

<b>A BILL TO AMEND LEBANON MUNICIPAL</b>	)	<b>ORDINANCE BILL NO.</b>	<b><u>17</u></b>
<b>CODE TITLE 16, ADOPTING A</b>	)	<b>for 2008</b>	
<b>DEVELOPMENT CODE, AMENDING THE</b>	)		
<b>ZONING MAP, REPEALING CERTAIN</b>	)	<b>ORDINANCE NO.</b>	<b><u>2766</u></b>
<b>CERTAIN ORDINANCES AND ADOPTING</b>	)		
<b>FINDINGS OF FACT SUPPORTING SAID</b>	)		
<b>ACTION OF THE CITY COUNCIL</b>	)		

:

WHEREAS, the City of Lebanon enacted Ordinance Bill No. 6 for 1980, Ordinance 1773 to regulate the use of land and structures in the City of Lebanon, establishing zones and general provisions and procedures for that purpose; and

WHEREAS, the City of Lebanon has, from time to time, amended such ordinance; and

WHEREAS, the City has created other sections of the Lebanon Municipal Code concerning Historical Preservation and Flood Damage Prevention; and

WHEREAS, the City desires to update said regulations, codes, subdivision ordinances in a new Development Code which shall be placed into the Lebanon Municipal Code as Title 16; and

WHEREAS, the City has conducted a public open house on October 29, 2008, created a Task Force of Citizens to create and review the new Development Code and has obtained an independent legal audit of the proposed Development Code; and

WHEREAS, the Lebanon Planning Commission did, after appropriate legal notice to potentially affected Citizens; conduct a public hearing on November 19, 2008 where the Planning Commission took testimony from citizens and unanimously adopted certain findings and recommended the approval of the 2008 Lebanon Development Code to the City Council; and

WHEREAS, the Lebanon City Council has conducted a public hearing on December 10, 2008, after appropriate notice, and considered such testimony, staff report and recommendation of the Lebanon Planning Commission.

**NOW, THEREFORE, THE PEOPLE OF THE CITY OF LEBANON DO ORDAIN AS FOLLOWS:**

Section 1. There is hereby added a new Title 16 to the Lebanon Municipal Code, to be known as the 2008 Lebanon Development Code. A copy of the 2008 Lebanon Development Code is attached to this ordinance as Exhibit "A", which is incorporated and made a part of this Ordinance by this reference. The section numbers in the exhibit shall be the section numbers of the Lebanon Municipal Code.

Section 2. As a result of the adoption of this ordinance, the following previous Ordinances are and shall be repealed: 1772, 1773, 1774, 1776, 1788, 1834, 1867, 1869, 1873, 1910, 1951, 1972, 2017, 2020, 2021, 2024, 2025, 2027, 2028, 2030, 2040, 2060, 2069, 2074, 2075, 2092, 2135, 2136, 2137, 2205, 2206, 2207, 2219, 2250, 2251, 2394, 2726, 2741.

Section 3. The repeal of any ordinance listed above in Section 2 shall not affect or prevent application of remedies or punishment of a person for an act done or committed prior to the adoption of this Ordinance and in violation of any ordinance repealed and listed in Section 2.

Section 4. The repeal of any ordinance listed above in Section 2, does not thereby revive any provision, ordinance, or section that was in effect prior to the adoption or amendment of such listed ordinances Section 2.

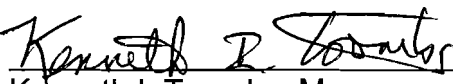
Section 5. The City Council hereby adopts the Findings of Fact and Conclusions of Law which are attached hereto, marked Exhibit "B", and incorporated into this Ordinance by this reference.

