

A BILL FOR AN ORDINANCE )  
AMENDING THE CITY OF LEBANON )  
DEVELOPMENT CODE REGARDING )  
REGULATION OF FOOD PODS )

ORDINANCE BILL NO. 2019-13  
ORDINANCE NO. 2936

**WHEREAS**, the Planning Commission for the City of Lebanon conducted a hearing on October 16, 2019 regarding Planning File No. 19-08-52 and made findings recommending certain amendments to the Development Code of the City of Lebanon regarding the regulation of food pods; 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 November 13, 2019; 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 by a vote of 6 for and 0 against and approved by the Mayor this 13<sup>th</sup> day of November 2019.

CITY OF LEBANON, OREGON

  
\_\_\_\_\_  
Paul R. Aziz, Mayor   
Jason Bolen, Council President

ATTESTED BY:

  
\_\_\_\_\_  
Kim Scheafer, MMC, City Clerk

**EXHIBIT A**  
**AMENDMENTS TO THE LEBANON DEVELOPMENT CODE**

**16.08.100.E – Food Pod Regulations**

1. Purpose. The purpose of these regulations is to establish criteria for the placement of Food Pods in the City of Lebanon. Food Pods provide the community a wider choice of eating and drinking options. Food Pods shall comply with all applicable City, County and State standards.

2. Definitions.

**Food Preparation Unit.** A Food Preparation Unit is a facility for the preparation of food for consumption by patrons from a mobile kitchen source such as a food truck, food cart, trailer, or similar facility. Food Preparation Unit is also inclusive of any kitchen facility operated from a permanent or temporary structure within a Food Pod. A Food Preparation Unit is not inclusive of brick and mortar restaurants operated outside of a Food Pod.

**Food Pod.** A legal site and/or address with more than one Food Preparation Unit operating on the site. For reference, Food Pod may also be referred to as a Pod throughout this code.

3. Site Design. Site Design Standards for Food Pods:

- a. Food Preparation Units, designated walkways, and paths of travel for Food Preparation Unit maneuvering throughout the site shall be located on a paved or concrete surface. Food Pod amenities, except for restroom facilities, may be located on a gravel or landscaped surface.
- b. Food Preparation Units shall not occupy pedestrian walkways or required landscaping. Transactions between customer and the Food Preparation Unit within the Pod shall not occur on any public right-of-way, or access to public right-of-way.
- c. Food Pods shall not obstruct bicycle or vehicle parking required for the operation of the Pod, or for any existing use operating on the same property.
- d. Food Preparation Units and/or objects associated with the Units shall not occupy fire lanes or other emergency vehicle access areas.
- e. Front yard setbacks for Food Pods shall adhere to the front and street-side setbacks within the zone which the Pod is operating, but under no circumstances shall the setback be less than 5 feet. Rear and/or side yard setbacks for Food Preparation Units and amenities shall be the same as the zone which it is located.
- f. Units shall not be located or oriented in a way that requires customers to queue in a driveway.
- g. Uses shall not create tripping hazards in pedestrian and vehicular circulation areas with items including, but not limited to, cords, hoses, pipes, cables or similar materials.

