

A BILL FOR AN ORDINANCE AMENDING)
ORDINANCE NO. 1773 AND DECLARING)
AN EMERGENCY.)

ORDINANCE BILL NO. 8
for 1981

ORDINANCE NO. 1834

THE CITY OF LEBANON ORDAINS AS FOLLOWS:

Section 1. That Section 4.210 (4) (k), of Ordinance No. 1773, enacted March 5, 1980 be amended to read as follows:

"Section 4.210 (4) (k). Quarry, gravel pit, surface mining, including the crushing, screening or washing of extracted materials; All applications shall be accompanied by a detailed reclamation plan and guarantee that the site will be restored to a natural state."

Section 2. That Section 4.230 (4) (c), of Ordinance No. 1773, enacted March 5, 1980 be amended to read as follows:

"Section 4.230 (4) (c). Quarry, gravel pit, surface or subsurface mining, including the crushing, screening or washing of extracted materials; All applications shall be accompanied by a detailed reclamation plan and guarantee that the site will be restored to a natural state."

Section 3. That Section 4.510 of Ordinance No. 1773, enacted March 5, 1980 be amended to read as follows:

SECTION 4.510 AIRCRAFT CONTROL SUB-ZONE "AC"

In an AC sub-zone the following regulations shall apply:

1. PURPOSE. The Aircraft Control Sub-zone establishes a zone in those areas where the Airport has some influence. The main purpose of this zone is to minimize the hazards related to aircraft landing facilities with regards to both height restrictions and noise issues.
2. ESTABLISHMENT OF THE AIRCRAFT CONTROL SUB-ZONE BOUNDARY. The boundary of the Aircraft Control Sub-zone shall be as shown in figure 1 of this ordinance. This is a general boundary, the outer edges of which relate to a 55 Ldn noise contour as projected by the Oregon State Aeronautics Division for the year 2000 for propeller aircraft. Within, and in addition to this noise contour is a height restriction also established by the State Agency.
3. LIMITATIONS ON USE. In addition to the requirements of the primary zone, the following limitations shall apply:

(a) Height Limitations:

In an AC Sub-zone all structures or trees shall meet all applicable standards of the Oregon State Board of Aeronautics, the Federal Aviation Administration and any other public agency having appropriate regulatory jurisdiction. Prior to approval of a use, the Planning Commission shall require evidence that the proposed activity meets all applicable requirements

Notwithstanding any other provisions of this ordinance, no use may be made of land within any AC Sub-zone in such a manner as to create electrical interference with radio communication between the Airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of the pilots using the Airport, impair visibility in the vicinity of the Airport or otherwise endanger the landing, taking off, or maneuvering of aircraft.

(b) Noise Sensitive Limitations:

1. Noise sensitive uses and places of assembly are discouraged from locating in the AC Sub-zone. (churches, hospitals, schools, residences, auditoriums, etc.)

2. All noise sensitive uses, as listed above, shall be insulated in a manner to reduce impacts from Airport noise.
 3. All developments shall be designed in such a manner to reduce adverse impacts from noise.
 4. Sellers of property shall provide purchasers with a disclosure statement informing them of the location of the airport and possible adverse impacts from noise.
 5. The owner of lands proposed to be developed shall grant to the State of Oregon a covenant not to sue that will: protect the State of Oregon from all future claims for physical trespass and airspace intrusion due to airport activities within accepted airport procedures as set forth by the federal government and State of Oregon: and protect the State of Oregon from all future claims for interference with the use of land due to noise up to 65 Ldn.
4. PROCEDURES. The procedure for reviewing any development within the AC-Subzone is as follows:
- (a) Any development proposal within the AC-Subzone shall be reviewed by either the full Planning Commission or Site Review Committee depending on the action requested, and shall include this review as part of the normal review process.
 - (b) The applicant shall supply the following information at time of application, in addition to other required materials:
 1. Substantial proof that the proposed use is not in violation of any easements as established by the Oregon State Aeronautics Division.
 2. Substantial proof that the proposed use is designed and will be built in such a manner as to minimize noise impacts.
 - (c) The City of Lebanon shall relay all pertinent information to the Oregon State Aeronautics Division and request comment as to the suitability of the proposed development.
 - (d) All information shall then be utilized by either the Site Review Committee or Planning Commission when making a decision.

5. GENERAL HEIGHT RESTRICTIONS. Generally, the height restrictions relate to an "approach surface" off both ends of the runway and a "transitional surface" located to both sides of the runway.

