



CITY OF LEBANON

*It's easier from here.*

# Lebanon Development Code

## Lebanon Development Code

**Adopted by City Council**

**December 10, 2008**

CITY OF LEBANON

COMMUNITY DEVELOPMENT DEPARTMENT

PLANNING DIVISION

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***Title 16: City of Lebanon  
Development Code***

**Article One: Introduction and  
Administration**

**Chapter 16.01: Introduction**

**Adopted by City Council on  
December 10, 2008**

# Chapter 16.01: Introduction

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# CHAPTER 16.01: INTRODUCTION

## 16.01.010 BACKGROUND

- A. In 1973 the Oregon Legislature established the Land Conservation and Development Commission (LCDC) and empowered the Commission to subsequently adopt Statewide Planning Goals. This Legislation required all Oregon cities and counties to adopt comprehensive plans and ordinances to comply with the Statewide Planning Goals and to coordinate their plans with each affected local government or special district. In 1980 a long and extensive citizen involvement effort enabled the City of Lebanon to adopt a Comprehensive Plan in response to the 1973 State mandates. In order to implement this 1980 Comprehensive Plan, the City of Lebanon also developed and adopted both an ordinance regulating the use of land<sup>1</sup> (the “Zoning Ordinance”) and an ordinance providing for the subdivision and partitioning of land<sup>2</sup> (the “Subdivision Ordinance”). All three of these documents were amended from time to time over the decades.
- B. By 1999 it was apparent that the community, the region, the state, and the nation, as well as the regulatory climate, had changed significantly from the 1970s. Accordingly, the City established a citizen advisory group -- appointed by the Mayor -- to help guide a process to update the entire Comprehensive Plan. This committee’s efforts had to be suspended in order for other essential master plans and documents to first be updated, such as the Transportation System Plan (TSP), and other Land Use Regulations to implement the State’s Transportation Planning Rule (TPR). In 2003 both of these efforts were sufficiently advanced to warrant the formation of a new citizen-based Comprehensive Plan Update Steering Committee (appointed by the Mayor). This group completed its work in the autumn of 2004. The Lebanon City Council adopted this new 2004 Comprehensive Plan on December 8, 2004.
- C. Early in 2005 the City initiated the background work to begin a follow up effort to update and combine the community’s “Zoning Ordinance” and “Subdivision Ordinance” into a new Lebanon Development Code to implement the *City of Lebanon 2004 Comprehensive Plan*. A Technical Advisory Group, also a citizen-based group appointed by the Mayor, began assisting this update process on April 5, 2005. This document is the result of this group’s hard work and dedication to the task.

See Glossary  
(Chapter 16.32)  
for Definitions and  
Explanations of  
Terminology Used in this  
Development Code

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<sup>1</sup> Ordinance Bill No. 6 for 1980, Ordinance # 1773.

<sup>2</sup> Ordinance Bill No. 7 for 1980, Ordinance # 1774.

## **16.01.020 ADOPTION, REPEAL, AND EFFECTIVE DATE**

- A. Adoption:** This Code is adopted pursuant to the authority found in the Oregon Constitution, Article XI, Section 2 (“Municipal Charters”); City of Lebanon Charter Chapter II, Section 4 (“Powers of the City”); and applicable provisions of the Oregon Revised Statutes.
- B. Repeal:** As a result of the adoption of this Development Code pursuant to Ordinance # 2766 of 2008, the following previous Ordinance Nos. 1772, 1773, 1774, 1776, 1788, 1834, 1867, 1869, 1873, 1910, 1951, 1972, 2017, 2020, 2021, 2024, 2025, 2027, 2028, 2030, 2040, 2060, 2069, 2074, 2075, 2092, 2135, 2136, 2137, 2205, 2206, 2207, 2219, 2250, 2251, 2394, 2726, 2741. are hereby repealed.
- C. Saving Clause:** The repeal of any ordinance listed above in Section 16.01.020.B shall not affect or prevent application of remedies or punishment of a person for an act done or committed prior to the adoption of Ordinance # 2766 of 2008 and in violation of any ordinance repealed and listed in Section 16.01.020.B.
- D. Revival:** The repeal of any ordinance listed above in Section 16.01.020.B, does not thereby revive any provision, ordinance, or section that was in effect prior to the adoption or amendment of such listed ordinances Section 16.01.020.B.
- E. Effective Date:** The provisions of this Code shall become effective thirty days after the adoption of Ordinance # 2766 of 2008.

## **16.01.030 TITLE**

This ordinance shall be known as the **LEBANON DEVELOPMENT CODE**, and may also be referred to as the Code, the Development Code, or the LDC, throughout this document.

## **16.01.040 STATEMENT OF PURPOSES**

The fundamental purposes of this Code include:

- A. General:** The general purpose of this Code is to establish regulations, standards and procedures for the orderly development and redevelopment of land within the City of Lebanon, to assist in implementing the Lebanon Comprehensive Plan and the Transportation System Plan, to promote the public health, safety and general welfare, and to provide the economic and social advantages that result from an orderly, planned use of land resources. Such regulations, standards and procedures are designed to achieve the following objectives:
1. To implement the City’s Comprehensive Plan.
  2. To provide clarity for the processes of developing and redeveloping property so as to increase the degree of certainty applicants may expect from such processes.
  3. To maintain flexible processes to accommodate unique circumstances, situations, and proposals.
  4. To maintain an open, public and accessible review process.
  5. To provide for desirable, appropriately located living areas in a variety of dwelling types and at a suitable range of population densities.

6. To ensure that the development review process shall not result in the exclusion of needed housing at densities permitted by the underlying land use or development zone designations or result in unreasonable cost or delay.
  7. To protect residential, commercial, industrial and civic areas from the intrusions of incompatible uses.
  8. To provide opportunities for compatible uses to locate in proximity with one another to facilitate mutually beneficial relationships, more efficient operations, and shared services.
  9. To ensure adequate opportunities for commercial, industrial, civic, facilities and services, and other activities necessary for a healthy economy.
  10. To promote safe and efficient movement of people and goods and to provide for adequate off-street parking.
  11. To establish consistent standards regarding development, thereby providing a basis for wise decisions with respect to such development.
  12. To promote the position of the City as a center of commerce, industry, recreation and culture.
  13. To facilitate cost effective and efficient extensions of public services.
  14. To promote development that facilitates and enhances the community's resiliency in preparing for and recovering from disaster and emergency situations.
- B. Conformity with the Comprehensive Plan:** The land development regulations contained in this Code are in accordance with the adopted Comprehensive Plan and are intended to ensure that development and redevelopment are of the proper type, design, and location and serviced by a proper range of public facilities and services; and in all other respects be consistent with the goals and policies of the City of Lebanon Comprehensive Plan.
- C. Conformity with the Transportation System Plan:** The land development regulations contained in this Code are in accordance with the adopted Transportation System Plan and are intended to ensure that development and redevelopment impacting transportation facilities are consistent with the goals and policies of the City of Lebanon Transportation System Plan.
- D. Conformity with State and Federal Law:** All actions initiated under this code shall be consistent with all applicable State and Federal laws and regulations.
- E. Division of Land:** Establishing standards and procedures for the division of land within the jurisdiction of the City of Lebanon. These regulations are necessary in order to: provide uniform procedures and standards for the division of land; provide for the proper width and arrangement of streets; coordinate proposed development with applicable City-wide and specific plans; provide for utilities and other public facilities; maximize efficiency of transportation infrastructure; provide opportunities for new creative land uses; optimize densities of development; permit densification when opportunities are manifest; assure adequate sanitation and water supply; provide for the protection, conservation, and proper use of land; protect solar access; and in general further protect the public health, safety and welfare of the community.

## **16.01.050 CITIZEN INVOLVEMENT**

The City of Lebanon recognizes its responsibilities to promote citizen participation under Statewide Planning Goal 1. The City's Citizen Involvement Program encourages effective communication between citizens and City officials, and is intended to assure that all citizens have an opportunity to be involved in all phases of the planning process. In order to fulfill this responsibility, the City has adopted a Citizen Involvement Program as it regards decisions concerning the development of land in the community. For a more detailed discussion of the Community's citizen involvement program, please see Chapter 1 of the City's 2004 Comprehensive Plan.

## **16.01.060 ORGANIZATION OF THIS CODE**

### ***A. Range of Authority***

This document is a comprehensive land use and development code that governs all of the land within the incorporated limits of the City of Lebanon as those boundaries may change from time to time. The thirty-two chapters of the Lebanon Development Code (LDC) are used together to review and evaluate land use applications.

### ***B. Development Code Organization and Summary***

This Code is divided into seven Articles (or Parts) and thirty-two Chapters.

#### **1. Article One: Introduction and Administration (Chapters 16.01 – 16.02)**

- a. Chapter 16.01 - Introduction:** This Chapter provides an historical background for the development of this code, its adoption, effective date, and repeal of prior ordinances that this Code replaces. This Chapter also sets forth the purposes of the document, and its organization.
- b. Chapter 16.02 - General Administration:** This Chapter describes the responsibilities of the City agencies, officers, and staff with land use development responsibilities, including City Council, City Manager, Planning Commission, and Planning Official. It also provides basic information on the legal framework of the Code, and explains the City's authority to enforce the Development Code and its enforcement provisions.



## **2. Article Two: Land Use (Chapters 16.03 – 16.11)**

**Chapters 16.03 – 16.11** describe Lebanon’s Land Use Zones. Every parcel, lot, and tract of land within the City’s incorporated boundary is also within a “land use zone”. Land use zones are shown on the City’s official zoning map. Land uses include residential, commercial, industrial, public, and mixed uses. This Portion of the Development Code identifies the land uses that are permitted within each zone, and the standards that apply to each type of land use (e.g., lot standards, setbacks, and use-specific development standards). As required by state law, the zones must conform to the *City of Lebanon’s 2004 Comprehensive Plan and Map* designations for land use. The zones reserve land for planned land uses, provide compatibility between different uses, and implement planned housing densities. The zones as defined by the *Comprehensive Plan Map* designations identify permissible land uses and corresponding service demands that were considered and taken into account during the formulation of the City’s Facility Master Plans (e.g., Water, Wastewater or Sanitary Sewer, Drainage or Storm Water, Transportation, Parks, and so on) and their routine updates. The facility master plans were developed to be able to serve a range of land development activities including those that represent the maximum demands on the facilities allowable by the *Comprehensive Plan Map* and corresponding Zoning Map designations. This section of the Code also includes the provisions of a number of “overlay zones” (OZ), such as the Airport OZ, Riparian OZ, Special Transportation OZs, and the Steep Slope Development OZ.

## **3. Article Three: Community Development and Use Standards (Chapters 16.12 – 16.19)**

**Chapters 16.12 – 16.19** address development standards required in association with new development, redevelopment, or intensification of existing development, including standards for transportation, access management and circulation, off-street parking, street trees and landscaping, public facilities, signage, lighting, solar access, and special requirements for certain specific use types. The development standards contained in this portion of the Development Code apply throughout the City. They are used in preparing development plans, and reviewing applications to ensure compliance with City standards including access and circulation, transportation improvements, off-street parking, landscaping, public facilities, signage, and wireless communication facilities.

## **4. Article Four: Land Use And Development Reviews, Decision Requirements And Procedures (Chapters 16.20 – 16.28)**

**a. Chapter 16.20 – Review and Decision Making Procedures:** This Chapter explains the four types of review and decision making procedures and processes utilized by this Development Code: **(1) Ministerial** (non-discretionary decision); **(2) Administrative** (discretionary, decision); **(3) Quasi-Judicial** (discretionary decision with public hearing); and **(4) Legislative** (decision by City Council). This Chapter contains administrative procedures and review criteria for land use actions that require applying at least some discretion in making a decision. Administrative decisions are made by staff without a public hearing but require notice be mailed to affected parties prior to a decision being made. In other cases, review and decisions are made by the Planning Commission, or City Council after conducting at least one public hearing. These procedures also require prior notice to affected parties.

**b. Chapters 16.21 – 16.28** provide all of the application requirements and procedures for obtaining land use and development approvals required by this Code. This includes Conditional Uses, Land Divisions (Subdivisions, Partitions), Property Line Adjustments, and Plat Vacations, Planned Development Reviews, Modifications to Approved Plans and Conditions of Approval, Code Interpretations, Annexations, Comprehensive Plan Map/Zoning Map, and Urban Growth Boundary Amendments, and Comprehensive Plan and Development Code Text Amendments.

**5. Article Five: Exceptions to Code Standards (Chapters 16.29 – 16.30)**

**Chapters 16.29 - 16.30** provide standards and procedures for variances and non-conforming situations (i.e., existing uses or development that do not comply with the code), and lots of record. Given the City's varied geography, and the complexities of land development, flexibility is required in the application of standards. This portion of the Development Code provides that flexibility, while maintaining the purposes and intent of the overall Code.

**6. Article Six/Chapter 16.31: Historic Preservation Standards and Requirements**

This Chapter establishes the Planning Commission as the City's official Historic Landmark Commission, sets forth its powers and duties, continues the authority of the Lebanon Historic Register, provides criteria for decisions regarding the inventorying, listing of historic resources, as well as proposed alterations and demolitions of historic resources, sets forth enforcement provisions and penalties, and lays the ground work for the advisory and cooperative role of unofficial historic advocacy groups and interested citizens.

**7. Article Seven/Chapter 16.32: Glossary**

This Chapter contains definitions of words that are not in common usage or have a specific meaning to the Code.

***Title 16: City of Lebanon  
Development Code***

**Article One: Introduction and  
Administration**

**Chapter 16.02:  
General Administration**

**Adopted by City Council on  
December 10, 2008**

# Chapter 16.02

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# CHAPTER 16.02: GENERAL PROVISIONS

## 16.02.010 BACKGROUND - COMPLIANCE AND SCOPE

### **A. Compliance with the Provisions in the Development Code**

Land and structures may only be used or developed by construction, reconstruction, alteration, occupancy, use or otherwise, as identified in this Development Code, or any amendment thereto.

1. No plat shall be recorded or no building permit shall be issued without compliance with the provisions of this Code.
2. No land development standard existing on or after the effective date of this Code shall be reduced below the minimum required for it by this Code, unless allowed a waiver or variance is allowed according to provisions of this Code.

### **B. Site Specific Compliance Obligations Over Time**

The requirements of this Code and specifically identified conditions of land use approval shall apply to a site for the duration of a land use activity permitted under the provisions of this Code, and shall not vary with any subsequent amendments of this Code.

### **C. Most Restrictive Regulations Apply**

Where this Code imposes greater restrictions than those imposed or required by other rules or regulations, the most restrictive or that imposing the higher standard shall govern.

### **D. Variances**

Variances shall be governed by the provisions of Chapter 16.29.

### **E. Consistency with Plan and Laws**

Each development and use application and other procedure initiated under this Code shall be consistent with the City's adopted Comprehensive Plan as implemented by this Code, adopted master plans, and with applicable local, state and federal laws and regulations. All provisions of this Code shall be construed in conformity with the adopted Comprehensive Plan.

### **F. Use of a Development**

A development shall be used only for a lawful use. A lawful use of a development is one that is permitted by this Code (including non-conforming uses), and is not prohibited by law.

### **G. Pre-Existing Development and Approvals**

1. **Pre-Existing Development:** Nothing contained in this Development Code shall require any change in the plans, construction, alteration, or designated use of a structure that has been lawfully approved under the provisions and standards that were in effect prior to adoption of this Development Code.
2. **Legality of Pre-Existing Approvals:** Developments, including subdivisions, projects requiring development review and/or site design review, or other development applications for which approvals were granted prior to the effective date of this Code, may continue pursuant to such approvals; except that a modification to a pre-existing approval shall comply with Chapter 16.24 - Modifications to Approved Plans and Conditions of Approval.

- 3. Subsequent Development Applications:** All development proposals received by the City after the adoption of this Code shall be subject to review for conformance with the standards under this Code or as otherwise provided by state law.

#### ***H. Building Permit and Certificate of Occupancy:***

- 1. Building Permit:** A building permit shall not be issued until the *Planning Official or designee* has issued a determination indicating land use application approval has occurred in accordance with the provisions of this Code and other required reviews, or otherwise found that such a review is not required.
- 2. Certificate of Occupancy Required:** In those cases in which a building permit is required, to ensure completion of a structure or use in the manner approved, a structure shall not be occupied and a use shall not begin until the *Building Official* has issued a certificate of occupancy and/or a final building permit following completion of the work in substantial conformance to the applicable land use and building permits, including other mandatory requirements such as those of the Engineering Division and Fire District Standards and Conditions.
- 3. Temporary and/or Partial Occupancy Permit:** Prior to the final completion of all work, a certificate of occupancy may be issued by the Building Official at his/her discretion for a portion or all of the structure conditioned upon further work being completed by a date certain.

#### ***I. Official Action and Non-Violation Provisions***

- 1. Official Action and Code Compliance:** All officials, departments, employees and agents of the City vested with authority to issue permits or grant approvals shall adhere to and require conformance with this Code and shall not issue a permit or grant approval for any development or use which violates or fails to comply with conditions or standards imposed to carry out this Code, or if that approval would result in violation of any other City ordinance.
- 2. Violations of City Codes and Non-Acceptance of Applications:** The Planning Official shall not accept an application when it is known that approval of the application would cause violation of any City ordinance.
- 3. Incomplete or Erroneous Information:** Any land use submittal based on incomplete or erroneous information shall be deemed incomplete<sup>1</sup>, and may warrant the submittal of additional information as determined by the Planning Official.
- 4. Notice:** The failure of any person to receive mailed notice or failure to post a notice shall not invalidate any actions pursuant to this Code, provided a good faith effort was made to notify all parties entitled to notice. The City shall keep a record of its efforts to notify all parties entitled to notice.

#### ***J. Authority to Impose Conditions of Approval***

In order to assure compliance with the provisions of this Code and other applicable law, the Planning Official and hearing bodies of the City have the authority to impose conditions of approval governing any final decision allowing development in the City.

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<sup>1</sup> State law requires that the City make a determination of incompleteness within 30 days of the filing of an application.

## **16.02.020 CITY AGENCIES, OFFICERS, AND STAFF WITH LAND USE AND DEVELOPMENT RESPONSIBILITIES**

### ***A. The City Council***

#### **1. Authority and Responsibility**

The State has delegated to the City Council responsibility for adopting land use plans and regulations. The City has adopted this Code pursuant to its responsibilities to secure the health, safety, and welfare of its citizens and also pursuant to its home rule authority. The City Council has created a Planning Commission for the purpose of implementing such plans and controls. In addition, the State has authorized the Council to act upon applications for development or to delegate its authority to act upon such applications.

#### **2. Powers and Duties Related to Land Use Decision Making**

The City Council has the following powers and duties in addition to any others it may now have, be given, or confer upon itself. The City Council:

- a. May adopt, amend, supplement, or repeal plans and policies for development in the community.
- b. May adopt, amend, supplement, or repeal the text of any provisions or regulations of this Code or the boundaries of land use zones established on the official Land Use or Zoning Map.
- c. Shall review decisions of the Planning Commission upon appeal.
- d. May expand the City Limits through the annexation of territory that qualifies for inclusion in the City.
- e. May undertake any other legally required action for the management of the City, including Code enforcement.

#### **3. Staffing**

In all land use matters under the authority of this Code, the City Council shall be staffed by the City Manager and/or their designee(s), and the heads of City Departments and Divisions, including the Planning Official.

### ***B. The Planning Commission***

The Planning Commission shall be appointed in accordance with the Planning Commission's enabling ordinance (Administrative Section of the Lebanon Municipal Code). The Commission shall have the powers and duties provided therein and provided by this Code.



## **C. Planning Official**

### **1. Powers and Duties**

As empowered by the terms of this Code, the Planning Official shall have the power and duty to enforce the provisions of this ordinance. The Planning Official provides professional planning assistance to the citizens, City Council, Planning Commission, and City Manager and is hereby authorized to interpret provisions of this Code and to perform such other duties in the administration of the Lebanon Development Code as are required herein. Such powers and duties may be accomplished by person(s) as designated by the Planning Official.

### **2. Authorization of Similar Uses**

The Planning Official may permit in a particular zone a use not listed in this ordinance, provided the use is of the same general type as the uses permitted there by this ordinance. However, this section does not authorize the inclusion in a zone where it is not listed, of a use specifically listed in another zone. The decision of the Planning Official may be appealed to the Planning Commission using procedures as spelled out in Chapter 16.20 of this Code.

## **D. Conflict of Interest**

A member of the hearing authority (Planning Commission, or City Council) shall not participate in any proceedings or action in which the member has an actual conflict of interest defined in State law that would otherwise bar their participation in a decision. Any *ex parte* declaration or actual or potential conflict of interest shall be disclosed at the initiation of all land use hearings.

## **E. Participation by Interested Officers or Employees**

An officer or employee of the City who has a financial interest in a land use decision shall not participate in discussions with or give an official opinion to the hearing body without first declaring for the record the nature and extent of such interest.

## **16.02.030 LEGAL FRAMEWORK**

### **A. Rules of Construction**

This Code shall be considered flexible in order to achieve its purposes. Unless otherwise specifically prescribed in this Code, the following provisions shall govern its interpretation and construction:

1. When consistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number.
2. Unless otherwise specified in this Code, any action authorized or required to be taken by the City may be taken by the Council or by an official or agent designated by the Council.

### **B. Severability**

The provisions of this ordinance are severable. If any section, sentence, clause, or phrase of this ordinance is adjudged by a court of competent jurisdiction to be incomplete, the decision shall not affect the validity of the remaining portions of this ordinance.

### **C. Descriptive Headings**

The paragraph captions and headings in this Code are for convenience and reference purposes only and shall not affect in any way the meaning or interpretation of this Code.

### **D. Savings Clause**

Lebanon City Ordinance 1773, as amended, which is repealed by the ordinance adopting this Code, shall remain in force to authorize the arrest, prosecution, conviction, and punishment of a person who violates Lebanon City Ordinance 1773, as amended, prior to the effective date of this Code.

