



# Oregon

John A. Kitzhaber, M.D., Governor

**Department of Land Conservation and Development**

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

Phone: (503) 373-0050

Fax: (503) 378-5518

[www.oregon.gov/LCD](http://www.oregon.gov/LCD)



## **NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION**

Date: 10/10/2014  
Jurisdiction: City of Harrisburg  
Local file no.: LU 330  
DLCD file no.: 001-14

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 10/06/2014. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD 36 days prior to the first evidentiary hearing.

### Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A 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).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

### DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or [plan.amendments@state.or.us](mailto:plan.amendments@state.or.us)



# NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

**DEPT OF**  
FOR DLCD USE

File No.: 06 2014

Received:  
**LAND CONSERVATION  
AND DEVELOPMENT**

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See OR 660-018-0040). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use Form 4 for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use Form 5 for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use Form 6 with submittal of an adopted periodic review task.

Jurisdiction: City of Harrisburg

Local file no.: **LU 330**

Date of adoption: 09/24/2014

Date sent: 10/3/2014

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): 8/5/2014

No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No

If yes, describe how the adoption differs from the proposal:

**The only change was the process to apply a NC overlay zone changed from a CUP to a Zone Change.**

Local contact (name and title): Brian Latta, City Administrator/Planning Director

Phone: 541-995-6655

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

Street address: 120 Smith Street

City: Harrisburg

Zip: 97446-

## PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

### For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

N/A

### For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

- |                         |    |        |  |
|-------------------------|----|--------|--|
| Change from N/A change. | to | acres. | A goal exception was required for this change. |
| Change from change.     | to | acres. | A goal exception was required for this change. |
| Change from change.     | to | acres. | A goal exception was required for this change. |
| Change from             | to | acres. | A goal exception was required for this change. |

Location of affected property (T, R, Sec., TL and address):

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

**If the comprehensive plan map change is a UGB amendment** including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres: N/A	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

**If the comprehensive plan map change is an urban reserve amendment** including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres: N/A	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

**For a change to the text of an ordinance or code:**

Identify the sections of the ordinance or code that were added or amended by title and number:

18.15.040, and 18.25.

**For a change to a zoning map:**

Identify the former and new base zone designations and the area affected:

Change from N/A	to	Acres:
Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation:                      Acres added:                      Acres removed:

Location of affected property (T, R, Sec., TL and address):

---

---

List affected state or federal agencies, local governments and special districts: N/A

Identify supplemental information that is included because it may be useful to inform DLCDC or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

Included with the Form 2 is the signed Ordinance 921.

ORDINANCE NO. 921

AN ORDINANCE AMENDING TITLE 18 OF THE HARRISBURG MUNICIPAL CODE (a.k.a. City's Zoning Ordinance). SPECIFICALLY, AMENDING CHAPTERS 18.15 AND 18.25, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City's Planning Commission periodically reviews the City's Zoning Ordinance and recommend amendments for City Council consideration; and,

WHEREAS, the Planning Commission reviewed the proposed zoning amendment at a duly-advertised public hearing on August 19, 2014, and recommended the City Council adopt the amended ordinance; and,

WHEREAS, the City Council held a duly-advertised public hearing on September 10, 2014 to review the proposed zoning amendment.

NOW, THEREFORE, The City Council of City of Harrisburg ordains as follows:

Section 1. Title 18, Chapters 15 and 25 of the Harrisburg Municipal Code are amended as shown by the provisions contained in **Exhibits A and B**.

Section 2. Effective Date of this Ordinance. This ordinance shall take effect on the thirtieth day after it's enactment by the Council.

PASSED by the Council this 24<sup>th</sup> Day of September 2014

APPROVED by the Mayor this 24<sup>th</sup> Day of September 2014

Effective the 24<sup>th</sup> Day of October 2014

Mayor

  
Robert Duncan

ATTEST

  
City Recorder

# EXHIBIT A

## Zoning Ordinance Amendments

BEFORE THE CITY COUNCIL  
OF THE CITY OF HARRISBURG

In the matter of the City Council decision to amend the Zoning Ordinance, as proposed and modified by the City Council in Ordinance No. 921, which will implement the proposed changes. ) LU 330  
)  
) FINDINGS AND  
) CONCLUSIONS

### INTRODUCTION

The matter before the City Council is:

A decision regarding amending the City's Zoning Ordinance. The discussion contained in this **Exhibit A** to Ordinance No. 921, reflects the City Council's Findings regarding the decision to amend the Harrisburg Zoning Ordinance.

The applicant for this land use decision is the City of Harrisburg. In accordance with Harrisburg Municipal Code (HMC) 18.120.010, the City Council initiated this Legislative Amendment to the Zoning Ordinance. In accordance with HMC 18.120.020, the Planning Commission conducted and completed a public hearing process for the Legislative Amendment on August 19, 2014. The Planning Commission forwarded its recommendation for approval to the City Council.