Section 6. According to the provisions of ORS 197.615, it is hereby ordered that a copy of this ordinance and the 2008 Lebanon Development Plan, along with the findings made herein, be forwarded to the Director of the Department of Land Conservation and Development. The text and findings shall be mailed or otherwise submitted not later than five working days after the final decision by this governing body. If the 2008 Lebanon Development Plan adopted herein has been substantially amended from the copy of the proposed plan that the Director of the Department of Land Conservation and Development received under ORS 197.610, the submission to the Director shall specify the changes that have been made. Furthermore, if the text and findings are mailed, they shall include a signed statement by the person mailing them indicating the date of deposit in the mail. On the same date that the text and findings are mailed, staff shall also mail or otherwise submit notice to persons who participated in the proceedings leading to the adoption of the plan and have requested of the City in writing that they be given notice. Such notice shall comply with the requirements of ORS 197.615(2).

Section 7. This ordinance shall become effective 30 days after the date of its passage.

Passed by a vote of 4 for and 1 against by the Lebanon City Council on this 10<sup>th</sup> day of December, 2008.

CITY COUNCIL OF LEBANON, OREGON

  
Kenneth I. Toombs, Mayor   
Bob Elliott, Council President

ATTEST:

  
Linda Kaser, City Clerk/Recorder

## Exhibit B

### City Council Findings of Fact and Conclusions of Law

The following Findings of Fact and Conclusions of Law (right hand column) address the detailed criteria (left hand column) that were used in making a decision on the adoption of the 2008 Lebanon Development Code (Zoning Text Amendment: ZTA-08-01) and accompanying Zoning Map Amendment.

<b><u>2004 Lebanon Comprehensive Plan (LCP) Decision Criteria</u></b>	<b><u>Findings:</u></b>
<b>LCP Chapter 1 Introduction</b>	<b><u>ZTA-08-01 Complies with the Specific Decision Criterion/Criteria Because:</u></b>
<p><b>Narrative Text, Subsection 1.8:</b> 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.</p>	<p><b>Finding # 1a:</b> The new Lebanon Development Code (LDC) is written to implement the City's 2004 Comprehensive Plan.</p> <p><b>Finding # 1b:</b> The current (1980) Lebanon Zoning Ordinance (LZO) and Subdivision Ordinance (LSO) were written to implement the City's 1980 Comprehensive Plan.</p> <p><b>Finding # 1c:</b> The 2004 Comprehensive Plan replaced the outdated 1980 Comprehensive Plan.</p>
<p><b>P-2:</b> 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>	<p><b>Finding # 2:</b> The current LZO and LSO were originally written in 1980 and were in compliance with the City's 1980 Comprehensive Plan. However, they are now badly out of date, and are thus incapable of adequately implementing the new (2004) Comprehensive Plan as is required by law.</p>
<p><b>P-3:</b> Planning and development actions within the City's Urban Growth Boundary shall comply with the City's Comprehensive Plan.</p>	<p><b>Finding # 3:</b> This cannot be done adequately until the new LDC is adopted because of the facts noted in Findings # 1 and 2 above.</p>
<p><b>P-6:</b> 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.</p>	<p><b>Finding # 4:</b> The submittal of the application and the subsequent staff report and hearings before the Planning Commission and City Council, and the filling of all required notices satisfy Policy P-6.</p>
<p><b>P-8:</b> The adopted Comprehensive Plan Map, Comprehensive Plan, and implementing ordinances shall be reviewed periodically and may be revised and amended as needed to reflect changing needs and conditions within the planning area, as well as to address deficiencies in any needed land use zone.</p>	<p><b>Finding # 5:</b> The writing and adoption of the new LDC is the direct implementation of Policy P-8. The 1980 LZO and LSO were reviewed by a Citizen Based Advisory Committee and City staff, and found so badly outdated that an entirely new code had to be written. This process occurred over more than three years beginning in the spring of 2005.</p>

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For A Bill To Amend Lebanon Municipal Code Title 16, Adopting A Development Code,  
Amending The Zoning Map, and Repealing Certain Ordinances

