Standards

Table 18.45.040.D – Lot and Development Standards for Residential zones
 (Except as provided by 18.45.040.F through 18.45.080, as modified under Chapter 18.125 Adjustments and Variances, or as approved under Chapter 18.130 Master Planned Developments.)

Standard	R-1	R-2	R-3	[Reserve]
Minimum Lot Width				
Single-Family, Not Attached:				
Corner Lot	60 ft	50 ft	40 ft	
Interior Lot	50 ft	45 ft	40 ft	
Single-Family, Attached or Common Wall:				
Corner Lot	Not permitted	100 ft 80	90 ft 75	
Interior Lot	Not permitted	80 ft 70 ft	70 ft	
Duplex	100 ft	80 ft 75 ft	75 ft *37.5 ft per lot	
Multiple-Family (3 or more dwelling units on a lot, where allowed)		*40 ft each lot of 2 or more lot duplex or multifamily	for 2 lots 85 ft	
Non-Residential 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 Chapter 18.105.050. *if one lot	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, Sections 18.45.040 Setback Yard Exceptions, [18.45.080 Building Height Transition], 18.70.020 Clear Vision, and 18.75.050 Fences and Walls. <u>Level Site (slope less than 15%),</u> maximum height	30 ft	35 ft	40 ft	
<u>Building Height Transition Required</u> Abutting R-1 District (Sec 18.45.080)	No	Yes	Yes	

Commented [SS36]: Remove the brackets and convert italics to regular text if keeping.

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18.45 –Zoning District Regulations | Lot and Development Standards

Table 18.45.040.D – Lot and Development Standards for Residential zones
 (Except as provided by 18.45.040.F through 18.45.080, as modified under Chapter 18.125 Adjustments and Variances, or as approved under Chapter 18.130 Master Planned Developments.)

Standard	R-1	R-2	R-3	[Reserve]
<p><u>Fences and Non-Building Walls</u> Max. Height. – Front Yard Max. Height. – Interior Side Max. Height – Rear Yard Max. Height – Street-Side; or Reverse Frontage Lot (rear)</p> <p>(See also, Section 18.75.040.)</p> <p>*A fence that obscures more than 50% of a person’s view cannot exceed 3’ in height.</p>	<p>*3 ft - 4 ft 7 ft 7 ft 6 ft; with 4 ft landscape buffer</p>	<p>*3 ft - 4 ft 7 ft 7 ft 6 ft; with 4 ft landscape buffer</p>	<p>*3 ft - 4 ft 7 ft 7 ft 6 ft; with 4 ft landscape buffer</p>	
<p>Lot Coverage [(two options)]:</p> <p>1) Maximum Lot Coverage (foundation plane area as % of site area)</p> <p>Single-Family, Not Attached Single-Family, Attached/Common Wall Duplex Multifamily or Cottage Cluster Mixed-Use/Live Work/Commercial Civic/Institutional/Open Space</p> <p>2) Coverage Bonus</p>	<p>50% Not permitted 60% 60% Not applicable 60%</p>	<p>55% 70% 70% 70% 75% 60%</p>	<p>60% 75% 75% 80% 90% 60%</p>	
<p>Minimum Landscape Area (% lot area), Landscape area may include plant areas and some non-plant areas as allowed under Section 18.75.030.</p>	<p>The lessor of the front and side yards or 30%</p>	<p>The lessor of the front and side yards or 25%</p>	<p>The lessor of the front and side yards or 20%</p>	
<p>Minimum Setbacks (feet). See also, Sections 18.45.040 Setback Yard Exceptions, [18.45.080 Building Height Transition], 18.70.020 Clear Vision, and 18.75.050 Fences and Walls.</p>				

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)				

Table 18.45.040.D – Lot and Development Standards for Residential zones
 (Except as provided by 18.45.040.F through 18.45.080, as modified under Chapter 18.125 Adjustments and Variances, or as approved under Chapter 18.130 Master Planned Developments.)

Standard	R-1	R-2	R-3	[Reserve]
Interior Side Setback Yards				
Structure >24' height (total of 2 interior sides, with no setback yard less than 34 ft)	8 ft	7 ft	7 ft	
Structure 12'-24' height (total of 2 interior sides, with no setback yard less than 34 ft)	7 ft	6 ft	6 ft	
Structure <12' height (total of 2 interior sides, with no setback yard less than 34 ft)	6 ft	5 ft	5 ft	
Garage or Carport Opening, except alley	20 ft	20 ft	20 ft	
Paved parking pad – Minimum size 18' ft by 12', to match size of garage/carport Exceptions:	18 ft x 12 ft Minimum	18 ft x 12 ft Minimum	18 ft x 12 ft Minimum	
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 one side; [5-10] ft other side	0 ft one side; [5-10] ft other side	

Commented [SS37]: These setbacks do not leave sufficient space for ACs and heat pumps and could make it difficult for lot and building maintenance. As a result, you will see the equipment installed in front and rear yards, which may be undesirable.

18.45 –Zoning District Regulations | Lot and Development Standards

Table 18.45.040.D – Lot and Development Standards for Residential zones
 (Except as provided by 18.45.040.F through 18.45.080, as modified under Chapter 4.7 Adjustments and Variances, or as approved under Chapter 18.130 Master Planned Developments.)

