

**A BILL FOR AN ORDINANCE AMENDING
THE CITY OF LEBANON DEVELOPMENT
CODE**

) **ORDINANCE BILL NO. 2011- 9**
)
) **ORDINANCE NO. 2822**

WHEREAS, the Planning Commission for the City of Lebanon conducted a hearing on Planning File No. 11-04-26 and made findings recommending certain amendments to the Development Code of the City of Lebanon on May 25, 2011; and

WHEREAS, the City Council, pursuant to the provisions of the Lebanon Development Code, after appropriate notice given, has conducted a hearing to take testimony, hear arguments and to consider all of the evidence concerning such proposed Development Code amendments, such hearing being conducted on July 13, 2011; and

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

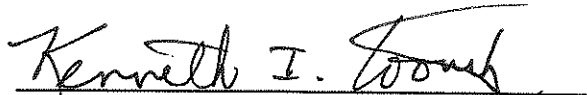
NOW, THEREFORE, the City of Lebanon ordains as follows:

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

Section 2. Based upon the findings adopted herein, the Lebanon Development Code is hereby amended as specified in Exhibit "A", which is incorporated herein by this reference as if fully set forth at this point.

Section 3. Said Exhibit "A" shall be attached to, and become a part of, the Lebanon Development Code upon entry of this order.

Passed by the Lebanon City Council by a vote of 5 for and 0 against and approved by the Mayor this 13th day of July, 2011.


Kenneth I. Toomb, Mayor
Bob Elliott, Council President

Attested:

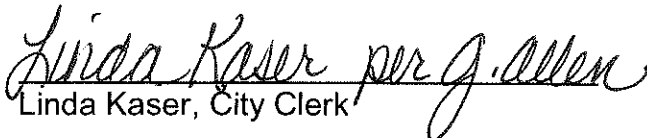

Linda Kaser, City Clerk

EXHIBIT "A"
AMENDMENTS TO THE LEBANON DEVELOPMENT CODE

16.11.080 Bioscience and Technology Overlay Zone (BST-OZ)

A. Purpose

The establishment of the Western University of Health Sciences adjacent to the Lebanon Community Hospital created an opportunity to foster research, development, and manufacturing in the field of biological sciences. The purpose of the Bioscience and Technology Overlay Zone (BST-OZ) is to provide necessary land use guidelines, not only for site development, but also as a means to encourage the location of bioscience firms within the community.

B. Location of Overlay Zone

The Bioscience and Technology Overlay Zone shall include the following properties, as well as other properties that may be included through future amendments to the Overlay Zone:

1. With the exception of the Pioneer School, all Mixed Use (Z-MU) zoned property located south of Reeves Parkway, west of North Santiam Highway and situated north of Mary Street.
2. Mixed Use zoned land located north of Reeves Parkway and west of 5th Street.
3. Lebanon Community Hospital campus, including Hospital property located adjacent to Industrial Way.
4. A parcel of land directly south of Mullins Drive/Twin Oaks Drive, east of 2nd Street and west of North Santiam Highway/North Main Street.
5. Industrial-zoned land located at the south-east intersection of Reeves Parkway and Hansard Street.

C. Permitted Uses

The intent of the Overlay Zone is to focus on scientific research and technological applications related to the biological sciences. Recognizing the constantly evolving nature of this field, uses are not specifically defined, but intended to include those technological applications that use biological systems, living organisms, or derivatives thereof, to make or modify products or processes for a specific use. Therefore, examples of uses permitted in the zone include, but are not limited to, the following:

1. Medical, biological and related engineering research
2. Medical education, such as colleges, universities and similar training and research facilities
3. Development and production of medical devices
4. Medical diagnostics
5. Therapeutics
6. Pharmaceuticals
7. Bio-agricultural products
8. Medical software
9. Related engineering and technology activities

10. Research services, including labs and associated staff in support of bioscience activities
11. Other scientific and technological activities of a similar nature

