

**A BILL FOR AN ORDINANCE )  
AMENDING THE CITY OF LEBANON )  
DEVELOPMENT CODE REGARDING )  
RV PARKS AND RVs AS )  
CARETAKER DWELLINGS )**

**ORDINANCE BILL NO. 2023-21  
ORDINANCE NO. 3016**

**WHEREAS**, the Planning Commission for the City of Lebanon conducted a hearing on November 15, 2023 regarding Planning File No. DCA-23-01 and made findings recommending certain amendments to the Development Code of the City of Lebanon regarding the prohibition of Recreational Vehicle Parks as a tourist use as defined in ORS 446.310, and to authorize recreational vehicles as caretaker dwellings associated with outdoor private storage facilities; 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 13, 2023; and

**WHEREAS**, the City Council has considered all relevant evidence and deliberated.

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

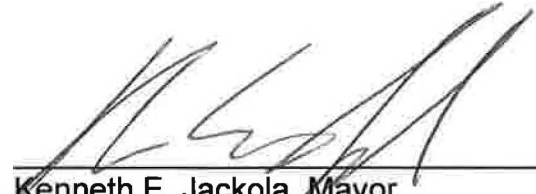
**Section 1.** In addition to the findings referred to above, the City Council does hereby adopt and find those matters contained in Exhibit "B" which is incorporated herein by this reference as if fully set forth at this point.

**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 13<sup>th</sup> day of December 2023.

CITY OF LEBANON, OREGON

  
\_\_\_\_\_  
Kenneth E. Jackola, Mayor   
Michelle Steinhebel, Council President

ATTESTED BY:

  
\_\_\_\_\_  
Julie Fisher, City Recorder

Exhibit "A"

Amendments to the Lebanon Development Code regarding Recreational Vehicle Parks and Recreational Vehicles as Caretaker Dwellings under certain circumstances

Addressing Recreational Vehicle Parks:

The following sections shall be amended as follows:

**16.03.060.B Public Uses with Class II Impacts**

Remove "Recreational Vehicle (RV) Parks" as a listed use in the table.

**16.05.050 Commercial Uses Allowed in the Residential Zones**

Amend Table 16.05-3: Commercial Land Uses Allowed in Residential Zones to include the following row in the table under Commercial Uses with Class III Impacts:

Use Categories	Z-RL	Z-RM	Z-RH
Commercial Uses with Class III Impacts			
Recreational Vehicle (RV) Parks	N	N	N

**16.05.070 Public Uses Allowed in the Residential Zones**

Remove "Publicly Owned RV Parks" as a listed use in Table 16.05-5

**16.06.060 Commercial Uses Allowed in the Mixed-Use Zone**

Amend Table 16.06-3: Commercial Land Uses Allowed in Mixed-Use Zone to include the following row in the table under Commercial Uses with Class III Impacts:

Use Categories	Z-MU
Commercial Uses with Class III Impacts	
Recreational Vehicle (RV) Parks	N

**16.06.080 Public Uses Allowed in the Mixed Use Zone**

Remove "Publicly Owned RV Parks" as a listed use in Table 16.06-5

**16.07.060 Commercial Uses Allowed in the Neighborhood Mixed Use Zone**

Amend Table 16.07-3: Commercial Land Uses Allowed in the Neighborhood Mixed-Use Zone to include the following row in the table under Commercial Uses with Class III Impacts:

Use Categories	Z-NMU
Commercial Uses with Class III Impacts	
Recreational Vehicle (RV) Parks	N

**16.07.080 Public Uses Allowed in the Neighborhood Mixed-Use Zone**

Remove "Publicly Owned RV Parks" as a listed use in Table 16.07-5

**16.08.060 Commercial Uses Allowed in the Commercial Zones**

Amend Table 16.08-3: Commercial Land Uses Allowed in the Commercial Zones to include the following row in the table under Commercial Uses with Class III Impacts:

Use Categories	Z-NCM	Z-CCM	Z-HCM
Commercial Uses with Class III Impacts			
Recreational Vehicle (RV) Parks	N	N	N

**16.08.080 Public Uses Allowed in the Commercial Zones**

Remove “Publicly Owned RV Parks” as a listed use in Table 16.08-5

**16.09.060 Commercial Uses Allowed in the Industrial Zone**

Amend Table 16.09-3: Commercial Land Uses Allowed in the Industrial Zone to include the following row in the table under Commercial Uses with Class III Impacts:

Use Categories	Z-IND West of 5thStreet	Z-IND East of 5thStreet
Commercial Uses with Class III Impacts		
Recreational Vehicle (RV) Parks	N	N

