

**A BILL FOR AN ORDINANCE )  
AMENDING THE CITY OF LEBANON )  
DEVELOPMENT CODE REGARDING )  
FUELING STATION PERMITTING )**

**ORDINANCE BILL NO. 2021-19  
ORDINANCE NO. 2975**

**WHEREAS**, the Planning Commission for the City of Lebanon conducted a hearing on November 17, 2021 regarding Planning File No. DCA-21-02 and made findings recommending certain amendments to the Development Code of the City of Lebanon regarding the permissible zones and development standards for fueling stations; 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 December 8, 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 6 for and 0 against and approved by the Mayor this 8<sup>th</sup> day of December 2021.

CITY OF LEBANON, OREGON



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Paul R. Aziz, Mayor   
Jason Bolen, Council President

ATTESTED BY:



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Kim Scheafer, MMC, City Recorder

Exhibit "A"  
Amendments to the Lebanon Development Code regarding fueling stations

Table 16.06-3 in Section 16.06.060, amend to add the following language:

<b>Commercial Uses with <u>Class III</u> Impacts:</b>	
Parking Lot (when not an accessory use)	<b>AR</b>
Parking Structure	<b>CU</b>
Commercial Uses such as Auto Sales and Services, <u>Gas (Filling) Stations</u> , 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.	<b>CU</b>

Table 16.07-3 in Section 16.07.060, amend to add the following language:

<b>Commercial Uses with <u>Class III</u> Impacts:</b>	
Parking Lot (when not an accessory use)	<b>N</b>
Breweries (5,000 square feet or less)	<b>CU</b>
<u>Gas (Filling) Stations</u>	<b>CU</b>
Other Commercial Uses such as Auto Sales and Services, Commercial Centers, Breweries (larger than 5,000 square feet), Distilleries, and Wineries; Mini-Storage Units, Outdoor Amphitheatres Sales or Leasing of Consumer Vehicles Including Passenger Vehicles, Motorcycles, Light and Medium Trucks, & Other Recreational Vehicles, Shopping Mall.	<b>N</b>
Other Class III Uses	<b>N</b>

Table 16.09-4 in Section 16.09.070, amend to add the following language:

<b>Commercial Uses with <u>Class III</u> 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 Amphitheatres Sales or Leasing of Consumer Vehicles Including Passenger Vehicles, Motorcycles, Light and Medium Trucks, and Other Recreational Vehicles, Shopping Mall.	<b>N</b>
<u>Gas (Filling) Stations</u>	<b>CU</b>
Other Class III Uses	<b>N</b>
Race Tracks (Auto, Horse, Dog, Bike, Motorcycle, Boat, etc.)	<b>CU</b>

Section 16.06.110 shall be added as follows:

16.06.110 Special Development Standards for Certain Uses

Where permitted by the Development Code, the following standards shall apply for Gas (Filling) Stations in the Mixed-Use zone:

A. General Standards:

1. Parcel Size: No Gas (Filling) Station shall be located on a parcel containing less than 12,000 square feet in area.
2. Location: There are no location standards required for the Commercial and Industrial zones. In Mixed Use and Neighborhood Mixed-Use zones, Fueling Stations may be located at intersections of the following type of major intersections:
  - a. At the intersection of two Minor and/or Principal Arterials
  - b. At the intersection of an Arterial (Minor or Principal) and a Collector
3. Canopy lighting: Lighting fixtures installed within the fueling island canopy shall not extend below the canopy ceiling. The lighting fixtures, illumination intensity and direction shall comply with LDC 16.19.050 (Exterior Lighting)

Section 16.07.110 shall be added as follows:

16.07.110 Special Development Standards for Certain Uses

Where permitted by the Development Code, the following standards shall apply for Gas (Filling) Stations in the Neighborhood Mixed-Use zone:

A. General Standards:

1. Parcel Size: No Gas (Filling) Station shall be located on a parcel containing less than 12,000 square feet in area.
2. Location: There are no location standards required for the Commercial and Industrial zones. In Mixed Use and Neighborhood Mixed-Use zones, Fueling Stations may be located at intersections of the following type of major intersections:
  - c. At the intersection of two Minor and/or Principal Arterials
  - d. At the intersection of an Arterial (Minor or Principal) and a Collector
3. Canopy lighting: Lighting fixtures installed within the fueling island canopy shall not extend below the canopy ceiling. The lighting fixtures, illumination intensity and direction shall comply with LDC 16.19.050 (Exterior Lighting)

**EXHIBIT B**  
**LEBANON CITY COUNCIL FINDINGS**  
**Planning File No. DCA-21-02**

**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 permissible zones for fueling stations and development standards.

