



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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NOTICE OF ADOPTED AMENDMENT

07/08/2013

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 002-13

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, July 19, 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
Amanda Punton, DLCD Natural Resources Specialist

<paa> YA



PROF 2

DLCD

Notice of Adoption

In person electronic mailed

DATE
STAMP

DEPT OF
JUL 01 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 313-2013**

Date of Adoption: **6/26/2013**

Date Mailed: **6/28/2013**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: 4/12/2013

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".

There are two actions made by the Harrisburg City Council.

1. Revision to Chapter 18.05 of Municipal Code addressing application procedures for Comprehensive Plan Amendments. The revision clarifies that a Comprehensive Plan Amendment involving more than one property only requires one application and fee.
2. New Chapter (18.65) added to the Municipal Code addressing wetland areas in the City of Harrisburg. These provisions supplement our LWI adopted in 2011.

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

Plan Map Changed from: **N/A**

to: **N/A**

Zone Map Changed from: **N/A**

to: **N/A**

Location: **Amendments apply City-wide.**

Acres Involved: **0**

Specify Density: Previous: **N/A**

New: **N/A**

Applicable statewide planning goals:

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19

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

DLCD File No. 002-13 (19795) [17515]

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD file No. _____

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

Department of State Lands (regarding adoption of wetlands ordinance)

Local Contact: **Brian Latta**

Phone: (541) 995-6655 Extension:

Address: **PO Box 378**

Fax Number: 541-995-9244

City: **Harrisburg**

Zip: **97446-**

E-mail Address: **blatta@ci.harrisburg.or.us**

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 **8 1/2 x 11 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 plan.amendments@state.or.us.

City of Harrisburg
CITY COUNCIL

NOTICE OF DECISION

- REQUEST:** The applicant requests approval of Zoning and Land Use Legislative Text Amendment. The amendment is adoption of a new ordinance addressing application requirements for Comprehensive Plan Amendment applications in the City of Harrisburg. The amendment modifies Chapter 18.05.
- LOCATION:** The proposed ordinance is applicable to all properties in the City.
- HEARING DATE:** June 26, 2013
- APPLICANT:** City of Harrisburg
- DECISION:** The Harrisburg City Council conducted a public hearing on June 26, 2013, and decided to approve the requested Legislative Text Amendment application, and adopted Ordinance No. 911. The City Council adopted the findings contained in the Staff Report of the June 26, 2013 City Council meeting, and portions of the minutes from the meeting that demonstrate support for the City Council's actions.
- APPEALS:** If you wish to appeal the decision, an appeal must be submitted with the State Land Use Board of Appeals within 21 days from the receipt by DLCD of the adoption. Notice of Adoption was sent to DLCD on June 28, 2013.
- EFFECTIVE DATE:** June 26, 2013, unless an appeal has been filed with the State Land Use Board of Appeals.

City of Harrisburg
CITY COUNCIL

NOTICE OF DECISION

- REQUEST:** The applicant requests approval of Zoning and Land Use Legislative Text Amendment. The amendment is adoption of a new ordinance addressing wetland areas in the City of Harrisburg. The provisions will be included in Title 18 at Chapter 18.65.
- LOCATION:** The proposed ordinance is applicable to all properties in the City, and may affect development on a limited number of properties.
- HEARING DATE:** June 26, 2013
- APPLICANT:** City of Harrisburg
- DECISION:** The Harrisburg City Council conducted a public hearing on June 26, 2013, and decided to approve the requested Legislative Text Amendment application, and adopted Ordinance No. 910. The City Council adopted the findings contained in the Staff Report of the June 26, 2013 City Council meeting, and portions of the minutes from the meeting that demonstrate support for the City Council's actions.
- APPEALS:** If you wish to appeal the decision, an appeal must be submitted with the State Land Use Board of Appeals within 21 days from the receipt by DLCD of the adoption. Notice of Adoption was sent to DLCD on June 28, 2013.
- EFFECTIVE DATE:** June 26, 2013, unless an appeal has been filed with the State Land Use Board of Appeals.