Standard	R-1	R-2	R-3	[Reserve]
Rear Setback Yard				
Structure >24' height	15 ft	10 ft	10 ft	
Structure 12'-24' height	10 ft	5 ft	5 ft	
Structure <12' 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', to match size of garage/carport	18 ft x 12 ft Minimum	18 ft x 12 ft Minimum	18 ft x 12 ft Minimum	
Exceptions:				
Alley	5 ft	5 ft	5 ft	
Porch or Similar Open Structure (e.g., balcony, portico, patio wall) where structure is <50% enclosed	5 ft	5 ft	5 ft	
	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 does not meet the minimum standards of Section 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 determine 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 [ME39]: The City works with this in the current code standards. If the carport/garage is accessible from the alley, then they will be required to construct a paved parking pad in the minimum size as required by code.

Commented [SS38]: This rear setback and paved parking pad conflict for alleys.

Commented [SS40]: Consider allowing exemption to this where the City Engineer determines that the street is at its ultimate width and no additional right-of-way is likely to be needed for future improvements, consistent with the TSP.

18.45–Zoning District Regulations | Lot and Development Standards

E. Lot and Development Standards for Non-Residential Districts. The development standards in Table 18.45.040.E apply to all new development as of the date of adoption of this code in the City's Non-Residential zones, as follows.

Table 18.45.040.E – Lot and Development Standards for Non-Residential zones (Except as provided by 18.45.040.F through 18.45.080, as modified under Chapter 18.125 Adjustments and Variances, or as approved under Chapter 18.130 Master Planned Developments.)				
Standard	C-1	M-1	M-2	PFZ
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, or # acres, per Economic 2.5 Opportunities acres Analysis None		None
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 Section 18.45.080.	Yes	Yes	Yes	No
	Yes	Yes	Yes	Yes
*Height Increase The City may increase the standard height, above, for specific projects with approval of a Conditional Use Permit (CUP), per Chapter 18.110.				

Commented [SS41]: Provide standard and remove reference to EOA, or remove bracketed text.

Commented [ME42R41]: The City does not have an EOA. However, does the Planning Commission desire to state a limitation for the width and depth of a industrially zoned lot?

Commented [SS43]: Is City wanting to allow additional height, above 75 feet, or is the 15 feet bonus the maximum increase allowed? Clarify

Commented [ME44R43]: I believe that the Planning Commission desires to allow a height to exceed the limits, which may be addressed within the CUP analysis.

18.45 –Zoning District Regulations | Lot and Development Standards

Table 18.45.040.E – Lot and Development Standards for Non-Residential zones
 (Except as provided by 18.45.040.F through 18.45.080, as modified under Chapter 18.125 Adjustments and Variances, or as approved under Chapter 18.130 Master Planned Developments.)

Standard	C-1	M-1	M-2	PFZ
<p>Fences and Non-Building Walls Maximum Height – Front Yard Maximum Height – Interior Side Maximum Height – Rear Yard Maximum Height – Street-Side or Reverse Frontage Lot (rear)</p> <p>(See also, Section 18.75.040.)</p> <p>*A fence that obscures more than 50% of a person's view cannot exceed 3' in height.</p>	<p>*3 ft - 4 ft 8 ft 10 ft 6 ft with 5 ft landscape buffer</p>	<p>4 ft, except City-required screens 8 ft, except City-required screens 10ft, except City-required screens 6 ft with 5 ft landscape buffer</p>		
<p>Lot Coverage [(two options): 1. Maximum Lot Coverage (foundation plane area as % of site area)</p> <p>2. Coverage Bonus</p>	90%	90%		90%
<p>Minimum Landscape Area (% 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, Section 18.50.140 [Landscape area may include street trees and civic space improvements in some zones, per Sections 18.65.050 and 18.75.030.]</p>	15%	10%	5%	20%

Commented [SS45]: Remove the brackets and convert italics to regular text if keeping.

Commented [SS46]: Are there any Commercially zoned properties where screening would be needed or this limit could be a security concern?

Commented [SS47]: Choose a process, Type II or Type III.

Commented [ME48R47]: The real question here is if the Planning Commission is comfortable with the Planner deciding if a coverage bonus is allowed. If there were any drawbacks to the allowance of a coverage bonus in a Type II application, then the Planner would bring it to the attention of the Planning Commission.

18.45 –Zoning District Regulations | Lot and Development Standards

Table 18.45.040.E – Lot and Development Standards for Non-Residential zones
 (Except as provided by 18.45.040-18.45.080, or as modified under Chapter 18.115 Master Planned Developments and Chapter 18.125 Adjustments and Variances)

Standard	C-1	M-1	M-2
Minimum Setback Yards (feet): (See also, Section 18.45.080, RL Height Step- Down.)			
<u>Front, Street-Side, Interior Side, and Rear</u> property lines, except garage or carport, or as required by other code provisions	0 ft	15 ft	— 0 ft
<u>Garage or Carport Entry</u> , setback from street	20 ft	20 ft	— 20 ft
<u>Alley</u>	3 ft	3 ft	— 3 ft
<u>Adjacent to RL District</u>	5 ft, and per Section 18.45.170	20 ft, and per Section 18.45.170	— 30 ft, per Section 18.45.170

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 Section 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 determine 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 [SS49]: See previous comment regarding special street setback.