"Approach Surface". The surface longitudinally centered on the extended runway centerline and extending upward and outward from each end of the runway. The slope of the height restriction in this area is 20:1. For every twenty (20) feet one goes away from the ends of the runway the height limitation is increased by one (1) foot.

"Transitional Surface". The surface that extends upward and outward at right angles to the runway centerline. This surface extends at a slope of 7:1 from the sides of the primary surface. The side of the primary surface is located one hundred twenty-five (125) feet from the centerline of the runway.

Figure 2 gives a general view of the "approach surface" and "transitional surface" adjacent to the Airport.



AIRCRAFT CONTROL SUB-
ZONE 2/5/81

based upon Oregon
State Aeronautic
Division land use
plan dated 1980
less 10%

scale approx 1"=1250'

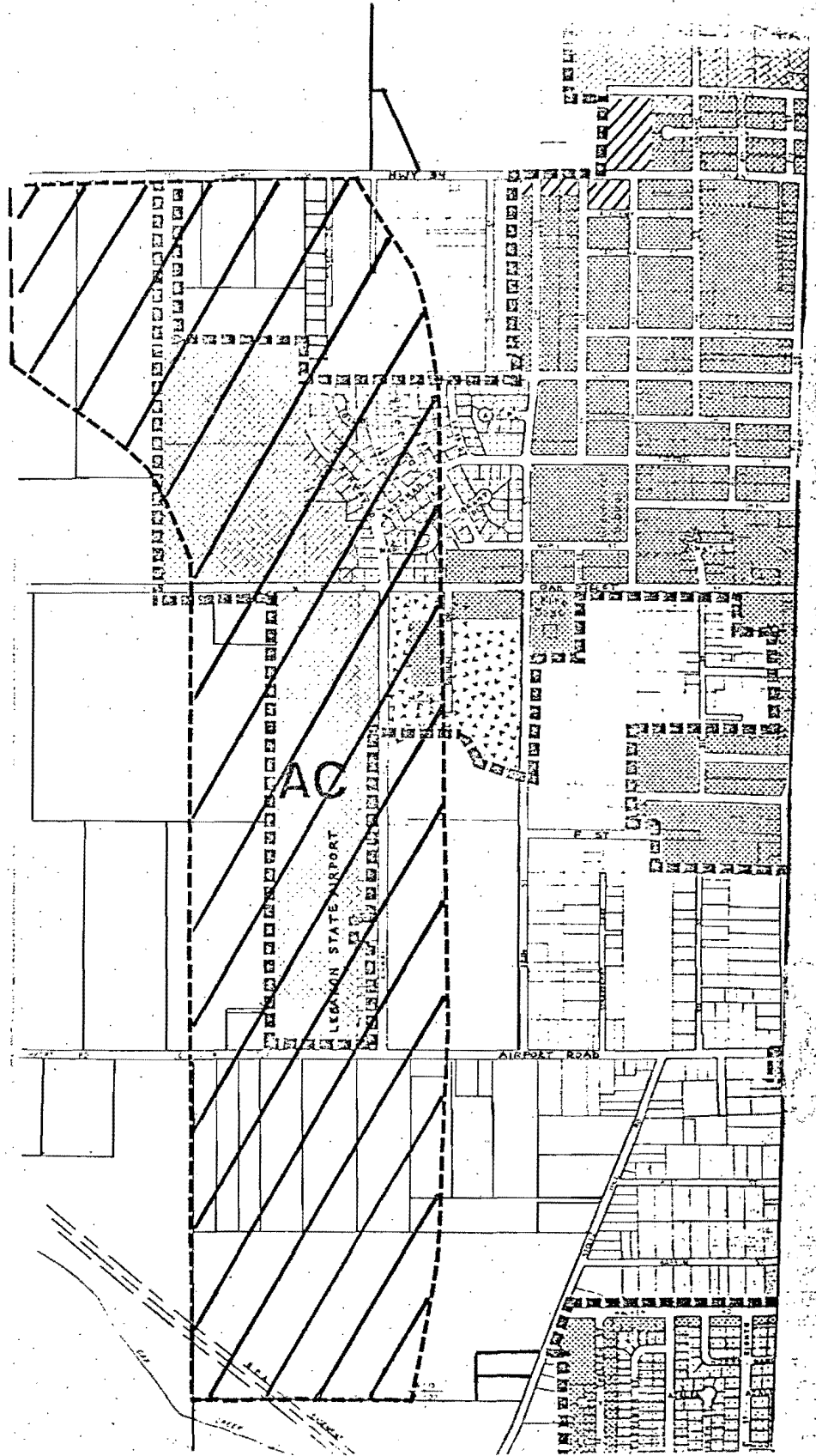
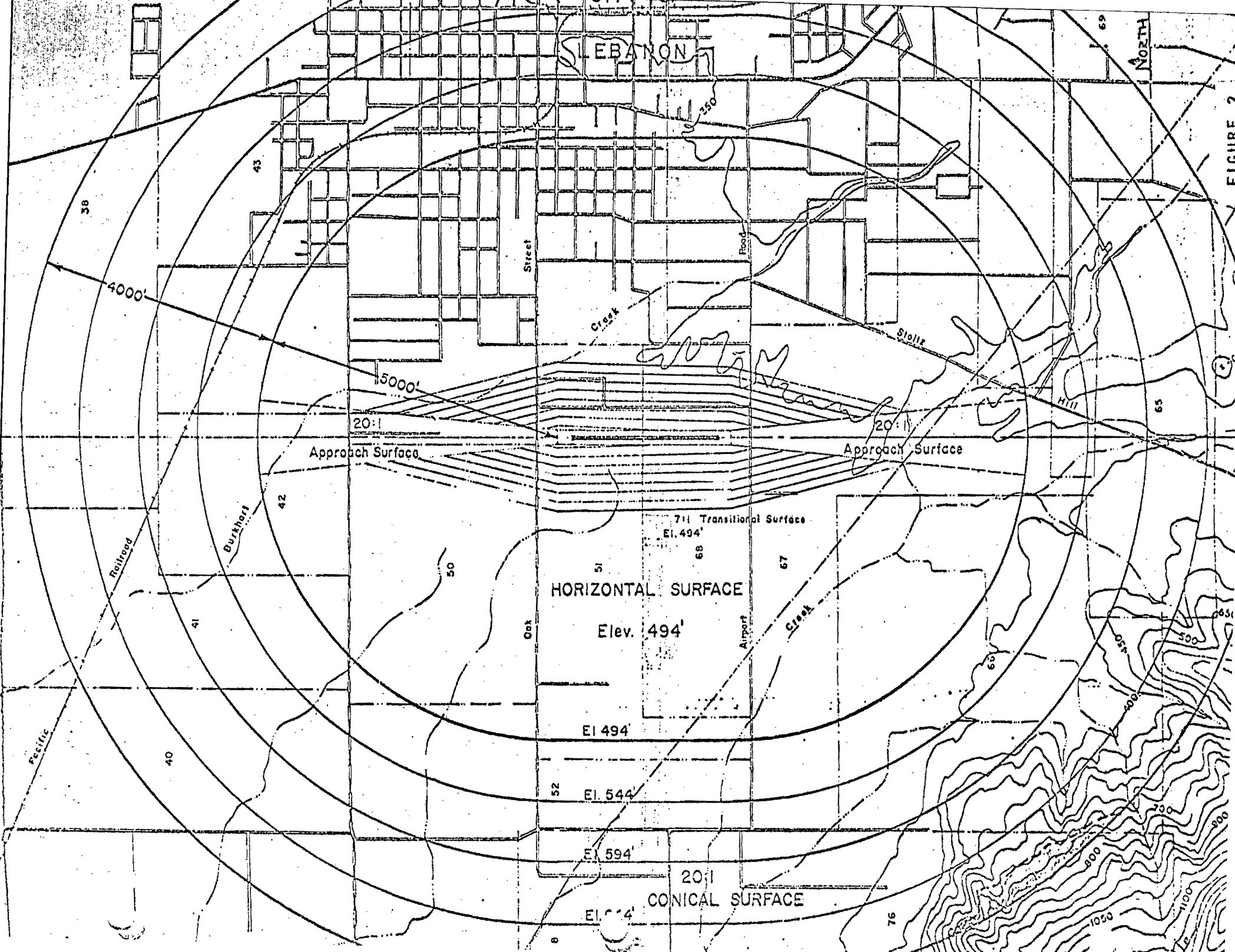


FIGURE 1--AIRCRAFT CONTROL-SUB ZONE



LEBANON

NORTH

FIGURE 2

HORIZONTAL SURFACE

Elev. 494'

CONICAL SURFACE

Elev. 514'

