

**A BILL FOR AN ORDINANCE)
AMENDING THE CITY OF LEBANON)
DEVELOPMENT CODE REGARDING)
HB 2001 COMPLIANCE)**

**ORDINANCE BILL NO. 2021-01
ORDINANCE NO. 2957**

WHEREAS, the Planning Commission for the City of Lebanon conducted a hearing on April 21, 2021 regarding Planning File No. DCA-21-01 and made findings recommending certain amendments to the Development Code of the City of Lebanon regarding duplex an accessory dwelling unit development in compliance with HB 2001; 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 May 12, 2021; 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.

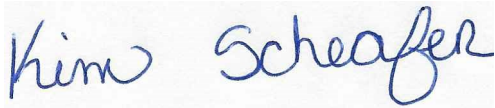
Passed by the Lebanon City Council by a vote of 5 for and 0 against
and approved by the Council President this 12th day of May 2021.

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 to comply with HB 2001

- I. A portion of Table 16.05-2 in Section 16.05.040 shall be amended as follows (old language ~~stricken~~; new language in *italics*), with all other portions of the section to remain unaltered:

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)
Section 16.05.110 contains Residential Infill Standards that are Applicable in all Residential Zones			
Residential Uses with <u>Class I</u> Impacts:			
Single Family or Manufactured Home Dwellings	OP	OP	OP
Accessory Dwelling	AROP	AROP	AROP
Accessory Structures (with a permitted use): <ul style="list-style-type: none"> no taller than 25ft. and no larger than 1,000 square feet of building footprint taller than 25 ft.(up to Zone Limit in Table 16.05.8) or larger than 1,000 sqft of building footprint 	OP		
	AR		
Duplex (2 dwellings sharing a common wall on one lot (<i>not inclusive of a primary dwelling and accessory dwelling unit</i>)) -- One duplex on a lot	AROP	OP	OP
<i>Manufactured Dwelling</i>	OP	OP	OP
Other Residential Uses such as Bed & Breakfasts, Home Occupations	MR	MR	MR
Other Residential Uses such as Hospice Facilities	AR	AR	AR

- II. A portion of Table 16.05-7 in Section 16.05.090 shall be amended as follows (old language ~~stricken~~; new language in *italics*), with all other portions of the section to remain unaltered:

Table 16.05-7: Development Standards for Residential Zones			
Minimum Lot Area and Lot Width			
(Except as modified by Residential Infill Standards)			
Standard	Z-RL	Z-RM	Z-RH
Minimum Lot Area (square feet)			
LOT AREA: The total surface area (measured horizontally) within the lot lines of a lot exclusive of public and private streets and easements of access to other property.			
Single Family, not attached	6,000	5,000	5,000
		(See Lot Size Averaging Options, Section 16.05.140)	
Townhouse/Rowhouse	NA	2,500	2,500
Zero Lot Line Housing	5,000	3,500	3,500
Duplex	4,000 6,000	7,000 5,000	7,000 5,000
Multiple-Family, Triplex, or Cottage Cluster	NA	9,000	9,000
Non-Residential Uses	6,000	6,000	6,000

**Table 16.05-7: Development Standards for Residential Zones
Minimum Lot Area and Lot Width
(Except as modified by Residential Infill Standards)**

Standard	Z-RL	Z-RM	Z-RH
Corner Lots for All of the Above (Except Single Family not attached/ <i>Duplexes</i> in Z-RL): Add 500 square feet Flag Lot: Driveway portion of lot is not included in the Minimum Lot Area calculations.			
Minimum Lot Width			
Standard	Z-RL	Z-RM	Z-RH
Single Family, not attached	60 ft	50 ft	50 ft
Townhouse/Rowhouse	NA	20 ft	20 ft
Zero Lot Line Housing	50 ft	40 ft	40 ft
Duplex	65 60 ft	50 ft	50 ft
Multiple-Family Triplex, or Cottage Cluster	NA	60 ft	50 ft
Non-Residential Uses	20 ft	20 ft	20 ft
Corner Lots (All Residential Above)	65 ft	60 ft	60 ft
<i>For flag lots, width is measured at the front building line.</i>			
*Lot area must conform to the standards above. Lot dimensions may be reduced for Flag Lots.			

III. A portion of Table 16.05-9 in Section 16.05.090 shall be amended as follows (old language ~~stricken~~; new language in *italics*), with all other portions of the section to remain unaltered:

**Table 16.05-9: Development Standards for Residential Zones
Lot Coverage and Minimum Setbacks**

Lot Coverage [(two options)]			
Standard	Z-RL	Z-RM	Z-RH
1. Max. Building Coverage -- Building Footprint only (NOT all impervious surfaces) as % of site area			
Single Family Dwelling	40%	60%	60%
Town House	NA	80%	80%
Single Family – Zero Lot Line	60%	70%	70%
Duplex	60%	60%	60%
Multifamily Use or Cottage Cluster	NA	60%	60%
Civic/Institutional	60%	60%	60%
Other Non-Residential	60%	60%	60%
2. Coverage Bonus – applies only to Multi-family and non-residential development.	<i>The allowable building coverage increases by a ratio of one-half (1/2) square foot for every one (1) square foot of required parking area that is paved using a City-approved porous/permeable paving material (i.e., allowing stormwater infiltration) or one-half (1/2) square foot for every one (1) square foot of City-approved water quality treatment area (e.g., vegetative swale or biofiltration) on the development site.</i>		
Minimum Landscape Area	See Chapter 16.15	See Chapter 16.15	See Chapter 16.15