**16.09.080 Public Uses Allowed in the Industrial Zone**

Remove “Publicly Owned RV Parks” as a listed use in Table 16.09-5

**16.10.060 Commercial Uses Allowed in the Public Use Zone**

Amend Table 16.10-3: Commercial Land Uses Allowed in the Public Use Zone to include the following row in the table under Commercial Uses with Class III Impacts:

Use Categories	Z-PU
Commercial Uses with Class III Impacts	
Recreational Vehicle (RV) Parks	N

**16.10.080 Public Uses Allowed in the Public Use Zone (Z-PU)**

Remove “Publicly Owned RV Parks” as a listed use in Table 16.10-5

**16.32.020 Meaning of specific words and terms**

Add the following definition:

Recreation RV Park. Means any area designated by the person establishing, operating, managing or maintaining the same for picnicking, overnight camping with a recreational vehicle by the general public or any segment of the public. “Recreation park” includes but is not limited to areas open to use free of charge or through payment of a tax or fee or by virtue of rental, lease, license, membership, association, or common ownership and further includes, but is not limited to, those areas divided into two or more lots, parcels, units or other interests for purposes of such use.

## Addressing Caretaker Dwellings

The following Sections shall be amended:

### 16.02.030 Legal Framework

Amend the following section:

H.2 Other Approved Uses. Other uses may be approved through such processes as: (a) ministerial reviews; (b) administrative review procedures, (c) conditional use review, and (d) planned development review. Examples of these uses include, but are not limited to, the following: a bed and breakfast in a residential zone would require a ministerial review; a medical or dental clinic in the central business commercial zone (Z-CCM) would require an administrative review; ~~mini-storage units~~ ~~an auto repair shop~~ would require a conditional use hearing in a highway commercial zone (Z-HCC); a twenty-five or more acre commercial development in a highway commercial zone (Z-HCC) would require a planned development hearing; and, a large subdivision in the residential mixed density (Z-RM) zone would require a subdivision development process and hearing. Some of these procedures or reviews require public hearings and all require notice.

### 16.03.040 Commercial Uses

Amend the following sections:

**B. Commercial Uses with Class II Impacts**

Add "~~Self-Serve Storage Facility~~" as a listed use

**C. Commercial Uses with Class III Impacts**

Remove "~~Mini-Storage Units~~" as a listed use

**I. Self-Serve Storage Facilities**

- 1. Characteristics:** Self-Service Storage uses provide separate storage areas for individual or business uses. The storage areas are designed to allow private ~~or secured~~ access by the tenant for storing personal property.
- 2. Accessory Uses:** Accessory uses may include security and leasing offices. ~~Living quarters for one resident manager per site are allowed~~ One caretaker dwelling may be allowed per site as an accessory use. For open air facilities with no permanent primary use structure or structure intended for occupancy, a Recreational Vehicle may be authorized as a caretaker dwelling as a temporary use, subject to a Temporary Use Permit. ~~Other living quarters are subject to the regulations for Residential Uses.~~ Use of the storage areas for sales, service and repair operations, or manufacturing is not considered accessory to the Self-Service Storage use. The rental of trucks or equipment is not considered accessory to a Self-Service Storage use.