D. Development of Land

As an overlay zone, the BST-OZ provides a landowner additional development opportunities *but does not require* a landowner establish uses unique to the BST-OZ. Depending on whether or not a master plan governs a property, available development options include the following:

1. Master Plan – Property within an approved master plan may continue to develop consistent with the approved plan, including any subsequent approved modifications to the plan.
2. Underlying Zoning – Property located outside of an approved master plan may continue to develop with uses identified in the underlying zone. For example, residential development may occur on property zoned Residential Mixed Density (Z-RM).
3. Overlay Zone – *All property* within the BST-OZ may develop for uses identified in Section 16.11.080.C, subject to the following provisions:
 - a. Establishment of a use identified in Section 16.11.080.C, shall be subject to a Ministerial Review.
 - b. Development requirements shall conform to the applicable provisions within the Industrial (Z-IND) zone (Chapter 16.09).
 - c. The maximum building height is 50-feet.
 - d. For property located within an approved master plan, the improvements shall not be altered or modified in a manner that the Community Development Manager finds would negatively affect the street plan and pedestrian access. Revisions to approved street or pedestrian access plans shall require a modification to the adopted master plan.
 - e. Approval of a Ministerial Review shall not exempt a development from compliance with underlying deed restrictions or covenants.

EXHIBIT B
LEBANON CITY COUNCIL FINDINGS
Planning File No. 11-04-26

I. NATURE OF THE APPLICATION

This matter comes before the Lebanon City Council to amend the Lebanon Development Code.

II. BACKGROUND INFORMATION

The City wishes to amend Development Code by establishing an “overlay zone” to encourage bioscience firms to locate within the community. The Bioscience and Technology Overlay Zone (BST-OZ) will include property in and around the medical college and Lebanon Community Hospital. Specific amending language is contained in City Council Ordinance Exhibit “A.”

III. PUBLIC HEARING

A. Planning Commission Action

A public hearing was held on this application before the Lebanon Planning Commission on May 25, 2011. At that hearing, City Planning File 11-04-26 was made a part of the record. Notice of the hearing was published consistent with the requirements in Chapter 16.20 of the Lebanon Development Code. No objection was raised as to jurisdiction, conflicts of interest, or to evidence or testimony presented at the hearing. At the conclusion of the hearing, the Planning Commission deliberated on the issue and voted to recommend the City Council adopt the proposed amendments to the Development Code. The Commission found the proposed changes consistent with the applicable decision criteria.

B. City Council Action

A public hearing was held on this application before the Lebanon City Council on July 13, 2011. At that hearing, City Planning File 11-04-26 was made a part of the record. Notice of the hearing was published consistent with the requirements in Chapter 16.20 of the Lebanon Development Code. No objection was raised as to jurisdiction, conflicts of interest, or to evidence or testimony presented at the hearing. At the conclusion of the hearing, the City Council deliberated on the issue and voted to adopt the proposed amendments to the Lebanon Development Code. The Council found the proposed changes consistent with the applicable decision criteria.

IV. FINDINGS OF FACT-GENERAL

The Lebanon City Council, after careful consideration of the testimony and evidence in the record, adopts the following General Findings of Fact:

A. The applicant is the City of Lebanon.

B. The City wishes to amend Lebanon Development Code by establishing an “overlay zone” to encourage bioscience firms to locate within the community. The overlay zone

will include property in and around the medical college and Lebanon Community Hospital. Specific amending language is contained in City Council Ordinance Exhibit "A."

- C. The proposed overlay zone affects the following properties: Township 12 South; Range 2 West; Section 2; Tax Lots 1403 and 1410; Township 12 South; Range 2 West; Section 3D; Tax Lots 100, 1100, 1200, 1206, 1207, 1208, 90000; and, Township 12S; Range 2 West; Section 3C; Tax Lots 400 and 1000.
- D. The overlay zone involves 86.06 acres.
- E. The decision to approve or deny shall be based on the criteria contained in the Lebanon Development Code: Chapter 16.28 – Comprehensive Plan and Development Code Text Amendments.