### **E. Revival**

The repeal of Lebanon City Ordinance 1773, as amended, does not thereby revive any provision, ordinance, or section that was in effect prior to the adoption or amendment of Lebanon City Ordinance 1773 as amended. This repeal does not affect any punishment, penalty, or fine incurred before the repeal took place or any prosecution or proceeding commenced or pending prior to the adoption of this Code.

### **F. Nondiscrimination**

The City shall not discriminate on the basis of race, religion, national origin, age, color, gender, sexual orientation, physical disability, or socio-economic status in the administration or enforcement of this Code.

## **G. The Official Land Use Zoning Map**

### **1. Boundaries of Land Use Zones**

Boundaries of Land Use Zones established by this Code are shown on the Official Zoning Map on file in the Community Development office. The Official Zoning Map and all amendments and other matters entered on the Official Zoning Map are a part of this Code and have the same legal effect as if fully set out herein.

### **2. Zone Boundaries**

Unless otherwise specified, zone boundaries are section lines, subdivision lines, lot lines, center lines of street or railroad right-of-way or such lines extended except where a boundary line clearly divides a lot, then the boundary line shall be determined by use of the scale designated on the zoning map. Where a boundary line divides a lot, the boundary line shall be considered as the lot line for purposes of determining area and setback requirements for each zone.

### **3. Amendments**

Amendments to the Official Zoning Map shall be adopted as provided in Chapter 16.27, (Zoning Map Amendments) of this Code. After adoption of an amendment, the Planning Official shall alter the Official Zoning Map to indicate the amendment.

### **4. Zoning and Annexations**

- a. All areas annexed to the City shall be placed in a zoning classification in accordance with the adopted Comprehensive Plan, as provided in Chapter 16.26, (Annexations) of this Code.
- b. Annexations involve the first application of City zoning to property that already has a City Comprehensive Plan Map designation, but has never had a City Zoning Map designation..

### **5. New Zoning and the Comprehensive Plan**

All new Zoning actions (e.g., re-zoning) shall be consistent with the City of Lebanon's adopted Comprehensive Plan Map. (See Chapter 16.27 of this Code.)

## **H. Development Review Process**

The City has two types of development or redevelopment activities: Outright Permitted Uses, and Other Approved Uses.

### **1. Outright Permitted Uses**

Development activities that are permitted outright, are subject to compliance with the development criteria and standards of this Code. These uses require staff review (e.g., of the site plan) upon application for a building permit and are subject to zoning standards and other development provisions of the Code and applicable City ordinances and requirements. Examples of outright permitted uses include but are not limited to single-family dwellings in all residential zones: Residential Low Density (Z-RL) Residential Mixed Density (Z-RM), and the Residential High Density (Z-RH) zone.

### **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 would require a Conditional Use hearing in a Highway Commercial Zone (Z-HCC); a 25 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.

### **3. Development Review Guides**

The City, from time to time, may produce pamphlets, brochures and other publications for the public that illustrate and explain the various review processes.

## **16.02.040 ENFORCEMENT**

### **A. Responsible Officers**

The Lebanon Development Code shall be administered and enforced by the City's Planning Official.

### **B. Building Permit**

A building permit shall not be issued by the Building Official for any authorized development unless the proposed development complies with the provisions of this Development Code (including any established conditions of approval), and the required land use development permit was issued.

### **C. Certificate of Occupancy**

A certificate of occupancy shall not be issued by the Building Official for any development unless all requirements of this Code have been met (including any established conditions of approval), or until the applicant has provided some written form of assurance consistent with provisions in this Development Code guaranteeing the completion of all requirements.

### **D. Stop Work Order**

Whenever any work is being done contrary to the provisions of this Development Code, including any established conditions of approval, the City may order the work stopped by notice in writing served on any persons engaged in the work, and any such persons shall immediately stop such work until authorized by the City to continue. The decision to issue or rescind a stop work order shall be made by the City's Planning Official in conjunction with the Building Official.

### **E. Violations**

1. Use of land in the City of Lebanon not in accordance with the provisions of this Development Code, including any conditions of approval established as part of a land use decision, constitutes a violation. Any person, firm or corporation, who violates, disobeys, omits, neglects, or refuses to comply with any of the provisions of the Code, conditions of approval, or who resists the enforcement of such provisions, shall be subject to civil penalties as proscribed by the Lebanon Municipal Code for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.
2. Upon receiving information concerning a violation of this Code, the City's Planning Official may conduct, or cause to be conducted, an investigation to determine whether a violation exists. The Planning Official may request the assistance of other City agencies and officers in the conduct of such investigations.

***Title 16: City of Lebanon  
Development Code***

ARTICLE TWO  
LAND USE ZONES

**Chapter 16.03:  
Land Uses**

**Adopted by City Council on  
December 10, 2008**

# Chapter 16.03: Land Uses

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# Chapter 16.03: Land Uses

## 16.03.010 INTRODUCTION

### A. Background

This Chapter is intended to be used in conjunction with the land use standards in the following chapters. This Chapter provides specific examples of uses that fall under each general land use type. By providing examples of specific uses, and not an exhaustive list, the City has flexibility in determining similar uses, which should be helpful as community values, technology, and consumer needs and demands change.

### B. Purpose

1. This Chapter classifies land uses and activities into land use types on the basis of common functional, product, or physical characteristics, and degree of impacts to surrounding properties and neighborhoods.
2. Section 16.03.080 contains a listing of basic submittal requirements for Commercial, Industrial, Public Use, and Multi-Family Development applications.

### C. Determination of Uses and Authorization of Similar Uses

1. **Uses:** Uses are assigned to the land use type whose description most closely describes the nature of the primary use.
2. **Multiple Uses:** Developments may have more than one primary use. Developments may also have one or more accessory uses.
3. **Authorization of Similar Uses:** The Planning Official may permit in a particular zone a use not listed in this ordinance, provided the use is of the same general type as the uses permitted there by this ordinance, and that the use is not specifically listed in another zone. The decision of the Planning Official may be appealed to the Planning Commission.
4. **Interpretation of Use Type:** When a use's type is not clearly identifiable, the Planning Official determines the applicable use type. The following criteria are considered to determine what land use type the use best fits within, and whether the activities constitute primary uses or accessory uses:
  - a. Building Code Occupancy status.
  - b. Description of the activity(ies) in relationship to the characteristics of each use land use type.
  - c. Relative amount of site or floor space and equipment devoted to the activity.
  - d. Relative amounts of sales from each activity.
  - e. Relative number of employees in each activity.
  - f. Customer type for each activity.
  - g. Hours of operation.
  - h. Building and site arrangement.
  - i. Type of vehicles and relative number of vehicle trips associated with the activity.
  - j. Impacts to adjacent properties and neighborhoods.
  - k. Signage.
  - l. How the use advertises itself.
  - m. Whether the activity would function independently of the other activities on the site.

5. **Accessory Uses:** Accessory uses are allowed by right in conjunction with the use unless stated otherwise in the regulations. Also, unless otherwise stated, they are subject to the same regulations as the primary use. However, accessory structures may not be placed on a lot or parcel without an approved primary use and structure in place, or both uses/structures must be constructed concurrently.
6. **Examples of Uses:** The "Examples" section of a land use type provides a list of examples of uses that are included in the land use type. The names of uses on the lists are generic. They are based on the common meaning of the terms and not on what a specific use may call itself. ***It is important to keep in mind that these lists of examples are not exhaustive, but are instead illustrative.*** (See following List of Land Use Examples, Section 16.03.20, page 4.)
7. **Exceptions and Exclusions:** The "Exceptions and Exclusions" subsection of a use type provides a list of examples of uses that are excluded in the land use type. The list of exceptions and exclusions is not exhaustive.

#### **D. Types of Uses**

The following are the major land use types listed in this Chapter: Residential Uses, Commercial Uses, Industrial Uses, Public Uses (Institutional and Civic), and Other Uses.

#### **E. Impact Classifications (Class I, II, and III):**

1. All land use types are further divided into three subcategories by the degree of impacts that the uses could reasonably be expected to exert on the surrounding properties and neighborhood.
2. Generally speaking, Residential land uses have fewer and less serious impacts than Commercial Uses, and Commercial land uses have fewer and less serious impacts than Industrial land uses. However, some industrial uses could have lower impacts than some Commercial uses, and so on. Public land uses (Civic and Institutional) and Other land uses vary widely in their impacts.
3. Accordingly, all land uses are divided into Classes of Impacts within their own unique category: Residential Uses, Commercial Uses, Industrial Uses, Public Uses, and Other Uses:
  - a. **Class I Impacts:** Class I Impacts are the least significant impacts. Development with Class I Impacts would have minimal adverse project impacts. The range and scale of the impacts would be limited to the subject property and the immediately adjacent properties. The adverse project impacts would include factors<sup>1</sup> that could impact the health, safety, and welfare of the citizens within this area surrounding the subject property. Such impacts would generally require the least amount of mitigation if any, and would normally require minimal evaluation during the planning review and permitting processes in order to protect the interests of the public.

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1. Such factors could include the size of a building, the size of the site, number of employees and/or patrons, traffic volumes and impacts, the use and storage of various substances and chemicals (types and quantities), as well as externalities such as noise and emissions.

- b. Class II Impacts:** Class II Impacts are potentially more significant than Class I, but less so than Class III. The range and scale of the impacts would be limited to the subject property and the immediately adjacent properties, and the immediately surrounding neighborhood. The adverse project impacts would include factors<sup>1</sup> that could impact the health, safety, and welfare of the citizens within this area surrounding the subject property. Accordingly impact mitigation and due diligence during the review and permitting processes would be more significant than for Class I Impacts.
- c. Class III Impacts:** Class III Impacts are the most significant impacts. Development with Class III Impacts could be expected to have measurable adverse project impacts. The range and scale of the impacts would generally not be limited to just the subject property and the immediately adjacent properties, and the immediately surrounding neighborhood. The range of impact could be expected to extend beyond the surrounding neighborhood, and may include area wide or substantial infrastructure system impacts. The adverse project impacts would include factors<sup>1</sup> that could impact the health, safety, and welfare of the citizens within this area surrounding the subject property. Such impacts and their mitigation would generally involve formal public involvement (public hearing) during the planning review and permitting processes in order to protect the interests of adjacent properties, surrounding neighborhood(s), and the general public.
- 4. Actual determination of the appropriate level of mitigation, review process and public involvement requires identification of specific land uses and their impacts in specific zones.** The land use tables in Chapters 16.05-16.11 are the results of this analysis.

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1. Such factors could include the size of a building, the size of the site, number of employees and/or patrons, traffic volumes and impacts, the use and storage of various substances and chemicals (types and quantities), as well as externalities such as noise and emissions.

## 16.03.020 ALPHABETICAL LIST OF LAND USE EXAMPLES

*(This list of examples is not exhaustive, but is instead illustrative.)*

Key: [R] = Residential Uses (see pages 7-8); [C] = Commercial Uses (see pages 9-13); [I] = Industrial Uses (see pages 14-16); [P] = Public Uses: Institutional & Civic (see pages 17-19); [O] = Other Uses (see pages 20-21)

“Adult” materials & entertainment facility [C]

Accessory Dwellings [R]

Accessory Structures (with a permitted use) [R]

**Agriculture:** Examples include non commercial breeding or raising of fowl or other animals (excluding swine, all feedlots, and dairies); riding stables; riding academies; kennels or other animal boarding places; farming, truck gardening, forestry, tree farming; and wholesale plant nurseries. [O]

Alignment Shop [C]

Amusement Parks [C]

Animal grooming [C]

Apartments (four or more units) [R]

Armory [O]

Arts & Crafts [C]

Assembly of Light Machinery, Equipment, Appliances, and other Electrical Items [I]

Assisted Living Facilities (ALF) [R]

Auditoriums [C]

Auto and Truck Salvage & Wrecking [I]

Auto Body Shop [C]

Auto Detailing [C]

Auto Repair [C]

Auto Sales [C]

Auto Upholstery Shop [C]

Banks [C]

Batting Cages [C]

Bed and Breakfasts [R]

Boarding House or Facility [R]

Boat Launching Areas [P]

Boat Rental Facilities

Botanical Gardens [P]

Breweries, Distilleries, and Wineries (less than 5,000 sq ft) [C]

Breweries, Distilleries, and Wineries (greater than 5,000 sq ft) [I]

Building Materials (Sales)

Building, Heating, Plumbing or Electrical Contractor Shops [I];

Bus Barns (Commercial or Industrial) [I]

Bus Barns (Public) [P]

Call Centers [C]

Car Washes [C]

Catering Establishments [C]

Cemeteries [P]

Child Day Care, Not in a Home [Child care center, family child care. Facilities that provide care and supervision of minor children for periods of less than 24 hours. “Family child care providers” provide care for not more than 12 children in a home. See applicable ORS for certification requirements.] [C]

City Maintenance Shops [P]

City Offices and Facilities [P]

Cold Storage Plants, including Frozen Food Lockers [I]

Colleges, Universities, Community Colleges, and Adult Education Facilities [P]

Commercial Centers [C]

Community Centers [P]

Community Development Center [P]

Concrete Batching and Asphalt Mixing [I]

Condominiums [R]

Cottage Clusters [R]

Daycare Programs and Facilities [Not in a Home -P]

Distribution Centers [I]

Dormitories [R]

Drive-In Theatres [C]

Dry Cleaners [C]

Duplexes [R]

Educational, Arts and Training Facilities [C]

Electric Motor Repair [I]

Electrical Supplies (Sale of) [I]

Energy Production (except Photovoltaics and Solar Collectors) [I]

Entertainment, indoor continuous activities like Theaters, Health Clubs, Gyms, Membership Clubs, Bowling Alleys, Skate Rinks, and Game Arcades; Pool Halls, Indoor Firing Ranges [C]

Exhibition and Meeting Areas [C]

Exterminators [I]

Fairgrounds [C]

Family Child Care in a Home [Facilities that provide care and supervision of minor children for periods of less than 24 hours. "Family child care providers" provide care for not more than 12 children in a home. See ORS for certification requirements.] [R]

Filling (Gas) Stations [C]

Financial Institutions (with Drive Up) [C]

Financial Institutions (without Drive Up) [C]

Florists [C]

Food & Beverage Sales with Drive-Up [C]

Food & Beverage Sales without Drive-Up [C]

Forestry (See Agriculture) [O]

Fuel Oil Distributors;

Fuel Storage and/or Distribution Yards (Solid, Liquid or Gas) [I]

Gas (Filling) Stations [C]

Golf Courses [C]

Golf Driving Ranges [C]

Hair, Tanning, and Personal Care Services [C]

Hazardous-Waste Collection Sites [I]

Heavy Truck Servicing and Repair [I]

Homeless Shelters when operated by a Public or Non-Profit Agency [P]

Home Occupations [R]

Hospice Facilities [R]

Hospitals and Large Medical Complexes [P]

Hotels [C]

Hotels, Restaurants, and other services that are part of a Truck Stop are considered accessory to the Truck Stop [I]

Houseboats [R]

Household Moving and General Freight Storage and Warehouse [I]

Janitorial, Caretaker, and Building Maintenance Services [I]

Laundromats [C]

Laundry Drop Off Facilities [C]

Laundry, Dry-Cleaning, & Carpet Cleaning Plants [I]

Libraries [P]

Liquor Stores (OLCC License) [C]

Locksmith [C]

Lodges [C]

Lumber Mills, Pulp and Paper Mills, and Other Wood Products Manufacturing [I]

Machine Shops [I]

Mail Order Houses [I]

Major Post Offices [I]

Manufacture or Assembly of Heavy Machinery, Equipment, Vehicles, Appliances, and Other Electrical Items (discharge permits required) [I]

Manufacture (Light) or Assembly (Light) of Instruments, including Musical Instruments, Precision Items [I]

Manufacture or Assembly of Machinery, Equipment, Vehicles, Appliances, and Other Electrical Items (no discharge permits required) [I]

Manufactured Home Parks [R]

Manufactured Housing [R]

Marinas [C]

Medical, Optical and Dental Labs [C]

Miniature Golf Facilities [C]

**Mining:** No new uses are allowed. [O]

Mini-Marts [C]

Mini-Storage Units [C]

Mobile Home Storage Yard [I]

Mortuaries/Funeral Homes [C]

Motels [C]

Movie Production Facilities [I]

Municipal Courts [P]

Museums [P]

Nursery Schools [P]

Nursing and Convalescent Homes [R]

Offices - Government and Utilities [C]

Offices - Lenders, Brokerage Houses, or Real Estate Agencies, Data Processing [C]

Offices - Medical, Optical and Dental Clinics [C]

Offices - Professional Services like Lawyers, Accountants, Engineers, or Architects [C]

Offices - Tax Preparers, Accountants, Legal, Financial Services [C]

Outdoor Amphitheaters [C]  
Parcel Receiving and Distribution Services and Warehouse [I]  
Parcel Service Stores [C]  
Parking (Public and Commercial) [C]  
Parks [P]  
Photocopy and Blueprint Services [C]  
Photofinishing Laboratories [I]  
Photographic Studios [C]  
Plumbing Supplies (Sale of) [I]  
Portable Sanitary Collection Equipment Storage and Pumping [I]  
Preschools [P]  
Printing, Publishing and Lithography [I]  
Printing, Quick facilities [C]  
Processing of Food and Related Products [I]  
Production (commercial scale, not artisan) of Chemical, Rubber, Leather, Clay, Plastic, Stone, or Glass Materials or Products [I]  
Production of Artwork and Toys [I]  
Production of Prefabricated Structures, Including Mobile/Manufactured/Modular Homes [I]  
Production or Fabrication of Metals or Metal Products including Enameling and Galvanizing [I]  
Public Safety Facilities, including Fire/Emergency Medical Services, Police Stations, and Emergency Communication Broadcast Facilities [P]  
Public Squares, Plazas [P]  
Publicly Owned Swimming Pools [P]  
Quick Lubrication Services [C]  
Race Tracks (Auto, Horse, Dog, Bikes, Motor Cycles, Boat, etc.) [C]  
Racket Sport Facilities [C]  
**Rail Lines and Utility Corridors:** This land use type includes railroad tracks and lines for the movement of trains. The land may be owned or leased by the railroad. The land use type also includes public or private passageways, including easements, for the express purpose of transmitting or transporting electricity, gas, oil, water, sewage, communication signals, or other similar services on a regional level. Examples include *rail trunk and feeder lines*; regional electrical transmission lines; and regional gas and oil pipelines. [O]  
Railroad Yards [I]  
Recreational Trails [P]  
Recreational Vehicle Parks [C]  
Reclaimed/Recycled Building Materials [I]  
Recycling Drop-Off [C]  
Recycling Operations [I]  
Religious Meeting Facilities or Related Facilities - Churches, Temples, Synagogues, Congregational Halls, Meetings Halls, Mosques, Ashrams, Sanctuaries, Meditation & Retreat Centers [P]  
Religious Schools (Higher Education), and Seminaries [P]  
Repair of Appliances [C]  
Repair of Scientific or Professional Instruments  
Repair Shops (Light, and not Auto Related): TVs, Bicycles, Clocks, Watches, Shoes, Guns, and Office Equipment [I]  
Research and Development Laboratories [I]  
Restaurants, Cafes, Delicatessens with Drive Up [C]  
Restaurants, Cafes, Delicatessens without Drive Up [C]  
Retirement Center Apartments [R]  
Rooming House or Facility [R]  
RV Repair Shops [C]  
Sale and Storage of Landscaping Materials [I]  
Sale or Rental of Machinery, Equipment, Heavy Trucks, Special Trade Tools, Welding Supplies, Machine Parts, Electrical Supplies, Janitorial Supplies, Restaurant Equipment, and Store Fixtures [I]  
Sales Offices [I]  
Sales or Leasing of Consumer Vehicles including Passenger Vehicles, Motorcycles, Light and Medium Trucks, and other Recreational Vehicles [C]  
Sales, Repair, Storage, Salvage or Wrecking of Heavy Machinery, Metal, [I]  
Schools - Public and Private, Secular or Parochial (K-12) providing State Mandated Basic Education [P]  
Senior Centers [P]  
Senior Living Facilities (SLF) [R]  
Separate Warehouses Used By Retail Stores such as Furniture and Appliance Stores [I]

Shelters for Short Term or Emergency Housing (e.g., Homeless Shelters) when operated by a Public or Non-Profit Agency [P]

Shopping Malls [C]

Sign Manufacturing [I]

Single Family Houses [R]

Skate Board and BMX Parks [P]

Social Service Facilities [P]

Soup Kitchens [P]

Sports Arenas or Complexes [C]

State Regulated Special Residential Units (Group Living Homes or Facilities): Alternative or Post Incarceration Facilities; Drug and Alcohol Treatment Residential Programs; Group Homes for the Physically, Mentally or Emotionally Challenged [R]

Stockpiling of Sand, Gravel, or Other Aggregate Materials [I]

Stores [bldg foot print = 15,000 square feet or less] Selling, Leasing, or Renting Consumer, Home, And Business Goods Including Art, Art Supplies, Bicycles, Clothing, Dry Goods, Electronic Equipment, Fabric, Gifts, Groceries, Hardware, Antiques, Jewelry, Pets, Pet Food, Pharmaceuticals, Printed Material, Stationery, Books, and Videos [C]

Stores [bldg foot print = greater than 15,000 square feet or less] Selling, Leasing, or Renting Consumer, Home, And Business Goods Including Art & Crafts, Art Supplies, Bicycles, Clothing, Dry Goods, Electronic Equipment, Fabric, Gifts, Groceries, Hardware, Antiques, Jewelry, Pets, Pet Food, Pharmaceuticals, Printed Material, Stationery, and Videos [C]

Stores Selling, Leasing, or Renting Furniture, Appliances, Garden Supplies, Home Improvements, Household Products, Plants [C]

Surplus Food Distribution Centers [P].