**16.05.050 Commercial Uses Allowed in the Residential Zones**

<b>Table 16.05-3 Commercial Land Uses Allowed in Residential Zones</b>			
<i>(See pages 10-12 of Chapter 16.03 for further details and listings regarding Commercial Uses)</i>			
<b>Use Categories</b>	<b>Z-RL</b>	<b>Z-RM</b>	<b>Z-RH</b>
<b>Commercial Uses with Class I Impacts:</b>			
Offices with a floor area less than 1,000 sqft	N	AR	AR
Commercial Uses such as Stores (15,000 square feet or less) Selling Groceries, Printed Material, Books & Videos, Pharmaceuticals, Stationery, and Arts & Crafts; and Laundromats Tanning; Hair and Personal Care Services	N	AR	AR
Other Commercial Uses with a floor area less than 2,000 sqft, such as Parcel Service Stores, Photocopy and Blueprint Services, Photographic Studios, Convenient Stores; Restaurants, Cafes, Delicatessens (Food & Beverage Sales without drive up facilities), Tailors and Seamstresses	N	AR	AR
<b>Commercial Uses with Class II Impacts:</b>			
Other Commercial Uses with a floor area less than 2,000 sqft per use such as Educational, Arts and Training Facilities	N	CU	AR
Other Commercial Uses such as, Indoor Continuous Activities like Health Clubs, Gyms, Membership Clubs; Exhibition and Meeting Areas; Laundry Drop Off Facilities, Dry Cleaners; Lodges; Medical, Optical and Dental Labs; Stores (greater than 15,000 sqft) Selling Groceries, Pharmaceuticals, Printed Material, Stationery, Books, & Videos, Arts & Crafts; Tanning, Hair, and Personal Care Services	N	CU	CU
Other Commercial Uses such as, Hotels; Entertainment; Indoor Continuous Activities like Theaters, Bowling Alleys, Skate Rinks, and Game Arcades, Pool Halls, Indoor Firing Ranges; Food & Beverage Sales with drive up facilities; Financial Institutions (with drive up operations); Liquor Stores (OLCC License), Taverns & Bars, Stores (greater than 15,000 sqft) Selling, Leasing, or Renting Furniture, Appliances, Garden Supplies, Home Improvements, Household Products, Plants; Laundromats; Drive-Up/Drive-In/Drive-Through (Drive-Up Windows, Kiosks, ATM's, similar uses/facilities), and self-serve storage facilities.	N	N	N
<b>Commercial Uses with Class III Impacts:</b>			
Parking Lot (when not an accessory use)	N	CU	AR
Other Commercial Uses such as Auto Sales and Services, Commercial Centers, Breweries, Distilleries, and Wineries (less than 5,000 sq ft); Mini-Storage Units, Outdoor Amphitheaters Sales or Leasing of Consumer Vehicles Including Passenger Vehicles, Motorcycles, Light and Medium Trucks, & Other Recreational Vehicles, Shopping Mall.	N	N	N
Other Class III Uses	N	N	N
<b>Key:</b> OP = Outright Permitted Building Permit issued after a site review; MR = Ministerial Review; AR = Permitted with Administrative Review; CU = Conditional Use approval required (Chapter 16.21); N =Not permitted; * = Number of Units following an AR or CU designation. Also see Table 16.05-1: Characteristics of Major Land Use Actions Matrix -- Projects in a Residential Zone Requiring a Planned Development Review (Chapter 16.24).			

**16.06.060 COMMERCIAL USES ALLOWED IN THE MIXED USE ZONE**

<b>Table 16.06-3: Commercial Land Uses Allowed in the Mixed Use Zone</b>	
<i>Land Uses</i>	<i>Mixed Use Zone (Z-MU)</i>
(See pages 10-12 of Chapter 16.03 for further details and listings regarding Commercial Uses)	
<b>Commercial Uses with Class I Impacts:</b>	
Offices	<b>AR</b>
Commercial Uses such as Stores (15,000 square feet or less) Selling Groceries, Printed Material, Books & Videos, Pharmaceuticals, Stationery, and Arts & Crafts; and Laundromats Tanning; Hair and Personal Care Services	<b>AR</b>
Other Commercial Uses with a floor area less than 2,000 sqft, such as Parcel Service Stores, Photocopy and Blueprint Services, Photographic Studios, Convenient Stores; Restaurants, Cafes, Delicatessens (Food & Beverage Sales without drive up facilities), Tailors and Seamstresses	<b>AR</b>
<b>Commercial Uses with Class II Impacts:</b>	
Other Commercial Uses such as, Educational, Arts and Training Facilities; Indoor Continuous Activities like Health Clubs, Gyms, Membership Clubs; Exhibition and Meeting Areas; Laundry Drop Off Facilities, Dry Cleaners; Lodges; Medical, Optical and Dental Labs; Stores (greater than 15,000 sqft) Selling Groceries, Pharmaceuticals, Printed Material, Stationery, Books, Books, & Videos, Arts & Crafts, Hair, Tanning, and Personal Care Services, and self-serve storage facilities.	<b>AR</b>
Other Commercial Uses such as, Hotels; Entertainment; Indoor Continuous Activities like Theaters, Bowling Alleys, Skate Rinks, and Game Arcades, Pool Halls, Indoor Firing Ranges; Food & Beverage Sales with drive up facilities; Food Pods, Financial Institutions (with Drive Up Operations); Liquor Stores (OLCC License), Taverns & Bars; Stores (greater than 15,000 sqft) Selling, Leasing, or Renting Furniture, Appliances, Garden Supplies, Home Improvements, Household Products, Plants; Laundromats; Drive-Up/Drive-In/Drive-Through (Drive-Up Windows, Kiosks, ATM's, similar uses/facilities)	<b>CU</b>
<b>Commercial Uses with Class III 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, Gas (Filling) Stations, Commercial Centers, Breweries, Distilleries, and Wineries (less than 5,000 sq ft); <del>Mini Storage Units</del> ; Outdoor Amphitheaters Sales or Leasing of Consumer Vehicles Including Passenger Vehicles, Motorcycles, Light and Medium Trucks, and Other Recreational Vehicles, Shopping Mall.	<b>CU</b>
Other Class III Uses	<b>N</b>
<p><b>Key:</b> OP = Outright Permitted (Building Permit issued after a site review); MR = Ministerial Review; AR = Permitted with Administrative Review; CU = Conditional Use approval required (Chapter 16.21); N =Not permitted; * = Number of Units following an AR or CU designation. Also see Table 16.06-1: Characteristics of Major Land Use Actions Matrix -- Projects in the Mixed Use Zone Requiring a Planned Development Review (Chapter 16.23).</p>	

