

A BILL FOR AN ORDINANCE)
AMENDING THE CITY OF LEBANON)
DEVELOPMENT CODE REGARDING)
NEWSPAPER PUBLICATION)
REQUIREMENTS)

ORDINANCE BILL NO. 2020-02

ORDINANCE NO. 2942

WHEREAS, the Planning Commission for the City of Lebanon conducted a hearing on December 18, 2019 regarding Planning File No. 19-10-59 and made findings recommending certain amendments to the Development Code of the City of Lebanon regarding public notification requirements; 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 January 8, 2020; 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 modified 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 8th day of January 2020.

CITY OF LEBANON, OREGON



Paul R. Aziz, Mayor

Jason Bolen, Council President

ATTESTED BY:



Kim Scheafer, MMC, City Recorder

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

- Section 16.20.050.C.2 (to be deleted in its entirety):

~~2. Publication. At least fourteen business days before the hearing, notice of hearing shall be printed in a newspaper of general circulation in the City. The newspaper's affidavit of publication of the notice shall be made part of the administrative record.~~

- Section 16.20.060.D.2.b (to be amended as identified in red):

b. At least 10 days before the scheduled Planning Commission public hearing date, and 14 days before the City Council hearing date, the public notice shall be published in a newspaper of general circulation in the City, **if the legislative action requires newspaper publication as required by the Oregon Revised Statutes.**

EXHIBIT B
LEBANON CITY COUNCIL FINDINGS
Planning File No. 19-10-59

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 streamline the application review process and remove the newspaper publication regulations that are not required by the Oregon Revised Statutes. Exhibit "A." 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 December 18, 2019. At that hearing, City Planning File No. 19-10-59 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 January 8, 2020. At that hearing, City Planning File No. 19-10-59 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 streamline the application

review process and remove newspaper publication regulations that are not required by the Oregon Revised Statutes. Exhibit "A." contains the specific language.

- C. 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. The proposed code amendments include, removing all language requiring newspaper publication for any quasi-judicial hearing, and modifying the language for Legislative actions to indicate newspaper publication when required by the Oregon Revised Statutes. The exact amendments include:

- Section 16.20.050.C.2 (to be deleted in its entirety):
~~2. Publication. At least fourteen business days before the hearing, notice of hearing shall be printed in a newspaper of general circulation in the City. The newspaper's affidavit of publication of the notice shall be made part of the administrative record.~~
- Section 16.20.060.D.2.b (to be amended as identified in red):
b. At least 10 days before the scheduled Planning Commission public hearing date, and 14 days before the City Council hearing date, the public notice shall be published in a newspaper of general circulation in the City, if the legislative action requires newspaper publication as required by the Oregon Revised Statutes.

- B. The Department sent out notice of the Code amendments to affected agencies and the Department of Land Conservation (DLC). 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 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 Plan.

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

FINDINGS: The code amendment does not involve development or impact regulations for development.

- 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: Nothing in this amendment establishes or promotes land uses that impact demand or need for recreational space.

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 streamline development activity 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: The amendments do not affect public facilities or services as the amendment would not impact or modify any development regulation or authorize an intensity of use on properties.

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 do not create uses or activities that would negatively impact energy conservation.

Goal 14, Urbanization: The amendments do not affect urbanization as the amendment would not impact or modify any development regulation or authorize an intensity of use on property or within a zone.

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 proposed 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: This Chapter does not apply as the proposed Code amendments do not impact development, land use, or economic development. The amendment streamlines the development application process, which supports economic development, but does not result in a direct impact on the population growth or result in direct changes to the economy.

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

FINDINGS: This Chapter does not apply as the proposed code amendments do not impact existing zoning designations, land use regulations, or authorized densities for 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 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: This Chapter does not apply as the proposed amendments do not impact development that would impact public facilities and 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 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.