- h. Where more than one Unit is located on a site, Units shall be separated by a minimum of six (6) feet, unless a more restrictive regulation from a local or state agency, including the Lebanon Fire District is required.
  - i. Food Preparation Units and amenities shall not be located in the designated Vision Clearance Areas.
  - j. Fences shall be constructed in compliance with Chapter 16.15 of the Lebanon Development Code.
4. Standards for amenities within a Food Pod:
- a. All Food Pods which provide seating for customers shall have restrooms available. Restrooms must have handwashing facilities with hot and cold running water, soap, and hand drying materials or devices. Restrooms must either be on-site, on an adjacent parcel, or within a 0.025 mile walk from the Pod site, with a signed agreement to allow Pod clientele to utilize the restroom facilities. On-site restrooms shall be screened from view of the public right-of-way and abutting residentially zoned properties.
  - b. Required restrooms shall be available during Pod operating hours.
  - c. All Food Preparation Units and customer amenities within a Pod shall be served by a minimum five (5) foot wide hard surfaced, ADA compliant, walkway.
  - d. Waste and recycling receptacles shall be provided for customer and business waste. Receptacles shall be screened from view of the right-of-way and abutting residentially zoned properties and serviceable by the applicable waste-hauler.
  - e. Storage structures accessory to Food Preparation Units shall be less than 120 square feet in size and no greater than 15 feet in height. Storage structures shall be set back a minimum of 20 feet from public rights-of-way. Setbacks for the accessory structures in the side and rear yards shall meet the minimum standards for accessory structures within the zone which the Pod is operating.
  - f. Structures used to provide shelter to customers may be membrane structures such as tents or canopies or permanent structures.
    - i. Structures providing shelter and/or cover to patrons shall not exceed the following standards without Adjustment or Variance approval:
      - 1. Cover 200 square feet or less in area.
      - 2. Have a maximum of 50 percent of the structure enclosed with walls or sides. Membrane structures may be fully enclosed.
      - 3. Are 15 feet in height or less, as measured to the highest point.
    - ii. Structures shall comply with all local and state agency regulations, including but not limited to Lebanon Fire District, and Building regulations, and obtain all necessary permits and inspections prior to use of structure.
5. Individual Food Preparation Unit Design Standards. All Food Units operating within a Pod shall be subject to the design standards listed below:

- a. Units shall enclose or screen from view of the right-of-way and abutting residentially zoned property all accessory items not used by customers, including but not limited to, tanks, barrels, or other accessory items.
- b. Food Units shall not be missing siding or roofing.
- c. Food Units shall be kept in good repair and maintained in a safe and clean condition.
- d. Food Units shall maintain all required licenses and comply with all appropriate State and/or local agency regulations, including but not limited to, the Lebanon Fire District, and Linn County Health.
- e. If provided, cart awnings shall have seven (7) feet of clearance between the ground and awning for safe pedestrian circulation.
- f. Food Units shall not exceed 15 feet in height without Adjustment or Variance approval.

6. Utilities.

- a. Wastewater shall be addressed in one of the following two ways:
  - i. Units shall connect to the sanitary sewer consistent with applicable state plumbing codes and will include an approved grease interceptor for the disposal of fats, oils and grease. Indirect discharge or leakage draining into the storm water system is prohibited.
  - ii. Units shall connect to individual or community wastewater holding tanks. Tanks shall be owned and serviced by an Oregon Department of Environmental Quality licensed pumper. A copy of the contract shall be provided to the City before any Units are located on-site. Holding tanks shall be screened from view of the right-of-way by fully sight obscuring fencing. Indirect discharge or leakage draining into the storm water system is prohibited.
- b. Potable water shall be addressed in one of the following two ways:
  - i. Units shall connect to a permanent water source in conformance with applicable state plumbing codes.
  - ii. Units shall be connected to a potable water tank consistent with Section 5-3 of the Oregon Health Authority's Food Sanitation Rules.
- c. Units and amenities shall connect to a permanent power source. Power connections may not be connected by overhead wires to the individual Units. Generators are prohibited in Pods.
- d. All utilities shall be placed or otherwise screened, covered, or hidden from view of the right-of-way as to minimize visual impacts and prevent tripping hazards or other unsafe conditions.

7. Parking. Food Pods must provide a minimum of two (2) parking space per approved mobile food preparation unit, when the food cart pod is located in a zone that is subject to parking requirements as stipulated in Chapter 16.14 of the Lebanon Development Code.

8. Signage.

- a. Signage on individual Units shall be limited to signs on the face of the Unit.
  - b. Freestanding menu boards may be utilized by each individual Unit within the Pod. The freestanding menu boards shall be located directly adjacent to the Unit's ordering window.
  - c. Signage for the Pod site are subject to provisions of Chapter 16.18 of the Lebanon Development Code.
9. Lighting. Food Pods shall have lighting to ensure safe environment for customers and employees that complies with the following:
- a. At minimum, areas to be occupied by customers shall be illuminated when Units operate during hours of darkness.
  - b. No direct light source shall be visible from the property line.
  - c. Lighting fixtures shall be oriented and/or shielded to prevent glare on abutting properties.
10. Food Pod and Unit Licensing.
- a. All Food Preparation Units operating within the Food Pod must first obtain all required local, county, state and other regulatory agency approval, including the Lebanon Fire District, prior to operating within the Pod. It is the responsibility of the Food Pod operator to ensure all Units operating within the Pod have obtained the appropriate licensure prior to the placement of the Unit within the Pod.