Tailors and Seamstresses [C]

Taverns, and Bars [C]

Taxidermists [C]

Theme Parks [C]

Tire Re-Treading or Recapping [I];

Tire Sales and Mounting Facilities [C]

Tool Repair [I]

Towing and Vehicle Storage [I]

Town or Row Houses [R]

Trade Schools [C]

Transit Centers [P]

Transmission or Muffler Shops [C]

Treatment Plants & Facilities (Water, Sewage) [P]

Triplexes [R]

Truck Freight Terminal and Warehouse [I]

Truck Stop [I]

TV And Radio Studios and/or Stations [C]

Upholstery Shops [C].

Utility Offices [P]

Utility Substations [P]

Vehicle Repair Shops [C]

Veterinarian Clinics/Offices, and Indoor Kennels limited to Convalescing, with No Boarding or Breeding [C]

Vocational Training for the Physically or Mentally Challenged [P]

Warehouses [Off-site or Separate] used by Retail Stores like Furniture and Appliance Stores [I]

Waste Composting [I]

Waste Transfer Stations [I]

Water Towers and Reservoirs [P]

Weaving or Production of Textiles or Apparel [I];

Welding Shops [I]

Wholesalers of Food, Clothing, Auto Parts, Building Hardware, and Office Supplies [I].

**Wireless Communication Facilities.** Towers and antennas may be self supporting, guyed, or mounted on poles or buildings. Examples include broadcast towers, communication/cell towers, and point to point microwave towers. [O]

Woodworking, including Cabinet Makers [I]

Wrecking Yards (or “Junk” Yards) [I]

Youth Club Facilities [P]

Zero Lot Line Homes [R]

## 16.03.030 RESIDENTIAL USES

<p style="text-align: center;"><b>A. Residential Uses With Class I Impacts</b></p>	<p>Accessory Dwellings  Accessory Structures (with a permitted use)  Bed and Breakfasts  Duplexes  Family Child Care in a Home*  Home Occupations  Hospice Facilities  Manufactured Housing  Single Family Houses</p>
<p style="text-align: center;"><b>B. Residential Uses With Class II Impacts</b></p>	<p>Apartments (four or more units)  Assisted Living Facilities (ALF)  Boarding House or Facility  Condominiums  Cottage Clusters  Nursing and Convalescent Homes  Retirement Center Apartments  Rooming House or Facility  Senior Living Facilities (SLF)  Town or Row Houses  Triplexes  Zero Lot Line Homes</p>
<p style="text-align: center;"><b>C. Residential Uses With Class III Impacts</b></p>	<p>Dormitories  Houseboats  Manufactured Home Parks  State Regulated Special Residential Units (Group Living Homes or Facilities):  Alternative or Post Incarceration Facilities; Drug and Alcohol Treatment Residential Programs; Group Homes for the Physically, Mentally or Emotionally Challenged</p>

\* Child care center, family child care. Facilities that provide care and supervision of minor children for periods of less than 24 hours. "Family child care providers" provide care for not more than 12 children in a home. See applicable ORS for certification requirements.



#### **D. Group Living**

- 1. Characteristics:** Group Living is characterized by the residential occupancy of a structure by a group of people who do not meet the definition of Household Living. The size of the group will generally be larger than the average size of a household. Uses where tenancy may be arranged for a shorter period are not considered residential. Generally, Group Living structures have a common eating area for residents. The residents may or may not receive any combination of care, training, or treatment, as long as they also reside at the site. Group Living may include the State definition of residential facility.
- 2. Accessory Uses:** Accessory uses commonly found are recreational facilities, active open space, parking of autos for the occupants and staff, and parking of vehicles for the facility.

#### **E. Household Living**

- 1. Characteristics:** Household Living is characterized by the residential occupancy of a dwelling unit by a household. Apartment complexes that have accessory services such as food service, dining rooms, and housekeeping are included as Household Living. Single Room Occupancy (SRO) housing, that do not have totally self contained dwelling units are also included if at least two thirds of the units are rented on a monthly basis. SROs may have a common food preparation area, but meals are prepared individually by the residents. In addition, Residential Homes as defined by the State of Oregon are included in the Household Living land use type.
- 2. Accessory Uses:** Accessory uses commonly found are recreational activities, raising of pets, hobbies, and parking of the occupants' vehicles. Home occupations, accessory dwelling units, and bed and breakfast facilities are accessory uses that are subject to additional regulations.

## 16.03.040 COMMERCIAL USES

<p><b>A. Commercial Uses with Class I Impacts</b></p>	<p>Arts &amp; Crafts            Catering Establishments            Child Day Care – Not in a Home*            Florists            Food &amp; Beverage Sales (without drive up facilities)            Hair, Tanning, and Personal Care Services            Financial Institutions (without drive up facilities)            Locksmith            Medical, Optical &amp; Dental Labs            Mini-Marts            Offices - Government and Utilities            Offices - Medical, Optical and Dental Clinics            Offices - Professional Services such as Lawyers, Accountants, Engineers, or Architects            Offices - Such as Lenders, Brokerage Houses, or Real Estate Agencies, Data Processing            Offices - Tax Preparers, Accountants, Legal, Financial Services            Parcel Service Stores            Photocopy and Blueprint Services            Photographic Studios            Repair Shops (light, and not auto related): TVs, Bicycles, Clocks, Watches, Shoes, Guns, and Office Equipment            Restaurants, Cafes, Delicatessens (without drive up facilities)            Stores [Bldg foot print = 15,000 square feet or less] Selling, Leasing, or Renting Consumer, Home, and Business Goods Including Art, Art Supplies, Bicycles, Clothing, Dry Goods, Electronic Equipment, Fabric, Gifts, Groceries, Mini-Marts, Hardware, Antiques, Jewelry, Pets, Pet Food, Pharmaceuticals, Printed Material, Stationery, Books, and Videos; and similar retail activities            Sales Offices            Tailors and Seamstresses            Taxidermists</p>
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\* Child care center, family child care. Facilities that provide care and supervision of minor children for periods of less than 24 hours. "Family child care providers" provide care for not more than 12 children in a home. See applicable ORS for certification requirements. [See Family Child Care in a Home – a Class I Residential Use.]

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

Animal Grooming  
Auditoriums  
Batting Cages  
Call Centers  
Dry Cleaners  
Educational, Arts & 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 & Meeting Areas  
Food & Beverage Sales (with drive up facilities)  
Dry Cleaners  
Financial Institutions (with drive up operations)  
Hotels  
Laundromats  
Liquor Stores (OLCC license)  
Lodges  
Miniature Golf Facilities  
Mortuaries/Funeral Homes  
Motels  
Printing, Quick (facilities for)  
Racket Sport, Household Products, Plants  
Restaurants, Cafes, Delicatessens (with drive up facilities)  
Stores [Bldg foot print = 15,000 square feet or greater] Selling, Leasing, or Renting Consumer, Home, and Business Goods Including Art, Art Supplies, Bicycles, Clothing, Dry Goods, Electronic Equipment, Fabric, Gifts, Groceries, Hardware, Antiques, Jewelry, Pets, Pet Food, Pharmaceuticals, Printed Material, Stationery, Books, and Videos; and similar retail activities  
Taverns, and Bars  
Trade Schools  
TV and Radio Studios and/or Stations  
Upholstery Shops.  
Veterinarian Clinics/Offices, and Indoor Kennels limited to Convalescing, with no Boarding or Breeding

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

- “Adult” Materials & Entertainment Facility
- Alignment Shop
- Amusement Parks
- Auto Body Shop
- Auto Detailing
- Auto Repair
- Auto Sales
- Auto Upholstery Shop
- Boat Rental and/or repair Facilities
- Breweries, Distilleries, and Wineries (less than 5,000 sqft)
- Building Materials (Sales)
- Car Washes
- Commercial Centers
- Drive-In Theatres
- Fairgrounds
- Gas (Filling) Stations
- Golf Courses
- Golf Driving Ranges
- Marinas
- Mini-Storage Units
- Outdoor Amphitheaters
- Parking (Public and Commercial)
- Quick Lubrication Services
- Race Tracks (Auto, Horse, Dog, Bikes, Motor Cycles, Boat, etc.)
- Recreational Vehicle Parks,
- Recycling Drop-Off (no sorting or processing)
- Repair of Appliances
- Sales or Leasing of Consumer Vehicles including Passenger Vehicles, Motorcycles, Light and Medium Trucks, and Other Recreational Vehicles
- Shopping Mall
- Sports Arenas or Complexes
- Theme Parks
- Tire Sales and Associated Activities (facilities for)
- Transmission or Muffler Shops
- RV or Vehicle Repair Shops

#### **D. Commercial Outdoor Recreation**

1. **Characteristics:** Commercial Outdoor Recreation uses are large, generally commercial uses that provide continuous recreation or entertainment oriented activities. They generally take place outdoors. They may take place in a number of structures which are arranged together in an outdoor setting.
2. **Accessory Uses:** Accessory uses may include concessions, restaurants, parking, caretaker's quarters, and maintenance facilities.
3. **Exceptions and Exclusions:**
  - a. Parking facilities that are accessory to a use, but which charge the public to park for occasional events nearby, are not considered Commercial Parking facilities.
  - b. Parking facilities that are accessory to a primary use are not considered Commercial Parking uses, even if the operator leases the facility to the primary use or charges a fee to the individuals who park in the facility.
  - c. Public transit park-and-ride facilities are classified as Basic Utilities.

#### **E. Major Event Entertainment**

1. **Characteristics:** Major Event Entertainment uses are characterized by activities and structures that draw large numbers of people to specific events or shows. Activities are generally of a spectator nature.
2. **Accessory Uses:** May include restaurants, bars, concessions, parking, and maintenance facilities.

#### **F. Commercial Educational Services**

1. **Characteristics:** Commercial Educational Service uses are characterized by activities conducted in an office setting and generally focusing on serving students with supplemental education, enrichment, and/or tutoring.
2. **Accessory Uses:** Accessory uses may include incidental retail (e.g., sale of instructional materials), parking, or other amenities primarily for the use of employees and customers.

#### **G. Office Uses**

1. **Characteristics:** Office uses are characterized by activities conducted in an office setting and generally focusing on business, government, professional, medical, or financial services.
2. **Accessory Uses:** Accessory uses may include cafeterias, health facilities, parking, or other amenities primarily for the use of employees in the firm or building.

#### **H. Retail Sales and Service**

1. **Characteristics:** Retail Sales and Service firms are involved in the sale, lease or rent of new or used products to the general public. They may also provide personal services or entertainment, or provide product repair or services for consumer and business goods.
2. **Accessory Uses:** Accessory uses may include offices, storage of goods, manufacture or repackaging of goods for on-site sale, and parking.

#### **I. Self-Service Storage**

1. **Characteristics:** Self-Service Storage uses provide separate storage areas for individual or business uses. The storage areas are designed to allow private 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. 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.

## 16.03.050 INDUSTRIAL USES

<p><i>A. Industrial Uses With Class I Impacts</i></p>	<p>Assembly of <u>Light</u> Machinery, Equipment, Appliances, and Similar Items</p> <p>Building, Heating, Plumbing or Electrical Contractor Shops</p> <p>Electric Motor Repair</p> <p>Household Moving</p> <p>Janitorial, Caretaker and Building Maintenance Services</p> <p>Manufacture (Light) or Assembly (Light) of Instruments, including Musical Instruments, Precision Items</p> <p>Photofinishing Laboratories</p> <p>Repair of Scientific or Professional Instruments</p> <p>Research and Development Laboratories</p> <p>Sales Offices</p> <p>Sign Manufacturing;</p> <p>Warehouses [Off-site or Separate] used by Retail Stores like Furniture and Appliance Stores</p>
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**B. Industrial Uses With Class II Impacts**

Breweries, Distilleries, and Wineries [5,000 sqft or greater]  
Bus Barns (Commercial or Industrial)  
Cold Storage Plants, including Frozen Food Lockers  
Electrical Supplies  
Exterminators  
General Freight Storage & Warehouse  
Laundry, Dry-Cleaning, and Carpet Cleaning Plants  
Machine Shops  
Mail Order Houses  
Distribution Centers  
Major Post Offices  
Manufacture or Assembly of Machinery, Equipment, Vehicles, Appliances, and  
Other Electrical Items [no discharge permits required]  
Movie Production Facilities  
Parcel Receiving and Distribution Services & Warehouse  
Printing, Publishing and Lithography  
Plumbing Supplies (sale of)  
Processing of Food and Related Products  
Production of Artwork and Toys  
Production of Prefabricated Structures, Including Mobile, Manufactured, or  
Modular Homes  
Repair Shops (Light, and not Auto Related): TVs, Bicycles, Clocks, Watches,  
Shoes, Guns, and Office Equipment  
Sale and Storage of Landscaping Materials  
Sale or Rental of Machinery, Equipment, Heavy Trucks, Special Trade Tools,  
Welding Supplies, Machine Parts, Electrical Supplies, Janitorial Supplies,  
Restaurant Equipment, and Store Fixtures  
Tool Repair  
Towing and Vehicle Storage  
Truck Freight Terminal and Warehouse  
Weaving or Production of Textiles or Apparel  
Welding Shops  
Wholesalers of Food, Clothing, Auto Parts, Building Hardware, and Office  
Supplies  
Woodworking, including Cabinet Makers

**C. Industrial Uses With Class III Impacts**

Auto and Truck Salvage and Wrecking  
Concrete Batching and Asphalt Mixing  
Energy Production  
Fuel Oil Distributors  
Fuel Storage and/or Distribution Yards (Solid, Liquid or Gas)  
Hazardous-Waste Collection Sites  
Heavy Truck Servicing and Repair  
Hotels, Restaurants, and Other Services that are part of **A Truck Stop** are considered Accessory to (subordinate and inclusive of) the Truck Stop  
Lumber Mills, Pulp and Paper Mills, and Other Wood Products Manufacturing  
Manufacture or Assembly of **Heavy** Machinery, Equipment, Vehicles, Appliances, and Other Electrical Items [discharge permits required]  
Mobile Home Storage Yard  
Portable Sanitary Collection Equipment Storage and Pumping  
Production (commercial scale, not artisan) of Chemical, Rubber, Leather, Clay, Plastic, Stone, or Glass Materials or Products  
Production or Fabrication of Metals or Metal Products including Enameling and Galvanizing  
Recycling Operations (e.g., sorting, processing)  
Reclaiming/Recycling Building Materials  
Railroad Yards  
Sales, Repair, Storage, Salvage or Wrecking of Heavy Machinery, Metal;  
Stockpiling of Sand, Gravel, or Other Aggregate Materials  
Tire Re-Treading or Recapping  
Truck Stop  
Waste Composting  
Waste Transfer Stations  
Wrecking Yards (or "Junk" Yards)

**D. Industrial Service**

- 1. Characteristics:** Industrial Service firms are engaged in the repair or servicing of industrial, business or consumer machinery, equipment, products or by-products. Firms that service consumer goods do so by mainly providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site.
- 2. Accessory Uses:** Accessory uses may include offices, parking, indoor and outdoor storage, rail spur or lead lines, and docks.



### ***E. Manufacturing and Production***

- 1. Characteristics:** Manufacturing and Production firms are involved in the manufacturing, processing, fabrication, packaging, or assembly of industrial products. Natural, man-made, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on site, but if so, they are a subordinate part of sales. Relatively few customers come to the manufacturing site.
- 2. Accessory Uses:** Accessory uses may include offices, cafeterias, parking, employee facilities, warehouses, storage yards, rail spur or lead lines, docks, repair facilities, or truck fleets. Living quarters for one caretaker per site are allowed. Other living quarters are subject to the regulations for Residential Uses.
- 3. Exceptions and Exclusions:** The City does not permit the following Manufacturing and Production activities and enterprises within the City Limits: Commercial Feed Lots, Rendering Plants, Slaughter Houses, and Meat Packing Plants.

### ***F. Warehouse, Freight Movement, and Distribution***

- 1. Characteristics:** Warehouse, Freight Movement, and Distribution involve the storage, or movement of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer, except for some will-call pickups. There is little on-site sales activity with the customer present.
- 2. Accessory Uses:** Accessory uses may include offices, truck fleet parking and maintenance areas, rail spur or lead lines, docks, and repackaging of goods. Accessory uses may also include offices, cafeterias, and other employee facilities. Living quarters for one caretaker per site are allowed. Other living quarters are subject to the regulations for Residential Uses.

### ***G. Waste-Related***

- 1. Characteristics:** Waste-Related uses are characterized by uses that receive solid or liquid wastes from others for disposal on the site or for transfer to another location, uses that collect sanitary wastes, or uses that manufacture or produce goods or energy from the biological decomposition of organic material. Waste-Related uses also include uses that receive hazardous wastes from others and are subject to the regulations of State Law regarding Hazardous Waste Management.
- 2. Accessory Uses:** Accessory uses may include recycling of materials, offices, and repackaging and transshipment of by-products.

### ***H. Wholesale Sales***

- 1. Characteristics:** Wholesale Sales firms are involved in the sale, lease, or rent of products primarily intended for industrial, institutional, or commercial businesses. The uses emphasize on-site sales or order taking and often include display areas. Products may be picked up on site or delivered to the customer.
- 2. Accessory Uses:** Accessory uses may include offices, product repair, warehouses, indoor and outdoor storage, parking, minor fabrication services, and repackaging of goods.

## 16.03.060 PUBLIC USES (INSTITUTIONAL AND CIVIC)

<p><b>A. With Class I Impacts</b></p>	<p>City Offices and Facilities Community Development Center Utility Offices</p>
<p><b>B. Public Uses With Class II Impacts</b></p>	<p>* Daycare Programs and Facilities – Not in a Home Boat Launching Areas Botanical Gardens City Maintenance Shops Colleges, Universities, Community Colleges, and Adult Education Facilities Community Centers Hospitals and Large Medical Complexes Libraries Municipal Courts Museums Nursery Schools Parks Preschools Public Safety Facilities, Including Fire/Emergency Medical Services and Police Stations, and Emergency Communication Broadcast Facilities Public Squares, Plazas Publicly Owned Swimming Pools Recreational Trails Recreational Vehicle (RV) Parks Religious Meeting Facilities or Related Facilities, such as Churches, Temples, Synagogues, Congregational Halls, Meetings Halls, Mosques, Ashrams, Sanctuaries, Meditation and Retreat Centers Religious Schools (Higher Education), and Seminaries Schools - Public and Private, Secular or Parochial, (K-12) that provide State Mandated Basic Education Senior Centers Social Service Facilities Soup Kitchens Surplus Food Distribution Centers Transit Centers Utility Substations Vocational Training for the Physically or Mentally Challenged Water Towers and Reservoirs Youth Club facilities</p>
<p><b>C. Public Uses With Class III Impacts</b></p>	<p>Bus barns (public) Cemeteries Shelters for short term or emergency housing (e.g., homeless shelters) when operated by a public or non-profit agency Skate board and BMX parks Treatment plants and facilities (water and sewage)</p>

\* Daycare use also does not include care given by a "family daycare" provider as defined by State Law if the care is given to 12 or fewer children at any one time including the children of the provider. Family daycare is care regularly given in the family living unit. See applicable ORS for certification requirements.

#### **D. Basic Utilities**

- 1. Characteristics:** Basic Utilities are infrastructure services which need to be located in or near the area where the service is provided. Basic Utility uses generally do not have regular employees at the site. Services may be public or privately provided. All public safety facilities are Basic Utilities.
- 2. Accessory Uses:** Accessory uses may include offices, parking; control, monitoring, data or transmission equipment; indoor and outdoor storage, emergency power generation, and holding cells within a police station.

#### **E. Colleges**

- 1. Characteristics:** This land use type includes colleges and other institutions of higher learning which offer courses of general or specialized study leading to a degree. They are certified by the State Board of Higher Education or by a recognized accrediting agency. Colleges tend to be in campus-like settings or on multiple blocks, though they may be contained in a single building.
- 2. Accessory Uses:** Accessory uses include offices, housing and services for students, food service, laboratories, student centers, bookstores, health and sports facilities, theaters, meeting areas, parking, maintenance facilities, and support commercial.
- 3. Exceptions and Exclusions:** Business and trade schools are classified as Commercial uses.

#### **F. Community Services**

- 1. Characteristics:** Community Services are uses of a public, nonprofit, or charitable nature generally providing a local service to people of the community. Generally, they provide the service on the site or have employees at the site on a regular basis. The service is ongoing, not just for special events. City government offices, such as administrative offices and maintenance facilities, provide a variety of public services. Community centers or facilities that have membership provisions are open to the general public to join at any time, (for instance, any senior citizen could join a senior center). The use may also provide special counseling, education, or training of a public, nonprofit or charitable nature.
- 2. Accessory Uses:** Accessory uses may include offices; meeting areas; food preparation areas; parking; health and therapy areas; daycare uses; and athletic facilities.

#### **G. Daycare**

- 1. Characteristics:** Daycare use includes day or evening care of two or more children outside of the children's homes, for a fee. Daycare uses also include the daytime care of teenagers or adults who need assistance or supervision.
- 2. Accessory Uses:** Accessory uses include offices, play areas, and parking.
- 3. Exceptions and Exclusions:** Daycare use does not include care given by the parents, guardians, or relatives of the children, or by babysitters. Daycare use also does not include care given by a "family daycare" provider as defined by State Law if the care is given to 12 or fewer children at any one time including the children of the provider. Family daycare is care regularly given in the family living quarters of the provider's home, and is regulated as a home occupation.

## **H. Medical Centers**

1. **Characteristics:** Medical Centers includes uses providing medical or surgical care to patients and offering overnight care. Medical centers tend to be on multiple blocks or in campus settings.
2. **Accessory Uses:** Accessory uses include out-patient clinics, offices, laboratories, teaching facilities, meeting areas, cafeterias, parking, maintenance facilities, and housing facilities for staff or trainees.
3. **Exceptions and Exclusions:**
  - a. Uses that provide exclusive care and planned treatment or training for psychiatric, alcohol, or drug problems, where patients are residents of the program, are classified in the Group Living land use type.
  - b. Medical clinics that provide care where patients are generally not kept overnight are classified as Office.
  - c. Stand alone medical, optical and dental care offices are classified as Retail Sales and Service.

