

A BILL FOR AN ORDINANCE AMENDING )  
THE TEXT OF THE LAND USE REGULATIONS )  
FOR THE CITY OF LEBANON, ADOPTING )  
FINDINGS, AND DECLARING AN EMERGENCY )

ORDINANCE BILL NO. 13  
for 2007

ORDINANCE NO. 2741

**WHEREAS**, the Planning Commission for the City of Lebanon conducted a hearing and made findings recommending an amendment to the text of the Land Use Regulations for the City of Lebanon on August 1, 2007; and

**WHEREAS**, the City Council, pursuant to the provisions of the Lebanon Municipal Code, after appropriate notice given, has conducted a hearing to take testimony, hear arguments and to consider all of the evidence concerning such proposed text amendment, such hearing being conducted on August 8, 2007; and

**WHEREAS**, the City Council has considered all relevant evidence and deliberated.

**NOW, THEREFORE**, the City of Lebanon ordains as follows:

**Section 1.** In addition to the findings referred to above, the City Council does hereby adopt and find those matters contained in Exhibit "A" which is incorporated herein by this reference as if fully set forth at this point.

**Section 2.** Based upon the findings adopted herein, a new section is hereby added to the Lebanon Zoning Ordinance. The new section is entitled SECTION 4.320 PUBLIC USE ZONE (PU), which shall read as follows:

SECTION 4.320      PUBLIC USE ZONE (PU)

In a PU Zone the following regulations shall apply:

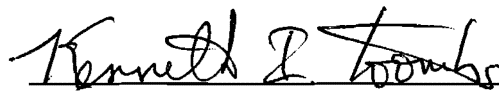
- (1) Purpose To provide areas suitable for a variety of public uses such as schools and community centers, parks, City facilities, and facilities for religious organizations.
- (2) Uses Permitted Outright
  - (a) Accessory Structures (with a permitted use) no taller than 25 ft. and no larger and 1,000 square ft. of building footprint
  - (b) State Regulated Special Residential Units – Group Living Home of 5 or fewer or Group Facility of 6-15
  - (c) City offices and facilities, Community Development Center, and Utility Offices
- (3) Uses Permitted in Accordance with Administrative Review Procedures Section 5.500
  - (a) Accessory structures (with a permitted use) taller than 25 ft or larger than 1,000 square ft. of building footprint
  - (b) State Regulated Special Residential Units – Group Living Home or Group Facility of up to 19
  - (c) Boat launching areas, recreational trails, water towers and reservoirs
  - (d) Cemeteries
  - (e) Transportation Facilities (if implemented as part of City's adopted Facilities Plan) – operation, maintenance, preservation and construction
- (4) Any uses involving more than 2-1/2 acres shall be reviewed by the full Planning Commission.
- (5) Conditional Uses Permitted In the PU Zone the following uses and their accessory uses may be permitted when authorized in accordance with Article 6, and after a public hearing has been held.
  - (a) Botanical Gardens
  - (b) Bus Barns
  - (c) City Maintenance Shops
  - (d) Community Centers
  - (e) Hospitals and Large Medical Complexes
  - (f) Municipal Courts
  - (g) Museums
  - (h) Nursery Schools, Preschools
  - (i) Parks and Open space – pedestrian amenities, parks and recreation facilities, other open space

**Section 3.** This amendment shall become a part of the Lebanon Land Use Regulations, and shall be incorporated into the Code.

**Section 4.** A copy of this ordinance shall be forwarded to Linn County, Oregon, to the Oregon Land Conservation and Development Commission and any other entities as required by law for their review.

**Section 5.** Inasmuch as it is necessary for the City of Lebanon's Land Use Regulations to be in compliance with the Council-adopted Comprehensive Plan of 2004, an emergency is hereby declared to exist to preserve the peace, health and safety of the citizens of the City of Lebanon, and this Ordinance shall have immediate effect and shall be in full force following its adoption by the Council and approval by the Mayor.

Passed by the Lebanon City Council by a vote of 5 for and 0 against and approved by the Mayor this 8<sup>th</sup> day of August, 2007

  
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Kenneth I. Toombs, Mayor   
Bob Elliott, Council President

ATTEST:

  
\_\_\_\_\_  
Linda Kaser, City Clerk/Recorder

- (j) *Public Safety Facilities including Fire/Emergency Medical Services and Police Stations, and Emergency Communication Broadcast Facilities*
  - (k) *Public Squares, Plazas*
  - (l) *Publicly Owned Swimming Pools*
  - (m) *Radio frequency transmission facilities*
  - (n) *Religious meeting facilities or related facilities*
  - (o) *Schools – public and private, Colleges, Universities, Community Colleges, and Adult Education Facilities*
  - (p) *Senior Centers, Social Service Facilities, Soup Kitchens*
  - (q) *Shelters for Short Term or Emergency Housing (e.g., Homeless Shelters) when operated by a Public or Non-profit Agency*
  - (r) *State Regulated Special Residential Units – Group Living Home or Group Facility of up to 19*
  - (s) *Surplus Food Distribution Centers*
  - (t) *Transit Centers*
  - (u) *Transportation Facilities – operation, maintenance, preservation and construction*
  - (v) *Treatment plants and facilities*
  - (w) *Utility Substations*
  - (x) *Vocational Training for the Physically or Mentally Challenged*
  - (y) *Youth Club facilities*
- (6) *Limitation on Use* *All conditional uses shall meet all applicable standards and regulations of the Oregon State Board of Health, the Oregon Department of Environmental Quality, and other public agency having appropriate regulatory jurisdiction. Prior to approval of conditional use applications or building permits, evidence shall be submitted to the City indicating that the proposed activity has been approved by all appropriate regulatory agencies.*
- (7) *Lot Sizes*
- (a) *Lot sizes for residential land uses shall be as required in Sections 4.010 and 4.020.*
  - (b) *There shall be no minimum lot size for other uses.*
- (8) *Yard Requirements* *Yards shall be required as if the use proposed was in the RL, RM, CN, CB, CH, ML or MG zone. The placement of the use in a zone with respect to yard requirements shall be by the Planning Official.*
- (9) *Clear Vision Area* *A clear vision area shall be maintained as provided in Section 5.030. A 20 foot (6.09 m.) triangle at intersections.*

**FINDINGS****Criterion #1****1980 Zoning Ordinance****SECTION 3.050      ZONING OF ANNEXED AREAS**

*All areas annexed to the City shall be placed in a zoning classification in accordance with the adopted Comprehensive Plan. If a zoning designation other than one in accordance with the Comprehensive Plan is requested by an applicant, the zoning requested shall not be granted until the Plan is amended to reflect concurrence.*

**SECTION 9.010      Authorization to Initiate Amendments**

*An amendment to the text of this Ordinance or to a zoning map may be initiated by the City Council, the City Planning Commission or by application of a property owner. The request by a property owner for an amendment shall be accomplished by filing an application with the Planning Official using forms prescribed pursuant to Section 2.070.*

**SECTION 9.020      Public Hearings on Amendments**

*All requests for amendment to the text or zoning map of this Ordinance shall comply with the following public hearing procedures:*

- (1) Notice of public hearing shall be as specified in Section 2.100.*
- (2) The Planning Commission shall conduct a public hearing on the proposed amendment at its earliest practicable meeting after it is proposed.*
- (3) The Planning Commission shall, within 40 days after the initial hearing date, recommend to the City Council approval, disapproval or modification of the proposed amendment.*
- (4) After receiving the recommendation of the Planning Commission, the City Council shall hold a public hearing on the proposed amendment in conformity with the notice provision of Section 2.100*
- (5) All public hearing procedures shall be in accordance with the City procedures for the conduct of hearings before the Planning Commission and the City Council.*
- (6) Within seven (7) days after a decision has been rendered with reference to an amendment, the Planning Official shall provide the applicant with written notice of the decision. This procedure shall apply to recommendations made by the Planning Commission and to final action made by the City Council.*

**SECTION 9.030      Record of Amendments**

*The City Recorder shall maintain records of amendments to the text and zoning map of this Ordinance.*

**Finding #1**

The proposed amendment complies with the above noted criteria given that City polices and procedures require consistency between the comprehensive plan designation and zoning designations. Appropriate authorization and procedures for this amendment comply with LZO Sections 9.010, 9.020, and 9.030.

## Criterion # 2

### LCP Chapter 1 Introduction

#### **Narrative:**

1.8: *Implementing measures, such as zoning and development ordinances, are specific approaches or techniques for implementing Comprehensive Plan policies. They delineate the criteria and standards for development addressed within the broad outlines of the Comprehensive Plan.*

#### **General Policies**

P-2: *The Comprehensive Plan is the controlling planning instrument for the City. All other land use, development and management plans shall be in conformance with the Comprehensive Plan. All local ordinances shall be in conformance with the City's Comprehensive Plan.*

P-3: *Planning and development actions within the City's Urban Growth Boundary shall comply with the City's Comprehensive Plan.*

P-6: *The City shall follow relevant policies when amending the Comprehensive Plan or developing other plans or ordinances that affect land use, such as public facility plans, zoning, and development standards.*

#### **Finding #2**

The proposed amendment complies with the above noted criteria given that City policies and procedures require consistency between the Comprehensive plan designations and zoning designations. The goals and policies outlined above identify the zoning ordinance as the implementation tool for policies outlined in the Comprehensive Plan. The proposed amendment would fulfill these requirements.