V. APPLICATION SUMMARY

- A. The advent of Western University of Health Sciences, the State Veterans Administration home and their proximity to the Lebanon Community Hospital created an excellent opportunity for the City to attract bioscience firms. This industry focuses on scientific research and technological applications that use biological systems to make or modify products or processes, activities clearly associated with the college and hospital, and which may benefit the new home.
- B. To help foster this type development, the City wishes to establish "overlay zone" that incorporates property in and around the medical college. City Council Ordinance Exhibit "A" contains the specific language; a brief summary of the material follows:
 - 1. Purpose – This establishes why the City created the zone and defines its general purpose: the overlay zone provides land use guidelines to encourage and develop bioscience firms in an area in close proximity to the college and hospital.
 - 2. Location – The location includes all land associated with the Western University campus (including the State VA Home site), the Lebanon Community Hospital property on the east side of North Santiam Highway and the Hospital property on the west side of the Highway, to the south of Mullins/Twin Oaks. In addition, the zone also includes vacant MU zoned land north of Reeves Parkway and west of 5th Street as well as industrial property located on the southeast corner of Hansard Street and Reeves. Future amendments to this area may occur.
 - 3. Permitted Uses – This section includes a short menu of the types of uses permitted within the zone. It is important to recognize the bioscience field is constantly evolving; as a result, listed permitted uses are more of a guideline than restraint. The Oregon Bioscience Association reviewed - and accepted - the list.
 - 4. Development of Land – Placement of land within the overlay zone does not compel a property owner to establish a bioscience use on the property; it is simply an option that is available to the owner. However, as a means to

encourage such development, the overlay zone simplifies the process for establishing a bioscience project. There are three basic development options for property located within the overlay zone:

- a. A property may be developed for uses allowed in the underlying zone. For example, this allows the Hospital property to continue development under the Public Use zoning requirements.
 - b. If a property is located within an area governed by a master plan, the owner may continue to development in a manner consistent with the approved plan, or its subsequent modifications. This provision currently applies to the Samaritan Campus property.
 - c. Finally, a property may be developed for uses identified by the overlay zone. The process only requires a Ministerial Review and conformance to Industrial zone development requirements. These requirements generally address improvements such as parking, landscaping, setbacks and the like. The sole exception: to be consistent with the current Campus master plan and buildings in the vicinity, the maximum building height is limited to 50-feet. While regulated elsewhere in the Development Code, this Section specifically spells out these provisions do not exempt a developer from complying with any deed restrictions on existing properties.
- C. The City sent out notice of the Code amendments to affected agencies and the Department of Land Conservation and Development (DLCD). City Development Engineering, the Lebanon Fire District, the Oregon Department of Transportation and the DLCD reviewed the material and did not comment or oppose the amendments.

VI. CRITERIA AND FINDINGS

- A. Chapter 16.28 establishes the procedures and criteria for amending the text of both the Comprehensive Plan and the Development Code. Section 16.28.010 identifies the purpose of text amendments while Section 16.28.020 identifies the various types of amendments. The proposed changes involve only the text of the Development Code; amendments to the Comprehensive Plan are not required.
- B. Section 16.28.030 identifies those agents authorized to initiate a text amendment. Conforming to provisions in this Section, City staff initiated this action.
- C. Section 16.28.040 requires the City Recorder to maintain records of all changes to the Development Code. This administrative process requires City compliance.
- D. Sections 16.28.050 and 16.28.060 require all proposed amendments to the Comprehensive Plan Text shall be consistent with Oregon's Statewide Planning Goals, and with all adopted facility plans, including the Transportation System Plan. These Sections do not apply, as the proposal does not amend the Comprehensive Plan.
- E. Section 16.28.070 requires Development Code amendments to be consistent with the City's Transportation System Plan.