## **I. Parks and Open Areas**

1. **Characteristics:** Parks and Open Areas are uses of land focusing on natural areas, large areas consisting mostly of vegetative landscaping or outdoor recreation, community gardens, or public squares. Lands tend to have few structures.
2. **Accessory Uses:** Accessory uses may include club houses, maintenance facilities, concessions, caretaker's quarters, and parking.

## **J. Religious Institutions and Places of Worship**

1. **Characteristics:** Religious Institutions are intended to primarily provide meeting areas for religious activities and related gatherings.
2. **Accessory Uses:** Accessory uses include worship day school facilities, parking, caretaker's housing, one transitional housing unit, and group living facilities such as convents and monasteries, and Day care services/facilities when operated by the Religious Institution. Religious schools, when accessory to a religious institution, are different than a school as a primary use.

## **K. Schools**

1. **Characteristics:** This land use type includes public and private schools, secular or parochial, at the primary, elementary, middle, junior high, or high school level that provide state mandated basic education.
2. **Accessory Uses:** Accessory uses include play areas, cafeterias, recreational and sport facilities, auditoriums, and before- or after-school daycare.
3. **Exceptions and Exclusions:**
  - a. Preschools are classified as Daycare uses.
  - b. Business and trade schools are classified as Retail Sales and Service.

## 16.03.070 OTHER USES

<p><b>A.</b> <b>With</b> <b>Class I</b> <b>Impacts</b></p>	<p>NONE</p>
<p><b>B.</b> <b>With</b> <b>Class II</b> <b>Impacts</b></p>	<p><b><u>Wireless Communication Facilities:</u></b> Towers and antennas may be self supporting, guyed, or mounted on poles or buildings. Examples include broadcast towers, communication/cell towers, and point to point microwave towers.</p>
<p><b>C. With Class III Impacts</b></p>	<p><b><u>Armory:</u></b> National Guard and/or other military facility and staging area.</p> <p><b><u>Agriculture:</u></b> Examples include noncommercial breeding, raising and/or keeping of fowl or other animals (excluding swine, all feedlots, and dairies); riding stables; riding academies; kennels or other animal boarding places; farming, truck gardening, forestry, tree farming; and wholesale plant nurseries.</p> <p><b><u>Rail Lines and Utility Corridors:</u></b> This land use type includes railroad tracks and lines for the movement of trains. The land may be owned or leased by the railroad. The land use type also includes public or private passageways, including easements, for the express purpose of transmitting or transporting electricity, gas, oil, water, sewage, communication signals, or other similar services on a regional level. Examples include rail trunk and feeder lines; regional electrical transmission lines; and regional gas and oil pipelines.</p> <p><b><u>Mining:</u></b> No New Uses are allowed.</p>

**D. Agriculture Clarifications, Exceptions and Exclusions**

1. Forestry, Timber Growing and/or Harvesting: Forestry and all related activities are considered agricultural land uses, involve commercial activity, and are regulated as an "Other Land Use." Any commercial activity relating to the growing and harvesting of forest tree species (or timber) is governed by the application and review procedures specified in the Land Use Chapters (16.05-16.10): see Tables 16.05-6, 16.06-6, 16.07-6, 16.08-6, 16.09-6, and 16.10-6.
2. Plant nurseries that are oriented to retail sales are classified as Commercial.
3. When kennels are limited to boarding, with no breeding, the City may determine the use type is Agriculture or Retail Sales and Service.
4. The City does not permit the following activities and enterprises within the City Limits: the breeding, raising and/or keeping of swine, Commercial Feed Lots, Dairies, and Auction Yards for Livestock, Rendering Plants, Slaughter Houses, and Meat Packing Plants.

**E. Wireless Communication Facilities Exceptions and Exclusions**

1. Receive-only antennae are not included in this land use type.
2. Radio and television studios are classified in the Office land use type.
3. Wireless Communication Facilities that are public safety facilities are classified as Basic Utilities.

**F. Rail Lines and Utility Corridors Exceptions and Exclusions**

1. Railroad lead and spur lines for delivery of rail cars to sites or for unloading of rail cars on specific sites are classified as accessory to the primary use of the site.
2. Rail lines and utility corridors that are located within motor vehicle rights-of-way are not included.
3. Railroad yards are classified in the Railroad Yards land use type of Industrial Service.

## **16.03.080 APPLICATION SUBMITTAL REQUIREMENTS FOR COMMERCIAL, INDUSTRIAL, PUBLIC, AND MULTI-FAMILY DEVELOPMENTS**

All of the following information is, or may be (as determined by the Planning Official), required for Commercial, Industrial, Public, and Multi-Family Development application submittals.

### **A. General Submittal Requirements**

Such applications shall contain all of the information required for a Quasi-Judicial hearing as per the requirements of Chapter 16.20, and as required by the Planning Official shall provide:

#### **1. Public Facilities and Services Impact Study**

The impact study shall quantify and assess the effect of the development on public facilities and services. The applicant shall consult the City regarding the scope of the study, including impacts to the transportation system, including pedestrian ways and bikeways, the drainage system, the parks system, the water system, and the sewer system. For each evaluated public facility system and type of impact, the study shall propose mitigation measures necessary to maintain City standards and to minimize the impact of the development on the public at large, public facilities systems, and affected private property.

#### **2. Traffic Impact Study**

If required and determined by the Planning Official in consultation with the City Engineer and/or appropriate road authority, Traffic Impact Studies shall conform to the standards and procedures of this Code (Chapter 16.12, Section 12.010).

#### **3. Dedication of Real Property**

In situations where this Code requires the dedication of real property to the City, the City shall include written findings that the required property dedication is directly related to the nature of the development and roughly proportional to the projected impacts of the development in order to mitigate the impacts on public facilities and services.

#### **4. Other Agency Permits (See Section 16.03.080.C)**

### **B. Specific Submittal Information Requirements**

In addition to the general submittal requirements noted above (16.03.080.A) an applicant shall provide the following additional information, as deemed applicable by the Planning Official. Redevelopment may trigger requirements similar to but proportional in scope to any and all of those listed below.

#### **1. Site Analysis Map (Existing Conditions)**

The professional quality scaled map shall contain at least the following:

- a.** The subject property and the surrounding property to a distance (at least 300 feet) sufficient to determine the location of the development in the City, and the relationship between the subject property and adjacent properties and development. The subject property boundaries, dimensions and gross area shall be identified.
- b.** Topographic contour lines at 2-foot intervals for slopes of less than 10 percent, and 5-foot intervals for steeper slopes.
- c.** Identification of slopes greater than 15 percent.
- d.** The location and width of all public utilities, public and private streets, drives, sidewalks, pathways, rights-of-way, and easements on the subject property and adjoining the subject property.

- e. Existing land uses.
- f. Identified or potential natural hazard areas, including any areas identified as subject to a 100-year flood, areas subject to high water table, ponding, unstable soils, and areas mapped by the City, County, or State as having a potential for geologic hazards.
- g. Mapped, identified, or known natural resource areas, including marsh and wetland areas, streams, designated and/or functioning riparian areas, and wildlife habitat identified by the City or any natural resource regulatory agencies as requiring protection.
- h. Site features, including existing structures, pavement, large rock outcroppings, canals and ditches.
- i. Locally, State or federally designated historic and cultural resources on the subject property and adjacent parcels or lots.
- j. The location, size and species of trees and other vegetation having a caliper (diameter) of [12 - 18 inches] or greater at four feet above existing grade.
- k. North arrow, scale, names and addresses of all persons listed as owners of record of the subject property.
- l. Name and address and professional certification (stamp) of project designer, engineer, surveyor, and/or planner, if applicable.
- m. Any other relevant and essential information or site details that support and enhance the decision making process of the review body.

## 2. Proposed Development Site Plan

The site plan shall contain the following information:

- a. The proposed development site, including boundaries, dimensions, and gross area.
- b. Features identified on the existing site analysis maps that are proposed to remain on the site.
- c. Features identified on the existing site map, if any, which are proposed to be removed or modified by the development.
- d. The location and dimensions of all proposed public and private streets, drives, rights-of-way, and easements, including proposed fire lanes.
- e. The location and dimensions of all existing and proposed structures, utilities, pavement and other improvements on the site. Setback dimensions for all existing and proposed buildings shall be provided on the site plan.
- f. **Transportation Elements:**
  - (1) Off-street parking facilities design for both motor vehicles and bicycles. Such required plans shall, include ingress and egress points, striping plan, number of spaces, and type of bicycle parking facilities, and proper drainage.
  - (2) Internal circulation plans for motor vehicles, bicycles and pedestrians for new commercial, industrial, office, and multi-family residential developments. Such required plans shall include:
    - (a) Techniques for achieving efficient access and circulation such as the clustering of buildings, construction of hard surface walk and bike ways, landscaping, accessways, and/or similar techniques.
    - (b) Connections of the site's internal pedestrian and bicycle circulation system with those of existing or planned external pedestrian and bicycle circulation systems.



- (3) The location and dimensions of entrances and exits to the site for vehicular, pedestrian, and bicycle access.
- (4) The location and dimensions of all parking and vehicle circulation areas (show striping for parking stalls and wheel stops).
- (5) Locations and dimensions of all ADA accessible parking and circulation routes.
- (6) Pedestrian and bicycle circulation areas, including sidewalks, internal pathways, pathway connections to adjacent properties, and any bicycle lanes or trails.
- (7) Any vehicle access support facilities, such as reader boards, speakers, key entries, or other interactive points.
- g. Access to loading and service areas for waste disposal, recycling, loading and delivery.
- h. Outdoor recreation spaces, common areas, plazas, outdoor seating, street furniture, and similar improvements.
- i. Location, type, height, and illumination area (extent) of outdoor lighting.
- j. Location of mail boxes.
- k. Name and address of project designer, if applicable.
- l. Locations of bus stops and other public or private transportation facilities.
- m. Locations, sizes, and types of signs.
- n. Locations of existing and proposed fire hydrants.

### 3. Architectural Drawings

Architectural drawings showing one or all of the following shall be required for new buildings and major remodels:

- a. Building elevations (as determined by the Planning Official) with building height and width dimensions.
- b. Roof pitches.
- c. Building materials, colors and type.
- d. Floor plans.
- e. The name of the architect or designer.

### 4. Preliminary Grading Plan

- a. A preliminary grading plan prepared by an Oregon licensed engineer shall be required for development sites ½ acre or larger.
- b. The preliminary grading plan shall show the location and extent to which grading will take place, indicating general changes to contour lines, slope ratios, slope stabilization proposals, and location and height of retaining walls, if proposed.
- c. The development of a site is not permitted to adversely impact the historic surface drainage patterns of adjacent properties.
- d. Surface water detention and treatment plans may also be required in accordance with Sections 16.16.040.F and 16.16.040.G of this Code.

## **5. Landscape Plan**

A landscape plan shall be required and shall include at least the following:

- a. The location, size, and species of the existing and proposed plant materials (at time of planting and at time of maturity).
- b. The location and height of existing and proposed fences, buffering or screening materials.
- c. The location of existing and proposed terraces, retaining walls, decks, patios, shelters, and play-areas.
- d. Existing and proposed building and pavement outlines.
- e. Specifications for soil at time of planting, irrigation if plantings are not drought-tolerant (may be automatic or other approved method of irrigation) and anticipated planting schedule.
- f. An arborist's report may be required for sites with mature trees that are to be protected and retained under the provisions of Chapter 16.15 (Landscape, Street Trees, Fences and Walls) of this Code.
- g. Other information as deemed appropriate by the Planning Official.

## **6. Signage Detail Drawings**

Detailed signage drawings shall be required in conformance with the City's Sign standards (LDC Chapter 16.18), and shall include design features, methods of construction, as well as proposed illumination.

## **7. Deed and Use Restrictions and Other Encumbrances**

Copies of all existing and proposed restrictions or covenants, including those for access control.

## **8. Traffic Impact Analysis Study**

When required, shall be prepared in accordance with the provisions of this Code (Chapter 16.12, Section 12.010).

## **9. Narrative**

Letter or narrative report documenting compliance with the applicable decision criteria.

## **10. Phasing Plan**

A Phasing plan shall be submitted when development is proposed to take place in phases, and shall include appropriate staging plans.

## **11. Other information**

As determined by the Planning Official, the City may require studies or exhibits prepared by qualified professionals to address specific site features or project impacts (e.g., noise, environmental features, natural hazards, etc.), in conformance with this Code.

## **C. Other Agency Permits**

Other agencies may require permits that are not regulated by the City. Such agencies may include, but are not limited to, the following: Oregon Department of Transportation (ODOT), Linn County Road Department, Oregon Division of State Lands, US Army Corps of Engineers, and Oregon Department of Environmental Quality. The City may require as conditions of approval the demonstration that other agencies with jurisdiction grant the necessary permits before development may take place. Applicants should exercise due diligence in meeting other agency requirements.

***Title 16: City of Lebanon  
Development Code***

ARTICLE TWO  
LAND USE ZONES

**Chapter 16.04:  
Organization of Land Use Zones**

**Adopted by City Council on  
December 10, 2008**

# Chapter 16.04: Organization of Land Use Zones

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# Chapter 16.04: Organization of Land Use Zones

## 16.04.010 CLASSIFICATION OF LAND USE ZONES

### A. Background

Every parcel, lot, and tract of land within the city limits of the City of Lebanon is designated with a land use zone. The use of land is limited to the uses allowed by the applicable land use zone and/or overlay zone. The applicable land use zones and overlay zone(s) are determined based on the Land Use Zoning Map and the provisions of this Chapter, which shall be consistent with the City of Lebanon Comprehensive Plan, as indicated in Table 16.04-1.

### B. Land Use Zones and Comprehensive Plan Map Designations

As noted in Section 16.02.030.G of Chapter 16.02 of this Development Code, when the City annexes property into the City limits it also assigns the City Zoning map classification that corresponds to the Comprehensive Plan Map designation.

### C. Land Use Zone Titles

The Lebanon Land Use Zone Map and this development Code, in conformity with the City of Lebanon 2004 Comprehensive Plan, establishes the following ten Land Use zones, and six Overlay zones.

#### 1. Residential Zones

- a. Residential Low Density Zone (Z-RL)
- b. Residential Mixed Density Zone (Z-RM)
- c. Residential High Density Zone (Z-RH)

#### 2. Mixed Use Zones

- a. Mixed Use Zone (Z-MU)
- b. Neighborhood Mixed Use Zone (Z-NMU)

#### 3. Commercial Zones

- a. Neighborhood Commercial Zone (Z-NCM)
- b. Central Business Commercial Zone (Z-CCM)
- c. Highway Commercial Zone (Z-HCM)

#### 4. Industrial Zone

- a. Industrial Zone (Z-IND)

#### 5. Public Use Zone

- a. Public Use Zone (Z-PU)

#### 6. Overlay Zones

- a. Airport Overlay Zones (AP-OZs)
- b. Riparian Overlay Zone (RP-OZ)
- c. Special Transportation Area Overlay Zone (STA-OZ)
- d. Limited Use Overlay Zone (LU-OZ)
- e. Steep Slope Development Overlay Zone (SSD-OZ)
- f. Flood Plain Overlay Zone (FP-OZ)

**Table 16.04-1: Land Use Zones and Comprehensive Plan Map Designations**

<b>City of Lebanon Comprehensive Plan Designations</b>	<b>City of Lebanon Zoning Designations</b>
Residential Low Density (C-RL)	Residential Low Density Zone (Z-RL)
Residential Mixed Density (C-RM)	Residential Mixed Density Zone (Z-RM)
	* Residential High Density Zone (Z-RH)
Mixed Use (C-MU)	Mixed Use Zone (Z-MU)
Neighborhood Mixed Use (C-NMU)	Neighborhood Mixed Use Zone (Z-NMU)
Commercial (C-CM)	** Neighborhood Commercial Zone (Z-NCM)
	* Central Business Commercial Zone (Z-CCM)
	Highway Commercial Zone (Z-HCM)
Industrial (C-IND)	Industrial Zone (Z-IND)
Public Use (C-PU)	Public Use Zone (Z-PU)
*	<i>Based upon this Development Code, there are no un-annexed properties in the UGB eligible to be assigned to these two zone (Z-RH &amp; Z-CCM) designations. Both Zones are centered on the "Downtown" core of the community (See Glossary).</i>
**	<i>Z-NCM is for small neighborhood shopping clusters in any residential zone. Such designations would require a zone change and an administrative review process.</i>
See Table 4-2 in Chapter 4 of the <i>City of Lebanon 2004 Comprehensive Plan</i> .	

**D. Annexation and Zoning of Land**

Property annexed into the City shall be assigned a City zoning designation that is consistent with the property’s Comprehensive Plan Map designation (see Table 16.04-1). For the standards, procedures, and requirements related to Annexation see Chapter 16.26 of this code, and for Comprehensive Plan Map and Zoning Map Amendments see Chapter 16.27 of this code.

**16.04.020 LAND USE ZONE BOUNDARIES**

**A. Official Zoning Map**

As noted in Section 16.02.030.G of Chapter 16.02 of this Development Code, Boundaries of Land Use Zones established by this Code are shown on the Official Zoning Map on file in the Community Development office. The Official Zoning Map and all amendments and other matters entered on the Official Zoning Map are a part of this Code and have the same legal effect as if fully set out herein.

## **B. Boundary Lines**

Unless otherwise specified, zone boundaries are section lines, subdivision lines, lot lines, center lines of street or railroad right-of-way or such lines extended except where a boundary line clearly divides a lot, then the boundary line shall be determined by use of the scale designated on the zoning map. Where a boundary line divides a lot, the boundary line shall be considered as the lot line for purposes of determining area and setback requirements for each zone.

## **C. Resolving Uncertainties in Boundary Line Locations**

Where due to the scale, lack of scale, lack of detail or illegibility of the City Zoning Map, or due to any other reason, there is uncertainty, contradiction or conflict as to the intended location of a district boundary line, the boundary line shall be determined by the Planning Official in accordance with all of the following criteria:

### **1. Rights-of-Way**

Boundaries indicated as approximately following the center lines of streets, highways, railroad tracks, alleys, irrigation canals, bridges, or other right-of-way shall be construed to follow such center lines. Whenever any public right-of-way is lawfully vacated, the lands formerly within the vacated right-of-way shall automatically be subject to the same land use district designation that is applicable to lands abutting the vacated areas.

### **2. Parcel, Lot, and Tract**

Boundaries indicated as approximately following the boundaries of a parcel, lot, or tract shall be construed as following such boundaries.

### **3. Jurisdiction Boundary**

Boundaries indicated as approximately following a City or County boundary, or the Urban Growth Boundary, shall be construed as following said boundary.

### **4. Natural Features**

Boundaries indicated as approximately following a river, stream, drainage channel, drainage basin, topographic contour or other changeable natural feature not corresponding to any feature listed in subsections 1-3 immediately above, shall be construed as following such feature, except that the location may be corrected administratively through a Code Interpretation procedure, in accordance with Chapter 16.25.

## **16.04.030 APPLICABILITY OF LAND USE STANDARDS**

Each lot, tract, and parcel of land or portion thereof within the land use zone boundaries designated and marked on the zoning map, is classified, zoned and limited to the uses hereinafter specified and defined for the applicable land use zone.

***Title 16: City of Lebanon  
Development Code***

ARTICLE TWO  
LAND USE ZONES

**Chapter 16.05:  
Residential Land Use Zones**

**Adopted by City Council on  
December 10, 2008**



# Chapter 16.05: Residential Land Use (Development) Zones

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# Chapter 16.05: Residential Land Use Zones

## 16.05.010 BACKGROUND

- A. This Chapter contains all of the standards for the Residential Low Density Zone (Z-RL), the Residential Mixed Density Zone (Z-RM), and the Residential High Density Zone (Z-RH). The standards are intended to be applied to all reviews in the residential Zones.
- B. The creation of a lot or parcel through the subdivision or partition process is an outright permitted action in the Residential Use Zones subject to the provisions of Chapter 16.22 and any other applicable requirements in this Code (e.g., Community Development Standards, chapters 16.12-16.19).

## 16.05.020 PURPOSE

- A. The Residential Zones are intended to promote the livability, stability and improvement of the City's neighborhoods.
- B. Three Zones are provided:
  - 1. The **Residential Low Density Zone (Z-RL)** is intended primarily for household living at lower densities including limited low density multi-family use, with parks, schools, places of worship, and other supportive services that are at an appropriate neighborhood scale.
  - 2. The **Residential Mixed Density Zone (Z-RM)** is intended to accommodate a wider variety of housing types and more intensive land use than the RL Zone.
  - 3. The **Residential High Density Zone (Z-RH)** is intended to primarily provide areas suitable and desirable for multi-family dwellings at higher densities, with provisions for associated public service uses, in close proximity to the downtown area of the City.
- C. This chapter provides standards for land use and development in each of the three Zones, based on the following principles:
  - 1. Promote the orderly expansion and improvement of neighborhoods.
  - 2. Make efficient use of land and public services and implement the Comprehensive Plan.
  - 3. Designate land for the range of housing types and densities needed by the community, including owner-occupied and rental housing.
  - 4. Provide flexible lot standards that encourage compatibility between land uses, efficiency in site design, and environmental compatibility.
  - 5. Provide for compatible building and site design at an appropriate neighborhood scale.
  - 6. Provide standards that are in character with the landforms and architecture existing in the community.
  - 7. Apply the minimum amount of regulation necessary to ensure compatibility with existing residences, schools, parks, transportation facilities, and neighborhood services.
  - 8. Reduce reliance on the automobile for neighborhood travel and provide options for walking, bicycling.
  - 9. Provide direct and convenient access to schools, parks and neighborhood services.

## 16.05.030 INTRODUCTION

### A. *Impact Classifications*

1. As noted in Chapter 16.03, all land use types are further divided into three subcategories by the degree of impacts or off-site impacts that the uses could reasonably be expected to exert on the surrounding properties and neighborhood.
2. Please see **Section 16.03.010.E of Chapter 16.03** (pages 2 and 3) for the details of this impact classification system.