LCP Chapter 10 Implementation - Narrative Text	Findings (Continued)
<p><b>1.0 Implementation Tools.</b> 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.</p>	<p><b>Finding # 6:</b> The new LDC combines the functions of both a zoning ordinance and a subdivision ordinance into one document that is up-to-date so that it can actually implement the 2004 LCP. The LDC also incorporates revisions of and replaces two other sections of the Lebanon Municipal Code (LMC): Historical Preservation (Chapter 2.32), and Flood Damage Prevention (Title 18).</p>
<p><b>1.1.1 Regulating the Use of Land.</b> 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.</p>	<p><b>Finding # 7a:</b> The new LDC includes all of these mandated functions and more.</p> <p><b>Finding # 7b:</b> Accompanying the LDC is an updated Zoning Map to accurately implement the 2004 Comprehensive Plan and Map that combines the two previous Industrial Zones into one. [Note: the current Zoning Map is outdated and still reflects the 1980 Comprehensive Plan and 1980 LZO.]</p> <p><b>Finding # 7c:</b> The new LDC will be incorporated into the Lebanon Municipal Code as the new Title 16.</p>
<p><b>LCP Chapter 10, Section 1.1.2 Two Major Roles.</b> The Zoning Ordinance fulfills two major roles.</p>	
<p>➤ First, the provisions of the Zoning Ordinance promote the public health, safety, and welfare of the City.</p>	<p><b>Finding # 8a:</b> The new LDC includes all of these mandated functions and more.</p>
<p>➤ 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.</p>	<p><b>Finding # 9a:</b> The new LDC includes all of these mandated functions and more.</p> <p><b>Finding # 9b:</b> The new Lebanon Development Code (LDC) is written to implement the City's 2004 Comprehensive Plan.</p>
<p><b>1.1.3 Short-Term &amp; Long-Term Considerations.</b> 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.</p> <p>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.</p>	<p><b>Finding # 10a:</b> The new LDC includes not only Zoning, but also many other functions and provisions to address the long-term aspects of the Comprehensive Plan and relate to the current conditions – as well as anticipated future needs -- within the City.</p> <p><b>Finding # 10b:</b> All land inside the City Limits has a City Zoning designation with specific boundaries.</p> <p><b>Finding # 10c:</b> Hence, the provisions of the LDC consider how each land parcel in the City will be affected.</p>
<p><b>1.1.4 Amending the Zoning Ordinance and Zoning Map.</b> 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.</p>	<p><b>Finding # 11a:</b> As noted in <b>Finding # 5</b> above, the 1980 LZO and LSO were reviewed by a Citizen Based Advisory Committee and City staff, and found so badly outdated that an entirely new code had to be written as a complete replacement. In short, amendments were insufficient.</p> <p><b>Finding # 11b:</b> The new LDC implements the 2004 Comprehensive Plan and is consistent with it.</p>

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<b>LCP Chapter 10 Implementation - Narrative Text (Continued)</b>	<b>Findings (Continued)</b>
<p><b>a.</b> If proposed amendments to the Zoning Ordinance do not comply with the current wording of the Comprehensive Plan, the Comprehensive Plan must first be appropriately amended so that the that Zoning Ordinance will be consistent with and accurately implement the Comprehensive Plan.</p>	<p><b>Finding # 12:</b> As noted above, the new LDC is consistent with the 2004 Comprehensive Plan, and hence the 2004 LCP does not need to be amended before the new Development Code is adopted.</p>
<p><b>b.</b> If a proposed zoning designation other than one in accordance with the Comprehensive Plan Map (also see the Annexation Zoning Matrix – Chap. 4, Table 4.2) is requested by an applicant, the re-zoning requested shall not be granted until the Comprehensive Plan Map is first appropriately amended to reflect and guide the requested zoning map amendment. However, these requests may be handled concurrently. The Zoning Map must accurately reflect and implement the Comprehensive Plan Map.</p>	<p><b>Finding # 13:</b> Accompanying the LDC is an updated Zoning Map to accurately implement the 2004 Comprehensive Plan and Map that combines the two previous Industrial Zones into one. [Note: the current Zoning Map is outdated and still reflects the 1980 Comprehensive Plan and 1980 LZO.]</p>
<p><b>Goal G-1:</b> Maintaining an up to date Comprehensive Plan, as well as supporting documents, plans, and implementing ordinances/measures.</p>	<p><b>Finding # 14:</b> The adoption of the new Development Code brings the City into compliance with this Comprehensive Plan Goal in that the new LDC and Zoning Map are in fact up-to-date documents that can accurately implement the 2004 LCP and Map.</p>