Minimum Setbacks (feet):			
Front	15 ft	Interior Lots: 10 ft Corner Lots: 10/15 ft ¹	Interior Lots: 10 ft Corner Lots: 10/15 ft ¹
Side	5 ft -min. & 15 ft - both	5 ft	5 ft
Street Side	15 ft	10/15 ft ¹	10/15 ft ¹
Rear	Dwellings: 20 ft ² Others: 10 ft	Dwellings: 20 ft ² Others: 10 ft	Dwellings: 20 ft ² Others: 10 ft
<p>1. - If front one yard setback (Street or Street Side) is 15 feet, then the other can be less than 15 feet but not less than 10 feet. For irregularly shaped lots, the average setback for Street and Street Side Yards shall be 7.5 feet with no setback less than 5 feet.</p> <p>2. <i>For duplexes, the rear setback may be reduced to 15 feet if on-site parking above the required minimum parking is provided.</i></p> <p>A. Select collectors and arterial streets have greater front yard setbacks</p> <p>B. Accessory structures < or = 20 ft high: 5 ft rear and side yard setback</p> <p>C. All garage doors and vehicle access openings shall be setback at least 20 ft from the closest adjacent property line or sidewalk.</p>			

IV. Section 16.05.110.B.3 shall be amended as follows (old language ~~stricken~~; new language in *italics*), with all other portions of the section to remain unaltered:

3. Single family dwellings, *duplexes, and accessory dwelling units* are out right permitted uses in the residential zones. Therefore, the Infill standards do not apply to single family dwellings, duplexes or accessory dwelling units that are proposed as infill developments.

V. Portions of Section 16.05.140 shall be amended as follows (old language ~~stricken~~; new language in *italics*), with all other portions of the section to remain unaltered:

- A. The developer of a single family *or duplex* lot subdivision with 10 or more lots in Residential Mixed Density (RM) and Residential High Density (RH) Zones may elect to use a Lot Size Averaging approach that allows greater variety in the size of lots than would otherwise be the case.
- B. Such an averaging approach permits the creation and development of a percentage of lots that are smaller than the required minimum when balanced by the inclusion of lots larger than the required minimum.
- C. This option is only available for the development of lots for single family dwellings *or duplexes*. The City may require deed restrictions as a condition of approval in approving applications for lot size averaging to assure that future purchasers are aware of the property's history.
- D. The lot sizes used in these calculations may not include the area of the flag driveways of flag lots.
- E. The use of Lot Size Averaging must result in the average lot size equaling or

exceeding 5,000 square feet.

- F. The Lot Size Averaging approach must conform to the specifications in **Table 16.05-11**.
- G. Lot Size in Subsection 16.05.140 means Lot Area. As used in this Code, **Lot Area** is defined as the total surface area (measured horizontally) within the lot lines of a lot exclusive of public and private streets and easements of access to other property.

<p align="center">Table 16.05-11: Lot Size Averaging Matrix</p> <p align="center">Applies only to Subdivisions of 10 or More Lots</p> <p align="center">For single-family/<i>duplex</i> lot subdivisions in Residential Mixed Density and Residential High Density Zones</p>		
<p>Maximum Percentage of Lots Allowed Smaller (4,000 – 4,999 sqft) than the Minimum Required Square Footage</p>	<p>Minimum Percentage of Lots Averaging Between 5,000 and 6,000 Square Feet</p>	<p>Minimum Percentage of Lots Required Greater than 6,000 Square Feet</p>
<p>Not more than 25% of the Total Number of Lots in the Subdivision</p>	<p>At least 50% of the Total Number of Lots in the Subdivision</p>	<p>At least as many Lots as are built with less than 5,000 sqft (i.e., between 4,000 – 4,999 sqft)</p>
<p><i>Each “phase” of a subdivision must conform to the overall ratio for the entire Subdivision. For example, one phase may not consist solely of lots that are smaller than the Minimum Required Square Footage (5,000 square feet). No lot is allowed to be smaller than 4,000 square feet.</i></p> <p><i>Note: The provisions of Lot Size Averaging only apply to lots for single-family detached homes or duplexes created through the subdivision process in the Residential Mixed Density and Residential High Density Zones.</i></p>		

VI. Section 16.05.150.A shall be repealed and replaced with the following language:

A. Accessory Dwelling (Attached, Separate Cottage, or Above Detached Garage)

1. An Accessory Dwelling is defined as a complete separate residential unit, including facilities for cooking and sanitation, provided either as a separate structure on the same lot or as part of a primary single-family residence. Development of an accessory dwelling must comply with all applicable lot development standards including required yards (setbacks) and lot coverage, but not minimum lot size. Development of an attached accessory dwelling shall not reduce the floor area of the primary residence.
2. Accessory dwellings shall conform to all of the following standards:
 - a. **Floor Area:** Accessory dwellings shall not exceed 1,000 square feet of floor area, or 40% of the primary unit, whichever is smaller. The unit can be a detached cottage, a unit attached to a garage, an addition to an existing home, or in a portion of an existing house.
 - b. **Exempt from Lot Size:** Accessory dwellings are exempt from the lot size standards of the Residential Zone.

