

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

) ORDINANCE BILL NO. 2018-12
)
)
) ORDINANCE NO. 2919

WHEREAS, the Planning Commission for the City of Lebanon conducted a hearing on Planning File No. 18-01-05 and made findings recommending certain amendments to the Development Code of the City of Lebanon on May 16, 2018; 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 the evidence concerning such proposed Development Code amendments, such hearing being conducted on August 8, 2018; 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 by the inclusion of new language 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 and executed by the Mayor on this on this 8th day of August, 2018 by a vote of 5 yeas and 0 nays.

CITY OF LEBANON, OREGON



Paul R. Aziz, Mayor
Bob Elliott, Council President

ATTESTED BY:



Linda Kaser, City Clerk

EXHIBIT A

AMENDMENTS TO THE LEBANON DEVELOPMENT CODE

I. The following new subsection shall be added to Lebanon Development Code Section 16.20.010.D:

6. Permit Timelines for Qualifying Affordable Housing

The City shall render a final decision, including resolution of all local appeals, within 100 days after the application is deemed complete for qualified affordable housing projects. A qualified affordable housing project contains 5 or more dwelling units of which at least 50% must be affordable to households with an income at or below 60% of the Median Family Income for a period of at least 60-years. Except for the 100-day timeline, all remaining provisions in Section 16.20.010.D apply.

II. Section 16.05.040 (relevant part) shall be amended as follows (old language stricken; new language in *italics*):

Table 16.05-2: Residential Land Uses Allowed in Residential Zones			
<i>Land Uses</i> (Examples of uses are in Chapter 16.03; definitions are in the Glossary, Chapter 16.32.)	Residential Low Density Zone (Z-RL)	Residential Mixed Density Zone (Z-RM)	Residential High Density Zone (Z-RH)
(See page 8 of Chapter 16.03 for further details and listings regarding Residential Uses)			
Section 16.05.110 contains Residential Infill Standards that are Applicable in all Residential Zones			
Residential Uses with <u>Class II</u> Impacts:			
Town House/Rowhouse (2 or more common-wall single family dwellings), each on its own lot,	N	AR up to 19 CU for 20 or more <i>19 DU or less – Staff Review</i> <i>20 DU or more - Planning Commission Hearing</i>	AR up to 19 CU for 20 or more <i>19 DU or less – Staff Review</i> <i>20 DU or more - Planning Commission Hearing</i>
Cottage Cluster (2-4 single family dwellings on one lot)	N	CU	CU
Zero Lot Line Housing (may include one common wall)	CU	AR	AR
Multifamily (3 or more dwellings on lot), includes Triplexes, Apartments, Senior Housing, Assisted Living, & Single Room Occupancies, Boarding or Rooming Facilities	N	AR up to 19 CU for 20 or more <i>19 DU or less – Staff Review</i> <i>20 DU or more - Planning Commission Hearing</i>	AR up to 19 CU for 20 or more <i>19 DU or less – Staff Review</i> <i>20 DU or more - Planning Commission Hearing</i>
Other Residential such as Nursing and Convalescent Homes, Retirement Center Apartments	MR	MR	MR

III. Section 16.06.050 (relevant part) shall be amended as follows (new language in *italics*):

Table 16.06-2: Residential Land Uses Allowed in the Mixed Use Zone	
<i>Land Uses</i> (Examples of land uses are in Chapter 16.03; definitions are in the Glossary, Chapter 16.32.)	<i>Mixed Use Zone (Z-MU)</i>
(See page 8 of Chapter 16.03 for further details and listings regarding Residential Uses)	
Residential Uses with <u>Class II</u> Impacts:	
Town House/Rowhouse (2 or more common-wall single family dwellings), each on its own lot	AR <i>19 DU or less – Staff Review</i> <i>20 DU or more - Planning Commission Hearing</i>
Cottage Cluster (2-4 single family dwellings on one lot)	AR
Zero Lot Line Housing (may include one common wall)	AR
Multifamily (3 or more dwellings on lot), includes Triplexes, Apartments, Senior Housing, Assisted Living, & Single Room Occupancies, Boarding or Rooming Facilities	AR <i>19 DU or less – Staff Review</i> <i>20 DU or more - Planning Commission Hearing</i>
Other Residential Uses such as Nursing and Convalescent Homes, Retirement Center Apartments	AR

EXHIBIT B

LEBANON CITY COUNCIL FINDINGS Planning File No. 18-01-05

I. NATURE OF THE APPLICATION

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

II. BACKGROUND INFORMATION

The City Council wishes to amend the Lebanon Development Code to revise procedures regarding for the review of multi-family developments to comply with changes in State law. Exhibit "A." of this Ordinance contains the specific language.

III. PUBLIC HEARING

A. Planning Commission Action

A public hearing was held on this application before the Lebanon Planning Commission on May 16, 2018. At that hearing, City Planning File 18-01-05 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 end of the hearing, the Planning Commission deliberated on the issue and voted to recommend the City Council adopt the proposed amendments to the Lebanon 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 August 8, 2018. At that hearing, City Planning File 18-01-05 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 end 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 adopts the following General Findings of Fact:

- A. The applicant is the City of Lebanon.
- B. The City seeks to amend the Lebanon Development Code to: (1) establish new time limits for qualifying affordable housing; (2) revise the review process for multi-family housing in residential zones; and, (3) revise the review process for multi-family

housing in the Mixed Use zone. Specific language is contained in Exhibit “A” of this Ordinance.