**16.07.060 Commercial Uses Allowed in the Neighborhood Mixed-Use Zone (Z-NMU)**

<b>Table 16.07-3: Commercial Land Uses Allowed in the Neighborhood Mixed-Use Zone</b>	
(See pages 10-12 of Chapter 16.03 for further details and listings regarding Commercial Uses)	
<b>Commercial activity shall not occupy more than 5,000 square feet in any single structure.</b>	
<i>Use Categories</i>	
<b>Commercial Uses with <u>Class I</u> Impacts:</b>	
Offices	<b>AR</b>
Commercial Uses such as Stores Selling Groceries, Printed Material, Books & Videos, Pharmaceuticals, Stationery, and Arts & Crafts; and Laundromats Tanning; Hair and Personal Care Services	<b>AR</b>
Other Commercial Uses, such as Parcel Service Stores, Photocopy and Blueprint Services, Photographic Studios, Convenient Stores; Restaurants, Cafes, Delicatessens (Food & Beverage Sales without drive up facilities), Tailors and Seamstresses	<b>CU</b>
<b>Commercial Uses with <u>Class II</u> Impacts:</b>	
Other Commercial Uses such as Educational, Arts and Training Facilities, Health Clubs Medical, Optical and Dental Labs, Food & Beverage Sales with drive up facilities; Drive-Up/Drive-In/Drive-Through (Financial Institutions with Drive Up Operations, Drive-Up Windows, Kiosks, ATM's, similar uses/facilities)	<b>CU</b>
Other Commercial Uses such as, Entertainment, Indoor Continuous Activities like Theaters, Gyms, Membership Clubs, Bowling Alleys, Skate Rinks, and Game Arcades; Pool Halls, Indoor Firing Ranges; Exhibition and Meeting Areas, Hotels, Laundry Drop Off Facilities, Liquor Stores (OLCC License) Taverns & Bars; Lodges; Stores Selling, Leasing, or Renting: Furniture, Appliances, Garden Supplies, Home Improvements, Household Products, Plants, self-serve storage facilities	<b>N</b>
<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>
Gas (Filling) Stations	<b>CU</b>
Other Commercial Uses such as Auto Sales and Services, Commercial Centers, Breweries (larger than 5,000 square feet), Distilleries, and Wineries; <del>Mini-Storage Units</del> , Outdoor Amphitheaters 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>



**Key:** OP = Outright Permitted (Building Permit issued after a site review); MR = subject to Ministerial Review; AR = Permitted with Administrative Review; CU = Conditional Use approval required (Chapter 16.21); N = Not permitted; \* = Number of Units following an AR or CU designation. Also see Table 16.07-1: Characteristics of Major Land Use Actions Matrix -- Projects in a NMU Zone Requiring a Planned Development Review (Chapter 16.23).

**16.08.060 Commercial Uses Allowed in the Commercial Zones**

<b>Table 16.08-3: Commercial Land Uses Allowed in Commercial Zones</b>			
<i>Land Uses</i>	<b>Z-NCM</b>	<b>Z-CCM</b>	<b>Z-HCM</b>
(See pages 10-12 of Chapter 16.03 for further details and listings regarding Commercial Uses)			
<b>Commercial Uses with <u>Class I</u> Impacts:</b>			
Offices	<b>AR</b>	<b>OP</b>	<b>OP</b>
Commercial Uses such as Stores (15,000 square feet or less) Selling Groceries, Printed Material, Books & Videos, Pharmaceuticals, Stationery, and Arts & Crafts; and Laundromats Tanning; Hair and Personal Care Services	<b>AR</b>	<b>MR</b>	<b>MR</b>
Other Commercial Uses with a floor area less than 2,000 sqft, such as Parcel Service Stores, Photocopy and Blueprint Services, Photographic Studios, Convenient Stores; Restaurants, Cafes, Delicatessens (Food & Beverage Sales without drive up facilities), Tailors and Seamstresses	<b>AR</b>	<b>MR</b>	<b>MR</b>
<b>Commercial Uses with <u>Class II</u> Impacts:</b>			
Other Commercial Uses such as Educational, Arts and Training Facilities, Entertainment, Indoor Continuous Activities like Theaters, Health Clubs, Gyms, Membership Clubs, Bowling Alleys, Skate Rinks, and Game Arcades; Pool Halls, Indoor Firing Ranges; Exhibition and Meeting Areas, Food & Beverage Sales with drive up facilities, Financial Institutions (with Drive Up Operations), Hotels, Laundry Drop Off Facilities, Liquor Stores (OLCC License), Food Pods, Lodges; Medical, Optical and Dental Labs, Stores Selling, Leasing, or Renting Furniture, Appliances, Garden Supplies, Home Improvements, Household Products, Plants Commercial Uses such as Stores (greater than 15,000 square feet) Selling Groceries, Pharmaceuticals, Printed Material, Stationery, Books, & Videos, Hair, Tanning, and Personal Care Services, and Laundromats, and self-serve storage facilities	<b>N</b>	<b>AR</b>	<b>AR</b>
Drive-Up/Drive-In/Drive-Through (Drive-Up Windows, Kiosks, ATM's, similar uses/facilities)	<b>CU</b> (Assure pedestrian oriented access with vehicular access subordinated)		<b>AR</b>
<b>Commercial Uses with <u>Class III</u> Impacts:</b>			
Parking Lot (when not an accessory use)	<b>N</b>	<b>AR</b>	<b>AR</b>
Breweries without food service (5,000 square feet or less)	<b>N</b>	<b>AR</b>	<b>AR</b>