### B. *Key to Procedures, Standards, and Conditions of Approval*

1. **Outright Permitted Uses with Site Review and Building Permit:** “OP” means the use is permitted outright and a **Building Permit** is issued after a **site review** determines that all setbacks and other lot and building site requirements are satisfied.
2. **Permitted Uses with Ministerial Review:** “MR” approval is gained through a ministerial review process (see Chapter 16.20).
3. **Permitted with Administrative Review:** “AR” means the use is permitted through an Administrative Review process that takes into account all applicable requirements (see Chapter 16.20).
4. **Permitted with Conditional Use Approval:** “CU” means the use is permitted with a Conditional Use approval (Chapter 16.21).
5. **Site Reviews:** The processing of a variety of land use applications may also include detailed site reviews (site plan reviews). These requirements are addressed in LDC Chapters 16.20-16.23 (Article Four of this Code).
6. **Decision Criteria and/or Additional Conditions of Approval:** The standards and review processes outlined in this Code in **Article Three: Community Development and Use Standards** and in **Article Four: Land Use And Development Review/Approval Requirements And Procedures**, as well as applicable Overlay Zones (Chapter 16.11) may set additional decision criteria and/or conditions of approval.
7. **Not Permitted:** The code provisions are also intended to make it more difficult to place incompatible uses near one another; an “N” designation means the use is not permitted.
  - a. **Existing Uses.** The “Not Permitted” (“N”) designation is not retroactive and does not impact existing uses.
  - b. **No New Uses.** The “Not Permitted” (“N”) designation indicates that no new uses of this type are allowed on a property to which this designation applies.

### C. *Enabling Variety in Housing*

This Development Code is designed to make it easier to mix compatible uses, and provide a greater variety of housing than is typically allowed under more conventional zoning.

#### **D. Statutes and Regulations**

This Chapter addresses relevant parts of State urban planning statutes and regulations regarding Needed Housing, including Clear and Objective Standards for Housing, Manufactured Housing, Residential Homes and Facilities, and Bed and Breakfast Inns, and Transportation Planning Rule Implementation (i.e., site design provisions).

#### **E. References for Further Details**

For a more detailed listing of Residential Land Uses, please see Section 16.03.030 in Chapter 16.03 (pages 8-9), and Chapter 16.32 (Glossary and Definitions).

#### **F. Residential Zone Land Use Reviews**

All applications for development in Residential Land Use Zones for projects that are **not** deemed **Major Land Use Actions are subject to:**

1. **The appropriate review process** indicated in **Tables 16.05-2 thru 16.05-6**, and
2. May also be subject to:
  - a. Site Reviews (e.g., to determine that all setbacks and other lot and building site requirements are satisfied).
  - b. Standards noted and the review processes outlined in this Code in Article Three: Community Development and Use Standards and in Article Four: Land Use And Development Review/Decision Requirements And Procedures,
  - c. Applicable Overlay Zones (Chapter 16.11) may set additional conditions of approval.

#### **G. Process for Basic Review of Applications and Impact Mitigation for Projects Deemed Major Land Use Actions thus requiring a Planned Development Reviews**

1. For purposes of this chapter, if a proposed development in a residential use zone is deemed a Major Land Use Action according to **Table 16.05-1** on the following page, it shall be processed as a Planned Development.
2. See Chapter 16.23 for the details of the process for *Planned Development Reviews*.

**Table 16.05-1: Characteristics of Major Land Use Actions in a Residential Zone  
(Projects in a Residential Zone Requiring a Planned Development Review)**

Note: Acreage refers to the size of the area being developed, not the total parcel or lot size.

Characteristics	Residential Uses	Commercial Uses	Public and Other Uses	Mixed Uses*
<b>If the project's acreage exceeds the thresholds below, that land use application shall be deemed a Major Land Use Action and processed as a Planned Development (see Chapter 16.23).</b>				
Planned Development Application Required if Project Acreage Exceeds	25 or more acres	25 or more acres	25 or more acres	15 or more acres
<b>If a proposed development is characterized by two or more of the characteristics listed below (in the four rows immediately following), that land use application shall be deemed a Major Land Use Action and processed as a Planned Development (see Chapter 16.23).</b>				
Acreage or Size of Project	5 or more acres, or Subdivision of 25 or more lots	10 or more acres	5 or more acres	10 or more acres
Multi-Year Phasing	Yes	Yes	Yes	Yes
Class III Impacts	Yes	Not Allowed in Residential Zones	Yes	Yes
Projected Demand on Public Infrastructure and City Provided Utilities Exceed Actual or Designed Capacities in Adopted Master Facilities Plans	Yes	Yes	Yes	Yes
* <b>MIXED-USE DEVELOPMENT:</b> Mixed use development is the co-location of various types of uses within a single building, complex or site. For example, Mixed Use Development could include residential with commercial, or with public or institutional uses, or multi-family with single family dwellings). Mixed Use Development could be "vertical" (e.g., housing above ground floor commercial), and/or "horizontal" (housing in one or more buildings, and commercial or other uses in other buildings on a site, or multi-family dwellings and single family dwellings on a site), or both vertical and horizontal mixed use on a mixed use site.				

## 16.05.040 RESIDENTIAL USES ALLOWED IN THE RESIDENTIAL ZONES

<b>Table 16.05-2: Residential Land Uses Allowed in Residential Zones</b>			
<b>Land Uses</b> (Examples of uses are in Chapter 16.03; definitions are in the Glossary, Chapter 16.32.)	<b>Residential Low Density Zone (Z-RL)</b>	<b>Residential Mixed Density Zone (Z-RM)</b>	<b>Residential High Density Zone (Z-RH)</b>
(See page 8 of Chapter 16.03 for further details and listings regarding Residential Uses)			
<b>Section 16.05.110 contains Residential Infill Standards that are Applicable in all Residential Zones</b>			
<b>Residential Uses with <u>Class I</u> Impacts:</b>			
Single Family (not attached)	<b>OP</b>	<b>OP</b>	<b>OP</b>
Accessory Dwelling	<b>AR</b>	<b>AR</b>	<b>AR</b>
Accessory Structures (with a permitted use): <ul style="list-style-type: none"> <li>• no taller than 25ft. and no larger than 1,000 square feet of building footprint</li> <li>• taller than 25 ft.(up to Zone Limit in Table 16.05.8) or larger than 1,000 sqft of building footprint</li> </ul>	<b>OP</b>		
	<b>AR</b>		
Duplex (2 dwellings sharing a common wall on one lot) -- One duplex on a lot	<b>AR</b>	<b>OP</b>	<b>OP</b>
Manufactured Home	<b>OP</b>	<b>OP</b>	<b>OP</b>
Other Residential Uses such as Bed & Breakfasts, Home Occupations	<b>MR</b>	<b>MR</b>	<b>MR</b>
Family Child Care in a Home	<b>OP</b>	<b>OP</b>	<b>OP</b>
Other Residential Uses such as Hospice Facilities	<b>AR</b>	<b>AR</b>	<b>AR</b>
<b>Residential Uses with <u>Class II</u> Impacts:</b>			
Town House/Rowhouse (2 or more common-wall single family dwellings), each on its own lot,	<b>N</b>	<b>AR</b> up to 19 <b>CU</b> for 20 or more	<b>AR</b> up to 19 <b>CU</b> for 20 or more
Cottage Cluster (2-4 single family dwellings on one lot)	<b>N</b>	<b>CU</b>	<b>CU</b>
Zero Lot Line Housing (may include one common wall)	<b>CU</b>	<b>AR</b>	<b>AR</b>
Multifamily (3 or more dwellings on lot), includes Triplexes, Apartments, Senior Housing, Assisted Living, & Single Room Occupancies, Boarding or Rooming Facilities	<b>N</b>	<b>AR</b> up to 19 <b>CU</b> for 20 or more	<b>AR</b> up to 19 <b>CU</b> for 20 or more
Other Residential such as Nursing and Convalescent Homes, Retirement Center Apartments	<b>MR</b>	<b>MR</b>	<b>MR</b>
<b>Residential Uses with <u>Class III</u> Impacts:</b>			
State Regulated Special Residential Group Living <ul style="list-style-type: none"> <li>• Homes (5 or fewer)</li> <li>• Group Facility (6+)</li> </ul>	<b>AR</b>		
	<b>CU</b> for 6 or more		
Manufactured Home Park	<b>N</b>	<b>CU</b>	<b>N</b>
Other Residential uses such as Dormitories, and Houseboats	<b>CU</b>	<b>CU</b>	<b>CU</b>
<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 16.23).			

## 16.05.050 COMMERCIAL USES ALLOWED IN THE RESIDENTIAL ZONES

<b>Table 16.05-3 Commercial Land Uses Allowed in Residential Zones</b>			
(See pages 10-12 of Chapter 16.03 for further details and listings regarding Commercial Uses)			
<b>Use Categories</b>	<b>Z-RL</b>	<b>Z-RM</b>	<b>Z-RH</b>
<b>Commercial Uses with <u>Class I</u> 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 <u>Class II</u> 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)	N	N	N
<b>Commercial Uses with <u>Class III</u> 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).			



## 16.05.060 INDUSTRIAL USES ALLOWED IN THE RESIDENTIAL ZONES

**Table 16.05-4: Industrial Land Uses Allowed in Residential Zones**

(See pages 14-16 of Chapter 16.03 for further details and listings regarding Industrial Uses)

<i>Land Uses</i>	<b>Z-RL</b>	<b>Z-RM</b>	<b>Z-RH</b>
<b>Industrial Uses with <u>Class I</u> Impacts:</b>			
Industrial Uses such as Assembly of Light Machinery, Equipment, Appliances, Building, Heating, Plumbing or Electrical Contractor Shops; Electric Motor Repair, Manufacture (Light) or Assembly (Light) of Instruments, including Musical Instruments, Precision Items, Photofinishing Laboratories; Repair of Scientific or Professional Instruments, Research and Development Laboratories; Sign Manufacturing.	<b>N</b>	<b>N</b>	<b>N</b>
Other Industrial Uses such as Household Moving and General Freight Storage & Warehouse, Janitorial, Caretaker, and Building Maintenance Services, Off-site (Separate) Warehouses used by Retail Stores like Furniture and Appliance Stores.	<b>N</b>	<b>N</b>	<b>N</b>
<b>Industrial Uses with <u>Class II</u> Impacts:</b>			
Industrial Uses, such as Exterminators; Laundry, Dry-Cleaning, and Carpet Cleaning Plants; Breweries, Distilleries, and Wineries (larger than 5,000 sq ft); Movie Production Facilities; Parcel Receiving and Distribution Services & Warehouse; Printing, Publishing and Lithography Production of Artwork and Toys; Weaving or Production of Textiles or Apparel; Woodworking, including Cabinet Makers.	<b>N</b>	<b>N</b>	<b>N</b>
Other Industrial Uses such as Fuel Oil Distributors; Machine Shops, Mail Order Houses; Major Distribution Centers; Major Post Offices; Manufacture or Assembly of Machinery, Equipment, Vehicles, Appliances, and Other Electrical Items [no discharge permits required] Production of Prefabricated Structures, Including Mobile-Manufactured-Modular Homes; Sale and Storage of Landscaping Materials; Sale or Rental of Machinery, Equipment, Heavy Trucks, Special Trade Tools, Welding Supplies, Machine Parts, Electrical Supplies, Janitorial Supplies, Restaurant Equipment, and Store Fixtures; Tool Repair, Towing and Vehicle Storage; Truck Freight Terminal and Warehouse; Wholesalers of Food, Clothing, Auto Parts, Building Hardware, and Office Supplies.	<b>N</b>	<b>N</b>	<b>N</b>
<b>Industrial Uses with <u>Class III</u> Impacts:</b>			
Industrial Uses such as Auto and Truck Salvage and Wrecking; Concrete Batching and Asphalt Mixing; Energy Production; Fuel yards; Hazardous-Waste Collection Sites; Heavy Truck Servicing and Repair; Truck Stop; Lumber Mills, Pulp and Paper Mills, and Other Wood Products Manufacturing; Manufacture or Assembly of <u>Heavy</u> Machinery, Equipment, Vehicles, Appliances (discharge permits required). Railroad Yards; Tire Retreading or Recapping; Waste Composting or Transfer; wrecking yards.	<b>N</b>	<b>N</b>	<b>N</b>
<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 16.23).			

## 16.05.070 PUBLIC USES ALLOWED IN THE RESIDENTIAL ZONES

<b>Table 16.05-5: Public Uses (Civic or Institutional) Allowed in Residential Zones</b>			
(See page 18 of Chapter 16.03 for further details and listings regarding Public Uses)			
<i>Use Categories</i>	<b>Z-RL</b>	<b>Z-RM</b>	<b>Z-RH</b>
Public Uses with <b>Class I</b> Impacts: City offices and Facilities; Community Development Center; and Utility Offices.	<b>CU</b>	<b>OP</b>	<b>OP</b>
<b>Public Uses with Class II Impacts:</b>			
Public Uses such as Community Centers, Colleges, Universities, Community Colleges, and Adult Education Facilities; Municipal Courts; Museums, Nursery Schools, Preschools; Public Safety Facilities, Including Fire/Emergency Medical Services and Police Stations, and Emergency Communication Broadcast Facilities; Public Squares, Plazas, Senior Centers, Social Service Facilities, Soup Kitchens, Vocational Training for the Physically or Mentally Challenged, Utility Substations, Youth Club facilities.	<b>CU</b> if adjacent to collector, arterial, or highway	<b>CU</b> if adjacent to collector, arterial, or highway	<b>CU</b> if adjacent to collector, arterial, or highway
Other Public Uses such as Boat Launching Areas, Botanical Gardens, City Maintenance Shops; Hospitals and Large Medical Complexes Publicly Owned Swimming Pools, Recreational Trails, Surplus Food Distribution Centers; Transit Centers, Water Towers and Reservoirs.	<b>N</b>	<b>CU</b> if adjacent to collector, arterial, or highway	<b>CU</b> if adjacent to collector, arterial, or highway
Other Public Uses such as Parks and, Recreation Facilities, Open Space, Pedestrian Amenities, Publicly owned RV Parks	<b>CU</b>	<b>CU</b>	<b>CU</b>
	<b>AR</b> if Projects Implement the City's Adopted Facilities Plans		
Other Public Uses such as Meeting Facilities or Related Facilities	<b>CU</b>	<b>CU</b>	<b>CU</b>
Other Public Uses such as Daycare, adult or child day care (12 or fewer children); does not include Family Daycare under applicable ORS provisions.	<b>OP</b>	<b>OP</b>	<b>OP</b>
<b>Public Uses with Class III Impacts:</b>			
Public Uses such as Shelters for Short Term or Emergency Housing (e.g., Homeless Shelters) when operated by a Public or Non-profit Agency.	<b>N</b>	<b>CU</b>	<b>CU</b>
Other Public Uses such as Cemeteries	<b>CU</b>	<b>CU</b>	<b>CU</b>
Other Public such as Bus Barns (public), Treatment Plants and Facilities (Water and Sewage).	<b>N</b>	<b>CU</b>	<b>N</b>
	<b>AR</b> if Projects Implement the City's Adopted Facilities Plans		
<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 16.22); 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 16.23).			

## 16.05.080 OTHER LAND USES ALLOWED IN THE RESIDENTIAL ZONES

<b>Table 16.05-6: Other Uses Allowed in Residential Zones</b>			
(See page 21 of Chapter 16.03 for further details and listings regarding Other Uses)			
<b>Use Categories</b>	<b>Z-RL</b>	<b>Z-RM</b>	<b>Z-RH</b>
Uses with <b>Class I</b> Impacts: <b>NONE</b>	<del> </del>	<del> </del>	<del> </del>
Other Uses with <b>Class II</b> Impacts such as Wireless Communication Facilities	<b>CU</b>	<b>CU</b>	<b>N</b>
	<b>OP</b> for Emergency Services Facilities (Police, Fire and Emergency Management) up to 125 feet; over 125 feet subject to Conditional Use and Variance Processes.		
<b>Other Uses with Class III Impacts:</b>			
Armory	<b>N</b>	<b>CU</b>	<b>N</b>
Other such as Rail Lines and Utility Corridors, except those existing prior to effective date of Development Code are allowed.	<b>CU</b>	<b>CU</b>	<b>CU</b>
Other Uses such as Agricultural, including Forestry (see Glossary)	<b>CU</b>	<b>CU</b>	<b>N</b>
Other Uses such as Mining	[ <b>N</b> = No New Mining Permits will be allowed]		
Other Uses such as Transportation Facilities (operation, maintenance, preservation, and construction in accordance with the City's Transportation System Plan)	<b>AR</b> if Projects Implement the City's Adopted Facilities Plans		
<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 16.23).			

## 16.05.090 RESIDENTIAL ZONES – DEVELOPMENT STANDARDS

The development standards in **Tables 16.05-7 through 16.05-9** apply to all uses, structures, buildings, and development, and major remodels, in the Residential Zones.

<b>Table 16.05-7: Development Standards for Residential Zones</b>			
<b>Minimum Lot Area and Lot Width</b>			
(Except as modified by Residential Infill Standards)			
<b>Standard</b>	<b>Z-RL</b>	<b>Z-RM</b>	<b>Z-RH</b>
<b>Minimum Lot Area (square feet)</b>			
<b>LOT AREA:</b> The total surface area (measured horizontally) within the lot lines of a lot exclusive of public and private streets and easements of access to other property.			
Single Family, not attached	6,000	5,000	5,000
		(See Lot Size Averaging Options, Section 16.05.140)	
Townhouse/Rowhouse	NA	2,500	2,500
Zero Lot Line Housing	5,000	3,500	3,500
Duplex	10,000	7,000	7,000
Multiple-Family, Triplex, or Cottage Cluster	NA	9,000	9,000
Non-Residential Uses	6,000	6,000	6,000
Corner Lots for All of the Above (Except Single Family not attached in Z-RL): Add 500 square feet			
Flag Lot: Driveway portion of lot is not included in the Minimum Lot Area calculations.			
<b>Minimum Lot Width</b>			
<b>Standard</b>	<b>Z-RL</b>	<b>Z-RM</b>	<b>Z-RH</b>
Single Family, not attached	60 ft	50 ft	50 ft
Townhouse/Rowhouse	NA	20 ft	20 ft
Zero Lot Line Housing	50 ft	40 ft	40 ft
Duplex	65 ft	50 ft	50 ft
Multiple-Family Triplex, or Cottage Cluster	NA	60 ft	50 ft
Non-Residential Uses	20 ft	20 ft	20 ft
Corner Lots (All Residential Above)	65 ft	60 ft	60 ft
For flag lots, width is measured at the front building line.			
*Lot area must conform to the standards above. Lot dimensions may be reduced for Flag Lots.			

**Table 16.05-8: Development Standards for Residential Zones -- Building/Structure Height**

<i>Building/Structure Height</i>			
<i>Standard</i>	<b>Z-RL</b>	<b>Z-RM</b>	<b>Z-RH</b>
<u>Level Site (slope less than 15%),</u> maximum height	25 ft	40 ft	40 ft
<u>Sloping Site (15% or greater),</u> maximum height	Highest Point of Site + 1 story (maximum of 2 stories)	Highest Point of Site + 1 story (maximum of 3 stories)	Highest Point of Site + 1 story (maximum of 3 stories)
<u>Fences, Retaining/Garden Walls</u>			
Max. Height. – Front Yard	3 ft	3 ft	3 ft
Max. Height. – Interior Side	8 ft	8 ft	8 ft
Max. Height – Rear Yard	8 ft	8 ft	8 ft
Max. Height – Street Side	3 ft	3ft	3 ft
Max. Height – Reverse Frontage Lot (rear)	3 ft, or up to 8 ft with 5 ft landscape buffer, if there is excess ROW (e.g., a minimum of 15 feet between sidewalk and property line on fully improved site).	3 ft, or up to 8 ft with 5 ft landscape buffer, if there is excess ROW (e.g., a minimum of 15 feet between sidewalk and property line on fully improved site).	3 ft, or up to 8 ft with 5 ft landscape buffer, if there is excess ROW (e.g., a minimum of 15 feet between sidewalk and property line on fully improved site).
<ul style="list-style-type: none"> <li>• Where allowed, fences and walls shall not exceed six feet (6') unless set back ½ foot from the property line for every foot in excess of six feet (6').</li> <li>• Eight foot (8') fences or walls are allowed, but any height over six feet (6') requires a building permit.</li> <li>• Using a Class 1 Variance process (<u>Ministerial Review</u>), the City's Planning Official may grant variations to the above height limitations and set back requirements on fences and walls, if such variations: (1) do not infringe upon the clear vision triangle requirements at intersections of streets or at the intersections of driveways and streets; and, (2) fences greater than 36" in height are not to be located within the required setback of a street-abutting yard. If the requested variations do not meet the above criteria, the Planning Official shall direct the applicants for the variations to the fence/wall standards to use either a Class 2 or Class 3 variance process. See Chapter 16.29 for Variance requirements and processes.</li> <li>• Gates are required in fences to access the area beyond the fence for maintenance.</li> </ul>			

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

<i>Lot Coverage [(two options)]</i>			
<b>Standard</b>	<b>Z-RL</b>	<b>Z-RM</b>	<b>Z-RH</b>
<b>1. Max. Building Coverage -- Building Footprint only (NOT all impervious surfaces) as % of site area</b>			
Single Family Dwelling	40%	60%	60%
Town House	NA	80%	80%
Single Family – Zero Lot Line	60%	70%	70%
Duplex	60%	60%	60%
Multifamily Use or Cottage Cluster	NA	60%	60%
Civic/Institutional	60%	60%	60%
Other Non-Residential	60%	60%	60%
<b>2. Coverage Bonus – applies only to Multi-family and non-residential development.</b>	<i>The allowable building coverage increases by a ratio of one-half (1/2) square foot for every one (1) square foot of required parking area that is paved using a City-approved porous/permeable paving material (i.e., allowing stormwater infiltration) or one-half (1/2) square foot for every one (1) square foot of City-approved water quality treatment area (e.g., vegetative swale or biofiltration) on the development site.</i>		
<b>Minimum Landscape Area</b>	See Chapter 16.15	See Chapter 16.15	See Chapter 16.15
<b>Minimum Setbacks (feet):</b>			
Front	15 ft	Interior Lots: 10 ft Corner Lots: 10/15 ft <sup>1</sup>	Interior Lots: 10 ft Corner Lots: 10/15 ft <sup>1</sup>
Side	5 ft -min. & 15 ft - both	5 ft	5 ft
Street Side	15 ft	10/15 ft <sup>1</sup>	10/15 ft <sup>1</sup>
Rear	Dwellings: 20 ft Others: 10 ft	Dwellings: 20 ft Others: 10 ft	Dwellings: 20 ft Others: 10 ft
<p><b>1.</b> - If front one yard setback (Street or Street Side) is 15 feet, then the other can be less than 15 feet but not less than 10 feet. For irregularly shaped lots, the average setback for Street and Street Side Yards shall be 7.5 feet with no setback less than 5 feet.</p> <p><b>A.</b> Select collectors and arterial streets have greater front yard setbacks</p> <p><b>B.</b> Accessory structures &lt; or = 20 ft high: 5 ft rear and side yard setback</p> <p><b>C.</b> All garage doors and vehicle access openings shall be setback at least 20 ft from the closest adjacent property line or sidewalk.</p>			

## **16.05.100 SETBACK YARDS: EXCEPTIONS, REVERSE FRONTAGE LOTS, FLAG LOTS**

### **A. Residential Yard Setbacks - Purpose**

Residential setback yards provide space for private yards and building separation for fire protection/security, building maintenance, sunlight and air circulation. The standards also encourage the orientation of buildings to provide street visibility for public safety and neighborhood security.