<b><u>1980 Lebanon Zoning Ordinance (LZO) Decision Criteria</u></b>	
<b><u>LZO ARTICLE 9 AMENDMENTS</u></b>	<b><u>Findings:</u></b> <b>ZTA-08-01 Complies with the Specific Decision Criterion/Criteria Because:</b>
<p><b>LZO Section 9.010 Authorization to Initiate Amendments:</b> 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. A filing fee in accordance with the provisions of Section 2.080 shall accompany an application by a property owner for an amendment.</p>	<p><b>Finding # 15:</b> The City Council and Planning Commission have supported the efforts of the City to write a new Development Code for many years. In February 2005, after the adoption of the 2004 Comprehensive Plan, the City Council adopted a Goal of writing a new development code. Members of both the Council and Commission have served on the Citizen Based Advisory Committee that worked for more than three years to write this document. As noted previously, the new LDC is a complete replacement for the outdated 1980 LZO and LSO.</p>
<p><b>LZO Section 9.020 Public Hearings on Amendments:</b> All requests for amendment to the text or zoning map of this Ordinance shall comply with the following public hearing procedures:</p> <p>(1) Notice of public hearing shall be as specified in Section 2.100.</p>	<p><b>Finding # 16:</b> The City has followed and will continue to follow all notice procedures prescribed by State Law, including those that supersede the requirements of the current (1980) LZO, including notice to DLCD and a Measure 56 Notice to the entire City.</p>

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**For A Bill To Amend Lebanon Municipal Code Title 16, Adopting A Development Code, Amending The Zoning Map, and Repealing Certain Ordinances**

<b><u>LZO ARTICLE 9 AMENDMENTS (Continued)</u></b>	<b>Findings (Continued)</b>
(2) The Planning Commission shall conduct a public hearing on the proposed amendment at its earliest practicable meeting after it is proposed.	<b>Finding # 17:</b> The Planning Commission hearing on the adoption of the new LDC was held on November 19, 2008.
(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.	<b>Finding # 18:</b> The Planning Commission hearing on the adoption of the new LDC on November 19, 2008, followed all procedures prescribed by State Law for such a hearing.
(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	<b>Finding # 19:</b> A City Council hearing on the adoption of the new LDC was held on December 10, 2008. The City followed all notice procedures prescribed by State Law, including those that supersede the requirements of the current (1980) LZO.
(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.	<b>Finding # 20:</b> The Planning Commission hearing on the adoption of the new LDC on November 19, 2008, and by the City Council December 10, 2008 followed all procedures prescribed by State Law for such hearings.
(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.	<b>Finding # 21:</b> The Planning Official shall follow all procedures prescribed by State Law following the actions of the Planning Commission and City Council regarding the adoption of the new LDC, including notification of DLCD.
<b>LZO Section 9.030 Record of Amendments:</b> The City Recorder shall maintain records of amendments to the text and zoning map of this Ordinance.	<b>Finding # 22:</b> The City Recorder shall maintain records prescribed by State Law regarding the adoption of the new Development Code and Zoning Map.
<b>LZO Section 9.040 Limitation:</b> No application of a property owner for an amendment to the text of this Ordinance or to the zoning map shall be considered by the Planning Commission within the one-year period immediately following a previous denial of such request, except the Planning Commission may permit a new application, if in the opinion of the Planning Commission, new evidence of a change of circumstances warrants it.	<b>Finding # 23: This criterion Does Not Apply</b> in this situation since the writing and adoption of the New Development Code was initiated by the City with the approval of the Planning Commission and City Council in order to comply with State Law regarding compliance with the Comprehensive Plan and other regulatory provisions (e.g., Transportation Planning Rule or "TPR").