In accordance with HMC 18.120.020, the City Council held a duly-advertised de novo public hearing on September 10, 2014, to consider the Legislative Amendment to the Zoning Ordinance. At the hearing, the City Council closed the public hearing and deliberated on the proposed Amendment.

The members of the City Council voted to APPROVE the Legislative Zoning Ordinance Amendment, as recommended by the Planning Commission, subject to review and approval of these findings.

Having considered all the testimony presented at the hearings, together with all relevant evidence in the record, the City Council makes the following findings and

conclusions. These findings and conclusions address relevant Comprehensive Plan Policies, HMC chapters, and Oregon Statewide Planning Goals.

## **APPLICABLE CRITERIA**

All applicable legal criteria governing review of this application are identified in the staff report to the City Council dated September 3, 2014, and its attached Exhibits.

## **FINDINGS RELATING TO THE LEGISLATIVE AMENDMENT TO THE ZONING ORDINANCE**

### **1. Adequacy of the Public Record –**

The Council notes that the Legislative Amendment to the Zoning Ordinance affects several areas of the City.

The Council notes that the Harrisburg Municipal Code identifies procedures for Legislative Amendments to the Zoning Ordinance in Chapter 18.120, which state that such Amendments must be initiated by a majority vote of the City's Planning Commission or City Council. The Council notes that in accordance with HMC 18.120.010(1)(a), the City Council initiated this Legislative Amendment.

The City Council notes that the applicant for this land use action is the City of Harrisburg and that, in accordance with HMC 18.120.020, the Planning Commission conducted and completed a public hearing process for the Legislative Amendment on August 19, 2014. The City Council notes that the public notice for this public hearing was duly mailed on July 30, 2014. The Council notes that the Planning Commission forwarded its recommendation for approval to the City Council.

The Council notes that in accordance with ORS 227.186, the City Council duly-advertised a de novo public hearing to consider this Legislative Amendment. The Council notes that this de novo public hearing was held on September 10, 2014, and that deliberations on the Amendment were made the same day. The Council notes that after deliberating, it approved the Legislative Amendment to the Zoning Ordinance, subject to approval of

formal findings and an ordinance. The Council notes that it considered all applicable legal criteria governing review of the Legislative Amendment, which were identified in the staff report to the City Council dated September 3, 2014, and its attached Exhibits. The Council notes that in reaching its decision it also considered the Planning Commission recommendation, the information and analysis presented by staff, and all public testimony.

### **Conclusions on Adequacy of the Public Record**

The City Council finds that there was ample opportunity for the public to testify, the process for developing and reviewing the Legislative Amendment conformed to local and state land use requirements, and the record contains all information needed to evaluate the application for compliance with the applicable criteria.

The City Council accepts and adopts findings contained in the August 12, 2014, staff report to the Planning Commission, the Planning Commission findings in support of the Legislative Amendment, as expressed in the minutes of the Commission's August 19, 2014, public hearing and deliberations, the September 3, 2014, staff report to the City Council, and findings in support of the Legislative Amendment, as expressed in the minutes of the Council's September 10, 2014 public hearing and deliberations. These findings shall be referred to as the "Incorporated Findings," and are to be considered along with the "Supplemental Findings" contained within this document.

## **2. Specific Findings Regarding the Zoning Ordinance Amendments –**

The City Council notes that the proposed Amendments to the City's Zoning Ordinance, as recommended by the Planning Commission, were adopted without change. The City Council notes that the September 3, 2014, City Council staff report and its exhibits contain a complete description of the proposed changes. The City Council finds that the proposed Zoning Ordinance Amendments, as proposed by City Staff, recommended for approval by the Planning Commission, and adopted by the City Council, are consistent with the applicable policies of the Comprehensive Plan, and other applicable criteria, as determined in the analysis provided by Staff in the staff report to the Planning Commission. Specifically, the Council finds that the proposed Zoning Ordinance Amendments are consistent with Comprehensive

Plan Policies 2.4 and 2.5, and Implementing Measure 2.9, as discussed on pages 6-7 of the Planning Commission Staff Report.

### SUMMARY AND CONCLUSIONS

The City Council finds that the proposed Comprehensive Plan Map Amendment to the City's Zoning Ordinance (LU 330) is consistent with the applicable Harrisburg Municipal Code criteria, and Comprehensive Plan Policies. Accordingly, the Zoning Ordinance Amendment is APPROVED.

  
Michele Eldridge  
City Recorder

  
Bobby Duncan  
Mayor

**Date: September 24, 2014**

**EXHIBIT B**



# CITY'S ZONING ORDINANCE

The text of the amended ordinance is provided below as **Exhibit B**.