### **B. Setback Yards and Exceptions for Select Architectural Features**

Architectural features, such as eaves, chimneys, bay windows, overhangs, and similar architectural features, as well as Porches, decks and similar structures not exceeding 30 inches in height may encroach into the setback yards by no more than 36 inches, provided that a setback of not less than thirty-six (36) inches is preserved, all applicable building and fire codes are met, and the Clear Vision standards in Section 16.12-2.7.4 are met.

### **C. Setback Yards and Exceptions for Fences and Walls**

Walls and fences built on property lines are subject to the height standards in **Table 16.05-8** and the provisions of Clear Vision standards in Section 12-2.7.4, and 116.05.3, Fences and Walls. However, using a Ministerial Review process, the City's Planning Official may grant variations of up to 15% to the above height limitations and set back requirements on fences and walls, if such variations: (1) do not infringe upon the clear vision triangle requirements at intersections of streets or at the intersections of driveways and streets; and, (2) fences greater than 36" in height are not to be located within a street abutting yard. The Planning Official may direct applicants for variations to the fence/wall standards to use the Variance Process. Applicants may initially select the Variance Process for their requests (16.29).

### **D. Setback Yards – Flag Lots**

1. The front yard of a flag lot shall conform to one of the following two options:
  - a. parallel to the street from which access is taken, or
  - b. parallel to the flag pole from which access is taken.
2. The applicant for a building permit may choose either Option 1 or Option 2, except as otherwise prescribed by conditions of a partition or subdivision approval [Note: The City may impose such conditions.]

## 16.05.110 INFILL STANDARDS FOR RESIDENTIAL ZONES

### A. Overview

The following process or methodology is to be used for determining whether or not a proposed infill development fits the existing residential neighborhood in which the development would be located. As used in this Code, *infill* is the use of vacant or under-developed lots or parcels within existing developed residential areas. Infill lots are 1 acre or less in size, before redevelopment including any land division process.

### B. Applicability

1. The Infill Standards apply only to sites that are 1 acre in size or less in an existing residential neighborhood.
2. The Infill Standards apply only to land use requests that require one or more of the following review processes: Ministerial, Administrative, Conditional Use, Subdivision, Partition or Planned Development.
3. Single family dwellings are out right permitted uses in the residential zones. Therefore, the Infill standards do not apply to single family dwellings that are proposed as infill developments.

### C. Imposing Conditions Related to Critical Design Features

In approving an infill development in an existing residential neighborhood, the Planning Official or Planning Commission may impose, in addition to those standards and requirements expressly specified by the Lebanon Development Code, additional conditions **related to critical design features** that are considered necessary to ensure that they fit the site, the neighborhood and nearby land uses.

### D. Criteria and Review Methodology

The application and proposed infill development in an existing residential neighborhood shall be approved (deemed fitting with the neighborhood and nearby land uses) if **the objective characteristics of the listed critical design features** (see below in 16.05.110.E and 16.05.110.F) of the proposal are within the range of characteristics exhibited by the characteristics of the existing features<sup>1</sup> of the development on the adjacent properties in the same land use zone **and** the properties abutting the adjacent properties in the same land use zone, **and** such features and/or characteristics are **not** prohibited by other provisions of the Lebanon Development Code or other City Ordinances.

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<sup>1</sup> Non-conforming uses, structures, features and characteristics shall not be included in these assessments.



### **E. Objective Characteristics**

The objective characteristics of features considered in this provision are the following:

1. Physical Dimensions (width, length, height),
2. Number
3. Location
4. Magnitude
5. Duration
6. Frequency
7. Time(s) of Occurrence
8. Composition.

### **F. Critical Design Features**

The Critical Features considered in this provision are the following:

1. Building height and footprint
2. Lot Area Coverage
3. Open Space and Outdoor Recreation Areas
4. Fencing, Screening, and Landscaping
5. Signage
6. Vehicular, Pedestrian, and Bicycle Traffic Load and Access Points
7. Vehicular, and Bicycle Parking
8. Full City Services and Public Improvements in place or proposed
9. Provision of public improvements (and granting necessary easements), such as streets, sidewalks, public utility facilities, drainage facilities and other basic services that are directly benefiting the proposed development or, requiring participation in an improvement district to insure provision of basic services, parks, or streets and sidewalks directly benefiting the proposed development.

### **G. Additional Criteria**

All development, infill included, must also meet all applicable requirements set forth in the following:

1. Building Code
2. Fire Code Requirements (such requirements on a proposed development are determined by the Lebanon Fire District, not the City).

### **H. Table 16.05-10: Matrix for Determining If Residential Infill Development Fits an Existing Neighborhood**

**Table 16.05-10: Matrix for Determining If Residential Infill Development Fits an Existing Neighborhood**

Critical Design Features (See 16.05.10.2)	Objective Characteristics (See 16.05.10.1)							
	(a) Physical Dimensions (w, l, h)	(b) Number	(c) Location	(d) Magnitude	(e) Duration	(f) Frequency	(g) Time(s) of Occurrence	(h) Composition
(1) Building Height and Footprint				NA	NA	NA	NA	NA
(2) Lot Area Coverage	NA	NA	NA		NA	NA	NA	NA
(3) Open Space & Outdoor Recreation Areas				NA	NA	NA	NA	
(4) Fencing, Screening, and Landscaping				NA	NA	NA	NA	
(5) Signage					NA	NA	NA	
(6) Vehicular, Pedestrian, & Bicycle Traffic Load, and Access Points								NA
(7) Vehicular, And Bicycle Parking						NA	NA	
(8) Full City Services and Public Improvements in Place or Proposed					NA		NA	
(9) Provision of Public Improvements (and Granting Necessary Easements)					NA		NA	

**Notes:**

1. Not all of the Objective Characteristics are applicable to all of the Critical Design Features. For example, Magnitude, Duration, Frequency, Time(s) of Occurrence and Composition are not applicable to Building Height and Footprint.
2. NA = Not Applicable.
3. The cross referencing of a Design Feature and a Characteristic is reviewable if not listed as NA.

## **16.05.120 RESIDENTIAL ZONES – LOT COVERAGE AND IMPERVIOUS SURFACES**

- A. Lot Coverage Calculation.** The maximum allowable lot coverage shall be as provided in **Table 16.05.9**. Lot coverage is calculated as the percentage of a lot or parcel covered by buildings or structures (as defined by the foundation plan area) and other structures with surfaces greater than 36 inches above the finished grade, not including decks without roofs. It does *not* include paved surface-level developments such as driveways, parking pads, and patios.
- B. Impervious Surface Calculation.** Impervious surfaces are calculated as the percentage of a lot or parcel covered by the foundation plan area (lot coverage) and other non-permeable surface-level development (e.g., asphalt, concrete, and similar impervious paving). It does not include planted areas, and other areas allowing stormwater infiltration, as approved by the City.

## **16.05.130 BUILDING HEIGHT: MEASUREMENT AND EXCEPTIONS**

Building heights shall conform to the standards in **Table 16.05-8**, and subsections 1 & 2, below:

- A. Building Height Measurement.** As per the International Building Code adopted by the State of Oregon, the height of a building is the vertical distance from grade plane to the average height of the highest roof surface. A grade plane is a reference plane representing the average of finished ground level adjoining the building at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than six feet from the building, between the building and a point six feet from the building.
- B. Exceptions from Maximum Building Height Standards.** Chimneys, bell towers, steeples, roof equipment, flag poles, and similar features not for human occupancy may exceed the maximum building heights in a given zone by ten feet, provided that all applicable fire and building codes are met. Other exceptions may be granted through the variance process (Chapter 16.29).

### 16.05.140 LOT SIZE AVERAGING FOR SUBDIVISIONS OF TEN OR MORE LOTS

- A. The developer of a single family lot subdivision with 10 or more lots in Residential Mixed Density (RM) and Residential High Density (RH) Zones may elect to use a Lot Size Averaging approach that allows greater variety in the size of lots than would otherwise be the case.
- B. Such an averaging approach permits the creation and development of a percentage of lots that are smaller than the required minimum when balanced by the inclusion of lots larger than the required minimum.
- C. This option is only available for the development of lots for single family dwellings. The City may require deed restrictions as a condition of approval in approving applications for lot size averaging to assure that future purchasers are aware of the property's history.
- D. The lot sizes used in these calculations may not include the area of the flag driveways of flag lots.
- E. The use of Lot Size Averaging must result in the average lot size equaling or exceeding 5,000 square feet.
- F. The Lot Size Averaging approach must conform to the specifications in **Table 16.05-11**.
- G. Lot Size in Subsection 16.05.140 means Lot Area. As used in this Code, **Lot Area** is defined as the total surface area (measured horizontally) within the lot lines of a lot exclusive of public and private streets and easements of access to other property.

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

## 16.05.150 RESIDENTIAL ZONES SPECIAL USE STANDARDS

The above sections of this Chapter provide standards for specific land uses and building types within the Residential Zone. The standards in this Section supplement the afore mentioned standards. This Section applies to the following uses and building types, as specified below:

- Accessory Dwellings
- Accessory Structures
- Group Living (Residential Care Homes and Facilities)
- Manufactured/Mobile Home Parks
- Multiple Family Housing
- Zero-Lot Line Housing (not common wall).

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

1. An Accessory Dwelling is defined as a complete separate residential unit, including facilities for cooking and sanitation, provided either as a separate structure on the same lot or as part of a primary single-family residence. Development of an accessory dwelling must comply with all applicable lot development standards including required yards (setbacks), off-street parking and lot coverage, but not minimum lot size. Development of an attached accessory dwelling shall not reduce the floor area of the primary residence.
2. Accessory dwellings shall conform to all of the following standards:
  - a. **Floor Area:** Accessory dwellings shall not exceeding 1,000 square feet of floor area, or 40% of the primary unit, whichever is smaller. The unit can be a detached cottage, a unit attached to a garage, or in a portion of an existing house.
  - b. **Exempt from Lot Size:** Accessory dwellings are exempt from the lot size standards of the Residential Zone.
  - c. **Utility Connections:** Accessory dwellings may have the same water and sewer connections as the primary unit.
  - d. **Oregon Structural Specialty Code:** The structure complies with the Oregon Structural Specialty Code.
  - e. **One Unit:** A maximum of one accessory dwelling unit is allowed per lot.
  - f. **Building Height:** The building height of detached accessory dwellings (i.e., separate cottages) shall not exceed 25 feet in the RL Zone nor 30 feet in the RM and RH Zones.
  - g. **Setback Standards:** Shall conform to all setback standards applicable to dwellings in the zone.

**B. Accessory Structures Subject to Special Requirements**

Accessory structures shall be subject to the same requirements as the principal uses within each land use zone, except as otherwise provided below:

1. Accessory structures may not be placed on a lot or parcel without an approved primary use and structure in place, or both uses/structures must be constructed concurrently.
2. Accessory structures involving nonconforming uses and structures are subject to the requirements of Chapter 16.30 (Nonconforming Uses and Developments).
3. In a residential zone, a side and/or rear yard may be reduced to 3 feet for an accessory structure erected more than 60 feet from streets other than an alley.
4. In any residential zone, the rear yard of a corner lot may be reduced to 8 feet for an accessory structure and its projections erected more than 25 feet from streets.
5. Fences shall be considered as accessory structures and are subject to the requirements of **Table 16.05-8**.
6. Patios and decks not exceeding 30 inches in height from grade and open to the sky are not considered accessory structures.
7. An accessory structure shall not occupy more than 35 percent of a required yard nor exceed a height of 14 feet unless permitted below in **Table 16.05-12**.

**C. Types of Residential Accessory Structures**

1. Accessory structures shall be detached from the primary residence and shall not become additional permanent living area.
2. Subject to the restrictions and limitations specified, the following types of accessory structures shall be permitted in zones where Residential use types are permitted:

<b>Table 16.05-12: Type of Accessory Structures</b>	<b>Height Limit</b>
<b>a.</b> Private garages	Table 16.05.2
<b>b.</b> Children's playhouses	14 feet
<b>c.</b> Radio and television receiving antennas (personal use only)	Zone Limit
<b>d.</b> Shops	Table 16.05.2
<b>e.</b> Barns	Table 16.05.2
<b>f.</b> Kennels for dog and cat keeping	8 feet
<b>g.</b> Gazebos	14 feet
<b>h.</b> Solar and wind energy systems (e.g., solar collectors, storage facilities, distribution components, and wind generation devices).	Zone Limit
<b>i.</b> Other necessary and customary developments as determined by the Planning Official in accordance with Section 116.05.4.2.1 above and Chapter 16.25 Code Interpretation).	Determined by the Planning Official

#### **D. Group Living (Residential Care Homes and Facilities)**

Residential care homes are residential treatment or training homes or adult foster homes licensed by the State of Oregon. They may provide residential care alone, or in conjunction with treatment and/or training, for 5 or fewer individuals (“homes”) or 6 to 15 individuals (“facilities”) who need not be related. Staff persons required to meet State licensing requirements are not counted in the number of facility residents and need not be related to each other or the residents. Residential care homes and facilities shall comply with the following standards:

1. **Licensing.** All residential care homes and facilities shall be duly licensed by the State of Oregon.
2. **Parking.** Parking in accordance with Chapter 16.14.

#### **E. Manufactured/Mobile Home Parks**

Manufactured/mobile home parks (not including recreational vehicles) are permitted on parcels of one (1) acre or larger, subject to compliance with subsections 1-5, below:

1. **Permitted uses:** Single family residences, manufactured home park manager’s office, home occupations, and accessory structures that are necessary for the operation and maintenance of the manufactured dwelling park (e.g., landscape maintenance).
2. **Space.** The minimum size pad or space for each dwelling is 2,500 square feet, provided that the overall density of the park does not exceed 12 units per acre. Each space shall be at least 30 feet wide and 40 feet long.
3. **Setbacks and Building Separation.** The minimum setback between park structures and abutting properties is 5 feet. The minimum setback between park structures and public street right-of-way is 15 feet. At least a 10-foot separation shall be provided between all dwellings. Dwellings shall be placed a minimum of 14 feet apart where flammable or combustible fuel is stored between units. Park structures shall be placed no closer than 5 feet to a park street or sidewalk/pathway. An accessory structure shall not be located closer than 6 feet to any other structure or dwelling, except that a double carport or garage may be built which serves 2 dwellings. When a double carport/garage is built, the carport/garage shall be separated from all adjacent structures by at least 3 feet.
4. **Perimeter landscaping.** When manufactured dwellings are oriented with their back or side yards facing a public right-of-way, the City may require installation of fencing and planting of a 10 foot wide landscape buffer between the right-of-way and a manufactured home park for the privacy and security of residents or aesthetics of the streetscape.
5. **Dwelling design (for parks smaller than 3 acres).** Manufactured dwellings in parks smaller than 3 acres shall meet the following design standards:
  - a. The manufactured dwelling shall have a pitched roof with a slope not less than 3 feet in height for each 12 feet in width (14 degrees); and

- b. The manufactured dwelling shall have exterior siding and roofing which in color, material and appearance are similar or superior to the exterior siding and roof material used on nearby residences (e.g., horizontal wood or wood-appearance siding is considered “superior” to metal siding and roofing).
- c. Exception: Subsections a-b, above, do not apply to manufactured home parks that existed within the City prior to the effective date of this Code.

**16.05.160 SITE AREA STANDARDS FOR MULTI-FAMILY HOUSING**

Where multi-family housing is allowed, it shall conform to all of the following standards, which are intended to promote livability for residents and compatibility with nearby uses.

**A. Minimum Site Areas**

The minimum site area per dwelling unit shall be as described in **Table 16.05-13** for all multiple-family dwellings and condominiums as defined in Chapter 16.32 (Glossary).

<b>TABLE 16.05-13: SITE AREA PER DWELLING UNIT</b>		
<b>Unit Type</b>	<b>Minimum Standard</b>	<b>With 20% Density Bonus</b>
Studio	1,100 square feet	884 square feet
One Bedroom	1,550 square feet	1,244 square feet
Two Bedroom	2,000 square feet	1,604 square feet
Three Bedroom	2,425 square feet	1,940 square feet
Four or More Bedrooms	2,750 square feet	2,204 square feet

**B. Affordable Housing Density Bonus (Twenty Percent)**

1. Affordable Housing: As defined by the US Housing and Urban Development Department (HUD), a household should pay no more than 30% of its gross monthly income for housing. Means housing affordable to a certain percentage of the population earning a specified level of income and spending no more than 30 percent of their income on housing expenses. *Affordable Housing* is housing that requires no more than 30% of the monthly income of a household that has income at or below 80% of the area median. *Affordable Housing* thus means housing (including necessary and essential utilities) for which persons or families pay 30 % or less of their gross income.
2. As shown in **Table 16.05-13**, the number of permitted dwelling units allowed by the minimum site area requirements may be increased by (20%) provided that at least half of these additional units are available at costs acceptable by the State as *Affordable Housing*. The *Affordable Housing* units must be similar in the floor area and number of bedrooms to the other additional units and may be provided off-site.



3. The developer is required to enter into a legally enforceable, assignable contract with a local, regional and/or state housing agency who will assume all responsibility for identifying, placing and managing the qualifying household. In the circumstance of off-site units, the developer will provide agency determined equivalent rent payments and the agency will assume all other responsibilities.
4. Site area reduction bonuses are subject to approval by the Planning Official and/or Planning Commission. Developments qualifying for the above density bonuses must comply with all other applicable development and improvement standards and codes required by the City of Lebanon and the requirements of this zone including setbacks, parking, open space, and so on.

### **16.05.170 OPEN SPACE AND SITE DESIGN REQUIREMENTS FOR MULTI-FAMILY HOUSING**

#### ***A. Recreation and Open Space Areas***

In multiple family developments, a portion of the land not covered by buildings and parking shall be of adequate size and shape and in the proper location to be functional for outdoor recreation and relaxation. The standards are also intended to ensure that project open space is an integral part of the overall development design, not merely leftover space. For larger developments there should be a variety of open space activity areas.

#### ***B. Open Space Design***

Required open space shall be designed and arranged to offer the maximum benefits to the occupants of the development as well as provide visual appeal and building separation.

#### ***C. Basic Requirements for Open Space, Site Design, And Screening***

1. These provisions shall apply to all new projects and to an addition or remodeling of existing structures that creates additional dwelling units.
2. A minimum of 25 percent of the project development area (or equivalent as described below) shall be developed as permanent open area.
3. The minimum open area shall be landscaped and permanently maintained in accordance with the provisions of Chapter 16.15.
4. Trash receptacles shall be oriented away from residences, and shall be screened with an evergreen hedge or solid fence or wall and shall not be located in required yard setbacks or open space. Receptacles must be accessible to trash pick-up trucks.
5. Decorative design elements such as fountains, pools, benches, sculptures, planters, and similar elements may be placed within the open area.
6. Open Space Designation: Areas provided to satisfy the minimum useable open space requirement shall be so designated (including area calculation) on the development site plan and shall be reserved as open space.

#### **D. General Allocation of Open Space**

Open space may be allocated as follows:

1. **Private Open Space:** Space designed for the exclusive use of individual dwelling units such as patio areas and balconies.
2. **Children's' Play Areas:** An area designated for the recreation of children. Such areas may include sand boxes, bark chip areas, areas containing play structures, hard surface courts, and wading pools.
3. **Common Open Space:** Open space, exclusive of private open space and children's' play areas, that is available for use by all of the residents of the development.
4. At least 50% of the open space must be **usable outdoor space**.
5. **Driveways and parking areas** shall not be included in the open space calculation.

#### **E. Common Open Space**

1. The minimum required common open space, regardless of any bonuses or reductions, is 1,000 square feet inclusive of children's' play areas.
2. Areas designated as common open space shall be at least 500 square feet in size with no horizontal dimension less than 20 feet.
3. At least 25% of all open space shall be in one area whose the length shall not exceed the width by more than 2.5 times unless the minimum dimension is 30' or a different ratio is required for a particular type of developed sport court or field.
4. All remaining open space is subject to the minimum standards noted here, but could be located in a required setback area or yard.
5. The open space shall be functional and shall include one or more of the following uses:
  - a. Developed Recreation Areas:
    - (1) Swimming pools, spas, and adjacent patios and decks
    - (2) Developed and equipped recreation areas, such as a fitness center
    - (3) Sport courts (tennis, handball, volleyball, basketball, etc.)
    - (4) Community centers (e.g., social hall with amenities)
  - b. Food Service(s)
  - c. Ornamental Gardens.
  - d. Sheltered Recreation areas.
  - e. Lawn or hard surface areas in which user amenities such as trees, shrubs, pathways, covered picnic tables, benches, and drinking fountains have been placed.
  - f. Bonus. The Developed Recreational areas described in 5(a) above shall earn a bonus in overall reduction of required open space at a 4:1 ratio, resulting in a 4 square foot reduction for each square foot of developed recreation space.
6. Developments shall provide a mix of passive and active recreational uses from the above list if the open space can accommodate more than one use.