- c. **Utility Connections:** Accessory dwellings may have the same water and sewer connections as the primary unit.
- d. **One Unit:** A maximum of one accessory dwelling unit is allowed per lot. Construction of an accessory dwelling may result in a maximum of two residential units on a single lot, one primary residence and one accessory dwelling.
- e. **Building Height:** The building height of detached accessory dwellings (i.e., separate cottages) shall not exceed 25 feet in the RL Zone nor 30 feet in the RM and RH Zones.
- f. **Setback Standards:** Shall conform to all setback standards applicable to dwellings in the zone. Rear yard setbacks may be 10 feet.
- g. **Parking Standards:** Accessory dwellings shall have no off-street parking requirement.

VII. Portions of Section 16.05.180.C shall be amended as follows (old language ~~stricken~~; new language in *italics*), with all other portions of the section to remain unaltered:

C. Setbacks for Primary and Accessory Structures

The allowance of a zero (0) side yard setback is for one single family dwelling, *or attached or stacked duplex*, on each lot; it does not extend to accessory structures which shall conform to the applicable setback requirements of the zone.

VIII. A portion of Table 16.06-2 in Section 16.06.050 shall be amended as follows (old language ~~stricken~~; new language in *italics*), with all other portions of the section to remain unaltered:

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 I</u> Impacts:	
Single Family (not attached)	OP
Accessory Dwelling	AROP
Accessory Structures (with a permitted use) <ul style="list-style-type: none"> • no taller than 25ft. and no larger than 1,000 square feet of building footprint • taller than 25 ft. or larger than 1,000 square feet of building footprint 	OP
Duplex (2 dwellings sharing a common wall on one lot) -- One duplex on a lot	OP
Manufactured Home Dwelling	OP
Family Child Care in a Home	OP
Other Residential Uses such as Bed & Breakfasts, Home Occupations	MR
Other Residential Uses such as Hospice	AR

- IX. A portion of Table 16.07-2 in Section 16.07.050 shall be amended as follows (old language ~~stricken~~; new language in *italics*), with all other portions of the section to remain unaltered:

Table 16.07-2: Residential Land Uses Allowed in the Neighborhood Mixed-Use Zone	
<i>Land Uses</i>	
(Examples of uses are in Chapter 16.03; definitions are in the Glossary, Chapter 16.32.)	
(See page 8 of Chapter 16.03 for further details and listings regarding Residential Uses)	
Residential Uses with <u>Class I</u> Impacts:	
Single Family (not attached)	OP
Accessory Dwelling	AROP
Accessory Structures (with a permitted use)	OP
-no taller than 25ft. and no larger than 1,000 square feet of building footprint	AR
taller than 25 ft. or larger than 1,000 square feet of building footprint	
Duplex (2 dwellings sharing a common wall on one lot) -- One duplex on a lot	OP
Manufactured Home - <i>Dwelling</i>	OP
Family Child Care in a Home	OP
Other Residential Uses such as Bed & Breakfasts, Home Occupations	MR
Other Residential Uses such as Hospice Facilities	AR

- X. Section 16.11.020.F.8.a shall be repealed and replaced with the following language:

a. Two dwelling units per two acres within 500 feet of the outer edge of the airport's RPZ.

- XI. A portion of Section 16.12.020.B shall be amended as follows (old language ~~stricken~~; new language in *italics*), with all other portions of the section to remain unaltered:

B. ~~One and Two Family~~ *Single-Family and Duplex Residential Lots*

For purposes of this Subsection, unless otherwise specified, lots and parcels are interchangeable, and either could have a single-family or a ~~two-family dwelling [duplex]~~ *duplex* on it. This Subsection not only takes into account the space requirements for vehicular access, but also the space needed for multiple utility lines.

1. **Single Parcel:** A lot must abut a street for a minimum width of 14 feet including a minimum 12 -foot wide driveway.
2. **Two Adjacent Parcels:** Two adjacent parcels must abut a street for a minimum of 24 feet (minimum of 12 feet for each parcel) that may include a shared 12-foot wide driveway serving both. Perpetual reciprocal access easements and maintenance agreements for shared driveways are required.
3. **Six Parcels and/or Six Dwelling Units:** Up to a maximum of six parcels and/or dwelling units may be served by a minimum 30-foot wide access easement with a minimum 24-foot wide two-way driveway. All buildings must be set back at least 5 feet from the access easement. Perpetual reciprocal access easements and

maintenance agreements for all lots proposed to use the driveway are required.