ORDINANCE NO. 911

COPY

AN ORDINANCE AMENDING SECTION HMC 18.05.080 TO REMOVE THE REQUIREMENT FOR SEPARATE APPLICATIONS FOR CHANGES TO THE COMPREHENSIVE PLAN THAT INVOLVE AN AMENDMENT TO THE PLAN TEXT OR PLAN MAP

WHEREAS, HMC 18.05.080 requires that a Comprehensive Plan text amendment and a Comprehensive Plan map designation amendment must be on separate applications and each parcel involved in an amendment of a plan map designation must be on separate applications; and,

WHEREAS, the purpose for this seems to be to make it clear to the governing body that a separate decision can be made with regards to each text amendment and each parcel involved in an amendment of a plan map designation; and,

WHEREAS, the intent of the ordinance can be achieved without requiring separate applications; and,

WHEREAS, consultants from ECO Northwest who are working on behalf of the City of Harrisburg to assist with a proposed expansion of our Urban Growth Boundary, have dealt with many Comprehensive Plan text and map amendments believe separate applications are burdensome, unnecessarily expensive because of separate fees for separate applications, and confusing to property owners and governmental officials from our city, Linn County and the State of Oregon who will be able to understand the reason for a text or map designation amendment better by seeing all of the amendments together;

NOW, THEREFORE, the City Council of the City of Harrisburg does hereby amend HMC 18.05.080 to read as follows:

Application for amendment of the comprehensive plan shall be filed on a form provided by the City Planner, according to the provisions of this article.

1. The City Planner shall refuse to accept an amendment application and the required fee if incomplete or inaccurate information has been submitted to process the application.
2. Fees assessed for an application shall be established by resolution approved by the City Council.
3. Application for amendment of the comprehensive plan may be initiated to amend the plan map for a particular parcel or number of parcels, to amend the plan text or to amend a combination of the plan map and text.
 - a. An application to amend the plan map designation for a parcel or parcels to two or more map designations may be consolidated into a single hearing. Approval of one plan map designation shall not mandate approval of the other designation(s).
 - b. An application to amend both the plan map and text shall require two separate determinations: one to amend the map, one to amend the text. One favorable determination shall not mandate approval of another determination.

ORDINANCE NO. 910

AN ORDINANCE TO ADOPT POLICIES AND PROCEDURES RELATING TO WETLAND PROTECTION, AND INCORPORATING A LOCAL WETLAND INVENTORY REPORT AND MAP, WHICH WILL BE ADDED AS CHAPTER 18.65 TO THE HARRISBURG MUNICIPAL CODE AND TO THE HARRISBURG COMPREHENSIVE PLAN

WHEREAS, the State of Oregon is encouraging all cities to adopt a Wetland Protection Ordinance and has provided a sample ordinance; and,

WHEREAS, the City of Harrisburg recognizes the importance of wetlands and wetland protection and appreciates the leadership provided by the State on the subject of wetlands; and,

WHEREAS, the City Administrator has reviewed the sample Wetland Protection Ordinance and has modified it as appropriate for the City of Harrisburg; and,

WHEREAS, the proposed Wetland Protection Ordinance incorporates the Local Wetland Inventory Report and Map that was approved by the Department of State Lands on September 8, 2011; and,

WHEREAS, the City Administrator recommends that the City Council approve the proposed Wetland Protection Ordinance into the Harrisburg Municipal Code and the Harrisburg Comprehensive Plan;

NOW, THEREFORE, the City of Harrisburg hereby ordains that the Wetland Protection Ordinance attached hereto as Exhibit A is hereby adopted as Chapter 18.65 of the Harrisburg Municipal Code and as part of the Harrisburg Comprehensive Plan.

PASSED BY THE COUNCIL: JUNE 26, 2013

APPROVED BY THE MAYOR: [Signature]

EFFECTIVE DATE: JULY 26, 2013

ATTEST: [Signature]
CITY RECORDER

**EXHIBIT A
CHAPTER 18.65**

WETLAND PROTECTION

Sections:

- 18.65.010 Wetland Protection Areas-Wetland Review Applicability
- 18.65.020 Wetland Protection Area, Purpose
- 18.65.030 Wetland Protection Area Definitions
- 18.65.040 Prohibited Activities within Wetland Protection Areas
- 18.65.050 Exempted Activities within Wetland Protection Areas
- 18.65.060 Allowed Activities within Wetland Protection Areas
- 18.65.070 Submittal Requirements for Wetland Review
- 18.65.080 Approval Criteria
- 18.65.090 Decision process, Approval period
- 18.65.100 Variances
- 18.65.110 Notification and Coordination with State Agencies
- 18.65.120 Unauthorized Alterations and Enforcement