**16.06.060 – Table 16.06-3 (Commercial Land Uses Allowed in the Mixed Use Zone)**

<b>Table 16.06-3: Commercial Land Uses Allowed in the Mixed Use Zone</b>	
<i>Land Uses</i>	<i>Mixed Use Zone (Z-MU)</i>
(See pages 10-12 of Chapter 16.03 for further details and listings regarding Commercial Uses)	
<b>Commercial Uses with <u>Class I</u> Impacts:</b>	
Offices	<b>AR</b>
Commercial Uses such as Stores (15,000 square feet or less) Selling Groceries, Printed Material, Books & Videos, Pharmaceuticals, Stationery, and Arts & Crafts; and Laundromats Tanning; Hair and Personal Care Services	<b>AR</b>
Other Commercial Uses with a floor area less than 2,000 sqft, such as Parcel Service Stores, Photocopy and Blueprint Services, Photographic Studios, Convenient Stores; Restaurants, Cafes, Delicatessens (Food & Beverage Sales without drive up facilities), Tailors and Seamstresses	<b>AR</b>
<b>Commercial Uses with <u>Class II</u> Impacts:</b>	
Other Commercial Uses such as, Educational, Arts and Training Facilities; Indoor Continuous Activities like Health Clubs, Gyms, Membership Clubs; Exhibition and Meeting Areas; Laundry Drop Off Facilities, Dry Cleaners; Lodges; Medical, Optical and Dental Labs; Stores (greater than 15,000 sqft) Selling Groceries, Pharmaceuticals,	<b>AR</b>

Printed Material, Stationery, Books, Books, & Videos, Arts & Crafts, Hair, Tanning, and Personal Care Services	
Other Commercial Uses such as, Hotels; Entertainment; Indoor Continuous Activities like Theaters, Bowling Alleys, Skate Rinks, and Game Arcades, Pool Halls, Indoor Firing Ranges; Food & Beverage Sales with drive up facilities; Food Pods, Financial Institutions (with Drive Up Operations); Liquor Stores (OLCC License), Taverns & Bars; Stores (greater than 15,000 sqft) Selling, Leasing, or Renting Furniture, Appliances, Garden Supplies, Home Improvements, Household Products, Plants; Laundromats; Drive-Up/Drive-In/Drive-Through (Drive-Up Windows, Kiosks, ATM's, similar uses/facilities)	CU
<b>Commercial Uses with Class III Impacts:</b>	
Parking Lot (when not an accessory use)	AR
Parking Structure	CU
Commercial Uses such as Auto Sales and Services, Commercial Centers, Breweries, Distilleries, and Wineries (less than 5,000 sq ft); Mini-Storage Units, Outdoor Amphitheatres Sales or Leasing of Consumer Vehicles Including Passenger Vehicles, Motorcycles, Light and Medium Trucks, and Other Recreational Vehicles, Shopping Mall.	CU
Other Class III Uses	N
<b>Key:</b> OP = Outright Permitted (Building Permit issued after a site review); MR = Ministerial Review; AR = Permitted with Administrative Review; CU = Conditional Use approval required (Chapter 16.21); N =Not permitted; * = Number of Units following an AR or CU designation. Also see Table 16.06-1: Characteristics of Major Land Use Actions Matrix -- Projects in the Mixed Use Zone Requiring a Planned Development Review (Chapter 16.23).	