18.45.050 Setback Yards Exceptions

A. Encroachments

- 1. 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 Section 18.70.030 are met.
- 2. 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.
- 3. Fences may be placed within setback yards, subject to the standards of Section 18.45.040 and 18.45.040.

B. 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:

- 1. front yard parallel to the street providing automobile access; or
- 2. front yard parallel to the flagpole from which driveway access is received; or
- 3. other, as surrounding land uses or building construction needs may indicate.

The City shall review proposals for flag lots pursuant to the standards in Section 19.20.050, ~~and may impose reasonable conditions to ensure development is compatible with adjacent uses.~~

Commented [SS50]: See note below.

Commented [SS51]: This language is not clear and objective and therefore conflicts with Oregon housing statutes. ORS 197.307(4) https://oregon.public.law/statutes/ors_197.307

18.45.060 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, except as provided below in subsections 1-3:

- A.** Residential care homes and facilities, senior housing, including assisted living, accessory dwellings, and subdivisions are exempt from the minimum density standard.
- B.** 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.
- C.** Minimum and maximum housing densities are calculated by multiplying the total parcel or lot area by the applicable density standard.
- D.** 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.

18.45.070 Lot Coverage

A. Lot Coverage Calculation. The maximum allowable lot coverage, as provided in Table 18.45.040.D, is calculated as the percentage of a lot or parcel covered by buildings and structures (as defined by the foundation plan area) at ~~36~~ **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.

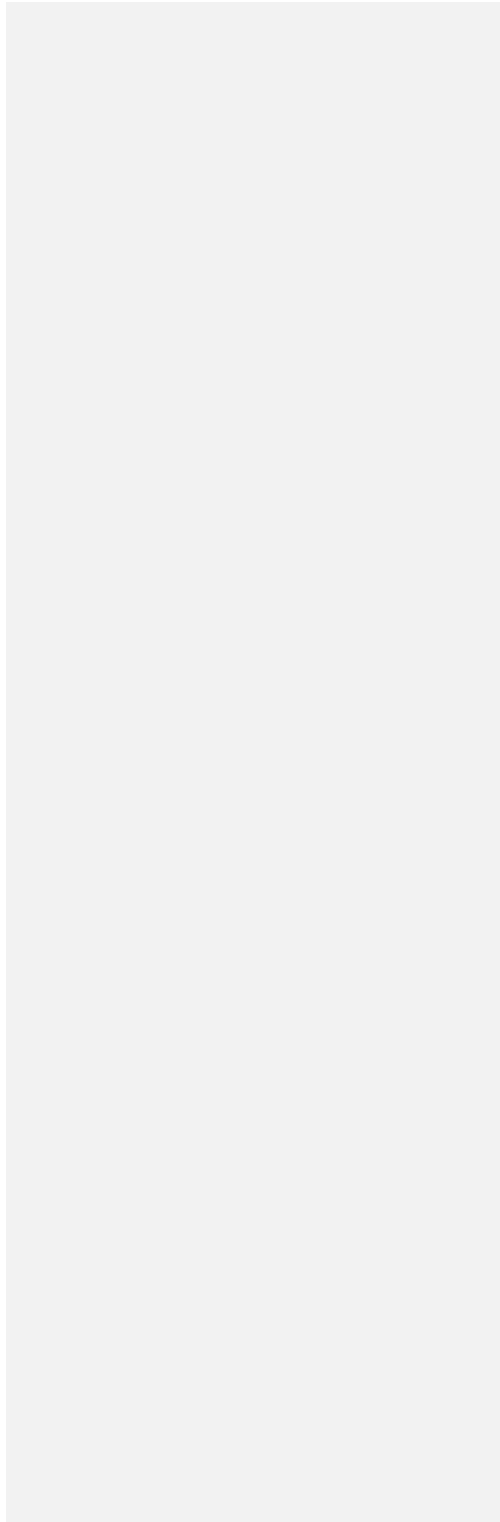
Commented [SS52]: Other jurisdictions use 30 inches, as this is the same height used to define a structure under the Building Code.

B. 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.D, as follows:

1. 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.
2. Lot coverage may increase by up to three-quarters (75%) 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 stormwater infiltration).
3. Lot coverage may increase by up to three-quarters (75%) of a square foot for every one square foot of City-approved water quality treatment area (e.g., vegetative swale or bio-filtration) to be provided on the subject site.
4. In approving increases in lot coverage under subsections 1-3 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.
5. 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.

18.45.080 Height Measurement, Exceptions, and Transition

- A. Building Height Measurement.** Building height is measured pursuant to the building code.
- B. 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.
- C. Fence Height Increase.** Where Table 18.45.040 provides for a height increase, the proposal shall be subject to City review and approval pursuant to Chapter 19.25.



Chapter 18.50 – Special Use Standards (S)

Sections:

- 18.50.010 Purpose
- 18.50.020 Applicability
- 18.50.030 Review Process
- 18.50.040 Artisanal and Light Manufacture Uses
- 18.50.050 Drive-Through Service
- 18.50.060 Duplex Dwellings
- 18.50.070 Townhomes, Attached Single-Family Dwellings
- 18.50.080 Multifamily Development
- 18.50.090 Dwellings in Commercial *[and Mixed Employment]* Zones
- 18.50.100 Family Daycare and Childcare Facility
- 18.50.110 Residential Care Homes and Residential Care Facilities
- 18.50.120 Home Occupations
- 18.50.130 Manufactured Homes
- 18.50.140 Mobile Home and Manufactured Home Parks
- 18.50.150 Mobile Homes and Recreational Vehicles Used as Dwellings
- 18.50.160 Temporary Uses
- 18.50.170 Accessory Dwellings
- 18.50.180 Bed and Breakfast Inns
- 18.50.190 Accessory Uses in PUZ
- 18.50.200 Special Uses in Residential Zones
- 18.50.210 Special Uses in Commercial Zones

18.50.010 Purpose

Special uses included in Chapter 18.50 are uses which, due to their effect on surrounding properties, must be developed in accordance with special conditions and standards. These special use standards ~~may differ from the development supplement the~~ standards established for other uses in the same zoning district.