## Criteria #3

### LCP Chapter 3 Urbanization

3.1.2: *The act of annexation, in and of itself, has two primary purposes and two primary consequences, both of which occur simultaneously when the City approves an annexation. The first purpose/consequence is that jurisdiction over the annexation territory transfers from Linn County to the City of Lebanon. The second purpose/consequence is that a City of Lebanon land use zoning map designation that is consistent with the City's Comprehensive Plan Map designation is assigned for the first time to the annexation territory as it is incorporated into the City Limits.*

3.4.1 *Unannexed property in the Urban Growth Area does not have a City zoning designation, but does have a City Comprehensive Plan Map designation that indicates the long-term planned use for the property.*

3.4.3 *Upon annexation, an annexation territory will automatically be assigned City zoning classifications in accordance with the adopted Comprehensive Plan Map, as shown in the City's Annexation Zoning Matrix (see Table 4-2 in Chapter 4: Land Use). Such zoning assignments, in and of themselves, are not a Zoning Map change and do not require approval of a Zoning Map Amendment, or a separate proceeding.*

#### **Annexation Policies**

P-19: *Recognize and act on the basis that all annexations shall conform to the requirements of the Lebanon Municipal Code, Annexation Ordinance, Lebanon Land Development Ordinance, City of Lebanon/Linn County Urban Growth Management Agreement (UGMA), and shall be consistent with applicable State law.*

P-20: *Recognize and act on the basis that all annexations shall be consistent with the goals and policies of the Lebanon Comprehensive Plan.*

### Finding #3

The proposed amendment complies with the above noted criteria in that an amendment to the Zoning Ordinance will implement the annexation policies found in Chapter 3 of the Comprehensive Plan. This amendment will also ensure that annexation territories with a Comprehensive Plan designation of Public Use will receive a PU zoning designation upon annexation.

### Criteria #4

#### LCP Chapter 4 Land Use

- 1.2 Land Use Categories and the Comprehensive Plan and Map Designations.** Every parcel of land within the City of Lebanon's Urban Growth Boundary is classified in one of the categories shown in Table 4-1 below. The Comprehensive Plan Map shows where the land categories are located, and Table 4-1 explains each category.
- 1.3 Land Use Categories and the Zoning Ordinance and Map.** Each Comprehensive Plan land use category has corresponding zones in the zoning code (land use ordinance) and Zoning Map. Table 4-2, the Annexation Zoning Matrix -- A Conversion Table for Property Annexed into the City of Lebanon, shows the corresponding land use designations between the Comprehensive Plan (and Map) and the Zoning Ordinance (and Map). This Annexation Zoning Matrix indicates the zones that property would automatically assume upon annexation. The Zoning Ordinance and Zoning Map implement the Comprehensive Plan and the Comprehensive Plan Map. Table 4-3 contains a description of the land use zone designations.
- 1.4 Statewide Planning Goals and Land Use Planning.** Oregon's Statewide Planning Goal 2, Land Use Planning, requires cities to establish a land use planning process and a policy framework that shall act as the basis for all land use decisions and actions. This goal requires cities to include the factual information necessary to make policy decisions in the record of the decision making process. The Comprehensive Plan acts as a policy guide and a basis for implementation of the City's land use policies, codes, and regulations. This Chapter contains information and policies not only relevant to Statewide Planning Goal 2, but also Goal 5 (Natural Resources, Scenic and Historic Areas, and Open Spaces), and Goal 8 (Recreational Needs).
- 2.1 Overview -- Seven Land Use Categories or Designations:** The Comprehensive Plan and Comprehensive Plan Map recognize seven land use designations within the Urban Growth Boundary. Table 4-1 explains each of these land use designations:
- Residential Low Density (C-RL)
  - Residential Mixed Density (C-RM)
  - Mixed Use (C-MU)
  - Neighborhood Mixed Use (C-NMU)
  - Commercial (C-CM)
  - Industrial (C-IND)
  - Public Use (C-PU)
- 2.2 Summary of Purposes for Land Use Categories.** Table 4-1 provides a summary of each of Lebanon's seven Comprehensive Plan Land Use categories or designations. Following Table 4-1 is the new Comprehensive Plan Map.
- 2.3 Conversion of Property Annexed into the City of Lebanon.** All areas annexed into the City are automatically placed in a zoning classification in accordance with the adopted Comprehensive Plan and Map. Table 4-2 provides a summary of the automatic Zoning Map designations for land annexed into the City from each of Lebanon's seven Comprehensive Plan Land Use categories. Such zoning assignments, in and of themselves, are not zoning map changes and shall not require approval of a zoning map amendment, or a separate proceeding. However, if an applicant requests a zone designation other than one in accordance with the Comprehensive Plan and Map, this would require separate proceedings for both a Zoning Map change and a Comprehensive Plan Map Amendment. The zone requested for the annexation territory cannot be granted until the Comprehensive Plan Map designation for the subject property is first amended accordingly.