- C. The proposal affects all property in the City where residential uses are allowed.
- D. The request shall be reviewed against the criteria contained in the Lebanon Development Code: Chapter 16.28 – Comprehensive Plan and Development Code Text Amendments.

V. APPLICATION SUMMARY

- A. To address the need for affordable housing, the Oregon State Legislature recently passed new regulations (SB 1051). Department staff reviewed the Legislation with the Regional DLCDC representative and found that there are only two areas that will require Development Code revisions. Required revisions and proposed changes are as follows:

- 1. Permitting Timelines – For certain qualified multifamily projects, the City must complete its review within 100-days instead of 120 days. A qualified project is one that contains more than 5-units and of which at least 50% are designated affordable housing for a period of 60-years.

Section 16.20.010.D.5 (120 Day Rule) will be amended to address this revision, specifically establishing a 100-day limit for qualified projects. This will not be an issue for the City, as we rarely exceed a 75-day review process for applications requiring both Commission and Council approval (e.g., annexation).

- 2. Clear and Objective Standards – The State now requires clear and objective standards be applied to all “needed housing” projects. By definition, this applies to any project located on residential zoned land.

Current regulations require an Administrative Review for multifamily projects containing no more than 19-units. However, a Conditional Use, and Commission hearing, is required for projects exceeding 19-units. Both review processes address the same clear and objective design standards (parking, setbacks, height limits, open space). The only difference is the Conditional Use criteria references a project’s potential impact or compatibility with an area. Unfortunately, this type of criteria is very subjective and is inconsistent with the State requirements that call for clear and objective standards.

To address this new State requirement, the City would require an Administrative Review for all multifamily housing projects. This effectively allows the use provided the project can comply with development standards. However, projects less than 20-units will still be reviewed by staff while projects with 20 or more units will be reviewed by the Commission. This recognizes that larger projects have impact and a public hearing provides a better opportunity to address area concerns. For the record, the City uses a similar review process for new schools - an Administrative Review is the identified process required; however, the Code mandates a hearing before the Commission.

Except for the above noted revisions, the current Development provisions either meets or exceeds the statutory changes in SB1051.

- B. One additional change is proposed. Currently, the Mixed Use zone allows a staff review (Administrative Review) for all multi-family projects, regardless of the number of units. To maintain consistency with the higher density residential zones, the above noted Administrative Review provisions would also apply to the Mixed Use zone.
- C. The Department sent out notice of the Code amendments to affected agencies and the Department of Land Conservation (DLCDC). The Department did not receive any comments as of the date of this report.

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; staff initiated this action.
- C. Section 16.28.040 requires the City Recorder to maintain records of all changes to the Development Code. This is an administrative procedure for City staff.
- 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 Plan.
- E. Section 16.28.070 requires Development Code amendments to be consistent with the City's Transportation System Plan.

FINDINGS: The amendments only address planning procedures. Nothing in this action creates new activities nor changes functional classifications or performance standards for City 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 (DLCDC) 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 – The Oregon Administrative Rules address a variety of issues including farmland development, provisions for needed housing, requirements to expand a UGB, and similar issues. In this review, there are no Administrative Rules that specifically address the proposed Code amendment. Further, the DLCD did not identify specific Administrative Rules for the City to consider. However, the proposed amendments do address changes in State statute (ORS) regarding needed housing.

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: 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: As the proposed amendments address procedural matters, the impacts are neutral.

Goal 10, Housing: The amendments implement changes directed by SB 1051 which seek to improve the availability of needed housing.

Goal 11, Public Facilities and Services: The amendment does not affect the City's ability to provide public services or requirements for public service connections.

Goal 12, Transportation: The proposed Code revisions do not create uses or activities nor establish new residential uses that affect the City's transportation facilities.

Goal 13, Energy Conservation: The amendments are neutral regarding energy matters.

Goal 14, Urbanization: The proposed amendments address urban uses within an urban environment.

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 - The 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 amendments do 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 existing zoning, and thereby, the City's ability to provide different types of land, and 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 and those trends affecting both.

FINDINGS: The amendments alter administrative procedures and have no impact on population or the local economy.

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

FINDINGS: As noted, the amendments implement changes directed by SB1051, which seeks to improve the availability of needed, affordable housing. However, the amendments are only procedural and do not impact the City’s ability to supply the necessary land to meet local 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: The amendments do not change functional classifications or performance standards for 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 development.

FINDINGS: Uses allowed by the amendments do not prohibit or restrict the ability to provide necessary public 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, Department staff did not identify any plans or policies that apply to the proposed Code amendments.

VII. CONCLUSION

Based on the above findings, the City Council concludes the proposed amendments to the Development Code are consistent with the applicable decision criteria.