18.50.020 Applicability

All uses designated as Special (“S”) Uses in Table 18.45.020, and uses the City determines to be similar to such uses, are subject to the standards of Chapter 18.50. ~~The standards of this chapter supplement the other requirements of this Code.~~ When a dimensional standard for a special use differs from that of the underlying district, the standard for the special use shall apply.

~~18.50—Special Approval and Use Standards | Artisanal and Light Manufacture Uses; Drive Through Services~~

18.50.030 Review Process For ‘S’ Special Review for C-I and M-I Zones

~~The City uses the~~The Type II Administrative review process ~~is used for permitting Special Uses in the C-I and M-I zones in reviewing proposed uses for compliance with the requirements of Chapter 18.50, except that t.~~The standards are applied through the Type II review process, 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.

18.50.040 C-I and M-I Artisanal and Light Manufacture Uses

A. 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.

B. Applicability. The following standards apply where manufacturing uses are allowed in commercial zones and where retail uses are allowed in industrial zones. ~~The standards are applied through the Type II review process, 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.~~

C. Standards.

1. 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 19.15).
2. A manufacturing use in the C-I Zone shall not exceed the lesser of 50% of any adjacent commercial use or 5000 square feet.
3. Where a manufacturing use is allowed in the C-I or M-I/M-2 zones 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.
4. Manufacturing uses in commercial zones shall be limited to those uses that produce no additional air pollution or noxious odors.
5. 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 lessor of 50% of the floor area of the primary industrial use or 5000 square feet.

- 6. A commercial use in/on a vacant industrial zone parcel shall be permitted only if:
 - a. It is under 5000 square feet and,
 - b. It meets all C-1 and development standards of Table 18.45.040E.
 - c. It meets all M-2 (Table 18.45.040.E) and the requirements of Chapter 18.50.040C.

18.50.050 Duplex Dwellings

A. 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.

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

Commented [SS53]: Clarified this applies only where duplex lot abuts SF lot.

C. Standards. ~~Where a duplex is proposed on a lot sharing a property boundary with a single-family dwelling lot.~~ The duplex shall meet all of the following standards:

- 1. The duplex shall not exceed the height of the subject single-family dwelling by more than 10 percent.
- 2. 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.
- 3. 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.
- 4. The duplex ~~may shall~~ not exceed the lessor gross floor area of:
 - 1. 15% larger than the combined size of ~~any two immediately adjacent the closest two~~ single family dwellings 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. 4500 square feet.
- 5. In R-1 zones, the duplex minimum lot size shall be 9,000 square feet.
- 6. In the R-2 zones, the duplex minimum lot size shall be 7,000 square feet.
- 7. In the R-3 zones, the duplex minimum lot size shall be 6,000 square feet.

Commented [SS54]: These standards can be deleted because they are in the lot dimensions table.

Commented [ME55R54]: We thought it useful and providing better service for the reader so they don't have to hunt for it.

18.50.060 Townhomes, Attached Single-Family Dwellings, Special Review Criteria

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

B. Applicability. The following standards apply to new attached single-family dwellings in all residential zones. The standards are applied through the special review process. Those not meeting these requirements must meet the review standards and criteria of a site plan review pursuant to Section 19.15, prior to issuance of building permits.

C. Standards. Where attached single-family dwellings are proposed, the structure(s) shall meet all of the following standards:

1. Each building shall contain not more than four consecutively attached dwelling units and not exceed an overall length or width of 125 feet.
2. 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.
3. 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.
4. The development standards of Chapter 18.45 and the building and site design standards of Chapter 18.60 – 18.75 shall be met.
5. Every dwelling unit in a townhouse/attached single family dwelling shall, on the primary entrance side, be composed of not less than 20% windows and door surface area, exclusive of the garage door(s).
6. The standards of Chapter 18.50.060C shall be met.
7. ~~Three-Townhouse buildings containing three~~ or more ~~attached single-family~~ dwelling units shall provide a total of 5 or more off-street parking locations, consistent with HMC 18.80.020 1 & 2.

Commented [SS56]: Syntax: single-family or single family. It is written both ways.

Commented [SS57]: What is the purpose? Is it to provide consolidated and shared parking, or is it a minimum parking standard per building? Is it the number of required parking spaces, or number of locations with groups of parking spaces?

Commented [ME58R57]: HMC 18.80.020 1 & 2 spell this out, therefore, we don't need to clarify this here.

18.50.070 Multifamily Development

A. 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 Chapter 18.60 – 18.90.

B. Applicability. This applies to new multifamily developments of 3 to 5 or more dwelling units in the R-2 and R-3 Zones.

Commented [SS59]: What about larger MF buildings, or sites with more than one multiplex?