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**1980 Lebanon Subdivision Ordinance (LSO) Decision Criteria**

<b>LSO Section 8.06 Amendments</b>	<b><u>Findings:</u></b> <b>ZTA-08-01 Complies with the Specific Decision Criterion/Criteria Because:</b>
<p>(1) An amendment to the text of this ordinance 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 provided by the City.</p>	<p><b>Finding # 24:</b> For many years the City Council and Planning Commission have supported the efforts of the City to write a new development Code that includes new Subdivision regulations and provisions. In 2005 after the adoption of the 2004 Comprehensive Plan, City Council adopted a Goal of writing a new development code. Members of both the Council and Commission have served on the Citizen Based Advisory Committee that worked for more than three years to write this document. As noted previously, the new LDC is a complete replacement for the outdated 1980 LZO and LSO.</p>
<p>(2) The Planning Commission shall conduct a public hearing on the proposed amendment after publishing notice of the hearing once a week for two (2) successive weeks prior to the hearing in a newspaper of general circulation within the City. The notice shall specify the time, place and purpose of the hearing.</p>	<p><b>Finding # 25:</b> The City has to date followed and will continue to follow all notice procedures prescribed by State Law, including those that supersede the requirements of the current (1980) LSO.</p> <p><b>Finding # 26:</b> The Planning Commission hearing on the adoption of the new LDC was held on November 19, 2008.</p>
<p>(3) Within ten (10) days after such hearing, the Planning Commission shall recommend to the City Council approval, disapproval, or modified approval of the proposed amendment.</p>	<p><b>Finding # 27:</b> The Planning Commission hearing on the adoption of the new LDC on November 19, 2008, followed all procedures prescribed by State Law for such a hearing.</p>
<p>Upon receiving a recommendation of approval from the Planning Commission, the City Council shall hold a public hearing on the proposed amendment following the same procedures as prescribed for the Planning Commission.</p>	<p><b>Finding # 28:</b> A City Council hearing on the adoption of the new LDC was held on December 10, 2008. The City followed all notice procedures prescribed by State Law, including those that supersede the requirements of the current (1980) LZO. The City Council hearing on the adoption of the new LDC on December 10, 2008, followed all procedures prescribed by State Law for such a hearing.</p>
<p>(4) No applications of a property owner for an amendment to the text of this ordinance shall be considered by the Planning Commission within the one-year period immediately following a previous denial of such request, except the Planning Commission may permit a new application, if in the opinion of the Planning Commission, new evidence or a change of circumstances warrant it.</p>	<p><b>Finding # 29: This criterion Does Not Apply</b> in this situation since the writing and adoption of the New Development Code was initiated by the City with the approval of the Planning Commission and City Council in order to comply with State Law regarding compliance with the Comprehensive Plan and other regulatory provisions (e.g., Transportation Planning Rule or "TPR").</p>
<p>(5) A copy of the subdivision ordinance and any amendment adopted to such ordinance shall be filed with the recording officer of Linn County.</p>	<p><b>Finding # 30:</b> The City shall follow all procedures prescribed by State Law following the actions of the Planning Commission and City Council regarding the adoption of the new LDC, including notification of DLCD and filing with Linn County.</p>

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• **For A Bill To Amend Lebanon Municipal Code Title 16, Adopting A Development Code, Amending The Zoning Map, and Repealing Certain Ordinances**

**For Any Zoning Map Amendment Directly Linked to the Text Amendment  
Additional 1980 Lebanon Zoning Ordinance (LZO) Decision Criteria**