**16.08.060 – Table 16.08-3 (Commercial Land Uses Allowed in Commercial Zones)**

<b>Table 16.08-3: Commercial Land Uses Allowed in Commercial Zones</b>			
<i>Land Uses</i>	<b>Z-NCM</b>	<b>Z-CCM</b>	<b>Z-HCM</b>
(See pages 10-12 of Chapter 16.03 for further details and listings regarding Commercial Uses)			
<b>Commercial Uses with Class I Impacts:</b>			
Offices	AR	OP	OP
Commercial Uses such as Stores (15,000 square feet or less) Selling Groceries, Printed Material, Books & Videos, Pharmaceuticals, Stationery, and Arts & Crafts; and Laundromats Tanning; Hair and Personal Care Services	AR	MR	MR
Other Commercial Uses with a floor area less than 2,000 sqft, such as Parcel Service Stores, Photocopy and Blueprint Services, Photographic Studios, Convenient Stores; Restaurants, Cafes, Delicatessens (Food & Beverage Sales without drive up facilities), Tailors and Seamstresses,	AR	MR	MR
<b>Commercial Uses with Class II Impacts:</b>			
Other Commercial Uses such as Educational, Arts and Training Facilities, Entertainment, Indoor Continuous Activities like Theaters, Health Clubs, Gyms, Membership Clubs, Bowling Alleys, Skate Rinks, and Game Arcades;	N	AR	AR

Pool Halls, Indoor Firing Ranges; Exhibition and Meeting Areas, Food & Beverage Sales with drive up facilities, Financial Institutions (with Drive Up Operations), Hotels, Laundry Drop Off Facilities, Liquor Stores (OLCC License), Food Pods, Lodges; Medical, Optical and Dental Labs, Stores Selling, Leasing, or Renting Furniture, Appliances, Garden Supplies, Home Improvements, Household Products, Plants Commercial Uses such as Stores (greater than 15,000 square feet) Selling Groceries, Pharmaceuticals, Printed Material, Stationery, Books, & Videos, Hair, Tanning, and Personal Care Services, and Laundromats			
Drive-Up/Drive-In/Drive-Through (Drive-Up Windows, Kiosks, ATM's, similar uses/facilities)		<b>CU</b> (Assure pedestrian oriented access with vehicular access subordinated)	<b>AR</b>
<b>Commercial Uses with <u>Class III</u> Impacts:</b>			
Parking Lot (when not an accessory use)	<b>N</b>	<b>AR</b>	<b>AR</b>
Breweries without food service (5,000 square feet or less)	<b>N</b>	<b>AR</b>	<b>AR</b>
Other Commercial Uses such as Auto Sales and Services, Commercial Centers; Breweries, Distilleries, and Wineries; Mini-Storage Units, Outdoor Amphitheatres Sales or Leasing of Consumer Vehicles Including Passenger Vehicles, Motorcycles, Light and Medium Trucks, and Other Recreational Vehicles, Shopping Mall.	<b>N</b>	<b>N</b>	<b>AR</b>
Other Class III Commercial Uses	<b>N</b>	<b>N</b>	<b>CU</b>
<b>Key:</b> OP = Outright Permitted (Building Permit issued after a site review); MR = Ministerial Review; AR = Permitted with Administrative Review; CU = Conditional Use approval required (Chapter 16.21); N =Not permitted; * = Number of Units following an AR or CU designation. Also see Table 16.08-1: Characteristics of Major Land Use Actions Matrix -- Projects in a Commercial Zone Requiring a Planned Development Review (Chapter 16.23).			

**Section 16.09.060 – Table 16.09-3 (Commercial Land Uses Allowed in Industrial Zone)**

<b>Table 16.09-3: Commercial Land Uses Allowed in the Industrial Zone</b>		
<b>Land Uses</b>	<b>Z-IND West of 5<sup>th</sup> Street</b>	<b>Z-IND East of 5<sup>th</sup> Street</b>
(See pages 9-12 of Chapter 16.03 for further details and listings regarding Commercial Uses)		
<b>Commercial Uses with <u>Class I</u> Impacts:</b>		
Offices	<b>N</b>	
Commercial Uses such as Stores (15,000 square feet or less) Selling Groceries, and Pharmaceuticals, Stationery, Arts & Crafts; and Laundromats (15,000 square feet or less)	<b>CU</b>	<b>N</b>
Commercial Uses such as Stores (15,000 square feet or less) Selling Printed Material, Books, & Videos; Tanning; Hair and Personal Care Services	<b>CU</b>	<b>N</b>
Other Commercial Uses such as Parcel Service Stores, Photocopy and Blueprint Services, Photographic Studios, Tailors and Seamstresses	<b>N</b>	
Other Commercial Uses such as Restaurants, Cafes, Delicatessens, Mini-Marts.	<b>CU</b>	