C. Standards.

1. 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:

Commented [SS60]: This standard is easily met with landscaping. In fact, it could be met with parking lot landscaping, leaving no part of the site open for other types of common open space or landscaping.

- a. "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.
- b. 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.
- c. 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.
- d. 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.
- e. 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.

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

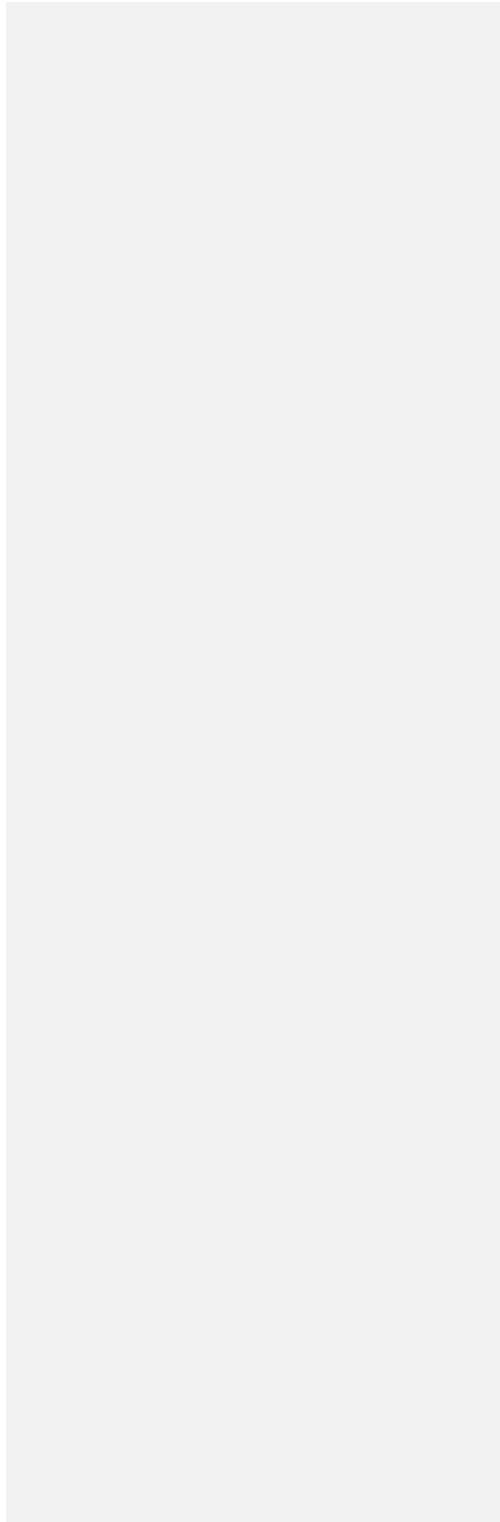
Commented [SS61]: Balconies add significant maintenance costs. Consider allowing a reduced percentage for deed restricted affordable housing, where the site provides more than the minimum amount of common open space. See also, comment above.

- a. 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).
- b. 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.

b.c. Affordable housing units with 50% or more of the site area designated and permanently reserved as landscaped common or recreational area shall be allowed to eliminate balconies or porches.

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

4. Trash Storage. Trash receptacles, recycling, and storage facilities shall be oriented away from building entrances, setback 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.



18.50.080 Dwellings in Commercial and Mixed Employment Zones

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

B. Applicability. This section applies to dwellings in the C-1, M-1, M-2, and PUZ zone[s].

C. Standards. Residential uses in the C-1, M-1, and PUZ zone[s] shall conform to all of the following standards:

1. New residential uses shall not be located in a ground building floor space within the Historical District overlay zone.
2. New residential uses within the Historical District overlay zone shall be permitted only above or below a ground floor space ~~containing approved for a permitted non-residential use.~~
3. 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 planner development application.
4. Single-family dwellings lawfully existing as of the date of adoption of this code 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 Section 18.45.030 and applicable building codes.
5. 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 2500 square feet, and off-street parking provided for at least three vehicles, except for Historical District overlay.
6. New residential uses in the C-1, M-1, and M-2 zones shall not exceed a lot/parcel coverage ratio of 40%.

Commented [SS62]: What if ground floor is vacant?

Commented [ME63R62]: Dependent upon what the Planning Commission decides about percentage of ground floor used for residences, will determine what we do here. For the record, staff prefer a commercial use on the bottom floor of a commercial structure, especially in the historical overaly zone.

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 ORS 657A.440(4). Family daycare uses must also have a current City of Harrisburg business license.

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.

A. 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, pursuant to ORS 197.660 through 197.670 and HB 3109.

Commented [SS64]: HB 3109 pertaining to family child care and child care facilities amended ORS 215.213, 215.283, 329A.030, 329A.250, 329A.280 and 329A.440. Consider referring to these State requirements generally instead. <https://olis.oregonlegislature.gov/liz/2021R1/Downloads/MeasureDocument/HB3109/Enrolled>

B. 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.

C. 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 6 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.

D. Childcare Facilities. In accordance with House Bill 3109, 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.

Commented [SS65]: See above comment regarding HB 3109.

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

F. Parking. The parking standards of Chapter 18.80 shall be met.

G. Landscaping. Residential Care Facilities are required to comply with the landscaping and screening standards of Chapter 18.75. 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.