Other Commercial Uses such as Auto Sales and Services, Commercial Centers; Breweries, Distilleries, and Wineries; Mini-Storage Units, Outdoor Amphitheaters Sales or Leasing of Consumer Vehicles Including Passenger Vehicles, Motorcycles, Light and Medium Trucks, and Other Recreational Vehicles, Shopping Mall.	N	N	AR
Other Class III Commercial Uses	N	N	CU
<b>Key:</b> OP = Outright Permitted (Building Permit issued after a site review); MR = Ministerial Review; AR = Permitted with Administrative Review; CU = Conditional Use approval required (Chapter 16.21); N =Not permitted; * = Number of Units following an AR or CU designation. Also see Table 16.08-1: Characteristics of Major Land Use Actions Matrix -- Projects in a Commercial Zone Requiring a Planned Development Review (Chapter 16.23).			

**16.09.060 Commercial Uses Allowed in the Industrial Zone**

Table 16.09-3: Commercial Land Uses Allowed in the Industrial Zone		
Land Uses	Z-IND West of 5 <sup>th</sup> Street	Z-IND East of 5 <sup>th</sup> Street
(See pages 9-12 of Chapter 16.03 for further details and listings regarding Commercial Uses)		
<b>Commercial Uses with Class I Impacts:</b>		
Offices	N	
Commercial Uses such as Stores (15,000 square feet or less) Selling Groceries, and Pharmaceuticals, Stationery, Arts & Crafts; and Laundromats (15,000 square feet or less)	CU	N
Commercial Uses such as Stores (15,000 square feet or less) Selling Printed Material, Books, & Videos; Tanning; Hair and Personal Care Services	CU	N
Other Commercial Uses such as Parcel Service Stores, Photocopy and Blueprint Services, Photographic Studios, Tailors and Seamstresses	N	
Other Commercial Uses such as Restaurants, Cafes, Delicatessens, Mini-Marts.	CU	
<b>Commercial Uses with Class II Impacts:</b>		
Other Commercial Uses such as Entertainment, Indoor Continuous Activities like Theaters, Membership Clubs, Bowling Alleys, Skate Rinks, and Game Arcades; Pool Halls, Exhibition and Meeting Areas, Hotels, Laundry Drop Off Facilities, Liquor Stores (OLCC License), Lodges; Stores Selling, Leasing, or Renting Furniture, Appliances, Garden Supplies, Home Improvements, Household Products, Plants); Stores (greater than 15,000 sqft) Selling Groceries, Pharmaceuticals, Printed Material, Stationery, Books, & Videos, Arts & Crafts, Hair, Tanning, and Personal Care Services, and Laundromats	N	
Other Commercial Uses such as Educational, Arts and Training Facilities, Gyms, Health Clubs, Indoor Firing Ranges; Fast Food & Beverage Sales (with drive up facilities), Food Pods, Financial Institutions (with Drive Up Operations), Medical, Optical and Dental Labs	CU	
Other Commercial Uses such as Drive-Up/Drive-In/Drive-Through (Drive-Up Windows, Kiosks, ATM's, similar uses/facilities)	CU	
Other Commercial Uses such as stand alone Large Scale Retail Stores (a minimum of 75,000 square feet of floor space), not including grocery stores or malls.	N	
<b>Commercial Uses with Class III Impacts:</b>		
Parking Lot (when not an accessory use)	N	
Breweries, Distilleries, and Wineries without food service	AR	
Mini-Storage Units (including RV Storage) Self-Serve Storage Facilities	OP	
Other Commercial Uses such as Auto Sales and Services, Commercial Centers, Outdoor Amphitheaters Sales or Leasing of Consumer Vehicles Including Passenger Vehicles, Motorcycles, Light and Medium Trucks, and Other Recreational Vehicles, Shopping Mall.	N	