<b>Commercial Uses with Class II Impacts:</b>	
Other Commercial Uses such as Entertainment, Indoor Continuous Activities like Theaters, Membership Clubs, Bowling Alleys, Skate Rinks, and Game Arcades; Pool Halls, Exhibition and Meeting Areas, Hotels, Laundry Drop Off Facilities, Liquor Stores (OLCC License), Lodges; Stores Selling, Leasing, or Renting Furniture, Appliances, Garden Supplies, Home Improvements, Household Products, Plants); Stores (greater than 15,000 sqft) Selling Groceries, Pharmaceuticals, Printed Material, Stationery, Books, & Videos, Arts & Crafts, Hair, Tanning, and Personal Care Services, and Laundromats	<b>N</b>
Other Commercial Uses such as Educational, Arts and Training Facilities, Gyms, Health Clubs, Indoor Firing Ranges; Fast Food & Beverage Sales (with drive up facilities), Food Pods, Financial Institutions (with Drive Up Operations), Medical, Optical and Dental Labs	<b>CU</b>
Other Commercial Uses such as Drive-Up/Drive-In/Drive-Through (Drive-Up Windows, Kiosks, ATM's, similar uses/facilities)	<b>CU</b>
Other Commercial Uses such as stand alone Large Scale Retail Stores (a minimum of 75,000 square feet of floor space), not including grocery stores or malls.	<b>N</b>
<b>Commercial Uses with Class III Impacts:</b>	
Parking Lot (when not an accessory use)	<b>N</b>
Breweries, Distilleries, and Wineries without food service	<b>AR</b>
Mini-Storage Units (including RV Storage)	<b>OP</b>
Other Commercial Uses such as Auto Sales and Services, Commercial Centers, Outdoor Amphitheaters Sales or Leasing of Consumer Vehicles Including Passenger Vehicles, Motorcycles, Light and Medium Trucks, and Other Recreational Vehicles, Shopping Mall.	<b>N</b>
Other Commercial Uses such as Gas (Filling) Stations	<b>CU</b>
Other Class III Uses	<b>N</b>
Race Tracks (Auto, Horse, Dog, Bike, Motorcycle, Boat, etc.)	<b>CU</b>
<b>Key:</b> OP = Outright Permitted (Building Permit issued after a site review); MR = Ministerial Review; AR = Permitted with Administrative Review; CU = Conditional Use approval required (Chapter 16.21); N =Not permitted; * = Number of Units following an AR or CU designation. Also see Table 16.09-1: Characteristics of Major Land Use Actions Matrix -- Projects in an Industrial Zone Requiring a Planned Development Review (Chapter 16.23).	
For the most part, the only commercial uses allowed in the Industrial Zone are those that provide services primarily to the industries and the employees of the industries. In general, the exceptions are those commercial uses whose size and scope of operations are commensurate with industrial uses.	

**Section 16.14.070.B, Table 16.14.070-1 (Off-Street Parking Requirements for Motor Vehicles and Bicycle Types of Uses), Subsection 6 (Commercial Uses), remove and replace with this section**

<b>6. Commercial</b>		
(a) Retail stores (except supermarkets and stores selling bulky merchandise) and grocery stores	4 spaces per 1000 sq. ft. of net floor area	5 percent of required vehicle parking, or 4 spaces, whichever is greater
(b) Supermarkets	1 space per 400 sq. ft of net floor area	5 percent of required vehicle parking, or 4 spaces, whichever is greater
(c) Service or repair shops	3 spaces per 1000 sq. ft. of net floor area	5 percent of required vehicle parking, or 4 spaces, whichever is greater