## Chapter 18.15 SINGLE-FAMILY RESIDENTIAL ZONE R-1

### 18.15.040 Conditional uses permitted.

In an R-1 zone, the following uses and their accessory uses are permitted when authorized in accordance with Chapter 18.110 HMC:

1. Churches, synagogues and related facilities.
2. Golf course and other open land recreational uses, excluding intensive commercial amusement use such as "pitch and putt" golf course, driving range, automobile race track or amusement park.
3. Governmental structure or land use including, but not limited to, a public park, playground, recreation building, fire station, library or museum.
4. Community building.
5. Hospital, sanitarium, rest home, homes for the aged, nursing home, convalescent home or residential facility.
6. School: nursery, primary, elementary, junior high or senior high.
7. Day care facility.
8. Public utility facility.
9. Temporary medical hardship manufactured home on a lot with a permanent residential structure. (See HMC 18.110.070 for standards.)
10. Duplex lot partitioning when the provisions of HMC 18.15.100 are met.
11. Neighborhood community development. (See HMC 18.90.100 for standards.)
12. Boarding, lodging or rooming house. [Ord. 882 § 3.020, 2010.]

**Chapter 18.25**  
**NEIGHBORHOOD COMMERCIAL OVERLAY ZONE NC**

Sections:

- 18.25.010 Purpose.
- 18.25.020 Permitted neighborhood commercial uses.
- 18.25.030 Limitations on neighborhood commercial uses.
- 18.25.040 Signs in neighborhood commercial zone.
- 18.25.050 Lot sizes in neighborhood commercial zone.
- 18.25.060 Setback requirements in neighborhood commercial zone.
- 18.25.070 Height of buildings in neighborhood commercial zone.
- 18.25.080 Lot coverage in neighborhood commercial zone.

**18.25.010 Purpose.**

The purpose of this overlay zone is to provide an opportunity for small-scale commercial uses within medium to high density residential neighborhoods. These uses are intended to provide shops and services in close proximity to residences to reduce automobile travel and encourage walking. [Ord. 882 § 3.200, 2010.]

**18.25.020 Permitted neighborhood commercial uses.**

A Zone Change shall be required to establish a Neighborhood Commercial Overlay Zone. The following uses shall be allowed in this overlay zone:

1. Barber shop.
2. Beauty shop.
3. Day Nursery
4. Office for the following:
  - a. Accountant.
  - b. Architect or designer.
  - c. Attorney at law.
  - d. Engineer or surveyor.
  - e. Insurance agent.
  - f. Real estate agent.
  - g. Non-profit organization

5. Residential dwelling located above a first floor commercial use.
6. Studio: art, music, dance and photography.
7. Transit park and ride. [Ord. 882 § 3.202, 2010.]

**18.25.030 Limitations on neighborhood commercial uses.**

The following conditions and limitations apply:

1. The maximum floor area of each separate use confined within enclosing walls shall be 4,000 square feet.
2. All business, sales, service, repair, processing, and storage, including refuse and garbage storage, shall be conducted wholly within enclosed buildings except the display of plants and off-street parking and loading.
3. Items produced or wares and merchandise handled shall be limited to those sold at retail on the premises. [Ord. 882 § 3.204, 2010.]
4. The Neighborhood Commercial Overlay Zone shall only be permitted in the R-2 (medium density) and R-3 (High Density) Zones.

**18.25.040 Signs in neighborhood commercial zone.**

Refer to sign regulations in Chapter 18.70 HMC. [Ord. 882 § 3.206, 2010.]

**18.25.050 Lot sizes in neighborhood commercial zone.**

1. The minimum lot area shall be 7,000 square feet.
2. The minimum lot width at the front building line shall be 60 feet.
3. The minimum lot depth shall be 90 feet. [Ord. 882 § 3.210, 2010.]

**18.25.060 Setback requirements in neighborhood commercial zone.**

1. The minimum yard along a street, other than an alley, shall equal the front yard required in the least restricted adjacent residential zone.
2. Minimum side and rear yards of 10 feet shall be required for those portions of a lot abutting a residential zone. [Ord. 882 § 3.212, 2010.]

**18.25.070 Height of buildings in neighborhood commercial zone.**

Neighborhood commercial structures shall not exceed a height of 35 feet. [Ord. 882 § 3.214, 2010.]

**18.25.080 Lot coverage in neighborhood commercial zone.**

Neighborhood commercial structures shall not occupy more than 80 percent of the lot area. [Ord. 882 § 3.216, 2010.]

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

Plan Amendment Specialist  
DLCD  
635 Capitol Street NE, Ste. 150  
Salem, OR 97301-2540



DEPT OF USA  
OCT 06 2014  
LAND CONSERVATION  
AND DEVELOPMENT

973012540