**III. PUBLIC HEARINGS**

**A. Planning Commission Action**

A public hearing was held on this application before the Lebanon Planning Commission on November 17, 2021. At that hearing, City Planning File No. DCA-21-02 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 December 7, 2021. At that hearing, City Planning File No. DCA-21-02 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.

**B.** The proposal includes amendments to the Lebanon Development Code related to permissible zones and development standards for fueling stations. 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 the Lebanon Development Code related to expanded locations for fueling stations to operate within the City, and includes modifications to Chapters 16.06, 16.07, and 16.09 of the Development Code. 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 (DLCD). No comments have been received.

## 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.

**RECOMMENDED FINDING:** 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 and City Council hearings 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.

RECOMMENDED FINDING: The following provides support for the 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 development code amendment process follows the legislative review process. A Post Acknowledgement Plan Amendment was filed with DLCD on October 13, 2021. A public notice was issued on October 27, 2021 to all interested parties and was published in the local newspaper to advertise the Planning Commission public hearing scheduled for November 17, 2021. At the November 17, 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 will be 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 December 8, 2021. By following the legislative review process, the City is consistent with the intent of the Goal. In addition to the legislative review process, the Planning Commission has conducted a total of three work sessions, open to the public during regularly scheduled Planning Commission meetings to discuss the potential changes and code amendments.

Goal 2, Land Use Planning: The proposal includes modifications to the development code to allow for fueling stations in the Mixed Use, Neighborhood Mixed Use, and Industrial zones, with specific development criteria for enhanced buffering if the fueling station is located adjacent to residential zones. Goal 2 requires each local government to have and follow a comprehensive land use plan and implement regulations and allows for exceptions to one of the land use goals when it finds that

unique circumstances warrant a local override of the statewide goal to create a better outcome. The proposal is consistent with the City's adopted Comprehensive Plan as justified in further findings, and no exceptions are proposed.

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, fueling stations would be permitted in the Mixed Use, Neighborhood Mixed Use, and Industrial zones. 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. Fueling stations would be subject to permitting through the Department of Environmental Quality.

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 increase demand on or adversely affect recreational opportunities or involve land identified for recreational purposes.

Goal 9, Economic Development: The proposed 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 proposed amendments do not affect housing supply or location, or the City's ability to meet identified housing needs. The development code amendments would allow for a different commercial activity to occur in zones in which commercial activity is permissible, and therefore not an impact on the opportunity for housing development in the City.

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 a significant increase in uses or activities beyond the existing anticipated build out that affect the City's transportation facilities. The proposed amendments identify opportunities for fueling station in the Mixed Use, Neighborhood Mixed Use, and Industrial zones. For



the Mixed Use and Neighborhood Mixed Use zones, fueling stations would only be permissible on corner properties with street categorizations of minor arterials and collectors. This would ensure the traffic generated from the use is able to access the site from multiple locations, and disperse onto higher capacity streets, minimizing increased traffic associated with the use, and not creating an increase in use beyond the existing anticipated build out of the City's transportation system.

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.

1. 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.

*This Chapter does not apply, as the proposed Code amendments do not affect, reduce, or otherwise alter provisions for urban development within the community. The code amendments are an expansion of a commercial use in areas in which commercial use is already permissible and does not change the zoning classification of any property.*

- 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.

*This Chapter does not directly 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. However, the code amendments support:*

*P-32: Require that upon development of property in a commercial or industrial zone that abuts a residential zone, the developer must provide an effective buffer to be used to minimize or mitigate impacts to the abutting residential property.*

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

*The amendments will allow for a new business activity to occur in the City which is currently limited to Highway Commercial areas. 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).*

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

*The code amendments regulates business operations of a particular use in zones that authorize commercial uses. The code amendments will not impact or limit the production of housing.*

- 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. However, as part of the code amendments, development standards have been included to provide enhanced buffer areas between residential uses and the fueling stations to provide compatibility with adjacent uses.*

- 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.*

2. 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.