<b>Zoning Ordinance Criteria</b>	<b>Findings: ZTA-08-01 Complies with the Specific Decision Criterion/Criteria Because:</b>
<p><b>LZO Section 3.030 Location of Zones</b> The boundaries for the zones listed in this ordinance are indicated on the Lebanon Zoning Map of 1980 which is hereby adopted by reference. The boundaries shall be modified in accordance with zoning map amendments which shall be adopted by reference.</p>	<p><b>Finding # 31:</b> Accompanying the LDC is an updated Zoning Map (ZM) to accurately implement the 2004 Comprehensive Plan and Map that combines the two previous Industrial Zones into one. The PC hearing (11/19/08) and City Council hearing on 12/10/08 amends the current version of the 1980 ZM and thereby creates the 2008 ZM. (See pages 13 -17 of the staff report.)</p>
<p><b>LZO Section 3.040 Zoning Maps</b> A zoning map or zoning map amendment adopted by Section 3.030 of this ordinance or by an amendment thereto shall be prepared by authority of the City Council. The map or map amendment shall be dated with the effective date of the ordinance that adopts the map or map amendment. A certified print of the adopted map or map amendment shall be maintained in the office of the City Recorder as long as this ordinance remains in effect.</p>	<p><b>Finding # 32:</b> The actions of the City Council adopting the amended 2008 Zoning Map (ZM) comply with all criteria in LZO 3.040.</p>
<p><b>LZO Section 3.050 Zoning of Annexed Areas</b> 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.</p>	<p><b>Finding # 33: This criterion Does Not Apply.</b> No annexations are involved in this map amendment.</p>
<p><b>LZO Section 3.060 Zone Boundaries</b> Unless otherwise specified, zone boundaries are section lines, subdivision lines, lot lines, center lines of street or railroad right-of-way or such lines extended except where a boundary line clearly divides a lot, then the boundary line shall be determined by use of the scale designated on the zoning map. Where a boundary line divides a lot, the boundary line shall be considered as the lot line for purposes of determining area and setback requirements for each zone.</p>	<p><b>Finding # 34:</b> All Zoning Boundaries remain unchanged by this map amendment. (Also see pages 13 -17 of the staff report.)</p>

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### **Additional Decision Criteria from Application**

It is the applicant's responsibility to demonstrate there is a community based need for the proposed Amendment.

#### **Finding # 35:**

#### **ZTA-08-01 Complies with the above Additional Decision Criterion Because:**

**Finding # 35a: Social, Political, Legislative, Economic and Technological Change:** The new Development Code addresses a variety of "Community Needs" arising from a broad range of changes since 1980. The Lebanon community, the region, the state, and the nation, as well as the regulatory climate, have changed significantly from the late 1970s when the City's existing 1980 Zoning and Subdivision Ordinances were written. These changes have come in all areas of life, such as: social patterns, housing needs, population growth, changes in demographics (e.g., smaller families, increasing percentage of persons over 65 years of age), economic dynamics, technology changes and innovation, Federal and State regulatory environment (e.g., building codes, Statewide Planning Goals and implementing rules, Transportation Planning Rule, airport safety regulations), environmental challenges (e.g., energy efficiency and alternative sources of energy, reduction of pollution of all kinds resulting in cleaner air and water and land, as well as global warming).

The land use regulations of the community need to keep pace with the demands and needs created by Social, Political, Legislative, Economic and Technological Change.

**Finding # 35b: Lebanon's Population Growth (see Chapter 5 of 2004 Comprehensive Plan):** In 1980 Lebanon's population stood at 10,440. Two decades later in 2000 it had grown to 12,950, a change of slightly over 24%. A Background study (ECONorthwest's *2004 Lebanon Urbanization Report*) for the 2004 Comprehensive Plan, based on the adopted Coordinated (with Linn County) Population Forecast, indicated that it is anticipated that the City's population will grow to roughly 15,196 by 2010 and 18,019 by 2020. This would represent about a 39% increase in population from 2000 to 2020, and approximately a 73% increase since 1980. Utilizing Portland State University population numbers and projecting to 2025, there would be a 49% increase over this 22-year period of time. "Based on the PSU 2003 estimate of 13,140 persons in the City and the County Coordinated Forecast and growth rate for Lebanon projected to the year 2025 (19,597 persons), the City (inside the City limits) will increase by 6,457 persons between 2003 and 2025" (page 3 in Chapter 5 of the 2004 LCP).