7. Developed Recreation Areas may count towards 50 percent of the common open space requirement.
8. Not more than 20 percent of the common open space requirement shall be on land with slopes greater than 15 percent, and/or on delineated sustained wetlands.
9. Required yard setback areas may be applied toward the minimum useable open space requirement. Active, noise-generating activities as well as developed or improved recreation areas shall not be allowed in any required yard setback areas and shall be centrally located.

**F. Children's Play Areas (Does not apply to Senior Living Facilities.)**

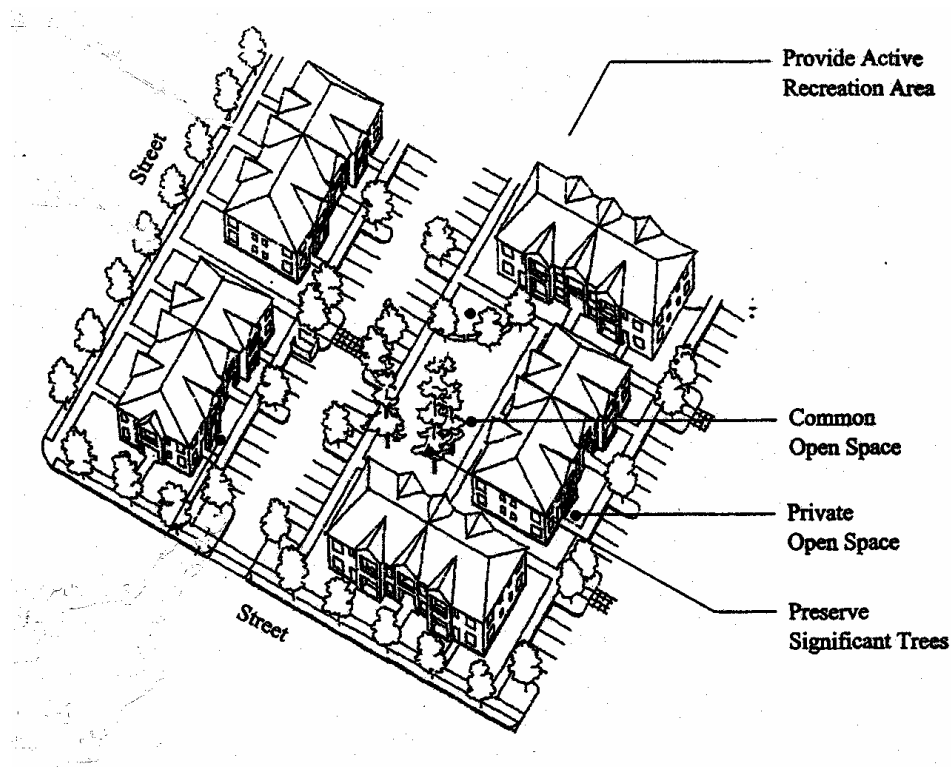
1. Multiple family developments larger than 8 units (excluding studio units) shall designate one or more children's play areas.
2. Children's play areas shall be placed within open view of the units they are intended to serve. More than one play area may be needed in larger developments.
3. No horizontal dimension of a children's play area shall be less than 20 feet.
4. At least a minimum of one 500 square foot children's play area shall be provided.
5. Placement of children's play areas shall not be allowed in any required yard setback and shall be centrally located.
6. Children's play areas fulfill part of the common open space area but do not count toward any of the other open space requirements. At least 10% of all required open space or 500 square feet (whichever is greater) shall be devoted to children's play areas.
7. Any and all playground equipment must comply with the International Play Equipment Manufacturers Association (IPEMA) standards.

**G. Private Open Space**

1. In multiple family developments, private open space, if it is designated as fulfilling part of the overall open space requirement, shall meet the following standards:
  - a. At-Grade Dwellings: Dwellings located at finished grade, or within 5 feet of finished grade, shall provide a minimum of 96 square feet of private open space per unit, with no dimension less than 8 feet. Private open space for at-grade dwellings may be provided within interior courtyards.
  - b. Above-Grade Dwellings: Dwellings located more than 5 feet from finished grade shall provide a minimum of 80 square feet of private open space per dwelling unit (such as a yard, deck or porch), with no dimension less than 8 feet. Private open space for units located more than 5 feet above grade may be provided individually, as with a balcony.
2. Orientation of Private Open Space: Private open space areas shall be oriented toward other open space areas and away from trash receptacles, parking and drives to the greatest extent practicable.
3. Privacy Requirements: Private open space shall be physically and visually separated from other adjacent private space.

4. All private open space shall be directly accessible from the dwelling unit through a doorway, and may not be part of an accessway, but could be adjacent to an accessway.
5. Private open space of at least 80 square feet with a minimum dimension of 8 feet may be included as part of the required open space and be given credit for 2 square feet of open area for each 1 square feet so provided, not to exceed 200 square feet of total open space credit per dwelling unit.

**Figure 16.05-1: Examples of Multiple Family Open Space**



## 16.05.180 ZERO-LOT LINE HOUSING

### A. Introduction

Zero-lot line houses are subject to the same standards as non-attached single family housing, except that a side yard setback is not required on one side of the lot, as generally shown in **Figure 16.05.2**. The standards for zero-lot line housing are intended to ensure adequate outdoor living area, compatibility between adjacent buildings, and access to side yards for building maintenance. Zero lot line housing also includes attached dwellings. All zero-lot line houses shall conform to all of the criteria in the subsections below.

### B. Site Design Review Required

Site Design Review is required for new zero-lot line developments. When a zero-lot line development is proposed as part of a Land Division, Planned Development, or other application, the Site Plan Review may be combined with the other application(s).

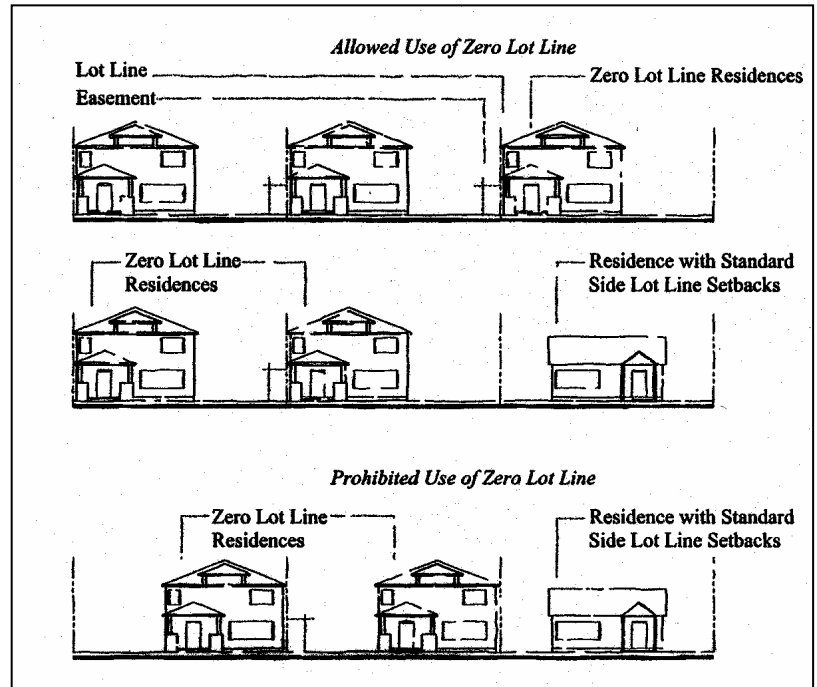
### C. Setbacks for Primary and Accessory Structures

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

### D. Construction and Maintenance Easement

Prior to building permit approval, the applicant shall submit a copy of a recorded easement (unless there is a common wall) for every zero-lot line house that guarantees access onto adjoining lot for the purpose of construction and maintenance of the zero-lot line house. The easement shall require that no fence or other structure shall be placed in a manner that would prevent maintenance of the zero-lot line house. The easement shall not be less than 10 feet wide and shall not preclude the adjoining owner from landscaping the easement area.

**Figure 16.05-2: Zero-Lot Line Housing Examples**



***Title 16: City of Lebanon  
Development Code***

ARTICLE TWO  
LAND USE ZONES

**Chapter 16.06:  
Mixed Use Land Use Zone**

**Adopted by City Council on  
December 10, 2008**

# Chapter 6: Mixed-Use Land Use Zone

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# Chapter 16.06: Mixed-Use Land Use Zone

## 16.06.010 BACKGROUND

- A. This Chapter contains all of the standards for the Mixed-Use Zone (Z-MU). The standards are intended to be applied to all reviews in the Mixed-Use Zone.
- B. The creation of a lot or parcel through the subdivision or partition process is an outright permitted action in the Mixed-Use Zone subject to the provisions of Chapter 16.22 and any other applicable requirements in this Code (e.g., Community Development Standards, chapters 16.12-16.19).

## 16.06.020 PURPOSE

- A. The purpose of the Mixed-Use Zone is to provide lands that possess potential for several types of land use or combinations of different land uses. The intent of this designation is to achieve an environment in which different land uses can co-exist by providing building groupings for privacy, usable and attractive open spaces, and safe circulation, thus promoting the general well being of the residents, businesses, and other occupants. Effective mixed-use zones not only allow the co-location of various types of uses, but they also promote compatible architectural design and connectivity of buildings to streets and paths. Residential mixed-use encourages planners and developers to look beyond the traditional subdivision design and think about new and efficient utilization of land. Such innovative designs can provide residents access to commercial services as well as amenities such as parks, trails, and open spaces, and hence promote community-friendly development<sup>1</sup> that is highly compatible with surrounding uses and promotes a sense of community.
- B. Mixed Use lands are open to all types of development including residential, commercial, and light (Class I and II Impacts) industrial land uses.
- C. The Mixed-Use Zone is intended to:
  - 1. Promote efficient use of land and urban services.
  - 2. Create a mixture of land uses that encourages employment and housing options in close proximity to one another.
  - 3. Encourage pedestrian-oriented development in all mixed-use areas.
  - 4. Provide connections to and appropriate transitions between residential areas and commercial areas.
  - 5. Promote independence of movement, especially for the young and the elderly who can conveniently walk, cycle, or ride transit.

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<sup>1</sup> Lebanon's approach to community friendly development includes principles that combine sound local and regional planning techniques with a variety of elements from several different perspectives. Such principles focus on 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. See Chapter 7 of Lebanon's Comprehensive Plan for additional details.



6. Promote safety in commercial areas, through the around-the-clock presence of people.
7. Provide opportunities for the development of support services and amenities in neighborhoods so as to encourage those who choose to work at home, home occupations and the further decentralization and diversification of the local economy.
8. Encourage reduction in auto use, especially by shortening trips between residences and jobs/services/recreation.
9. Encourage the development of a variety of housing choices.

## **16.06.030 INTRODUCTION**

### **A. Impact Classifications**

1. As noted in Chapter 16.03, all land use types are further divided into three subcategories by the degree of impacts or off-site impacts that the uses could reasonably be expected to exert on the surrounding properties and neighborhood.
2. Please see Section 16.03.010.E of Chapter 16.03 (pages 2 and 3) for the details of this impact classification system.

### **B. Key to Procedures, Standards, and Conditions of Approval**

1. **Outright Permitted Uses with Site Review and Building Permit:** “OP” means the use is permitted outright and a **Building Permit** is issued after a **site review** determines that all setbacks and other lot and building site requirements are satisfied.
2. **Permitted Uses with Ministerial Review:** “MR” approval is gained through a ministerial review process (see Chapter 16.20).
3. **Permitted with Administrative Review:** “AR” means the use is permitted through an Administrative Review process that takes into account all applicable requirements (see Chapter 16.20).
4. **Permitted with Conditional Use Approval:** “CU” means the use is permitted with a Conditional Use approval (Chapter 21).
5. **Site Reviews:** The processing of a variety of land use applications may also include detailed site reviews (site plan reviews). These requirements are addressed in LDC Chapters 16.21-16.24 (Article Four).
6. **Decision Criteria and/or Additional Conditions of Approval:** The standards and review processes outlined in this Code in **Article Three: Community Development and Use Standards** and in **Article Four: Land Use And Development Review/Approval Requirements And Procedures**, as well as applicable Overlay Zones (Chapter 16.11) may set additional decision criteria and/or conditions of approval.
7. **Not Permitted:** The code provisions are also intended to make it more difficult to place incompatible uses near one another; an “N” designation means the use is not permitted.
  - a. **Existing Uses.** The “Not Permitted” (“N”) designation is not retroactive and does not impact existing uses.
  - b. **No New Uses.** The “Not Permitted” (“N”) designation indicates that no new uses of this type are allowed on a property to which this designation applies.

## **16.06.040 PROCESS FOR REVIEW OF MIXED USE LAND USE APPLICATIONS**

### ***A. Mixed Use Land Uses***

All applications for development in the Mixed Use Zone for projects that are **not** deemed Major Land Use Actions are subject to:

1. The appropriate review process indicated in **Tables 16.06-2 thru 16.06-6**, and
2. May also be subject to:
  - a. Site Reviews (e.g., to determine that all setbacks and other lot and building site requirements are satisfied).
  - b. The standards noted and review processes outlined in this Code in Article Three: Community Development and Use Standards and in Article Four: Land Use And Development Review/Decision Requirements And Procedures,
  - c. Applicable Overlay Zones (Chapter 16.11) may set additional conditions of approval.

### ***B. Process for Basic Review of Applications and Impact Mitigation for Projects Deemed Major Land Use Actions thus Requiring Planned Development Reviews***

1. For purposes of this chapter, if a proposed development in a mixed use zone is deemed a Major Land Use Action according to **Table 16.06-1** on the following page, it shall be processed as a Planned Development.
2. See Chapter 16.23 for the details of the process for *Planned Development Reviews*.

**Table 16.06-1: Characteristics of Major Land Use Actions in the Mixed Use Zone  
(Projects in the Mixed Use Zone Requiring a Planned Development Review)**

Note: Acreage refers to the size of the area being developed, not the total parcel or lot size.

Characteristics	Residential Uses	Commercial Uses	Industrial Uses	Public and Other Uses	Mixed Uses*
<b>If the project's acreage exceeds the thresholds below, that land use application shall be deemed a Major Land Use Action and processed as a Planned Development (see Chapter 16.23).</b>					
Planned Development Application Required if Project Acreage Exceeds	25 or more acres	10 or more acres	20 or more acres	10 or more acres	10 or more acres
<b>If a proposed development is characterized by two or more of the characteristics listed below (in the four rows immediately following), that land use application shall be deemed a Major Land Use Action and processed as a Planned Development (see Chapter 16.23).</b>					
Acreage of Project	5 or more acres (in a single site), or Subdivisions of 25 or more lots	5 or more acres	10 or more acres	5 or more acres	5 or more acres
Multi-Year Phasing	Yes	Yes	Yes	Yes	Yes
Class III Impacts	Yes	Yes	Not allowed in Z-MU	Yes	Yes
Projected Demand on Public Infrastructure and City Provided Utilities Exceed Actual or Designed Capacities in Adopted Master Facilities Plans	Yes	Yes	Yes	Yes	Yes
* <b>MIXED-USE DEVELOPMENT:</b> Mixed use development is the co-location of various types of uses within a single building, complex or site. For example, Mixed Use Development could include residential with commercial, or with public or institutional uses, or multi-family with single family dwellings. Mixed Use Development could be "vertical" (e.g., housing above ground floor commercial), and/or "horizontal" (housing in one or more buildings, and commercial or other uses in other buildings on a site, or multi-family dwellings and single family dwellings on a site), or both vertical and horizontal mixed use on a mixed use site.					

## 16.06.050 RESIDENTIAL USES ALLOWED IN THE MIXED USE ZONE

<b>Table 16.06-2: Residential Land Uses Allowed in the Mixed Use Zone</b>	
<b>Land Uses</b> (Examples of land uses are in Chapter 16.03; definitions are in the Glossary, Chapter 16.32.)	<b>Mixed Use Zone (Z-MU)</b>
(See page 8 of Chapter 16.03 for further details and listings regarding Residential Uses)	
<b>Residential Uses with <u>Class I</u> Impacts:</b>	
Single Family (not attached)	<b>OP</b>
Accessory Dwelling	<b>AR</b>
Accessory Structures (with a permitted use) <ul style="list-style-type: none"> <li>• no taller than 25ft. and no larger than 1,000 square feet of building footprint</li> <li>• taller than 25 ft. or larger than 1,000 square feet of building footprint</li> </ul>	<b>OP</b>
Duplex (2 dwellings sharing a common wall on one lot) -- One duplex on a lot	<b>OP</b>
Manufactured Home	<b>OP</b>
Family Child Care in a Home	<b>OP</b>
Other Residential Uses such as Bed & Breakfasts, Home Occupations	<b>MR</b>
Other Residential Uses such as Hospice	<b>AR</b>
<b>Residential Uses with <u>Class II</u> Impacts:</b>	
Town House/Rowhouse (2 or more common-wall single family dwellings), each on its own lot	<b>AR</b>
Cottage Cluster (2-4 single family dwellings on one lot)	<b>AR</b>
Zero Lot Line Housing (may include one common wall)	<b>AR</b>
Multifamily (3 or more dwellings on lot), includes Triplexes, Apartments, Senior Housing, Assisted Living, & Single Room Occupancies, Boarding or Rooming Facilities	<b>AR</b>
Other Residential Uses such as Nursing and Convalescent Homes, Retirement Center Apartments	<b>AR</b>
<b>Residential Uses with <u>Class III</u> Impacts:</b>	
State Regulated Special Residential Units <ul style="list-style-type: none"> <li>• Group Living Homes (5 or fewer)</li> <li>• Group Facility (6+)</li> </ul>	<b>AR</b>
	<b>CU for 6 or more</b>
Manufactured Home Park	<b>CU</b>
Other Residential uses such as Dormitories, and Houseboats	<b>CU</b>
<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).	

## 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 <u>Class I</u> Impacts:</b>	
Offices	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	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	AR
<b>Commercial Uses with <u>Class II</u> 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	AR
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)	CU
<b>Commercial Uses with <u>Class III</u> Impacts:</b>	
Parking Lot (when not an accessory use)	AR
Parking Structure	CU
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, and Other Recreational Vehicles, Shopping Mall.	CU
Other Class III Uses	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 16.06-1: Characteristics of Major Land Use Actions Matrix -- Projects in the Mixed Use Zone Requiring a Planned Development Review (Chapter 16.23).	

## 16.06.070 INDUSTRIAL USES ALLOWED IN THE MIXED USE ZONE

<b>Table 16.06-4: Industrial Land Uses Allowed in the Mixed Use Zone</b>	
(See pages 14-16 of Chapter 16.03 for further details and listings Industrial Uses)	
<i>Land Uses</i>	<i>Mixed Use Zone (Z-MU)</i>
<b>Industrial Uses with <u>Class I</u> Impacts:</b>	
Industrial Uses such as Assembly of Light Machinery, Equipment, Appliances, and Other Electrical Items, Building, Heating, Plumbing or Electrical Contractor Shops; Electric Motor Repair, Manufacture (Light) or Assembly (Light) of Instruments, including Musical Instruments, Precision Items, Photofinishing Laboratories; Repair of Scientific or Professional Instruments, Research and Development Laboratories; Sign Manufacturing	<b>AR</b>
Other Industrial Uses such as Household Moving and General Freight Storage & Warehouse, Janitorial, Caretaker and Building Maintenance Services; Off-site (Separate) Warehouses used by Retail Stores like Furniture and Appliance Stores	<b>AR</b>
<b>Industrial Uses with <u>Class II</u> Impacts:</b>	
Industrial uses such as Exterminators; Laundry, Dry-Cleaning, and Carpet Cleaning Plants; Micro Breweries, Distilleries, and Wineries; Movie Production Facilities; Parcel Receiving and Distribution Services & Warehouse; Printing, Publishing and Lithography Production of Artwork and Toys; Weaving or Production of Textiles or Apparel; Woodworking, including Cabinet Makers.	<b>CU</b>
Other Industrial Uses such as Fuel Oil Distributors; Machine Shops, Mail Order Houses; Major Distribution Centers; Major Post Offices; Manufacture or Assembly of Machinery, Equipment, Vehicles, Appliances, and Other Electrical Items [no discharge permits required]; Production of Prefabricated Structures, Including Mobile-Manufactured-Modular Homes; Sale and Storage of Landscaping Materials; Sale or Rental of Machinery, Equipment, Heavy Trucks, Special Trade Tools, Welding Supplies, Machine Parts, Electrical Supplies, Janitorial Supplies, Restaurant Equipment, and Store Fixtures; Tool Repair, Towing and Vehicle Storage; Truck Freight Terminal and Warehouse; Wholesalers of Food, Clothing, Auto Parts, Building Hardware, and Office Supplies; Breweries, Distilleries, and Wineries (larger than 5,000 sq ft.	<b>CU</b>
<b>Industrial Uses with <u>Class III</u> Impacts:</b>	
Industrial Uses such as Auto and Truck Salvage and Wrecking; Concrete Batching and Asphalt Mixing; Energy Production; Fuel yards; Hazardous-Waste Collection Sites; Heavy Truck Servicing and Repair; Truck Stop; Lumber Mills, Pulp and Paper Mills, and Other Wood Products Manufacturing; Manufacture or Assembly of <u>Heavy</u> Machinery, Equipment, Vehicles, Appliances (discharge permits required). Railroad Yards; Tire Retreading or Recapping; Waste Composting or Transfer; wrecking yards;	<b>N</b>
<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).	