20:1

Approach Surface

Approach Surface

7:1 Transitional Surface
Elev. 494'

Elev. 494'

Elev. 544'

Elev. 594'

76

65

67

68

69

70

71

72

73

74

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70

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76

77

Railroad

Burkhart

Street

Road

Stollz

Hill

Oak

Airport

Creek

Creek

Pacific

Handwritten signature

Section 4. That Section 5300 of Ordinance No. 1773,
enacted March 5, 1980 be amended to read as follows:

SECTION 5.300 SITE REVIEW PROCEDURES

SECTION 5.310 DESCRIPTION AND PURPOSE

The purpose of this Article is to assure that proposed development of land is in conformance with applicable land use requirements, and is designed in a manner to provide the highest level of Architectural Design and Environmental Quality, and which will not be detrimental to the public health, safety and general welfare or to adjacent properties.

SECTION 5.310 APPLICATION AND EXCEPTIONS

- (1) The Site Review Committee or Planning Commission must approve a site plan for each new building, structure, open land use or addition to an existing development prior to issuance of a building permit in all instances where site plan review is requested or required. The Site Review Committee or Planning Commission must also approve any change in use of a use listed as "Permitted in accordance with Site Review Procedures".
 - (a) The Planning Official may also require a site plan review in the following cases:
 1. The site is traversed by a natural drainageway.
 2. The site is located in the Aircraft (AC) sub-zone.
 3. The site is located in a natural hazard area.
 4. The site is an undersized lot.
 - (b) The Planning Official shall require a site plan review in the following cases:
 1. When the site is an identified historic site (including demolition permits).
 2. The site is located on a hillside area having a slope of greater than 15 per cent.
- (2) The requirement for approval of a site plan does not apply in the following cases:
 - (a) Temporary use of land not to exceed ten days.
 - (b) Development for which a site plan is subject to approval under a zone change, planned unit development, variance or conditional use permit.

SECTION 5.330 REVIEW PROCEDURES

- (1) The applicant for site plan approval shall file an application with the City on a form provided by the Planning Division.
- (2) The application shall then be referred to the Site Review Committee for appropriate action. Within thirty (30) days following the filing of the application, the Site Review Committee shall either approve the application, approve it with conditions, or refer it to the full Planning Commission for a decision.
 - (a) If a request is referred to the full Planning Commission it shall be heard within 45 days. The Planning Commission may either approve the request, approve it with conditions or deny it. Approval or denial shall be based upon the Lebanon Comprehensive Plan, and the provisions of this ordinance.
 - (b) An appeal of a site review decision shall constitute a referral to the full Planning Commission. Appeals must be made within 15 days of the Site Review Committee meeting at which the request was heard.
- (3) Within seven (7) days after a decision has been rendered with reference to a site review application, the Planning Official shall provide the applicant with written notice of the decision of the Site Review Committee.

SECTION 5.340 INFORMATION TO ACCOMPANY APPLICATION

The application for site plan approval shall be accompanied by a site plan showing the following:

- (a) Lot lines and dimensions;
- (b) Location of existing and proposed buildings or improvements;
- (c) Height of structure;
- (d) Off-street parking lot design, including ingress and egress points and proper drainage;
- (e) Street right-of-way line;
- (f) Setbacks;
- (g) Exterior lighting and signs;
- (h) Fencing, landscaping and underground irrigation system;

- (i) Building elevations to illustrate architectural style and compatibility with neighborhood;
- (j) Any other data necessary to indicate the proposed development.

SECTION 5.350 APPROVAL OF A SITE REVIEW REQUEST

Uses listed in this ordinance as requiring a site review may be permitted, altered, or enlarged when in conformance with the Lebanon Comprehensive Plan and upon authorization of the Planning Commission in accordance with the standards and procedures set forth in Section 5.300 to 5.370 of this ordinance.

In approving a site review application, the Site Review Committee or Planning Commission may impose, in addition to those standards and requirements expressly specified by this ordinance, additional conditions which they consider necessary to protect the appropriate development and best interest of the surrounding property, the neighborhood, and the City as a whole. These conditions may include the following:

- (a) Regulating yard dimensions to protect solar access.
- (b) Regulating the height of building to protect solar access.
- (c) Controlling the location and number of vehicle access points.
- (d) Requiring dedication of additional street right-of-way or increasing the street width
- (e) Increasing the number of required off-street parking or off-street loading spaces.
- (f) Requiring fencing, screening, landscaping or other facilities to protect adjacent or nearby property.
- (g) Limiting the number, size, location and lighting of signs.
- (h) Designating sites for open space or outdoor recreation areas.
- (i) Requiring ongoing maintenance of buildings and grounds, including the provision of an irrigation system.
- (j) Regulating noise, vibration, odors and similar factors which may have a substantial negative effect on the development of the surrounding area of the City as a whole.