Other Commercial Uses such as Gas (Filling) Stations	<b>CU</b>
Other Class III Uses	<b>N</b>
Race Tracks (Auto, Horse, Dog, Bike, Motorcycle, Boat, etc.)	<b>CU</b>
<p><b>Key:</b> OP = Outright Permitted (Building Permit issued after a site review); MR = Ministerial Review; AR = Permitted with Administrative Review; CU = Conditional Use approval required (Chapter 16.21); N =Not permitted; * = Number of Units following an AR or CU designation. Also see Table 16.09-1: Characteristics of Major Land Use Actions Matrix -- Projects in an Industrial Zone Requiring a Planned Development Review (Chapter 16.23).</p>	
<p>For the most part, the only commercial uses allowed in the Industrial Zone are those that provide services primarily to the industries and the employees of the industries. In general, the exceptions are those commercial uses whose size and scope of operations are commensurate with industrial uses.</p>	

**16.10.060 Commercial Uses Allowed in the Public Use Zone (Z-PU)**

<b>Table 16.10-3: Commercial Land Uses Allowed in the Public Use Zone</b>	
(See pages 10-12 of Chapter 16.03 for further details and listings regarding Commercial Uses)	
Land Uses	
<b>Commercial Uses with Class I Impacts:</b>	
Offices	<b>N</b>
Commercial Uses such as Restaurants, Cafes, Delicatessens (Food & Beverage Sales without drive up facilities), on public property as an accessory to a public use	<b>AR</b>
Commercial Uses such as Stores (less than 15,000 square feet) Selling Groceries, Pharmaceuticals, Printed Material, Stationery, & Videos, Arts & Crafts, Hair, Tanning, and Personal Care Services, and Laundromats	<b>N</b>
Other Commercial Uses such as Parcel Service Stores, Photocopy and Blueprint Services, Photographic Studios, Tailors and Seamstresses	<b>N</b>
<b>Commercial Uses with Class II Impacts:</b>	
Other Commercial Uses such as Educational, Arts and Training Facilities, Food & Beverage Sales (with drive up facilities)	<b>N</b>
Other Commercial Uses such as, Entertainment, Indoor Continuous Activities like Theaters, Health Clubs, Gyms, Membership Clubs, Bowling Alleys, Skate Rinks, and Game Arcades; Pool Halls, Indoor Firing Ranges; Exhibition and Meeting Areas, Financial Institutions (with Drive Up Operations), Hotels, Laundry Drop Off Facilities, Liquor Stores (OLCC License), Lodges; Medical, Optical and Dental Labs, Stores Selling, Leasing, or Renting Furniture, Appliances, Garden Supplies, Home Improvements, Household Products, Plants; Stores (greater than 15,000 sqft) Selling Groceries, Pharmaceuticals, Printed Material, Stationery, & Videos, Arts & Crafts, Hair, Tanning, and Personal Care Services, and Laundromats, and self-serve storage facilities	<b>N</b>
Drive-Up/Drive-In/Drive-Through (Drive-Up Windows, Kiosks, ATM's, similar uses/facilities)	<b>N</b>
<b>Commercial Uses with Class III Impacts:</b>	
Parking Lot (when not an accessory use)	<b>N</b>
Micro Breweries (5,000 square feet or less)	<b>N</b>
Other Commercial Uses such as Auto Sales and Services, Commercial Centers, Micro Breweries (larger than 5,000 square feet), Distilleries, and Wineries; <del>Mini-Storage Units,</del> Outdoor Amphitheaters Sales or Leasing of Consumer Vehicles Including Passenger Vehicles, Motorcycles, Light and Medium Trucks, & Other Recreational Vehicles, Shopping Mall.	<b>N</b>
Other Commercial Uses with class III Impacts.	<b>N</b>
<p><b>Key:</b> OP = Outright Permitted (Building Permit issued after a site review); MR = Ministerial Review; AR = Permitted with Administrative Review; CU = Conditional Use approval required (Chapter 16.21); N =Not permitted; * = Number of Units following an AR or CU designation. Also see Table 16.10-1: Characteristics of Major Land Use Actions Matrix -- Projects in a Public Use Zone Requiring a Planned Development Review (Chapter 16.23).</p>	

## **16.19.110 Temporary Uses**

### **A. Purpose**

The purpose of these regulations is to provide standards for the establishment of temporary businesses and similar uses within the City.