18.65.010 Local Wetland Protection and Wetland Notification.

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

18.65.020 Wetland Protection Area, Purpose.

The purposes of applying a Wetland Protection Area to locally significant wetlands identified on the city's local wetland inventory are:

1. To implement the goals and policies of the City of Harrisburg Comprehensive Plan;
2. To protect the City's wetland areas, thereby protecting the hydrologic and ecologic functions these areas provide for the community;
3. To protect water quality and natural hydrology, to control erosion and sedimentation, and to reduce the adverse effects of flooding;
4. To protect fish and wildlife habitat;
5. To protect the amenity values and educational opportunities of the City's wetlands as community assets; and,

6. To improve and promote coordination among local, state, and federal agencies regarding development activities in and near wetlands.

18.65.030 Wetland Notification, Purpose. The city is required by state law to provide notice to the Department of State Lands when a development activity may impact any wetland identified on the local Wetland Inventory. The purpose of this state requirement is to achieve better implementation of state law and to inform property owners when state and federal wetland laws apply to their property.

18.65.040 Wetland Protection Area Definitions.

The following definitions shall apply in this chapter:

“City Planner” refers to the person in charge of land use activities and applications for the City, including that person’s designee, and may refer to the City Planning Commission where multiple permits are being sought as stated in Section 18.65.010.3.

“Delineation” means a determination of wetland presence that includes marking the wetland boundaries on the ground and/or on a detailed map prepared by professional land survey or similar accurate methods. A delineation is a precise map and documentation of actual wetland boundaries on a parcel, whereas wetland boundaries identified on a local wetland inventory boundary are approximated with an accuracy target of 5 meters (approximately 16.5 feet) [See OAR 141-90-005 et seq. for specifications for wetland delineation reports.]

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

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

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

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

“Wetlands not subject to Goal 5 protection” includes all state jurisdictional wetlands, mapped or not, that are subject to the state Removal-Fill Law administered by DSL. All wetlands are “potentially

jurisdictional wetlands.” Wetlands on the LWI map which are not identified as Locally Significant are considered “Other Potentially Jurisdictional Wetlands.” These wetlands are not subject to wetland protection area standards in the City of Harrisburg, but, like all wetland areas, are subject to DSL notice/review and potentially subject to DSL and the US Army Corps of Engineers permitting.

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

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

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

18.65.050 Prohibited Activities within Wetland Protection Areas.

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

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

18.65.060 Exempted Activities within Wetland Protection Areas.

1. The following activities, and continuation and/or maintenance thereof, are exempted from all wetland protection area regulations provided that any applicable state or federal permits are secured:

a. Any use, except those identified as allowed uses under Section 18.65.060, that was lawfully existing on the date of adoption of this ordinance, June 26, 2013 may continue within a wetland protection area. Such use or development may continue at a similar level and manner as existed on the date of adoption of this ordinance as per the standards for Nonconforming Uses and Structures as stated in Chapter 18.100.

b. The maintenance and alteration of pre-existing ornamental landscaping so long as no additional native vegetation is disturbed. The provisions of this section shall not be affected by any change in ownership of properties containing a wetland protection area.

c. Restoration and enhancement of native vegetation.

d. Cutting and removal of trees which pose a hazard to life or property due to threat of falling.

e. Cutting and removal of trees to establish and maintain defensible space for fire protection.

f. Removal of non-native vegetation.

g. Maintenance and repair of existing utilities.

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

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

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

18.65.070 Allowed Activities within Wetland Protection Areas.

The following activities and maintenance thereof are allowed within a wetland protection area upon City review and approval and provided any applicable state or federal permits are secured:

- 1. Replacement of a permanent, legal, nonconforming structure in existence on the date of adoption of this ordinance, June 26, 2013, with a structure on or within the prior building footprint, or expansion of the original building footprint if it does not further encroach into a wetland area, and is in accordance with the provisions of Chapter 18.100.
- 2. Installation of interpretive or educational displays and/or public pedestrian paths, as long as these do not present an obstruction that would increase flood velocity or intensity.
- 3. New fencing may be permitted by the City Planner where the applicant demonstrates that the following criteria are satisfied:
 - a. The fencing does not affect the hydrology of the site;
 - b. The fencing does not present an obstruction that would increase flood velocity or intensity;
 - c. Fish habitat is not adversely affected by the fencing; and,
 - d. Applications for new fencing within a wetland protection area shall contain a scale drawing that clearly depicts the wetland area boundary on the wetland resource.