- (k) Providing internal property improvements such as utilities, drainage facilities, streets, curbs, gutters, walkways, parking areas, landscaping, fencing, screening, or recreation areas in order to enhance the area and to protect adjacent or nearby property.
- (l) Regulating time periods for the conduct of certain activities.
- (m) Setting a time limit for which the conditional use is approved.
- (n) Requiring the providing of public improvements such as streets, sidewalks, public utility facilities, drainage facilities and other basic services which are directly benefiting the proposed development or, requiring participation in an improvement district to insure provision of basic services, parks, or streets and sidewalks directly benefiting the proposed development.
- (o) Requiring the staggering of units to avoid a barrack-like effect.
- (p) Requiring the installation of fire and intrusive alarm systems.
- (q) Requiring the dedication or granting of an easement adjacent to any drainage ways.
- (r) Requiring easements over existing or proposed public utilities.
- (s) Requiring the placement of buildings in a manner which would fully utilize the solar potential of the site or protect the solar access of an adjacent site

In the case of a use existing prior to the effective date of this ordinance and classified in this ordinance as requiring a site review a change in use or in lot area or an alteration or enlargement of a structure shall conform with the requirements for site review.

SECTION 5.360 BUILDING PERMITS FOR APPROVED SITE REVIEW REQUESTS
 Building permits for all or any portion of a site review application shall be issued only on the basis of the approved plan. Any proposed change in the approved plan shall be submitted as a new application for site review.

No building permit may be issued until the applicant has signed a form stating that they are aware of any and all conditions placed upon the proposed development.

SECTION 5.370 TIME LIMIT ON AN APPROVED SITE REVIEW PROPOSAL

Authorization of a specific site plan shall be void one (1) year after the date of approval unless a building permit has been issued and substantial construction pursuant thereto has taken place. However, upon written request, the Site Review Committee may extend authorization for an additional period not to exceed one (1) year.

Section 5. That Section 6.020 (3), of Ordinance No. 1773, enacted March 5, 1980 be amended to read as follows:

"Section 6.020 (3). In approving a conditional use permit application, the Planning Commission may impose, in addition to those standards and requirements expressly specified by this ordinance, additional conditions which the Planning Commission considers necessary to protect the appropriate development and best interest of the surrounding property, the neighborhood, and the City as a whole. These conditions may include the following:"

Section 6. That Section 6.020 (3) (a), of Ordinance No. 1773, enacted March 5, 1980 be amended to read as follows:

"Section 6.020 (3) (a). Regulating yard dimensions to protect solar access."

Section 7. That Section 6.020 (3) (b), of Ordinance No. 1773, enacted March 5, 1980 be amended to read as follows:

"Section 6.020 (3) (b). Regulating the height of buildings to protect solar access."

Section 8. That Section 5.400, of Ordinance No. 1773, enacted March 5, 1980 be added to read as follows:

"Section 5.400 REGULATING DEVELOPMENT ON STEEP SLOPES

(a) Development shall be prohibited on slopes of greater than 30% except when it can be found by the Planning Commission that no adverse impacts will be caused by the proposed development.

(b) All proposed development on hillsides with a slope of greater than 30% shall be accompanied by a detailed site specific report prepared by a geologist registered in the State of Oregon. This report shall address the physical nature of the site, the impacts of the proposed development and its suitability as presented."

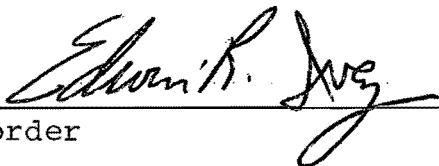
Section 9. Inasmuch as the provisions of this Ordinance are necessary for the immediate preservation of the peace, health and safety of the people of the City of Lebanon, an emergency is hereby declared to exist and this Ordinance shall be in full force and effect immediately upon its passage by the Council and approval by the Mayor.

Passed by the Council by a vote of 5 for and 0 against and approved by the Mayor this 4th day of March, 1981.



Mayor

ATTEST:



Recorder