



Oregon

Theodore R. Kubongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

02/04/2013

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of Harrisburg Plan Amendment
DLCD File Number 002-12

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Friday, February 15, 2013

This amendment was submitted to DLCD for review prior to adoption pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

*NOTE: The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Michele Eldridge, City of Harrisburg
Gordon Howard, DLCD Urban Planning Specialist
Ed Moore, DLCD Regional Representative

<paa> YA



FORM 2

DLCD

Notice of Adoption

In person electronic mailed

DATE
STAMP

DEPT OF

JAN 28 2013

LAND CONSERVATION
AND DEVELOPMENT
For Office Use Only

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

Jurisdiction: **City of Harrisburg**

Local file number: **LU 308-2012**

Date of Adoption: **1/23/2013**

Date Mailed: **1/25/2013**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date:

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

The City has added a high density residential zone to its land use regulations, and is changing the current multi-family designation to a medium density residential zone. SFD's will be allowed in medium density zones, but not in the high density zoning areas. The City is not currently designating where these zones will be located at, since that will be addressed in our future UGB Expansion process.

Does the Adoption differ from proposal? No, no explanation is necessary

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location:

Acres Involved:

Specify Density: Previous: **R-1 & R-2**

New: **R--1, R-2, and R-3**

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

35-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD file No. 002-12 (19599) [

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

None; all potential uses are currently allowed, via site plan or CUP (Conditional Use Permit). This will simply set aside zones in the future that will allow only high density uses to be constructed.

Local Contact: Michele Eldridge, City Recorder

Phone: (541) 995-6655 Extension:

Address: PO Box 378

Fax Number: 541-995-9244

City: Harrisburg

Zip:

E-mail Address: 97446

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light green paper if available.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

9. **Need More Copies?** Please print forms on 8½ -1/2x11 green paper only if available. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail pian.amendments@state.or.us.

120 Smith Street
PO Box 378
Harrisburg, OR 97446



(541) 995-6655
FAX: (541) 995-9244
TDD: (800) 753-2900

"2002 Award of Excellence"

"2006 All-America City Finalist"

www.ci.harrisburg.or.us

DEPT OF

JAN 28 2013

LAND CONSERVATION
AND DEVELOPMENT

Plan Amendment Specialist
Department of Land Conservation & Development
635 Capitol Street NE, Suite 150
Salem, OR 97301-2540

January 25, 2013

Dear Plan Amendment Specialist;

The City of Harrisburg has completed the addition of a high density residential zone (R-3) to the City's current zoning ordinance. Previously, we had only single family zoning (R-1), and multi-family zoning (R-2) As such, we are submitting the Form 2, Notice of Adoption form. The City will not be designating where the zones will be located, since this will be addressed in our future UGB Expansion process.

A copy of the adopted amendment language is attached to the Form 2. The entire zoning ordinance for the City of Harrisburg can be found on-line at www.ci.harrisburg.or.us, under Our Town, in Municipal Code.

Best Regards;

A handwritten signature in blue ink that reads "Michele Eldridge". The signature is fluid and cursive.

Michele Eldridge, CMC

Enc.

COPY

ORDINANCE NO. 909

AN ORDINANCE AMENDING OR ADDING TO PARTS OF TITLE 18 OF THE HARRISBURG MUNICIPAL CODE TO ADD A HIGH DENSITY RESIDENTIAL ZONE, TO CLARIFY THAT A DUPLEX IS A MULTI-FAMILY DWELLING & OTHER CHANGES

WHEREAS, the City of Harrisburg is working with a consultant to expand our Urban Growth Boundary; and,

WHEREAS, the consultant has indicated that in order to get approval from the Department of Land Conservation and Development for the UGB expansion we will need to add a high density residential zone to our city code and zoning map; and,

WHEREAS, the consultant has also suggested that the Harrisburg Municipal Code be amended to clarify that a duplex is to be considered a multi-family dwelling, which is how the city has already been interpreting the existing code but it may help to avoid confusion if this is made more clear;

NOW, THEREFORE, the City Council of the City of Harrisburg does hereby amend the Harrisburg Municipal Code as follows:

#1:

The index to Title 18, Zoning and Land Use, is amended with regards to section 18.20 and to add section 18.22 as follows:

“18.20 Medium Density Residential Zone R-2”

“18.22 High Density Residential Zone R-3”

#2:

Section 18.10.050 is amended to change the name of the R-2 zone to “Medium Density Residential” and to add “High Density Residential R-3”.

#3:

Chapter 18.15 is amended to add the following:

“18.15.015 Density

Property in an R-1 zone shall be designed to accommodate a minimum of two dwellings per net acre.”

#4:

Section 18.15.030 is amended to read as follows:

“In an R-1 zone, the following uses and their accessory uses are permitted outright:

1. One single-family dwelling per lot, or a duplex as allowed in HMC 18.15.100.”

[Remainder of Section 18.15.030 is unchanged.]

#5:

Chapter 18.20 is amended as follows:

The title of the chapter is amended to read “MEDIUM DENSITY RESIDENTIAL ZONE R-2”

The list of subsections in Chapter 18.20 is amended to add “18.20.005 Density.”

Subsection 18.20.005 is added. It will read, “In an R-2 zone, a maximum of 12 residential units can be built per net acre.”