(d) Retail stores and outlets selling furniture, automobiles, or other bulky merchandise, when shown that bulky merchandise occupies 51% or more of the net floor area	1.5 spaces per 1000 sq. ft. of net floor area	2.5 percent of required vehicle parking, or 4 spaces, whichever is greater
(e) Office or other commercial flex space (except medical and dental)	3 spaces per 1000 sq. ft. of net floor area	2 percent of required vehicle parking, or 4 spaces, whichever is greater
(f) Bank or other financial institutions	4 spaces per 1000 sq. ft. of net floor area	2 percent of required vehicle parking, or 4 spaces, whichever is greater
(g) Medical and dental office or clinic area	4 spaces per 1000 sq. ft. of net floor area	2 percent of required vehicle parking, or 4 spaces, whichever is greater
(h) Eating or drinking establishments (e.g., sit-down and carry-out restaurants, lounges, nightclubs, taverns, bars)	1 space per 4 fixed seats or stools (18 lineal inches of bench shall be considered one seat) and 1 space for each 50 sq. ft of dining or drinking area where there are no fixed seats	5 percent of required vehicle parking, or 4 spaces, whichever is greater
(i) Eating or drinking establishments with drive-thru facilities (Fast Food) Coffee or food kiosks (e.g., espresso stands)	10 spaces per 1000 sq. ft. of net floor area 2 spaces	5 percent of required vehicle parking, or 4 spaces, whichever is greater 1 space
(j) Food Pods	2 space for each Food Preparation Unit	5 percent of required vehicle parking, or 4 spaces, whichever is greater
(k) Mortuaries, Crematory and Undertaking [Interring and Cemeteries are exempt]	1 space/4 seats or 8 ft of bench length in chapels	Minimum of 4 spaces

### Section 16.19.110.B.3 – Mobile Food Preparation Units

3. Mobile Food Preparation Units. Mobile Food Preparation Units are permitted in all commercial zones, subject to the following:

- a. Through a Temporary Use Permit, a maximum of one Mobile Food Preparation Unit may be permitted on a fully improved site and/or address defined in item 2.b of this subsection. If more than one Mobile Food Preparation Unit operates on a site and/or address, the use shall be subject to the regulation and permitting requirements for Food Pods in Section 16.08.100.E of the Lebanon Development Code.
- b. The business may be operated from a vehicle, cart or trailer with wheels, or temporary structure. Except for electrical service, the vehicle or structure shall be self-contained. This requirement specifically prohibits connections to the City water and/or sewer system.
- c. The Mobile Food Preparation Unit may occupy no more than 300 square feet of area and shall be kept in good repair and maintained in a safe and clean condition.
- d. The Mobile Food Preparation Unit is limited to 365 days at a given site and/or address with an unlimited number of 365-day extensions. Each extension shall require a new permit.
- e. The required parking for the primary uses on the same lot shall not be reduced below Ordinance requirements and the use does not block driveways, driveway entrances, parking aisles, walkways or sidewalks.
- f. The activity conforms to all signage requirements in Chapter 16.18.

- g. The activity conforms to all setback requirements applicable to the zone.
- h. Prior to obtaining a temporary use permit, the applicant shall show evidence of obtaining the necessary permits from Linn County Department of Health Services for the operation of a Mobile Food Preparation Unit. In addition, the operator shall obtain all permits and required inspections by other agencies, including the Lebanon Fire District.
- i. The Mobile Food Preparation Unit operator shall provide the required information, pay the applicable fee, and obtain and display the required temporary business permit.

**EXHIBIT B**  
**LEBANON CITY COUNCIL FINDINGS**  
**Planning File No. 19-08-52**

**I. NATURE OF THE APPLICATION**

This matter comes before the Lebanon Planning Commission on the application of the City of Lebanon to amend the Lebanon Development Code.

**II. BACKGROUND INFORMATION**

The City wishes to amend the Lebanon Development Code to include regulations and permitting requirement for Food Pods and individual Mobile Food Preparation Units. 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 October 16, 2019. At that hearing, City Planning File No. 19-08-52 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 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 November 13, 2019. At that hearing, City Planning File No. 19-08-52 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 Planning Commission, 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 the Lebanon Development Code to include regulations and**

permitting requirement for Food Pods and individual Mobile Food Preparation Units. Exhibit "A." contains the specific language.

- C. The proposal affects the Central Business Commercial and Highway Commercial zoning districts.
- D. The decision to approve or deny shall be based on criteria contained in the Lebanon Development Code: Chapter 16.28 – Comprehensive Plan and Development Code Text Amendments.