4. **Single Family Dwelling Parcel Not Abutting a Public Right-of-Way**: A lot or parcel developed with a single family dwelling *or duplex* may be partitioned creating a parcel with access by easement to a public street. A minimum 12-foot wide easement (~~that may not serve any other dwelling~~), with ready access by emergency vehicles is required *per lot or parcel*.

- XII. A portion of Section 16.12.030.E shall be amended as follows (old language ~~stricken~~; new language in *italics*), with all other portions of the section to remain unaltered:

E. Development Requirements

1. The City may require the closing or consolidation of existing curb cuts or other vehicle access points, recording of reciprocal access easements (e.g., for shared driveways, etc.), development of a frontage street, installation of traffic control devices, and/or other mitigation as a condition of granting an access permit, to ensure the safe and efficient operation of the street and highway system. *Development requirements, including those identified above, will be based on clear and objective technical analysis, including but not limited to a Traffic Impact Analysis, review of AASHTO standards, conditions from outside agencies including Oregon Department of Transportation and Linn County, and the City's adopted Engineering standards.*
2. Except for single-family and ~~two-family dwellings~~-duplexes, access to and from off-street parking areas shall not permit backing onto a public street. (Also see Chapter 16.14, Off-Street Parking.)

- XIII. A portion of Section 16.12.030.I shall be amended as follows (old language ~~stricken~~; new language in *italics*), with all other portions of the section to remain unaltered:

I. Number of Access Points

For single-family (detached and attached), ~~two-family duplex~~, and three-family housing types, normally one street access point is permitted per lot, unless otherwise permitted by the City Engineer, in consultation with the Planning Official. Two access points may be permitted for two-family and three-family housing on corner lots (no more than one access per street), subject to the access spacing standards in Subsection "G," above. The number of street access points for multiple family, commercial, industrial, and public/institutional developments shall be minimized to protect the function, safety and operation of the street(s) and sidewalk(s) for all users. Shared access may be required, in conformance with Subsection "J," below, in order to maintain the required access spacing, and minimize the number of access points.

- XIV. A portion of Section 16.12.030.L shall be amended as follows (old language ~~stricken~~; new language in *italics*), with all other portions of the section to remain unaltered:

L. Driveway Approaches

Driveway approaches or curb cuts shall be ~~adequate width to provide safe and efficient access.~~ *provided to the minimum standards as required in this Code to provide safe and efficient access.* The following standards (i.e., as measured where the front property line meets the sidewalk or right-of-way) are required to provide adequate site access, minimize surface water runoff, ensure an exiting vehicle with an unobstructed view, avoid conflicts between vehicles and pedestrians, and have appropriate signage for one-way connections. Unless otherwise permitted by the City Engineer, in consultation with the Planning Official, or, for State Highways 20 and 34, by Oregon Department of Transportation, minimum driveway widths shall be as follows:

1. **Single family, and two family duplex uses** shall have a minimum driveway width of 12 feet.

XV. A portion of Section 16.12.050.A shall be amended as follows (old language ~~stricken~~; new language in *italics*), with all other portions of the section to remain unaltered:

A. Pedestrian Access and Circulation

To ensure safe, direct and convenient pedestrian circulation, all developments, except single-family detached ~~dwelling housing or duplex~~ on individual lots, shall provide a continuous pedestrian and/or shared-use pathway system.

1. **Pathways** only provide for pedestrian circulation.
2. **Shared-use pathways** accommodate pedestrians and bicycles.
3. **Recreational Trails** -- See Parks Master Plan and related documents for standards.
4. The system of pathways shall be designed based on the standards in Subsections B, C, and D, below.

XVI. A portion of Section 16.14.020.N shall be amended as follows (old language ~~stricken~~; new language in *italics*), with all other portions of the section to remain unaltered:

N. Prohibited Backing Movements and the Blocking of Public Streets, Sidewalks and Pathways

1. Parking areas for other than single-family ~~and two family~~ dwellings *and duplexes* shall be served by a service driveway so that no backing movements or other maneuvering within a street other than an alley shall be required.

XVII. A portion of Section 16.14.050.F shall be amended as follows (old language ~~stricken~~; new language in *italics*), with all other portions of the section to remain unaltered:

F. Driveway Widths

See Section 16.12.020 (~~One and Two Family Single-Family and Duplex~~ Residential Lot Frontage Requirements), and Subsection 16.12.030.L (Driveway Approaches) in Chapter 16.12 (Transportation Access, Access Management, and Circulation).

XVIII. A portion of Section 16.14.060.B shall be amended as follows (old language ~~stricken~~; new language in *italics*), with all other portions of the section to remain unaltered:

B. Grading

All parking areas, except those in conjunction with a single-family ~~or two-family~~ dwelling *or duplex*, shall be graded (~~as approved by the City Engineer~~) so as not to drain storm water over sidewalks or onto any abutting property.