### **B. Permitted Uses**

Where allowed, the following temporary uses shall be permitted subject to the following limitations and requirements:

#### **1. Tree and Fireworks**

Christmas tree or fireworks sales are permitted subject to the following:

- a. The sales shall be allowed in Commercial zones and those properties containing public or semi-public uses, such as schools, churches, regardless of the underlying zone.
- b. Such uses located within Residential zones shall not operate beyond 9:00 PM.
- c. The specific activity is located within the City for no more than 90 days in a calendar year.
- d. The operator of a temporary use shall obtain all permits required by other agencies.
- e. The required parking for the primary uses on the same lot is not reduced below Ordinance requirements and the use does not block driveways, driveway entrances, or parking aisles.
- f. The activity conforms to all signage requirements in Chapter 16.18.
- g. The activity conforms to all setback requirements of the zone.
- h. The operator of a temporary use shall provide the required information, pay the applicable fee, obtain and display the required temporary business permit.

#### **2. Commercial Activities**

Amusement and recreational services and retail sales and services are permitted in all Commercial zones, subject to the following:

- a. The business may be operated from a vehicle or temporary structure.
- b. A site and/or address shall not contain more than one vendor at a time. For the purpose of this Section a "site and/or address" may contain several tax lots under the same or similar ownership, or contain one or more permanent business on a single or multiple parcels (e.g., a shopping center).
- c. The business may occupy no more than 300 square feet of an area on a given site and/or address. An exemption to this limitation shall be permitted for amusement and carnival types of activities, provided, the use complies with the remaining provisions in this subsection.
- d. The specific activity is located within the City for no more than 90 days in a calendar year.
- e. The operator of a temporary use shall obtain all permits required by other agencies.
- f. The required parking for the primary uses on the same lot is not reduced below Ordinance requirements and the use does not block driveways, driveway entrances or parking aisles.
- g. The activity conforms to all signage requirements in Chapter 16.18.

- h. The activity conforms to all setback requirements applicable to zone.
- i. The operator of a temporary use shall provide the required information, pay the applicable fee, obtain and display the required temporary business permit.

### **3. Mobile Food Preparation Units**

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

- a. Through a Temporary Use Permit, a maximum of one Mobile Food Preparation Unit may be permitted on a fully improved site and/or address defined in item 2.b of this subsection. If more than one Mobile Food Preparation Unit operates on a site and/or address, the use shall be subject to the regulation and permitting requirements for Food Pods in Section 16.08.100.E of the Lebanon Development Code.
  - b. The business may be operated from a vehicle, cart or trailer with wheels, or temporary structure. Except for electrical service, the vehicle or structure shall be self-contained. This requirement specifically prohibits connections to the City water and/or sewer system.
  - c. The Mobile Food Preparation Unit may occupy no more than 300 square feet of area and shall be kept in good repair and maintained in a safe and clean condition.
  - d. The Mobile Food Preparation Unit is limited to 365 days at a given site and/or address with an unlimited number of 365-day extensions. Each extension shall require a new permit.
  - e. The required parking for the primary uses on the same lot shall not be reduced below Ordinance requirements and the use does not block driveways, driveway entrances, parking aisles, walkways or sidewalks.
  - f. The activity conforms to all signage requirements in Chapter 16.18.
  - g. The activity conforms to all setback requirements applicable to the zone.
  - h. Prior to obtaining a temporary use permit, the applicant shall show evidence of obtaining the necessary permits from Linn County Department of Health Services for the operation of a Mobile Food Preparation Unit. In addition, the operator shall obtain all permits and required inspections by other agencies, including the Lebanon Fire District.
  - i. The Mobile Food Preparation Unit operator shall provide the required information, pay the applicable fee, and obtain and display the required temporary business permit.
4. **Recreational Vehicle Caretaker Dwelling Associated with Certain Self-Service Storage Facilities.**

**A Recreational Vehicle may be used as a Caretaker Dwelling associated with certain Self-Serve Storage Facilities, subject to the following:**

- a. **Eligible Facilities:** A recreational vehicle may be utilized as a caretaker dwelling for open air facilities with no permanent structure intended for occupancy, subject to a Temporary Use Permit.
- b. A maximum of one recreational vehicle may be utilized as a caretaker dwelling per site.
- c. The recreational vehicle may only be used as a dwelling for the caretaker. No business activities associated with the self-service storage facility may occur within the vehicle.
- d. Temporary Use Permit would be issued to the owner of the recreational vehicle with application submittal approval by the property owner.
- e. **Sewer and Water Service:** The caretaker recreational vehicle shall be able to connect to a sewer system to appropriately discharge the grey and black water from the vehicle in a

manner that would not result in site contamination. Water service shall also be available for the recreational vehicle to connect for service while residing on the site.

- f. Site Inspection: Prior to approval of a Temporary Use Permit, the Building Official shall inspect the site to ensure appropriate utility connections are available, and the recreational vehicle for the caretake can appropriately connect to the sewer system as required.

