

**A BILL FOR AN ORDINANCE)
AMENDING THE CITY OF LEBANON)
DEVELOPMENT CODE REGARDING)
SIGNAGE)**

**ORDINANCE BILL NO. 2022-04
ORDINANCE NO. 2980**

WHEREAS, the Planning Commission for the City of Lebanon conducted a hearing on March 16, 2022 regarding Planning File No. DCA-22-01 and made findings recommending certain amendments to the Development Code of the City of Lebanon regarding expansion of monument and pole signage for commercial, industrial, and public uses; 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 April 13, 2022; and

WHEREAS, the City Council has considered all relevant evidence and further considered the recommendation of the Lebanon Planning Commission record.

NOW, THEREFORE, the City of Lebanon ordains as follows:

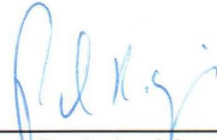
Section 1. In addition to the findings referred to above, the City Council does hereby adopt and find those matters contained in Exhibit “B” which is incorporated herein by this reference as if fully set forth at this point.

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 13th day of April 2022.

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 regarding signage

Table 16.18.040-3 in Section 16.18.040, shall be removed and replaced with the following:

Table 16.18.040-3: Signage Standards for Commercial, Mixed Use, Industrial, and Public Uses in the Z-CCM, Z-HCM, Z-NCM, Z-MU, Z-IND and Z-PU Zones	
Types of Signage	Standards (Permitted as follows)
1. Free Standing Monument Sign	<p>a. Number: A maximum of one (1) sign per street frontage of a parcel is allowed in lieu of a pole sign.</p> <p>b. Area: Except as may be approved by a Planned Development, the maximum sign area shall not exceed 150 square feet per side, two sides maximum.</p> <p>c. Height: Except as may be allowed by a Planned Development hearing and approval, the maximum sign height shall not be higher than 10 feet.</p> <p>d. Location: Signs shall not be placed in clear vision areas, or within 25 feet of a residentially zoned property.</p>
2. Wall Mounted & Wall Painted Sign	<p>a. Area: Wall-mounted or wall painted signs shall not exceed in gross area 40 percent of the face of the building or storefront to which the sign is attached or 100 square feet, whichever is greater.</p> <p>b. Height: No wall-mounted sign shall extend above the roof line at the wall or the top of the parapet wall, whichever is higher.</p>
3. Free Standing Pole Sign	<p>a. Number: A maximum of one (1) sign per street frontage of a parcel is allowed in lieu of the monument sign.</p> <p>b. Area: Except as may be approved by a Planned Development, the maximum sign area shall be 100 square feet per side, two sides maximum.</p> <p>c. Height and Clearance: Shall not exceed a total height of 20 feet measured from the grade of the property where the sign is to be located or grade of the street immediately in front of the subject property (whichever is higher).</p> <p style="padding-left: 20px;">(1) The minimum clearance below the lowest portion of a free-standing sign and the ground below shall be 9 feet in a required street or side yard.</p> <p style="padding-left: 20px;">(2) In any driveway or parking area, the minimum clearance below the lowest portion of a free-standing sign and the ground below shall be 14 feet.</p> <p>d. Location: Signs shall not be placed in clear vision areas, or within 25 feet of a residentially zoned property, and shall not project over a property line.</p>
4. Projecting Sign	<p>a. Number: A maximum of one (1) projecting sign per parcel is allowed.</p> <p>b. Area: Projecting signs shall not exceed in gross area 20 percent of the face of the building to which the sign is attached or on which the sign is maintained.</p> <p>c. Height: No projecting sign shall extend above the roof line at the wall or top of a parapet wall, whichever is higher.</p> <p>d. Clearance: There shall be at least nine (9) feet of clearance between the bottom of the sign and the grade. Signs shall not project within two (2) feet of the curb.</p>

EXHIBIT B
LEBANON CITY COUNCIL FINDINGS
Planning File No. DCA-22-01

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 expand monument and pole sign opportunities for properties with multiple street frontages with commercial or industrial uses.

III. PUBLIC HEARINGS

A. Planning Commission Action

A public hearing was held on this application before the Lebanon Planning Commission on March 16, 2022. At that hearing, City Planning File No. DCA-22-01 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 April 13, 2022. At that hearing, City Planning File No. DCA-22-01 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.

B. The proposal includes amendments to the Lebanon Development Code related to expanded opportunities for the use of monument and pole signs for properties with Ordinance Bill No. 2022-04, Ordinance No. 2980

multiple street frontages with commercial and/or industrial uses. 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 opportunities for monument and pole signs and includes modifications to Chapter 16.18 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.

FINDING: The code amendment does result in development which would create, increase or affect demand on the Transportation System Plan. Signage location requirements to maintain clear vision areas is not being modified. As such, this criteria has been met.

- 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.

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 February 22, 2022. A public notice was issued on February 25, 2022 to all interested parties and was published in the local newspaper to advertise the Planning Commission public hearing scheduled for March 16, 2022. At the March 16, 2022 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 April 13, 2022. By following the legislative review process, the City is consistent with the intent of the Goal.

Goal 2, Land Use Planning: The proposal includes modifications to the development code to allow for one monument or pole sign per street frontage for commercial, mixed use, industrial and public uses in the Central Business Commercial (Z-CCM), Highway Commercial (Z-HCM), Neighborhood Commercial (Z-NCM), Mixed Use (Z-MU), Industrial (Z-IND), and Public Use (Z-PU) 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. An exception to this goal is not required.

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. An exception to this goal is not required.

Goal 7, Natural Hazards: The Code amendment does not alter development requirements for natural hazard areas; these remain in force. An exception to this goal is not required.

Goal 8, Recreational Needs: Nothing in this amendment establishes or promotes land uses that impact demand or need for recreational space. An exception to this goal is not required.

Goal 9, Economic Development: The proposed amendments would allow for greater visibility and wayfinding opportunities for businesses, thereby supporting Goal 9. An exception to this goal is not required.

Goal 10, Housing: The amendments do not affect housing supply or location, or the City's ability to meet identified housing needs. An exception to this goal is not required.

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. An exception to this goal is not required.

Goal 12, Transportation: The proposed Code revisions do not create uses or activities that would negatively impact the City's transportation facilities. Signage location requirements to maintain clear vision areas is not being modified. An exception to this goal is not required.

Goal 13, Energy Conservation: The amendments do not create uses or activities that would negatively impact energy conservation. An exception to this goal is not required.

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. An exception to this goal is not required.

Goals 15 to 19, Willamette River Greenway, Estuarine Resources, Coastal Shores, Beaches and Dunes, Ocean Resources: The proposal does 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.

This Chapter does not apply, as the proposed Code amendments do not affect, reduce, or otherwise alter provisions for urban development within the community.

- 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 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.

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

This Chapter does not apply as the proposed Code amendments do not impact development, land use, or economic development. The amendment allows for

greater commercial signage opportunities, which supports economic development, but does not result in a direct impact on the population growth or result in direct changes to the economy.

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

This Chapter does not apply as the proposed code amendments do not impact existing zoning designations, land use regulations, or authorized densities for 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 apply to the code amendment.

- 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.

This Chapter does not apply as the proposed amendments do not impact development that would impact public facilities and 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.