18.65.080 Submittal Requirements for Wetland Review.

- 1. Where Wetland Review is applicable, applicants shall submit the following materials (unless otherwise indicated):
 - a. A scale drawing that clearly depicts any Local Wetland Inventory (LWI) map wetland boundary within the subject parcel, all surface water sources, existing trees and vegetation, property boundaries, and proposed site alterations including proposed excavation, fill, structures, and paved areas.
 - b. Written statement of compliance with approval criteria for any proposed allowed activities. Activities listed as “Allowed” under Section 18.65.060 and which are acknowledged to occur within a wetland protection area, require a written statement of compliance but do not require any “demonstration of avoidance”.
 - c. Demonstration of wetland protection area avoidance. The placement of structures or impervious surfaces, vegetation removal or grading within the vicinity of any wetland protection area shall require demonstration that all impact to the wetland shall be avoided. Avoidance can be demonstrated by *any one* of the following:
 - i. Keeping all development activity including vegetation removal and grading back 20 feet from the edge of the wetland boundary shown on the LWI map;
 - ii. Submitting an offsite determination, conducted by DSL, that concludes the proposed activities will occur outside the wetland; or

- iii. Submitting an onsite determination, conducted by a qualified wetland professional, that concludes the proposed activities will occur outside the wetland protection area; or
- iv. Submitting a current wetland delineation (completed within the last five years), certified by Department of State Lands (DSL), that shows the proposed activities will occur outside the wetland protection area.

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

18.65.090 Approval Criteria.

In approving allowed activities under Section 18.65.060, and/or ensuring compliance with Section 18.65.040 (prohibited activities), the City Planner shall base its decision on the following criteria in addition to the required criteria for any other permit or approval that is being sought:

- 1. Demonstration of avoidance of impacts to wetland protection area as outlined under Section 18.65.070; or
- 2. The proposed project will not result in excavation or filling of a wetland or reduction of wetland area that has been identified as part of a wetland protection area, except as allowed in criteria outlined specifically under Section 18.65.060.

18.65.0100 Decision Process, Appeals.

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

18.65.110 Variances.

1. The Planning Commission shall be the approving authority for applications for variances to the Wetland Protection Area provisions. The procedures of chapter 18.115 shall be followed for approval of a variance except that the variance criteria of this section shall also apply.

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

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

- a. Through application of this ordinance, the property has been rendered not buildable;
- b. The applicant has exhausted all other options available under this chapter to relieve the hardship;
- c. The variance is the minimum necessary to afford relief;
- d. All state and federal permits required for authorization of wetland impacts are obtained;
- e. No permitted type of land use for the property with less impact on the wetland is feasible and reasonable;

f. There is no feasible on-site alternative to the proposed activities, including but not necessarily limited to, reduction in size, density or intensity, phasing of project implementation, change in timing of activities, revision of road and lot layout, and/or related site planning considerations, that would allow a reasonable economic use with less adverse impacts;

g. The proposal utilizes to the maximum extent possible innovative construction, design, and development techniques, including pervious surfaces, which minimize to the greatest extent possible net loss of wetland functions and values; and

h. The area of disturbance is limited to the area that has the least practical impact on the wetland functions and values.

4. Alternative Hardship Review. The following scenarios provide an exemption from the standards outlined in Sections 18.65.040 and 18.65.060.

a. The subject property contains less than 3,000 sq. feet of contiguous area outside of the wetland protection area; or

b. The subject property contains 30,000 square feet or more, and proposed site disturbance is no more than 10 percent of the total lot area; and

c. The amount of allowable disturbance shall be that which will have the least practicable impact on the wetland area given the characteristics and context of the subject property and wetland area.