The land use regulations of the community need to keep pace with the demands and needs of a significantly larger population.

**Finding # 35c: Need For Housing (see page 12 in Chapter 6 of 2004 Comprehensive Plan):** ECONorthwest's *2004 Lebanon Urbanization Report* concluded that the community will need more than 2,700 new dwelling units by the year 2025 to accommodate the expected population growth. "Table 6-9 [from 2004 LCP Chapter 5] shows the forecast according to ECONorthwest's *2004 Lebanon Urbanization Report* of needed housing units by type in Lebanon for the period 2003-2025. The assumed residential mix is 50 percent single-family, 20 percent manufactured (mobile home), and 30 percent multifamily (8 percent condo/townhomes and 22 percent multifamily)." (Also see page 24 of the Staff Report.)

The land use regulations of the community need to keep pace with the demands and needs of a significantly larger population, including the need for an expanded and more diverse housing inventory, and the associated development of land.

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**Finding # 35d: Need For Jobs (see page 5 in Chapter 5 of 2004 Comprehensive Plan):** ECONorthwest's 2004 *Lebanon Urbanization Report* concluded that the community will need more than 3,700 new jobs by the year 2025 to accommodate the expected population growth. "Table 5-3 [from 2004 LCP Chapter 5] shows that ECONorthwest expects total employment in the Lebanon area to grow by 3,731 jobs over the 23-year 2002–2025 period, an increase of 51 percent or about 162 jobs per year." (Also see page 25 of the Staff Report.) It is to be noted that the above noted ECONorthwest projections were made before Lowe's located in the community. However, the ECONorthwest study and the 2004 Comprehensive Plan did anticipate such leaps in job growth.

"The employment projections in this Chapter cannot accurately predict a major jump in employment that could result from the location of one or more large employers in the community during the planning period. This could take place if the City were successful in its recruitment efforts, either on its own and/or in conjunction with initiatives of State agencies to bring new industry to the State. Such a major change in the community's employment may not be accounted for in the growth anticipated by the City's employment forecast and may result in the need to revise future land needs (for employment, but also for housing, parks and other uses). Major economic events such as the successful recruitment of a very large employer are very difficult to include in a study of this nature (e.g., ECONorthwest 2004 Lebanon Urbanization Study). The implications, however, are relatively predictable according to ECONorthwest: more demand for land (of all types) and public services." (page 15 in Section 3.6 of Chapter 5, 2004 Comprehensive Plan)

The land use regulations of the community need to keep pace with the demands and needs of a significantly larger population, including the need for an increased number jobs and associated public services, and the associated development of land.

**Finding # 35e: Current (1980) Lebanon Zoning (LZO) and Subdivision (LSO) Ordinances are Outdated**

- (1) The current LZO and LSO were originally written in 1980 to implement the City's 1980 Comprehensive Plan. However, they are now badly out of date, and are thus incapable of adequately implementing the new (2004) Comprehensive Plan as is required by law. The 2004 Comprehensive Plan replaced the outdated 1980 Comprehensive Plan. **The City will be out of compliance with these state requirements until the new Development Code is adopted.**
- (2) The last twenty-eight years of social, political, legislative, economic and technological change are not adequately represented in the City's current LZO and LSO, even with the retrofits (amendments) that have occurred over the years.
- (3) Application and process requirements in the City's current LZO and LSO are not adequate in most cases, are out of date in almost all cases, and in a number of cases are non-existent. This creates uncertainty and ambiguity where clarity, preciseness and certainty are essential for developers, citizens, taxpayers, and the City. In 2002, the City obtained an Oregon Transportation and Growth Management (TGM) grant to fund a DLCDC/Consultant team audit of the current (1980) LZO and LSO. The draft report, submitted on April 4, 2002 cited numerous inadequacies. For example, the draft report included many instances in which (a) the language was vague and arbitrary, and not clear and objective, (b) provisions ran contrary to current law and requirements, (c) there were omissions and contradictions, (d) adequate guidelines for decisions are absent, and (e) definitions and terminology were outdated, or definitions were non-existent. The draft report included a copy of the current LZO that was heavily "marked up" with recommended deletions, additions, and numerous text boxes inserted with questions and issues needing to be resolved.