## V. APPLICATION SUMMARY

A. Based on identified interest in the establishment and operation of food pods within the City, the City Council directed staff to draft a code amendment to develop regulations for the permitting and operation of food pods within the City. The code amendment also revises the regulation of mobile food preparation units authorized under the Temporary Use Permit application process. Attachment "A" of this Order provides the full code amendment language, which is summarized below:

- Site Design.
  - There must be a designated walkway for pedestrians and path of travel for the maneuvering of food trucks throughout the site.
  - The food trucks shall not occupy pedestrian walkways, public rights-of-ways, or emergency vehicle access areas.
  - Food trucks within the Pod shall not be located in the required setbacks for the zone, but under no circumstance setback less than 5 feet from the property line.
  - Trucks shall be oriented so the order taking process and customer queuing area occurs on private property and does not block required drive aisles and paths of travel.
  - Trucks shall be separated a minimum of six feet.
- Site Amenities (if provided):
  - All food pods that provide seating for customers shall have restrooms available.
    - Restrooms shall be available either on-site, or within a 0.025 mile walk from the Pod site, with a signed agreement from the business owner authorizing use of the restrooms for food pod customers.
  - All food trucks and customer amenities shall be serviced by a minimum five-foot wide hard surfaced, ADA compliant walkway.
  - Waste and recycling receptacles shall be provided for customers and business waste. Receptacles should be screened from view of the public rights-of-way.
  - Structures to provide shelter to customers may be permitted, subject to building and fire code standards.
- Individual food truck standards:
  - Shall be kept in good repair and maintained in a safe condition, and clean appearance.
  - Accessory items associated with the truck (i.e., tanks, barrels, generators, etc.), shall be screened from view of the public right-of-way.
  - Awnings shall have a seven-foot clearance between the ground and awning for safe pedestrian circulation.

- Utilities: Under the current regulations, the food trucks are not allowed to connect to utilities, except for electrical. The new regulations would allow for connection with utilities, or the maintain use of holding tanks for potable and wastewater. If holding tanks are utilized, they must be screened from the public rights-of-way.
- Parking: Food pods would require two parking spaces per food truck space in the pod.
- Lighting: Lighting shall be provided in areas occupied by customers during hours of darkness, and no direct light source shall be visible from the property line.

Single Mobile Food Preparation Unit - Food Pods are defined as properties with the operation of more than one food truck, or mobile food preparation unit at a time. As such, the single operating food preparation unit on a property would not be subject to the new regulations for Food Pods. The single mobile food preparation unit would still be permitted under the Temporary Use Permit. Minor modifications are included to the existing rules for mobile food preparation units permitted under the Temporary Use Permit, including:

- Temporary Use Permit for mobile food preparation units not associated with a food pod would be valid for a period of one year. This is an increase in time from six months; and
- Operation of a mobile food preparation unit shall be from an improved site.

- B. 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, City Council 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 Plan.
- E. Section 16.28.070 requires Development Code amendments to be consistent with the City's Transportation System Plan.

**FINDINGS:** City staff 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 work 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 proposed 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. For the record, the Commission hearing and process comply with the requirements for a legislative action.
- G. Specific decision criteria are contained in Section 16.28.090. The City may approve a Development Code Amendment 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 – The 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. Based on the submitted staff review, and that the DLCD did not identify specific Administrative Rules for the City to consider, the Commission concludes there are no Administrative Rules that are specifically applicable to the proposed Code amendment.

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: These amendments do not affect economic development activities within the City or restrict their development. The amendment provides an opportunity to increase business activity within the City and provide a commercial service to the residents and employees within the City, thereby supporting Goal 9.

Goal 10, Housing: The amendments do not affect housing supply or location, or, the City's ability to meet identified 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: The proposed Code revisions do not create uses or activities that would negatively impact 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 economic development, 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 existing zoning designation of land, 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 amendments will allow for a new business activity to occur in the City which is currently not regulated. The new business activity may result in an increase in jobs with the service sector, a growing economic sector in the region. The amendments would support Economic Goal #1 (Providing employment opportunities for Lebanon citizens).

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

FINDINGS: The code amendments impact commercial zoning districts and regulates business operations of a particular use. The code amendments will not impact zoning districts for housing purposes or limit the production of housing.

- 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 code amendment.

- 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 urban development.

FINDINGS: Uses allowed by the amendment must still comply with existing public facility requirements.

- 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 and 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.