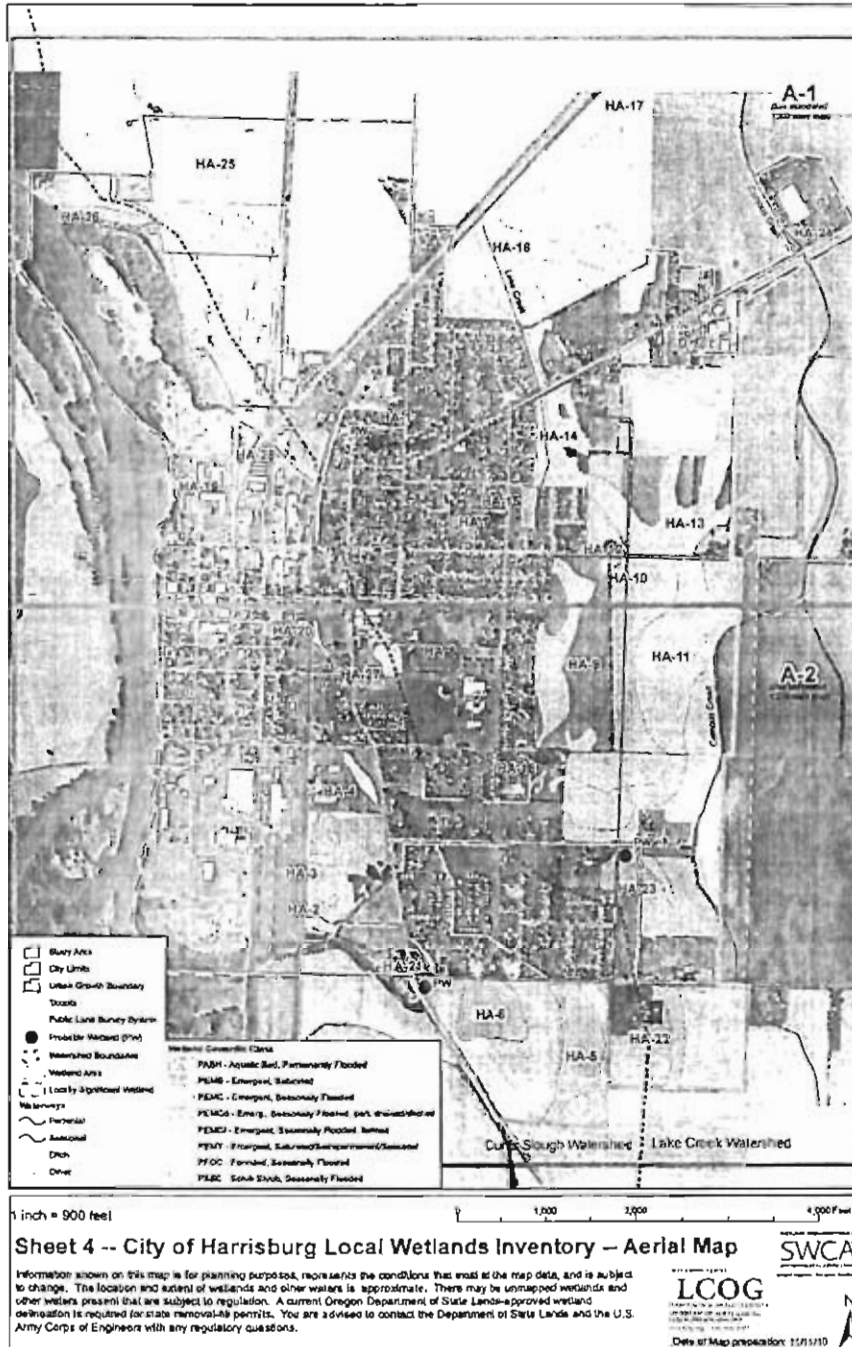
18.65.120 Notification and Coordination with State Agencies.

1. The City shall notify the Oregon Department of State Lands (DSL) in writing of all applications to the city for development activities, including development applications, building permits, and other development proposals, that occur in any wetland identified on the Local Wetlands Inventory (LWI) map.

2. When conducting a wetland review under this Chapter, the City Planner shall consider advisory recommendations from the Oregon Department of Fish and Wildlife, when appropriate, regarding OAR 635-415 "Fish and Wildlife Habitat Mitigation Policy."

18.65.130 Unauthorized Alterations and Enforcement.

When a wetland has been altered in violation of this Chapter, the penalty provisions of 18.125.230 shall apply and be in addition to any state ordinances or regulations.



City of Harrisburg
P.O. Box 378
Harrisburg OR 97446



*Plan Amendment Specialist
Department of Land Conservation and Development
635 Capitol Street NE, STE. 150
Salem, OR 97301-2540*

DEPT OF

JUL 01 2013

LAND CONSERVATION
AND DEVELOPMENT

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