H. 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; 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.

I. Review Procedure. Residential Care Homes, other than a child care center, are subject to review and approval through a Type II review procedure under Section 19.10.030 prior to issuance of building permits. Residential Care Facilities are subject to a Type III (public hearing) review and approval under Chapter 19.10.040.

Commented [SS66]: "A local government may not impose land use regulations, special fees or conditions on the establishment or maintenance of a child care center in an area zoned for commercial or industrial use that are more restrictive than those imposed for other uses in the same zone."
<https://olis.oregonlegislature.gov/liz/2021R1/Downloads/MeasureDocument/HB3109/Enrolled>

18.50.110 Home Occupations

A. 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.

B. 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.

C. Home Occupation in Residential Zones. Home Occupations are permitted, provided the owner completes a Home Occupation Registration Form ~~./Zoning Checklist~~ and obtains a City of Harrisburg Business License and meets the requirements of HMC 5.05 and 5.07.

D. Home Occupation Standards. Home Occupations shall conform to all of the standards of HMC 5.07, except the City Administrator may require a Conditional Use Permit in accordance with Chapter 19.110. All uses and structures on the subject property conform to applicable City regulations, including, but not limited to, building codes and nuisance regulations.

E. 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.

I. Any violations noted by the inspecting officer shall be corrected within 15 days,

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

III. Failure to pay the fine levied in Municipal Court within the time period as determined by the Municipal Judge will further results in an correct a home occupation violation shall result in indefinite suspension of the home occupation license until such time as the enforcement officer confirms that all violations have been corrected.

Commented [S567]: Why have an enforcement procedure that is different (less) than for other code violations? Wouldn't the City seek to correct the violation, and then issue a citation before revoking a business license? (Revoking a business license is an additional enforcement lever.)

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 effective date of this Code. See also, Sections 18.45, 18.50.130 and 18.50.140, respectively, regarding Mobile Home and Manufactured Home Parks, and Mobile Homes and Recreational Vehicles Used as Dwellings.

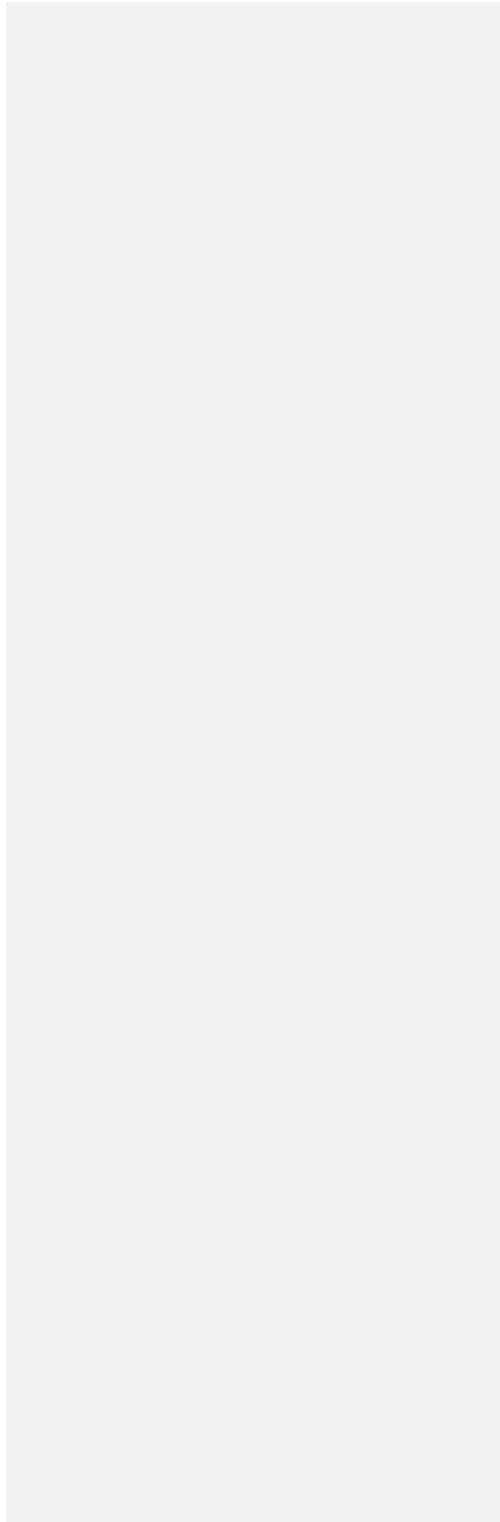
- A. Floor Plan.** The manufactured home shall be multi-sectional and have an enclosed floor area of not less than 1,000 square feet and at least 20 feet wide.
- B. Roof.** The manufactured home shall have a pitched roof with a slope not less than three feet in height for each 12 feet in width (14 degrees).
- C. 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.
- D. 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.
- E.** A manufactured home will be considered new construction and all city requirements for curbs, gutters, sidewalks and landscaping shall be complied with.
- F.** 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.
- G.** Wheels, axels, tongue shall be removed.
- H. 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.
- I. Manufactured Dwelling Placement Permit.** An approved permit is required prior to placement.
- J. 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.