**General Policies**

**P-4:** *Implement the Comprehensive Plan through zoning and development ordinances, capital improvement programming, and other appropriate measures and/or programs.*

**P-12:** *Ensure that the Zoning Map reflects and implements the Comprehensive Plan Map.*

**Finding #4**

The proposed amendment complies with the above noted criteria in that an amendment to the Zoning Ordinance will implement the land use policies found in Chapter 4 of the Comprehensive Plan. This amendment will also ensure that the assignment of zoning of annexed territories with a Comprehensive Plan designation of Public Use will be in compliance with the Comprehensive Plan.

**Criteria #5**

**LCP Chapter 10: Plan Implementation, Coordination, and Amendment**

**Implementation Tools.** *The City of Lebanon uses two major tools to implement the goals and policies set forth in the Comprehensive Plan: the Zoning and the Subdivision Ordinances (both are codified chapters in the Lebanon Municipal Code). Other tools for implementing the Comprehensive Plan include other portions of the City's Municipal Code, the Capital Improvement Program, and facility plans including the Transportation System Plan (TSP). Other plans and programs also implement the Comprehensive Plan, or provide background or technical information.*

**1.1.1 Regulating the Use of Land.** *The Zoning Ordinance regulates the use of land. More specifically, the provisions of the Zoning Ordinance divide the community into residential, commercial, industrial, and other use zones based on the Comprehensive Plan. Each zone has standards and regulations that determine the allowed uses on that land and the standards to which improvements must conform, such as building height, yard setbacks, and lot size. The Zoning Ordinance consists of text and graphics found in the City of Lebanon Municipal Code, and an official Zoning Map.*

**1.1.2 Two Major Roles.** *The Zoning Ordinance fulfills two major roles.*

- *First, the provisions of the Zoning Ordinance promote the public health, safety, and welfare of the City.*
- *Secondly, the Zoning Ordinance implements the Comprehensive Plan. Oregon Revised Statute 197.175 stipulates that cities will prepare and enact land use regulations to implement their comprehensive plan.*

**1.1.3 Short-Term and Long-Term Considerations.** *In a broad sense, zoning encourages the orderly development of the community and implements the Comprehensive Plan. Zoning can only partially relate to the long-term aspects of the Plan because, as a regulatory tool, it must relate to the current conditions within the City.*

*The Comprehensive Plan provides a general and long-range policy for the City, while the zoning codes serve as a legal ordinance with binding provisions on land development. The various zones have specific boundaries and when drafting the Zoning Ordinance, the City considers how each land parcel will be affected.*

**1.1.4 Amending the Zoning Ordinance and Zoning Map**

*Zoning Code provisions and the Zoning Map may be amended, either upon initiation by the City or following a request by an applicant. Amendments shall be consistent with the Comprehensive Plan.*



**Goals**

**G-1:** *Maintaining an up to date Comprehensive Plan, as well as supporting documents, plans, and implementing ordinances/measures.*

**Finding #5**

The proposed amendment complies with the above noted criteria in that an amendment to the Zoning Ordinance will implement the goals and policies set forth in the Comprehensive Plan. This amendment will also ensure that the assignment of zoning to territories annexed into the City with a Comprehensive Plan designation of Public Use will be in compliance with the applicable Comprehensive Plan policies. The proposed amendment complies with the above noted criteria in that an amendment to the Zoning Ordinance has been initiated by the City. The facts, statements and conclusions constitute substantial evidence that demonstrates that creating a Public Use zoning designation is consistent with the goals and policies of the Comprehensive Plan.

**Criteria #6**

**LCP Chapter 10: Plan Implementation, Coordination, and Amendment -- Narrative Text**

**Statewide Planning Criteria**

**Goal-2 – Land Use Planning OAR 660-015-0000(2):** *To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions. City, county, state and federal agency and special district plans and actions related to land use shall be consistent with the comprehensive plans of cities and counties and regional plans adopted under ORS Chapter 268.*

**Goal 14 – Urbanization OAR 660-015-0000(14):** *To provide for an orderly and efficient transition from rural to urban land use.*

**Finding # 6**

Lebanon’s Comprehensive Plan (LCP) has been acknowledged in its entirety, and is therefore in compliance with all applicable Statewide Planning Goals inclusive of Goal 2 and 14. The proposed amendment complies with the above noted criteria given that maintaining consistency between the Zoning Ordinance and the Comprehensive Plan will be in compliance with the Statewide Planning goals.