FINDINGS: The City has the authority to require applicants to conduct a Traffic Impact Study or Analysis for any new use (LDC Section 16.12.010.B and Section 16.20.110). The Study or Analysis must indicate the proposed use complies with the adopted TSP or mitigation measures are available to ensure compliance. The amendments do not change these requirements. Further, the amendment does not change functional classifications or performance standards for transportation routes.

- F. Section 16.28.080 outlines the process for text amendments. This is a legislative action pursuant to Chapter 16.20 and requires hearings before both the Planning Commission and City Council. The Commission reviews the request and makes recommendation to the Council. The final decision on this matter rests with the City Council.
- G. Specific decision criteria are contained in Section 16.28.090. The City may approve a Development Code Amendment application if it satisfies the relevant Decision Criteria: Oregon Department of Land Conservation and Development (DLCD) administrative rules, the applicable Statewide Planning Goals, the applicable provisions of the Lebanon Comprehensive Plan, and any other applicable and relevant facility or special area plans, specific projects or goals adopted by the City.

FINDINGS: Findings in response to the above noted criteria:

1. DLCD Administrative Rules – Oregon Administrative Rules address a variety of issues including development on farmland, provisions for needed housing, requirements to expand an urban growth boundary, meeting natural resource planning requirements and similar issues. In their review, Community Development Department staff noted there were no Administrative Rules that specifically address the proposed Code amendment nor did the DLCD identify specific Administrative Rules for the City to consider.
2. Statewide Planning Goals - Compliance with the Statewide Goals is noted as follows:
 - Goal 1, Citizen Involvement: The Planning Commission and City Council will conduct public hearings on the request, consistent with City procedures and the intent of the Goal.
 - Goal 2, Land Use Planning: The proposal does not involve exceptions to the Statewide Goals. Adoption actions are consistent with the locally adopted Development Code requirements.
 - Goal 3, Agricultural Lands: The proposal does not involve or affect farmland. An exception to this goal is not required.
 - Goal 4, Forest Lands: The proposal does not involve or affect identified forestland. An exception to this goal is not required.
 - Goal 5, Open Spaces, Scenic and Historic Areas, and Natural Resources: The proposed changes to the Code do not alter existing regulations that affect identified historic, cultural, or natural resources within Lebanon.

Goal 6, Air, Water and Land Resource Quality: The Code amendment allows certain types of uses in specific areas of the community as a means to foster their development. Nothing in this amendment establishes or promotes land uses that adversely affect air, water or resource quality issues.

Goal 7, Natural Hazards: The Code amendment does not alter development requirements for natural hazard areas; these remain in force.

Goal 8, Recreational Needs: The proposed changes do not create uses that adversely affect recreational opportunities or involve land identified for recreational purposes.

Goal 9, Economic Development: The City anticipates the Code amendment will promote economic development by encouraging businesses suitable for the identified area and expediting the associated land use procedures.

Goal 10, Housing: All properties subject to the overlay zone are zoned, planned or developed for non-residential uses. Therefore, the proposed Code amendment does not affect housing supply or location, or, the City's ability to meet housing needs.

Goal 11, Public Facilities and Services: Any new use allowed by the amendments must still comply with existing public facility requirements. The amendment does not affect the City's ability to provide public services.

Goal 12, Transportation: As previously noted, the proposed Code revisions do not create uses or activities that significantly affect the City's transportation facilities.

Goal 13, Energy Conservation: The amendments are neutral with regard to energy conservation. For the record, all new construction must conform to applicable energy efficiency requirements.

Goal 14, Urbanization: The proposed amendments address urban uses within an urban environment, including provisions for related procedural and development requirements.

Goals 15 to 19, Willamette River Greenway, Estuarine Resources, Coastal Shores, Beaches and Dunes, Ocean Resources: The proposals do not involve land within the Willamette Greenway or coastal areas.