K. Floodplain. Manufactured homes shall comply with HMC 15.20.170 & 15.20.180 and the following standards.

1. 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).
2. 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.
3. 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 Code of Federal Regulations 60.3(c)(6)]
4. Electrical crossover connections shall be a minimum of 12 inches above BFE. [Manufactured Dwelling Specialty Code 6-4.2(1)]

L. 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.

M. 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.



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 2.5 acres, subject to compliance with subsections A-F, below:

- A. 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).
- B. 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 446.
- C. 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 5 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.
- D. Manufactured Dwelling Design.** In manufactured dwelling parks, manufactured homes shall meet the following standards:
 - 1. 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).
 - 2. 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.
 - 3. The maximum park density shall be one manufactured dwelling per 4500 square feet of area within the park boundary.
 - 4. Each structure on/in the park shall meet all set-back standards of the R-3 zone except that minimum distance (set-back) between manufactured dwelling units shall be 12 feet.
 - 5. All manufactured dwelling parks shall provide separate recreational areas of the greater of 3500 square feet or 250 square feet per dwelling space. Landscaped areas can serve as a credit toward meeting this requirement, but not to exceed 1000 square feet. Structures such as clubhouses, playgrounds, fitness facilities, sport courts, etc. can meet the requirement.
 - 6. A separate storage area of 750 square feet for every 10 (or portions thereof) dwelling spaces shall be provided.
 - 7. Fencing, landscaping, internal circulations/streets, etc. shall meet the standards of Tables 18.45.040 D & E, and the minimum landscape area for the C-1 zone.
 - 8. All standards of Chapter 18.50.130 and 18.70 – 18.90 shall be met.
- E.** City Administrator shall determine submission requirements for applications complying with this code section.
- F.** All applications not consistent with these standards and requirements shall be required to make application under Chapter 19.15, Site Plan Review.

18.50.140 Temporary Mobile Homes and Recreational Vehicles Uses

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, or seasonal nature and 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 Code 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:

Commented [S568]: Section 18.45 states, "Temporary uses may occur no more than four times in a calendar year and for **not longer than eight days** cumulatively in any calendar year. "

A. Temporary Sales Office or Model House. Through a Type II procedure, pursuant to Section 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 Section 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 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 Access and Circulation.

-
4. There is sufficient parking to accommodate the temporary use and other uses existing on the site, pursuant to the Chapter 18.80 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 6 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.

Commented [SS69]: Food carts and trucks also must comply with county health requirements.

C. Emergency Housing. Upon declaration of an emergency by Linn County or the State of Oregon, that includes the City of Harrisburg, then 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.

~~18.50~~ Special Use Standards | Accessory Structures

18.50.150 Accessory Structures – A-Type II Procedure

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

1. Structures 200 square feet or less that are not more than 15 feet in height.
2. Structures in the C-1, M-1, M-2, and PUZ zones.

Commented [S570]: This corresponds to the revised State Building Code for exempt structures. Height used to be 10 feet.

B. Floor Area. An accessory structure cannot exceed the lesser of 50% of the floor area of the primary structure or 500 square feet, and its height cannot exceed the primary dwelling.

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

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

E. 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.

F. 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.

G. Prohibited Accessory Structures in Residential Zones. Non-allowed structures such as mobile homes, trailers, cargo/freight containers/boxes, or any structure consisting of easily damaged materials or construction, including dilapidated or dangerous structures.

H. 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.D, except as may be adjusted.

~~18.50 Special Use Standards | [Accessory Dwellings]~~

18.50.160 Accessory Dwellings

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

- A. One Unit.** A maximum of one Accessory Dwelling unit is allowed per legal lot.
- B. 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.]~~
- C. Lot Size.** The minimum lot size for a lot with an Accessory Dwelling in the R-I zone is ~~7,000~~ 6,000 square feet. Total lot coverage of the primary and accessory dwelling cannot exceed the standards of Table 18.45.040.D, except as may be adjusted.
- D. Building Design.** ~~The Accessory Dwelling shall be constructed of materials that are the same or similar in appearance to the materials used on the primary dwelling.~~ The Accessory Dwelling shall comply with all applicable Oregon Structural Specialty Code requirements.
- E. Building Types.** Mobile or manufactured homes, cargo containers, ~~or any and~~ dwellings on wheels are prohibited as accessory dwellings or materials for accessory dwellings.
- F. Building Height.** The height of an accessory dwelling shall not exceed the height of the primary dwelling.
- G. 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.
- H. Setbacks.** All building and other setbacks required by Table 18.45.040.D are applicable to accessory dwellings.
- I. 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.
- J.** All accessory dwelling structures are required to obtain a building permit regardless of size.
- K.** Conversion of an accessory structure to accessory dwelling shall require a change of use building permit, regardless of size.

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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 Chapter 19.10.030, and shall conform to all of the following standards:

- A. Accessory Use.** The use must be accessory to a permitted residential use and conform to HMC 18.50.180.
- B. Maximum Size.** A maximum of five bedrooms for guests, and a maximum of ten guests are permitted per night. New construction for bed and breakfast inns shall not exceed 3,500 square feet.
- C. 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.
- D. Employees.** The inn shall have not more than three non-resident employees on-site at any one time. There is no limit on ~~residential-resident~~-employees.
- E. 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 ~~also~~ allowed only in the C-1 zone.
- F. 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 HMC 18.90 shall be met.
- G. 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.
- H. 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:~~
 - 1. Parcel size must be a minimum of 10,000 square feet.
 - 2. Off-street parking is provided conforming to Table 18.80.030 E and 18.80.030.
 - 3. The primary church structure shall not exceed 3,000 square feet.