XIX. A portion of Table 16.14.070-1 in Section 16.14.070.B shall be amended as follows (old language ~~stricken~~; new language in *italics*), with all other portions of the section to remain unaltered:

Table 16.14.070-1: Off-Street Parking Requirements for Motor Vehicles and Bicycles by Types of Uses		
Use	Vehicle Parking Spaces	Bicycle Parking Spaces
1. Residential		
(a) One/two <i>single family</i> dwellings	2 spaces per dwelling unit	None required
(b) <i>Duplexes</i>	<i>1 space per dwelling unit</i>	<i>None required</i>
(c) Multiple Family Dwellings	2.25 spaces/unit ¹	0.5 spaces per unit
(d) Senior-Citizen apartments	1 space per bedroom	2 percent of required vehicle parking, or 4 spaces, whichever is greater
(e) Rooming or boarding house	Spaces equal to 80 percent of the number of guest accommodations plus one additional space for the owner or manager.	1 space for every 5 guest rooms, or 4 spaces, whichever is greater.
(f) Manufactured Home Park	2 spaces per dwelling, plus 1 visitor space for each 10 dwelling spaces	None required

XX. A portion of Section 16.14.080.B shall be amended as follows (old language ~~stricken~~; new language in *italics*), with all other portions of the section to remain unaltered:

B. Vehicular Access to City Streets and Alleys

1. Turnaround Areas

Off-street maneuvering and parking facilities (except for single-family *dwelling*s and ~~two-family dwellings~~ *duplexes*) shall be designed and constructed with turnaround areas to prevent back up movement onto streets.

XXI. A portion of Section 16.15.020.C.2.b shall be amended as follows (old language ~~stricken~~; new language in *italics*), with all other portions of the section to remain unaltered:

b. Landscape Areas

(1) The required front and street side yards of single-family residential *and duplex* lots shall be landscaped. For industrial, commercial and multi-family housing, the site area, excluding building footprints and, impervious surfaces, shall be landscaped.

XXII. A portion of Section 16.15.020.C.2.f shall be amended as follows (old language ~~stricken~~; new language in *italics*), with all other portions of the section to remain unaltered:

f. Buffering and Screening Required for Parking Lots and Service Areas Buffering and screening are required under the following conditions, except for single family *dwelling*s *and duplexes*:

XXIII. A portion of Section 16.15.040.B.3 shall be amended as follows (old language ~~stricken~~; new language in *italics*), with all other portions of the section to remain unaltered:

3. Irrigation

Irrigation is required of all new development, except single family homes *and duplexes*. The intent of this standard is to assure that plants will survive the critical establishment period when they are most vulnerable due to a lack of watering and also to assure that water is not wasted through unnecessary or inefficient irrigation. Approved irrigation system plans shall specify **one** of the following:

XXIV. A portion of Section 16.15.040.E shall be amended as follows (old language ~~stricken~~; new language in *italics*), with all other portions of the section to remain unaltered:

E. Landscape Plans

Except for single family *dwelling*s on a single lot (but not excluding subdivisions) *and duplexes*, landscape plans shall be submitted showing all existing and proposed landscape areas. Plans must be drawn to scale and show the type, installation size, number and placement of materials. Plans shall include a plant material list. Plants are to be identified by both their scientific and common names. The condition of any existing plants and the proposed method of irrigation are also to be indicated.

XXV. A portion of Section 16.15.040.F.2 shall be amended as follows (old language ~~stricken~~; new language in *italics*), with all other portions of the section to remain unaltered:

2. Except for single-family dwellings on a single lot (but not excluding subdivisions) *and duplexes*, a final Certificate of Occupancy shall not be granted until either landscaping is completed or an adequate bond or other security is posted for the completion of the landscaping, and the City is given written authorization to enter the property.

XXVI. A portion of Section 16.19.040 shall be amended as follows (old language ~~stricken~~; new language in *italics*), with all other portions of the section to remain unaltered:

16.19.040 Manufactured Home *Dwelling* Placement Standards

The following standards apply to the placement of manufactured ~~homes~~ *dwellings* on individual lots in residential zones outside of mobile home parks and manufactured home subdivisions, except for those areas (neighborhoods) where they are inconsistent with established, historical or other identifiable architectural residential construction patterns. All manufactured homes on individual lots in residential zones shall:

XXVII. A portion of Section 16.22.030.D shall be amended as follows (old language ~~stricken~~; new language in *italics*), with all other portions of the section to remain unaltered:

D. Lot Size Averaging

Single family *and duplex* residential lot size may be averaged to allow lots less than the minimum lot size in Residential zones, as provided by the provisions of Section 16.05.140 (Chapter 16.05).