In general, the proposed amendments are consistent with Goal provisions, or, the amendments do not directly affect Goal provisions.

3. Lebanon Comprehensive Plan – The Comprehensive Plan consists of ten Chapters with each Chapter addressing specific land use issues such as housing or natural resources. Each Chapter is reviewed below:

a. Chapter 1: Introduction - This introductory Chapter describes the Comprehensive Plan, its relationship to the Statewide Land Use Goals, the Citizen Involvement program and key terminology. As introductory provisions, this Chapter does not directly apply to the proposed text amendments.

b. Chapter 2: Natural Environment – The Chapter address goals and policies related to the City’s natural environment.

FINDINGS: This Chapter does not apply, as the Code revision does not establish new regulations involving wetlands, wildlife habitat or other resources identified as requiring preservation or protection.

c. Chapter 3: Urbanization – This Chapter provides the basic framework for future urban development within the City, including public facility provisions and annexations.

FINDINGS: This Chapter does not apply, as the proposed Code amendments do not affect, reduce or otherwise alter provisions for urban development within the community.

d. Chapter 4: Land Use – This Chapter details the goals and policies to assure the City provides different types of land within City limits that are suitable for a variety of uses.

FINDINGS: This Chapter does not apply as the proposal Code amendments do not modify or alter underlying zoning, and thereby, the City’s ability to provide different types of land, of suitable size and quantity, to meet a variety of development needs.

e. Chapter 5: Population & Economy – This Chapter addresses population growth and economic development as well as those trends affecting both.

FINDINGS: The City anticipates economic benefits by providing suitable locations for bioscience firms and streamlining the associated review process. The revisions are therefore consistent with the goals and policies promoted by this Chapter.

f. Chapter 6: Housing – This Chapter establishes the City’s Goals and Policies related to Housing.

FINDINGS: The amendments do not directly apply, as they do not affect the City’s ability to meet the community’s housing needs.

g. Chapter 7: Community Friendly Development & Preservation of Historic Resources - This Chapter focuses on policies creating a built environment suitable for the needs of a diverse population through a variety of uses scaled for the pedestrian, and capable of accommodating the automobile and mass transit.

FINDINGS: Policies in this Chapter focus on design elements to improve density and housing options while encouraging mixing or combining land uses (residential, commercial, industrial, public) to increase urban livability. Therefore, this Chapter does not directly apply to the request.

- h. Chapter 8: Transportation – This Chapter addresses the transportation needs of the City with an emphasis of creating a variety of transportation options for pedestrians, bicyclists, vehicles and mass transit.

FINDINGS: As noted, the City has the authority to require applicants to conduct a Traffic Impact Study or Analysis for new development. This requirement still applies. Otherwise, the amendments do not change functional classifications or performance standards for City transportation routes.

- i. Chapter 9: Public Facilities and Service - The City is required by State law to plan and develop a timely, orderly, and efficient arrangement of public facilities and services to serve urban development.

FINDINGS: Uses allowed by the amendments must still comply with existing public facility requirements. Otherwise, the proposed overlay zone does not affect the City's ability to provide needed services.

- j. Chapter 10: Plan Implementation, Amendment, and Land Use Planning Coordination – This Chapter establishes procedures for amending the Comprehensive Plan Map and Zoning Map.

FINDINGS: This Chapter does not apply as the proposal amends only the Development Code text; there are no changes to the Comprehensive Plan or Zoning maps.

- 4. Other Facility Plans or Projects - In reviewing other documents, the Community Development Department staff did not identify and plans or policies that apply to the proposed Code amendments.

- H. The Code amendments encourage the establishment and development of bioscience firms in the City by creating an overlay zone that coincides with the new medical college and existing community hospital. Development is further enhanced by allowing a streamlined review process.

VII. CONCLUSION

The City Council concludes the proposed amendments to the Development Code comply with the applicable decision criteria.