Subsection 2 of 18.20.020, regarding uses permitted in an R-2 zone, is amended to read: "2. Multiple-family dwelling with three or more dwelling units shall be permitted, subject to the site plan review standards and procedures of Chapter 18.95 HMC to insure the availability and adequacy of municipal services and the appropriateness of the design."

Subsection 7 is added to 18.20.020 and will read, "7. A duplex."

#6:

Chapter 18.22 is added as follows:

"Chapter 18.22

HIGH DENSITY RESIDENTIAL ZONE (R-3 ZONE)

Sections:

- 18.22.010 Density.
- 18.22.020 Required standards for all new dwellings in R-3 zones.
- 18.22.030 Uses permitted outright.
- 18.22.040 Conditional uses permitted.
- 18.22.050 Signs.
- 18.22.060 Lot size and frontage.
- 18.22.070 Setback requirements.
- 18.22.080 Height of flag poles.
- 18.22.090 Lot coverage.
- 18.22.100 Common wall requirements.

18.22.010 Density.

In an R-3 zone, property shall be designed for a minimum of 12 residential units per net acre and a maximum of 18 residential units per net acre.

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

1. All parking spaces and driveways shall be hard surfaced.
2. Eaves that extend a minimum of 12 inches from the intersection of the roof and the exterior walls.
3. Public improvements, including curbs, gutters, sidewalks and a paved street adjoining the property shall be installed in accordance with City standard specifications prior to occupancy unless an extension is granted in writing by the City. Prior to approving an extension, the City may require the responsible party to sign a waiver of remonstrance.
4. Appropriate landscaping, other than weeds or bare ground, shall be installed within six months of occupancy.
5. A receptacle for the delivery of mail by the United States Postal Service (USPS) shall be installed prior to occupancy unless (a) an extension is granted in writing by the City, or (b) the person who will be occupying the dwelling provides evidence to the City that a Post Office box

has been obtained. The receptacle shall be of a design approved by the USPS and it shall be placed at a location approved by the USPS and the Planning Commission.

18.22.030 Uses permitted outright.

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

1. Multiple-family dwellings shall be permitted, subject to the site plan review standards and procedures of Chapter 18.95 HMC to insure the availability and adequacy of municipal services and the appropriateness of the design.
2. Home occupation, when the provisions of Chapter 5.05 HMC are complied with.
3. One boarding, lodging, assisted living facility or rooming house, per lot, subject to the standards and procedures of Chapter 18.95 HMC.
4. Manufactured dwelling park, subject to the standards and procedures of HMC 18.75.020 and 18.95.080.

18.22.040 Conditional uses permitted.

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

1. Building heights exceeding 40 feet. [Ord. 882 § 3.120, 2010.]

18.22.050 Signs.

Refer to Chapter 18.70 HMC for standards. [Ord. 882 § 3.130, 2010.]

18.22.060 Lot size and frontage.

Except as provided in HMC 18.20.090, in an R-3 zone:

1. The minimum lot area for a townhome shall be 3,000 square feet for dwellings attached to one other dwelling and 1,800 square feet for dwellings attached to more than one other dwelling.
2. The minimum lot width at the front property line shall be 20 feet.

18.22.070 Setback requirements.

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

1. The front yard setback shall be a minimum of 12 feet, except that a garage or carport shall be set back a minimum of 18 feet.
2. Each side yard shall be a minimum of five feet, except that:
 - a. No setback is required where a common wall separates two adjoining dwellings.
 - b. In the case of a corner lot, the side abutting a street shall be a minimum of 12 feet.
3. The rear yard shall be a minimum of 15 feet, except that:
 - a. In the case of a corner lot the rear yard setback for an accessory building shall be a minimum of 10 feet; and
 - b. In the case of a lot on the bulb portion of a cul-de-sac, the rear yard setback shall average a minimum of 15 feet. The average of the rear yard setback shall be a measurement of the average of the closest line from the rear of the structure to the rear property line and the farthest line from the rear of the structure to the rear property line.

c. The rear yard setback for an uncovered deck, no part of which is more than 30 inches above the ground, shall be five feet.

18.22.080 Height of flag poles.

In an R-3 zone the maximum height of a flag pole shall be four feet higher than the highest building on the same lot unless a greater height is allowed by the Planning Commission.

18.22.090 Lot coverage.

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

18.22.100 Common wall requirements.

The following requirements shall apply to a townhome:

1. If each dwelling is on a separate lot, the common wall shall coincide exactly with the property line separating the units.
2. Each dwelling unit shall have independent utilities and addresses.
3. Prior to the initial occupancy, an agreement shall be recorded with Linn County stating how issues relating to liability and maintenance and care of the common areas will be resolved between the owners of each dwelling.

This ordinance shall become effective 30 days after approval by the mayor.

PASSED BY THE COUNCIL: JAN 23, 2013

APPROVED BY THE MAYOR: Robert C. [Signature]

EFFECTIVE DATE: FEB 23, 2013

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The City of Harrisburg
PO Box 378
Harrisburg, OR 97446



Attn: Plan Amendment Specialist
Dept of Land Conservation and Development
635 Capitol St NE, Suite 150
Salem, OR 97301-2540