XXVIII. A portion of Section 16.32.020 shall be amended as follows (old language ~~stricken~~; new language in *italics*), with all other portions of the section to remain unaltered:

DUPLEX: ~~A two family dwelling. A building with two attached housing units on one lot or parcel.~~ *Two attached dwelling units on one Lot or Parcel. Dwelling units may be attached or stacked.*

DWELLING: *Any room or group of rooms located in a residential building forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking, eating and sanitation of one family, not including motel or hotel units. The installation of an additional gas, electric or water meter or separate sewer service is evidence of establishment of an additional dwelling unit. Except for manufactured dwellings as defined in ORS 446.003, all dwelling units shall be constructed to conform to the Oregon Structural Specialty Code, the Low-Rise Residential Dwelling Code, or the Small Home Specialty Code.*

DWELLING, ACCESSORY: *A complete separate residential unit, including facilities for cooking and sanitation, provided either as a separate structure on the same lot or as part of a*

primary single-family residence. The dwelling may be an interior, attached or detached residential structure that is used in connection with, or that is accessory to, a single-family dwelling.

DWELLING, PRIMARY: A SINGLE-FAMILY DWELLING ON A LOT OR PARCEL, WHICH IS IDENTIFIED AS THE PRIMARY RESIDENCE TO BASE SIZE REQUIREMENTS FOR ACCESSORY DWELLING UNITS.

DWELLING, SINGLE-FAMILY (DETACHED): A detached building, or manufactured dwelling, other than a mobile home or trailer house, designed for and occupied by not more than one family, that is not attached to any other dwelling and is surrounded by open space and yards, *and is the only primary dwelling unit on the Lot or Parcel, or a part of a Cottage Cluster.*

DWELLING, SINGLE-FAMILY (ATTACHED): A SINGLE-FAMILY DWELLING ON ITS OWN LOT OR PARCEL, ATTACHED BY A COMMON WALL TO ANOTHER SINGLE-FAMILY DWELLING ON ANOTHER LOT OR PARCEL.

~~**DWELLING, TWO-FAMILY (DUPLEX):** A building with two dwelling units designed for and occupied by not more than 2 families living independently of each other.~~

MIDDLE HOUSING: *Means a duplex.*

~~**SINGLE FAMILY ATTACHED HOUSING (TOWN HOMES):** Two or more single-family dwellings with common end-walls.~~

~~**SINGLE FAMILY DETACHED DWELLING:** A single family dwelling with open space on all sides.~~

~~**SINGLE FAMILY DETACHED HOUSE:** A single family dwelling that does not share a wall with any other building.~~

~~**SINGLE FAMILY DETACHED ZERO LOT LINE HOUSE:** A single family detached house with one side yard setback equal to "0".~~

~~**SINGLE FAMILY DWELLING:** A structure containing one or more single family units occupying the building from ground to roof.~~

ZERO-LOT LINE HOUSE DWELLING: A single family detached house, *or attached or stacked duplex*, with one side yard setback equal to "0" feet. May or may not include a wall attached to adjacent home(s).

EXHIBIT B
LEBANON CITY COUNCIL FINDINGS
Planning File No. DCA-21-01

I. NATURE OF THE APPLICATION

This matter comes before the Lebanon City Council 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 adopt code amendments related to duplex housing development and accessory dwelling units within all zones which allow residential development to comply with HB 2001. Exhibit "A" contains the specific code amendments.

III. PUBLIC HEARINGS

A. Planning Commission Action

A public hearing was held on this application before the Lebanon Planning Commission on April 21, 2021. At that hearing, City Planning File No. DCA-21-01 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 for a legislative review process. 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

The City Council conducted a public hearing to consider the application on May 12, 2021. At that hearing, City Planning File No. DCA-21-01 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 for a legislative review process. 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 found the proposed code amendments were consistent with the applicable decision criteria and approved the Ordinance.

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.**
Ordinance Bill No. 2020-01, Ordinance No. 2957

- B. The proposal includes amendments to the Lebanon Development Code related to duplex housing development and accessory dwelling units within all zones which allow residential development to comply with HB 2001. Exhibit "A." contains the specific code amendments.
- 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 proposal includes amendments to several sections of the Lebanon Development Code related to duplex housing development and accessory dwelling units within all zones which allow residential development to comply with HB 2001. Exhibit "A." contains the specific code amendments.
- B. The Department sent out notice of the Code amendments to affected agencies and the Department of Land Conservation (DLCDC). DLCDC reviewed the proposed ordinance and recommended minor revisions. These revisions have been incorporated into the ordinance language presented to the Planning Commission and City Council.

VI. CRITERIA AND FINDINGS

Chapter 16.28 of the Lebanon Development Code establishes the procedures and criteria for amending the text of both the Comprehensive Plan and Development Code.

- A. 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 to comply with State requirements.
- 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.

FINDING: The proposed code amendments are limited to development of duplexes in

the same manner as single-family dwellings within all residential zones. Each residential zone already permitted duplex development and has been accounted for as part of the Transportation System Plan. With the reduction in minimum lot area requirement for duplexes in all zones, there is a minor anticipated capacity increase to the transportation system. However, the transportation system within the residential zones is already designed to accommodate residential local traffic. Inclusion of the anticipated capacity would not result in a change in design to the local street system as planned in the Transportation System Plan.

- 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 application if it satisfies the relevant Decision Criteria: Oregon Department of Land Conservation and Development administrative rules, applicable Statewide Planning Goals, 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.