Commented [SS71]: How will the City regulate this? How long must building exist before it is no longer new construction? Limit on number of bedrooms and guests should suffice. Anything larger is a hotel.

Commented [ME72R71]: New construction would apply to anything within 180 days.

Commented [SS73]: Actually, anything longer than one month would typically be considered a residential use, or long-term rental.

Commented [SS74]: Is this supposed to be religious functions in B&Bs, or separate special use section for Churches and Religious Institutions?

18.50.180 Special Use Standards in the Public Use Zone

- A. Accessory Uses.** The use must be accessory to any use permitted outright in each zone and meet the requirements of 18.50.150 – 18.50.180.
- B. Maximum Size.** Structures shall not exceed 3,000 square feet, may not include development of more than 50% (parking included) of the parcel or parcels proposed for development.
- C. Approved Uses.** At least 50% of any structure shall be accessible to the public, with or without fee, as well as 75% of all landscaped areas suitable for human use (trails, bike paths, parking, picnic areas, sports fields, etc.)
- D. 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 18.45.040E and 18.80.030A.

E. 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:

- 1. Parcel size must be a minimum of 10,000 square feet.
- 2. Off-street parking is provided conforming to Table 18.80.030 E and 18.80.030.
- 3. The primary church structure shall not exceed 3,000 square feet.

Commented [SS75]: Is this supposed to be religious functions in B&Bs, or separate special use section for Churches and Religious Institutions?

Commented [ME76R75]: This had been placed under bed and breakfast inns, and should have been located in a different section.

18.50.190 Special Use Standards in the Residential Zones

A. Purpose. The following provisions are intended to encourage a variety of residential related and compatible uses in the residential zones with particle emphasis on the R-3 zone. The R-3 zone is a higher density zone with numerous compatible uses within walking distances. These 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.

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

C. Standards.

- 1. Traffic. The traffic generated by the proposed use shall not exceed the greater of an estimated two (2) times that of a single family dwelling or two (2) times the use generated per MFD.
- 2. ~~Noise, pollution, glare, odors, etc. The proposed use cannot result in any negative impacts on surrounding residences that would not be typical of a residential area.~~
- 3. ~~Construction standards. All special uses must employ a building design and use materials similar to contemporary residential construction as required by the IABC and assumes visual and aesthetic compatibility with existing area structures.~~
- 4. All other city development and building standards as per HMC 18.45.040D must be met.
- 5. 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.
- 6. RV parks in the R-3 zone may not exceed 3 acres.
- 7. Commercial uses in the R-3 zone may not exceed a gross area of one acre nor structure(s) exceeding 3000 square feet.

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Commented [SS77]: This language is not clear and objective and therefore conflicts with Oregon housing statutes. ORS 197.307(4) https://oregon.public.law/statutes/ors_197.307 Also unclear what IABC stands for.

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Commented [SS78]: This language is not clear and objective and therefore conflicts with Oregon housing statutes. The parking standard of 2x may also conflict with the housing statutes, which prohibit land use standards that add unreasonable cost or delay. ORS 197.307(4) https://oregon.public.law/statutes/ors_197.307

18.50.200 Special Use Standards in the C-I Zone

A. Purpose. The following provisions are intended to provide a variety of uses in the C-I 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-I zone.

B. Applicability. These standards are required to be met by all 'S' rated uses for the C-I zone.

C. Standards

- 1. Traffic. The traffic generated by the proposed use shall not exceed the greater twice that of a 1500 square foot convenience store or equal to a 1000 square foot fast food restaurant.
- 2. ~~Noise, pollution, glare, odors, etc. The proposed use cannot result in any negative impacts on existing adjacent commercial uses as well as residential areas.~~
- 3. ~~Construction standards. All special uses must employ similar building design and use materials similar to contemporary commercial construction as required by the IABC and assures visual and aesthetic compatibility with existing area structures.~~
- 4. All other city development and building standards as per HMC 18.45.040E0 must be met.
- 5. Parking. 'S' rated uses in the commercial zones must provide adequate off-street parking to demonstrate compatibility with existing uses. Parking needs in excess of two times that of a 1000 square foot

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convenience store must be provided on-site.

- 6. Total site area, including structures, parking and landscaping cannot exceed - two- acres
- 7. Uses may not begin prior to 6:00 AM nor continue after 10:00 PM
- 8. Noise generation may not exceed -a measured average of 75 db ,

Commented [SS79]: See also, above comment regarding Oregon housing statues. And what is the basis for limiting vehicle trips in this way? Why not limit impacts from those trips (traffic operations, safety, level of services, etc.) instead? Why not rely on the existing public improvement/traffic mitigation requirements and parking standards in the code for each use? Also unclear what IABC is supposed to refer to. Maybe International Building Code (IBC)?

Commented [ME80R79]: We aren't certain what IABC stands for, as it isn't used by the City. Perhaps In accordance with Building Code?

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, set back, landscaping and related requirements of this code
- 3. The site total area cannot exceed 2 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'

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 ~~service~~ services or club or fraternal uses that impose a standard membership fee)
- 2. Buildings or structures many not exceed 5000 square feet.
- 3. On-site parking must equal or exceed the standards of an equivalent sized concenience store as described in the most recent version of the UTM
- ~~4.~~ Total site area may not exceed 20 acres