**Exhibit B**

**For A Bill To Amend Lebanon Municipal Code Title 16, Adopting A Development Code,  
Amending The Zoning Map, and Repealing Certain Ordinances**

**Finding # 35e Continued:**

- (4) In April of 2005 the citizen-based Technical Advisory Committee (LZOU TAC) and City staff first met to begin the update process of the City's land use regulations as mandated by the City Council Goal of February 2005. The group reviewed the results of the above noted TGM Code Audit. In fact, a number of the members of the LZOU TAC had served on the advisory committee for the TGM Code Audit. The conclusion was quickly reached by the LZOU TAC that the 1980 LZO and LZO were so badly outdated that an entirely new code had to be written.
- (5) The 1980 LZO and LSO are not coordinated documents, and are thus very difficult to use simultaneously for the many development projects for which both are necessary.
- (6) The 1980 LZO does not contain all of the zones called for in the 2004 Comprehensive Plan, although one (Public Use Zone) was retrofitted (using the draft from the LDC) in August 2007. This was made necessary because of an annexation application that would have been impossible to process until the amendment was adopted. There are other cases like this waiting to happen.
- (7) The 1980 LZO allows uses that no longer fit with the community's values. The current LZO allows in the Limited Industrial (ML) Zone and/or General Industrial Use Zone (MG) the following uses: Rendering Plants, Slaughter Houses, Commercial Feed Lots, Auction Yards, and [new] Mining activities (Quarries, Gravel Pits, Surface or Subsurface Mining). Based on 2004 Comprehensive Plan and the work of the Citizen Based LZOU TAC, the new LDC no longer allows anywhere in the City the above noted uses and other similar uses (for details see LDC Subsections 16.03.050.E.3 and 16.03.070.D.4 in Ch. 16.03).
- (8) The 1980 LZO does not take into account modern technology such as wireless communications, and the ability of increasing numbers of persons to telecommute from their homes using the internet and computer technology.
- (9) Current State law essentially forbids jurisdictions from using comprehensive plan policies and goals as decision criteria in land use actions. Lebanon's 1980 Zoning Ordinance requires the City to use its Comprehensive Plan policies and goals as decision criteria in land use actions. **The City will be out of compliance with these state requirements until the new Development Code is adopted.**

**Finding 35 Summary:** The above findings demonstrate that there are **many significant community based needs** that support the adoption of the proposed new 2008 Lebanon Development Code and accompanying 2008 Zoning Map. **The above noted troubling and problematic situations will be resolved with the adoption of the new Development Code.**

The Staff Report (see pages 21-23) indicates the need for **additions to the LDC** as presented to address **inadvertent omissions**. These include: (1) LDC Subsection "16.08.100.D" (Limitations on Use in Commercial areas), (2) DLCD suggested revisions to Section 16.11.070 (Flood Plain Overlay Zone), and (3) the requirement that **SHPO and any local historic preservation groups** (that so request) will be notified and invited to submit testimony on **all applications affecting historic resources** [LDC Subsection G of Section 16.31.040, and Subsection "d" of 16.31.070.E.1], as well as the **errata** (typographical errors) listed on page 23.

**Finding # 36:** The City Council finds that the above additions to correct inadvertent omissions and typographical errors are necessary for the Development Code to function properly and appropriately regulate land use in the community.

**Exhibit B**

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