FINDING: The following provides support for the criteria:

1. DLCD Administrative Rules – On December 9, 2020 the Land Conservation and Development Commission adopted Division 46 Middle Housing in Medium and Large Cities which were codified in Sections 660-046-0000 through 660-046-0130 of the Oregon Administrative Rules.
 - Section 660-046-0000 Purpose – Identifies the purpose of the OARs. *This section is for information purposes and no compliance through code amendment is required.*
 - Section 660-046-0010 Applicability – This section identifies a local government that is a Medium City (Population between 10,000 to 25,000) shall comply with Division 46 requirements and provides direction on code compliance in relation to Statewide Planning Goals. *The code amendments proposed comply with all rules in Division 46, and applicable regulations established in HB 2001. In following sections, compliance with Statewide Planning Goals is established.*
 - Section 660-046-0020 Definitions – Provides applicable definitions for clarification of the OARs and to incorporate the definitions as required in the development code. *The proposed code amendments incorporate the State definitions as applicable for medium cities within the City's development code.*
 - Section 660-046-0030 Implementation of Middle Housing Ordinance – Requires Cities to file a Post Acknowledgment Plan Amendment with DLCD; consider methods to increase the affordability of Middle Housing through ordinance or

policies that must include but are not limited to: waiving or deferring System Development Charges, adopting or amending criteria for property tax exemptions, and assessing a construction excise tax; and consider whether the amendments significantly affect an existing or planned transportation facility.

The City filed a PAPA with DLCD on March 17, 2021 in compliance with the minimum 35-day notice prior to the first hearing scheduled on April 21, 2021.

For the consideration of methods to increase affordability of middle housing, the Planning Commission held a work session on March 17, 2021 to discuss the anticipated code amendments to comply with HB 2001, and consider the three identified methods established in the OARs for reducing housing costs. The Planning Commission discussed the merits of each method and directed City staff to conduct additional analysis on waiving, deferring, and reducing SDCs, and property tax exemptions or reductions, and conduct a future work session to further consider the incentives. The work session was an open public meeting.

As established in the previous finding, in subsection E of this Section, the City does not anticipate any significant effects on the transportation system plan as the City development code was largely compliant with the middle housing standards and there is minimal increased capacity as a result of HB 2001 required amendments.

- Section 660-046-0040 Compliance – Established the code amendment adoption date of June 30, 2021 for medium cities, and procedures if the code amendments are appealed to the Land Use Board of Appeals. *The code amendments for the City of Lebanon are subject to a public hearing before the Planning Commission on April 21, 2021 and the City Council on May 12, 2021 with an effective date 30 days after Council decision, on June 13, 2021. The City complies with the adoption requirements.*
- Section 660-046-0050 Eligible Local Governments – This section discusses when a City if not previously categorized as a Medium City becomes one, it shall comply with middle housing standards within two years. *This section does not apply to the City of Lebanon.*
- Section 660-046-0100 through 660-046-130 Provisions Applicable to Duplexes in Medium Cities – These sections identify the specific code requirements that must be complied with to meet the middle housing standards for medium cities. *The City has developed an ordinance to adopt required code amendments to comply with HB 2001 and the OARs. The draft code amendments were reviewed by DLCD to verify compliance. DLCD has identified the code language as drafted in this ordinance and included in Exhibit “A” follows the OARs and HB 2001.*

2. Statewide Planning Goals – Compliance with the Statewide Goals is noted as follows:

Goal 1 - Citizen Involvement: The development code amendment process follows the legislative review process. A Post Acknowledgement Plan Amendment was filed

with DLCD on March 17, 2021. A public notice was issued on April 1, 2021 to all interested parties and was published in the local newspaper to advertise the Planning Commission public hearing scheduled for April 21, 2021. At the April 21, 2021 Planning Commission meeting, the Planning Commission held a public hearing to solicit public comment and make a recommendation on the proposed code amendments to the City Council. In compliance with state law, a public notice was issued 20 days prior to the City Council public hearing with information on how the public may participate in the City Council public hearing process and the recommendation made by the Planning Commission. The City Council public hearing was held on May 12, 2021. By following the legislative review process, the City is consistent with the intent of the Goal.

Goal 2, Land Use Planning: The development code amendment includes modifications to allow for duplexes in the same manner as single-family residences within all residential zones. These amendments are proposed to comply with the Statewide Land Use Planning goal of providing middle housing for medium and large cities. With compliance of HB 2001 and the State OARs, the proposed amendments ensure compliance with purpose and intent of this Goal.

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. As part of the code amendment, duplexes will be permitted in all residential areas where development is permissible for single-family dwellings. This code amendment does not eliminate other code requirements and overlay zones regarding protection of historical or natural resources.

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: The code amendment is limited to residential zones and the Mixed-Use zone. For the Mixed-Use zone, residential development is already permissible, including duplex development. As such, the code amendments would not impact the City's ability to implement industrial or other employment development policies.