### C. Other Temporary Uses

#### 41. Temporary Construction Facilities

Mobile offices, temporary power equipment and temporary structures used by personnel and to store equipment during construction, provided the structures are located on the construction site and not used as dwellings. There is no restriction as to the zoning.

#### 52. Yard Sales and Auctions

Yard sales or auctions in any zone, provided there are not more than four sales in a calendar year, with each sale not to exceed three consecutive days. Merchandise and signs shall remain on private property. This Section does not limit the number of times, or duration, that public agencies may conduct sales or auctions regard agency land, equipment, supplies or other materials.

#### ~~63. Additional Permitted Temporary Uses~~

~~—The City Council may, by resolution, authorize additional permitted temporary uses during a specific event or festival and set forth reasonable types of uses, appropriate zones for such uses, and any time restrictions the Council finds necessary to protect the health, safety and welfare of the public.~~

## 16.32.020 Meaning of Specific Words and Terms

Amend the following definition:

~~MINI-WAREHOUSE:~~ **SELF-SERVE STORAGE FACILITY:** A facility including ~~building or group of buildings in a~~ controlled-access and fenced compound that contains varying sizes of individual, compartmentalized, ~~and controlled-access~~ stalls or lockers and limited ~~solely~~ to the storage of a customer's ~~personal~~ property, goods, ~~or~~ wares, or recreational vehicles, boats, or trailers. The facility could include a building or group of buildings, or an open air facility for the storage of recreational vehicles, boats, trailers, or similar items. A caretaker dwelling may be included as an accessory use. Also known as mini-storage facilities.

**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 prohibiting recreational vehicle parks in the City and permitting recreational vehicles as caretaker dwellings for certain commercial uses. 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 November 15, 2023. At that hearing, City Planning File No. DCA-23-01 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 December 13, 2023. At that hearing, City Planning File No. DCA-23-01 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 prohibiting recreational vehicle parks in the City and permitting recreational vehicles as caretaker dwellings for certain commercial 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 prohibiting recreational vehicle parks in the City and permitting recreational vehicles as caretaker dwellings for certain commercial uses. 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:** City staff has the authority to require applicants to conduct a Traffic Impact Study or Analysis for any new use (LDC Section 16.12.010.B and Section 16.20.110).

The work must indicate the proposed use complies with the adopted TSP or mitigation measures are available to ensure compliance. The amendments do not change these requirements. Further, the proposed amendment does not change functional classifications or performance standards for transportation routes.

- F. Section 16.28.080 outlines the process for text amendments. This is a legislative action pursuant to Chapter 16.20 and requires hearings before both the Planning Commission and City Council. The Commission reviews the request and makes recommendation to the Council. The final decision on this matter rests with the City Council. For the record, the Commission hearing and process comply with the requirements for a legislative action.
- G. Specific decision criteria are contained in Section 16.28.090. The City may approve a Development Code Amendment 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, it is concluded that 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 16, 2023. A public notice was issued on October 25, 2023 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 15, 2023 Planning Commission meeting, the Planning Commission held a public hearing to solicit public comment and made a recommendation for Council to approve the proposed code amendments. 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 is scheduled for December 13, 2023. By following the legislative review process, the City is consistent with the intent of the Goal. In addition to the legislative review process, the City Council initiated the amendment process based on direct community input during a Council meeting.

Goal 2, Land Use Planning: The proposal includes modifications to the development code to allow for a recreational vehicle to be utilized as a caretaker dwelling in certain circumstances, and to address Council's position to not permit recreational vehicle parks in the City. 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. This code amendment does not eliminate 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. Within the code amendment, language is included to ensure the proposed use of a recreational vehicle as a caretaker dwelling would have the facilities available to avoid site contamination.

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. The amendment provides an opportunity to reduce permitting requirements and increase opportunities for properties in transition to allow an interim use with minimal site improvements required. For recreational vehicle parks, it is determined that the economic benefit received from potential increase in property tax and transient lodging tax does not outweigh the potential costs associated with enforcement and police service increases. A City is authorized to identify specific uses to allow or prohibit for economic development to ensure a healthy workforce and quality of life for the community, 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 amend commercial activity in the city, 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 do not result in an increase in uses that would result in a change in the adopted transportation plan, nor 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 alteration of commercial use regulations 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: Economic Development – This Chapter addresses trends affecting both population growth and economic development.

*The amendments do not directly impact economic development. The amendments include clarification on the City’s regulations regarding RV parks and provides an opportunity for recreational vehicles to be utilized as caretaker dwellings when associated with self-storage facilities with no structures. The code amendments do provide an expanded opportunity for transitional commercial uses with the storage facilities.*

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

*The code amendments regulate business operations of particular commercial uses 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.*

- 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.