Goal 10, Housing: The amendments implement changes directed by HB 2001 which seek to improve the availability of needed housing and missing middle housing. The code amendments result in minimal change to the City's development code and buildable lands inventory, as the City already largely permitted duplexes in all residential zones in the same manner as single-family dwellings. In evaluation of the Buildable Lands Inventory completed in 2019 as part of the updated Housing Needs Analysis, the City has a large surplus of Low-Density Residential Lands, the minimum required lands in the Medium Density Residential designation, and a minor surplus of High Density Residential and Mixed Use designation for residential development. ORS 197.296(6)(b), as amended by HB 2001, allows jurisdictions to assume up to a three percent increase in zoned capacity, unless it is demonstrated by a quantifiable validation that the anticipated capacity would be greater. Duplexes are already permitted in all residential zones. Within the Low-Density Residential Zone, to comply with HB 2001, the minimum lot area requirement for a duplex would be reduced from 10,000 square feet to 5,000 square feet, and for all other zones, the minimum lot area would be reduced from 7,000 square feet to 5,000 square feet. This amendment would result in an increased capacity in all residential zones as additional lots would now be eligible for duplex development. However, as the code amendments limit duplexes to an attached/stacked development option, or conversion of an existing single-family dwelling, it is anticipated that the majority of the development would be new development, or redevelopment of an existing property. With the attached dwelling requirement, the infill development path is not included, where an additional unit would be added to a vacant portion of an already improved lot. It may also be reasonably assumed that not all future development and redevelopment within the zone would be for duplex development. As such, with all residential zones already permitting duplex development, and with consideration of the Buildable Land Inventory and availability of land for development and redevelopment, it is appropriate to assume no more than a three percent increase in zone capacity in compliance with ORS 197.296(6)(b) and no further analysis of facility plans or comprehensive plan amendments is required at this time. As the City updates the facility master plans, and initiates an update to the Comprehensive Plan, further consideration of the impacts of middle housing on land capacity would be included and updates to the Housing Needs Analysis may be appropriate.

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 a significant increase in uses or activities beyond the existing anticipated build out 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:

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

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.

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

As identified in the Goal 10 Findings for the Statewide Planning Goals, the code amendments would result in a limited increase to capacity for residential development in the City. The Code amendments result in minor modifications to the development code to authorize duplexes in the same manner as single-family dwellings. Based on the anticipated capacity increases, there are no needed amendments to the adopted facility master plans, transportation system plan or the 2019 housing needs analysis.

- 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.

The Comprehensive Plan already provides extensive opportunities for a mix of housing types within each residential zone. Table 4-1 (City of Lebanon Comprehensive Plan Land Use Categories) identifies the purpose for each residential land use designation. Each residential land use designation incorporates duplex development as an acceptable residential use within each designation. In addition, the following policy supports the code amendments:

- *P-20: Permit and encourage compact residential development to provide more efficient land utilization and to reduce the cost of housing, public facilities, and services. The City encourages this type of development by offering incentives such as density and open space bonuses.*

- Chapter 5: Population & Economy – This Chapter addresses trends affecting both population growth and economic development.

The proposed code amendments would provide additional housing opportunities within the residential zones, which may result in an increase in population. There are no goals or policies within this chapter that directly relate to the code amendments.

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

As noted, the amendments implement changes directed by HB 2001 and the adopted OARs, which seek to improve the availability of needed middle housing. The City’s development code is largely compliant with HB 2001 and would result in minor amendments, with limited increased capacity for residential development based on the reduction of minimum lot area requirements. The evaluation of the buildable lands inventory in Goal 10 Statewide Planning Goals applies to this section as well, concluding that the anticipated capacity growth as a result of the code amendments would not require further analysis of the city’s facility master plans, transportation system plan or housing needs analysis. In addition, the code amendments support the following goals and policies regarding housing in the comprehensive plan:

- *G-1: Providing housing policies and practices that increase housing opportunities for all citizens.*
 - *G-2: Encouraging the availability of adequate numbers of needed housing units at price ranges and rent levels that are commensurate with the financial capabilities of community households, and to allow flexibility of housing location, type, and density.*
 - *P-11: Periodically review the Zoning Ordinance and other land use regulations to assure that barriers do not inhibit the building of the variety of types and densities of housing that is affordable for all segments of Lebanon’s residents.*
 - *P-30: Ensure that the Comprehensive Plan Map provides opportunities for a variety of housing types, densities and locations within the Urban Growth Boundary area including both the area inside the City limits and the Urban Growth Area.*
 - *P-31: Ensure that the Zoning Map or Land Use Map, any special zoning overlay maps and the Development Code provide opportunities for a variety of housing types, densities, and locations within the City Limits.*
 - *P-41: Periodically review ordinances for applicability to the current trends in the housing market to ensure the new concepts in housing are not restricted unduly by regulations.*
- 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.

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.

- 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.

The amendments do not change functional classifications or performance standards for transportation routes.

- 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.

Uses allowed by the amendments do not prohibit or restrict the ability to provide necessary public services.

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

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.