## 16.06.080 PUBLIC USES ALLOWED IN THE MIXED USE ZONE

**Table 16.06-5: Public (Civic or Institutional) Land Uses Allowed in the Mixed Use Zone**

(See page 18 of Chapter 16.03 for further details and listings regarding Public Uses)

<i>Use Categories</i>	<i>Mixed Use Zone (Z-MU)</i>
Public Uses with <b>Class I</b> Impacts: City offices and Facilities; Community Development Center; Libraries; and Utility Offices.	<b>AR</b>
<b>Public Uses with Class II Impacts:</b>	
Public Uses such as Community Centers, Colleges, Universities, Community Colleges, and Adult Education Facilities Municipal Courts; Museums, Nursery Schools, Preschools Public Safety Facilities, Including Fire/Emergency Medical Services and Police Stations, and Emergency Communication Broadcast Facilities; Public Squares, Plazas, Senior Centers, Social Service Facilities, Soup Kitchens, Vocational Training for the Physically or Mentally Challenged, Utility Substations, Youth Club facilities	<b>CU</b>
Other Public Uses such as Boat Launching Areas, Botanical Gardens, City Maintenance Shops; Hospitals and Large Medical Complexes Publicly Owned Swimming Pools, Recreational Trails, Surplus Food Distribution Centers; Transit Centers, Water Towers and Reservoirs	<b>CU</b> [Recreational Trails: <b>AR</b> if the Projects Implement the City's Adopted Facilities Plans]
Other Public such as Schools	<b>CU</b>
Other Public Uses such as Meeting Facilities or Related Facilities	<b>CU</b>
Other Public Uses such as Daycare, adult or child day care (12 or fewer children). [Does not include Family Daycare {in homes} under ORS 657A.250 (see Table 16.5-2, Residential Land Uses).]	<b>CU</b>
Other Public Uses such as Parks and, Recreation Facilities, Open Space, Pedestrian Amenities, Publicly owned RV Parks	<b>CU</b> [ <b>OP</b> for dedicated wetlands and detention facilities; <b>AR</b> if the Projects Implement the City's Adopted Facilities Plans]
<b>Public Uses with Class III Impacts:</b>	
Public Uses such as Shelters for Short Term or Emergency Housing (e.g., Homeless Shelters) when operated by a Public or Non-profit Agency	<b>CU</b>
Other Public Uses such as Cemeteries	<b>CU</b>
Other Public Uses such as Bus Barns (public), Treatment Plants and Facilities (Water and Sewage)	<b>CU</b> [ <b>AR</b> if the Projects Implement the City's Adopted Facilities Plans]
<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).	

## 16.06.090 OTHER LAND USES ALLOWED IN THE MIXED USE ZONE

<b>Table 16.06-6: Other Land Uses Allowed in the Mixed Use Zone</b>	
(See page 21 of Chapter 16.03 for further details and listings regarding Other Uses)	
<b>Use Categories</b>	<b>Mixed Use Zone (Z-MU)</b>
Uses with <b>Class I</b> Impacts: <b>NONE</b>	
Other Uses with <b>Class II</b> Impacts such as Wireless Communication Facilities	<b>CU</b> <b>OP</b> for Emergency Services Facilities (Police, Fire and Emergency Management) up to 125 feet; over 125 feet subject to Conditional Use and Variance Processes.
<b>Other Uses with Class III Impacts:</b>	
Armory [e.g., National Guard]	<b>CU</b>
Other Uses such as Rail Lines and Utility Corridors, except those existing prior to effective date of Development Code are allowed.	<b>CU</b> [AR if Projects Implement the City's Adopted Facilities Plans]
Other Uses such as Agricultural, including Forestry (see Glossary)	<b>CU</b>
Other Uses such as Mining	[N = No New Mining Permits will be allowed]
Other Uses such as Transportation Facilities (operation, maintenance, preservation, and construction in accordance with the City's Transportation System Plan)	<b>CU</b> [AR if Projects Implement the City's Adopted Facilities Plans]
<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).	



## 16.06.100 MIXED USE ZONE DEVELOPMENT STANDARDS

### A Development Standards for Mixed Use

The development standards in Table 16.06-7 apply to all uses, structures, buildings, and development, and major remodels, in the Mixed Use Zone (Z-MU).

<b>Table 16.06-7: Development Standards for Mixed Use</b>	
<b>Standard</b>	<b>Z-MU</b>
<b>Lot Sizes</b>	
<b>All Residential Uses</b>	Same as Residential Mixed Density (Z-RM) Requirements
<b>All Other Uses</b>	There shall be no minimum lot size for other uses.
<b>Site Development Requirements</b>	
<b>All Uses</b>	Required yards and other site development standards shall be required as if the use proposed was in the Z-RM, Z-NMU, Z-NCM, Z-CCM, Z-HCM, Z-IND, or Z-PU zone. The placement of the use in a zone with respect to site development requirements shall be made by the Planning Official in consideration of the request.
<b>Clear Vision Area</b>	
<b>All Uses</b>	A clear vision area shall be maintained as provided in Section 12-2.7.4, and a 20 foot triangle at intersections.

### B. Utilization of Appropriate Development Standards for the Different Types of Land Use Requests Permissible in the Mixed Use Zone

1. Mixed development lands are open to a variety of development types including residential uses, many commercial uses, light (Class I and II Impacts) industrial uses, and public uses (see Tables 16.06-2 thru 16.06-6).
2. The Mixed Use Zone includes **development** standards applicable for all development in this zone.
3. In addition, the development standards applicable to other types of land uses shall be utilized in setting the conditions of approval:
  - a. For Residential Uses in the Mixed Use Zone, see the standards in Chapter 16.05.
  - b. For Commercial Uses in the Mixed Use Zone, see the standards in Chapter 16.08.
  - c. For Industrial Uses in the Mixed Use Zone, see the standards in Chapter 16.09.
  - d. For Public Uses in the Mixed Use Zone, see the standards in Chapter 16.10.
4. The Conditional Use Review (Chapter 16.21), and/or Review of Planned Developments (Chapter 16.23) may set additional conditions of approval.

***Title 16: City of Lebanon  
Development Code***

ARTICLE TWO  
LAND USE ZONES

**Chapter 16.07:  
Neighborhood Mixed Use Zone**

**Adopted by City Council on  
December 10, 2008**

# Chapter 16.07: Neighborhood Mixed-Use Zone

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# Chapter 16.07: Neighborhood Mixed-Use Zone

## 16.07.010 BACKGROUND

- A. This Chapter contains all of the standards for the Neighborhood Mixed-Use Zone (Z-NMU). The standards are intended to be applied to all reviews in the Neighborhood Mixed-Use Zone.
- B. The creation of a lot or parcel through the subdivision or partition process is an outright permitted action in the Mixed Use Zone subject to the provisions of Chapter 16.23 and any other applicable requirements in this Code (e.g., Community Development Standards, Chapters 16.12 - 16.19).

## 16.07.020 PURPOSE AND IMPLEMENTATION

### A. Purpose

- 1. To provide lands suitable for primarily residential uses, with flexibility to allow neighborhood commercial services, in a transition area between commercial and residential areas.
- 2. Commercial, Light Industrial, and "Other" Land Uses shall not occupy more than 5,000 square feet in any single structure. However, such building size restrictions do not apply to allowed Residential uses and Public Uses (Civic and Institutional).
- 3. The types of businesses envisioned in this area include coffee shops, delis, bakeries, small offices, or day care facilities. Essentially, the Neighborhood Mixed-Use Zone is a blending of commercial and residential uses to create a transition zone between such uses. Specifically, the Neighborhood Mixed Use Zone combines elements of the Neighborhood Commercial (Z-NCM) and Mixed Density Residential (Z-RM) zones.
- 4. The Neighborhood Mixed-Use Zone is intended to:
  - a. Provide a buffer or transition between commercial development and residential areas.
  - b. Provide effective connectivity for pedestrians and bicyclists between residential areas and commercial areas.
  - c. Encourage pedestrian-oriented development.
  - d. Promote efficient use of land and urban services.
  - e. Promote independence of movement, especially for the young and the elderly who can conveniently walk, cycle, or ride transit.
  - f. Create a mixture of land uses that encourages employment and housing options in close proximity to one another.
  - g. Provide opportunities for the development of support services and amenities in neighborhoods so as to encourage those who choose to work at home, home occupations and the further decentralization and diversification of the local economy.
  - h. Encourage reduction in auto use, especially by shortening trips between residences and jobs/services/recreation.
  - i. Encourage the development of a variety of housing choices.

## **B. Implementation**

As noted in Chapter 4 of the 2004 Lebanon Comprehensive Plan, “[t]he new 2004 category of **Neighborhood Mixed Use** is a category to which property can be redesignated by future Comprehensive Plan Map amendments. However, this Comprehensive Plan does not assign any land to this new designation.” Given the transitional nature of this zone, any redesignation of parcels to C-NMU (and subsequently Z-NMU) must not only be consistent with the purposes of this zone, the land proposed for redesignation must also be adjacent to both commercial and residential areas.

### **16.07.030 INTRODUCTION**

#### **A Impact Classifications**

1. As noted in Chapter 16.03, all land use types are further divided into three subcategories by the degree of impacts or off-site impacts that the uses could reasonably be expected to exert on the surrounding properties and neighborhood.
2. Please see Section 16.03.010.E of Chapter 16.03 (pages 2 and 3) for the details of this impact classification system.

#### **B Key to Procedures, Standards, and Conditions of Approval**

1. **Outright Permitted Uses with Site Review and Building Permit:** “OP” means the use is permitted outright and a **Building Permit** is issued after a **site review** determines that all setbacks and other lot and building site requirements are satisfied.
2. **Permitted Uses with Ministerial Review:** “MR” approval is gained through a ministerial review process (see Chapter 16.20).
3. **Permitted with Administrative Review:** “AR” means the use is permitted through an Administrative Review process that takes into account all applicable requirements (see Chapter 16.20).
4. **Permitted with Conditional Use Approval:** “CU” means the use is permitted with a Conditional Use approval (Chapter 16.21).
5. **Site Reviews:** The processing of a variety of land use applications may also include detailed site reviews (site plan reviews). These requirements are addressed in LDC Chapters 16.21 - 16.24 (Article Four).
6. **Decision Criteria and/or Additional Conditions of Approval:** The standards and review processes outlined in this Code in **Article Three: Community Development and Use Standards** and in **Article Four: Land Use And Development Review/Decision Requirements And Procedures**, as well as applicable Overlay Zones (Chapter 16.11) may set additional decision criteria and/or conditions of approval.
7. **Not Permitted:** The code provisions are also intended to make it more difficult to place incompatible uses near one another; an “N” designation means the use is not permitted.
  - a. **Existing Uses.** The “Not Permitted” (“N”) designation is not retroactive and does not impact existing uses.
  - b. **No New Uses.** The “Not Permitted” (“N”) designation indicates that no new uses of this type are allowed on a property to which this designation applies.

## 16.07.040 PROCESS FOR REVIEW OF NEIGHBORHOOD MIXED-USE LAND USE APPLICATIONS

### A. *Neighborhood Mixed-Use Zone Reviews*

All applications for **Residential**, **Commercial**, **Industrial**, **Public**, and **Other Uses** in the Neighborhood Mixed-Use Zone (Z-NMU) that are **not** deemed Major Land Use Actions are subject to:

1. The appropriate review process indicated in **Tables 16.07-2 thru 16.07-6**, and
2. May also be subject to:
  - a. Site Reviews (e.g., to determine that all setbacks and other lot and building site requirements are satisfied).
  - b. Standards noted and the review processes outlined in this Code in Article Three: Community Development and Use Standards and in Article Four: Land Use And Development Review/Decision Requirements And Procedures,
  - c. Applicable Overlay Zones (Chapter 16.11) may set additional conditions of approval.

### B. *Process for Basic Review of Applications and Impact Mitigation for Projects Deemed Major Land Use Actions thus Requiring Planned Development Reviews*

1. For purposes of this chapter, if a proposed development in a mixed use zone is deemed a Major Land Use Action according to **Table 16.07-1** on the following page, it shall be processed as a Planned Development.
2. See Chapter 16.23 for the details of the process for *Planned Development Reviews*.

**Table 16.07-1:  
Characteristics of Major Land Use Actions in the Neighborhood Mixed-Use Zone  
(Projects in the Neighborhood Mixed Use Zone Requiring a Planned Development Review)**

Note: Acreage refers to the size of the area being developed, not the total lot or parcel or lot size.

<b>Characteristics</b>	<b>Residential Uses</b>	<b>Commercial Uses</b>	<b>Industrial Uses</b>	<b>Public and Other Uses</b>	<b>Mixed Uses *</b>
<b>If the project's acreage exceeds the thresholds below, that land use application shall be deemed a Major Land Use Action and processed as a Planned Development (see Chapter 16.23).</b>					
Planned Development Application Required if Project Acreage Exceeds	5 or more acres	5 or more acres	2 or more acres	5 or more acres	2 or more acres
<b>If a proposed development is characterized by two or more of the characteristics listed below (in the four rows immediately following), that land use application shall be deemed a Major Land Use Action and processed as a Planned Development (see Chapter 16.23).</b>					
Acreage of Project or Size of project	Subdivisions of 25 or more lots	NA	NA	NA	NA
Multi-Year Phasing	Yes	Yes	Yes	Yes	Yes
Class III Impacts	Yes	Yes	Not allowed in Z-NMU	Yes	Yes
Projected Demand on Public Infrastructure and City Provided Utilities Exceed Actual or Designed Capacities in Adopted Master Facilities Plans	Yes	Yes	Yes	Yes	Yes
* <b>MIXED-USE DEVELOPMENT:</b> Mixed use development is the co-location of various types of uses within a single building, complex or site. For example, Mixed Use Development could include residential with commercial, or with public or institutional uses). Mixed Use Development could be "vertical" (e.g., housing above ground floor commercial), and/or "horizontal" (housing in one or more buildings, and commercial or other uses in other buildings on a site), or both vertical and horizontal mixed use on a mixed use site.					

## 16.07.050 RESIDENTIAL USES ALLOWED IN THE NEIGHBORHOOD MIXED-USE ZONE (Z-NMU)

<b>Table 16.07-2: Residential Land Uses Allowed in the Neighborhood Mixed-Use Zone</b>	
<i>Land Uses</i>	
(Examples of uses are in Chapter 16.03; definitions are in the Glossary, Chapter 16.32.)	
(See page 8 of Chapter 16.03 for further details and listings regarding Residential Uses)	
<b>Residential Uses with <u>Class I</u> Impacts:</b>	
Single Family (not attached)	<b>OP</b>
Accessory Dwelling	<b>AR</b>
Accessory Structures (with a permitted use)	<b>OP</b>
-no taller than 25ft. and no larger than 1,000 square feet of building footprint	<b>AR</b>
taller than 25 ft. or larger than 1,000 square feet of building footprint	<b>AR</b>
Duplex (2 dwellings sharing a common wall on one lot) -- One duplex on a lot	<b>OP</b>
Manufactured Home	<b>OP</b>
Family Child Care in a Home	<b>OP</b>
Other Residential Uses such as Bed & Breakfasts, Home Occupations	<b>MR</b>
Other Residential Uses such as Hospice Facilities	<b>AR</b>
<b>Residential Uses with <u>Class II</u> Impacts:</b>	
Town House/Rowhouse (2 or more common-wall single family dwellings), each on its own lot,	<b>AR up to 19</b> <b>CU for 20 or more</b>
Cottage Cluster (2-4 single family dwellings on one lot)	<b>CU</b>
Zero Lot Line Housing (may include one common wall)	<b>AR</b>
Multifamily (3 or more dwellings on lot), includes Triplexes, Apartments, Senior Housing, Assisted Living, & Single Room Occupancies, Boarding or Rooming Facilities	<b>AR up to 19</b> <b>CU for 20 or more</b>
Other Residential Uses such as Nursing and Convalescent Homes, Retirement Center Apartments	<b>MR</b>
<b>Residential Uses with <u>Class III</u> Impacts:</b>	
State Regulated Special Residential Units	<b>AR</b>
<ul style="list-style-type: none"> <li>• Group Living Homes (5 or fewer)</li> <li>• Group Facility (6+)</li> </ul>	<b>CU for 6 or more</b>
Manufactured Home Park	<b>N</b>
Other Residential uses <b>such as</b> Dormitories, and Houseboats	<b>CU</b>
<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 16.07-1: Characteristics of Major Land Use Actions Matrix -- Projects in a NMU Zone Requiring a Planned Development Review (Chapter 16.23).	



## 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	<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>
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 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>
<p><b>Key:</b> 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).</p>	

## 16.07.070 INDUSTRIAL USES ALLOWED IN THE NEIGHBORHOOD MIXED-USE ZONE (Z-NMU)

<b>Table 16.07-4: Industrial Land Uses Allowed in the Neighborhood Mixed-Use Zone</b>	
(See pages 14-16 of Chapter 16.03 for further details and listings regarding Industrial Uses)	
<b>Industrial activity shall not occupy more than 5,000 square feet in any single structure.</b>	
<i>Land Uses</i>	
<b>Industrial Uses with <u>Class I</u> Impacts:</b>	
Industrial Uses such as Assembly of Light Machinery, Equipment, Appliances, and Other Electrical Items, Building, Heating, Plumbing or Electrical Contractor Shops; Electric Motor Repair, Manufacture (Light) or Assembly (Light) of Instruments, including Musical Instruments, Precision Items, Photofinishing Laboratories; Repair of Scientific or Professional Instruments, Research and Development Laboratories; Sign Manufacturing.	<b>CU</b>
Other Industrial Uses such as Household Moving and General Freight Storage & Warehouse, Janitorial, Caretaker and Building Maintenance Services, Off-site (Separate) Warehouses used by Retail Stores like Furniture and Appliance Stores.	<b>N</b>
<b>Industrial Uses with <u>Class II</u> Impacts:</b>	
Industrial Uses such as sales of Electrical Supplies and Plumbing Supplies.	<b>CU</b>
Industrial Uses such as Exterminators; Laundry, Dry-Cleaning, and Carpet Cleaning Plants; Breweries, Distilleries, and Wineries (larger than 5,000 sq ft); Movie Production Facilities; Parcel Receiving and Distribution Services & Warehouse; Printing, Publishing and Lithography Production of Artwork and Toys; Weaving or Production of Textiles or Apparel; Woodworking, including Cabinet Makers.	<b>N</b>
Other Industrial Uses such as Fuel Oil Distributors; Machine Shops, Mail Order Houses; Major Distribution Centers; Major Post Offices; Manufacture or Assembly of Machinery, Equipment, Vehicles, Appliances, and Other Electrical Items [no discharge permits required] Production of Prefabricated Structures, Including Mobile / Manufactured / Modular Homes; Sale and Storage of Landscaping Materials; Sale or Rental of Machinery, Equipment, Heavy Trucks, Special Trade Tools, Welding Supplies, Machine Parts, Janitorial Supplies, Restaurant Equipment, and Store Fixtures; Tool Repair, Towing and Vehicle Storage; Truck Freight Terminal and Warehouse; Wholesalers of Food, Clothing, Auto Parts, Building Hardware, and Office Supplies.	<b>N</b>
<b>Industrial Uses with <u>Class III</u> Impacts:</b>	
Industrial Uses such as Auto and Truck Salvage and Wrecking; Concrete Batching and Asphalt Mixing; Energy Production; Fuel yards; Hazardous-Waste Collection Sites; Heavy Truck Servicing and Repair; Truck Stop; Lumber Mills, Pulp and Paper Mills, and Other Wood Products Manufacturing; Manufacture or Assembly of <u>Heavy</u> Machinery, Equipment, Vehicles, Appliances (discharge permits required). Railroad Yards; Tire Retreading or Recapping; Waste Composting or Transfer; wrecking yards.	<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 16.07-1: Characteristics of Major Land Use Actions Matrix -- Projects in a NMU Zone Requiring a Planned Development Review (Chapter 16.23).</p>	

## 16.07.080 PUBLIC USES ALLOWED IN THE NEIGHBORHOOD MIXED-USE ZONE (Z-NMU)

**Table 16.07-5: Public Uses (Civic or Institutional) Allowed in the Neighborhood Mixed-Use Zone**

(See page 18 of Chapter 16.03 for further details and listings regarding Public Uses)

**Use Categories**

Public Uses with <b>Class I</b> Impacts: City offices and Facilities; Community Development Center; Libraries; and Utility Offices.	<b>CU</b>
<b>Public Uses with Class II Impacts:</b>	
Public Uses such as Community Centers, Colleges, Universities, Community Colleges, and Adult Education Facilities Municipal Courts; Museums, Nursery Schools, Preschools Public Safety Facilities, Including Fire/Emergency Medical Services and Police Stations, and Emergency Communication Broadcast Facilities; Public Squares, Plazas, Senior Centers, Social Service Facilities, Soup Kitchens, Vocational Training for the Physically or Mentally Challenged, Utility Substations, Youth Club facilities.	<b>CU</b>
Other Public Uses such as Boat Launching Areas, Botanical Gardens, City Maintenance Shops; Hospitals and Large Medical Complexes Publicly Owned Swimming Pools, Recreational Trails, Surplus Food Distribution Centers; Transit Centers, Water Towers and Reservoirs.	<b>CU</b>
Other Public Uses such as Schools	<b>CU</b>
Other Public Uses such as Meeting Facilities or Related Facilities	<b>CU</b>
Other Public Uses such as Daycare, adult or child day care (12 or fewer children); does not include Family Daycare under ORS 657A.250.	<b>CU</b>
Other Public Uses such as Parks and, Recreation Facilities, Open Space, Pedestrian Amenities, Publicly owned RV Parks	<b>CU</b> [OP for dedicated wetlands and detention facilities; AR if Projects Implement the City's Adopted Facilities Plans]
<b>Public Uses with Class III Impacts:</b>	
Public Uses such as Shelters for Short Term or Emergency Housing (e.g., Homeless Shelters) when operated by a Public or Non-profit Agency.	<b>CU</b>
Other Public Uses such as Cemeteries	<b>CU</b>
Other Public Uses such as Bus Barns (public), Treatment Plants and Facilities (Water and Sewage).	<b>CU</b> [AR if Projects Implement the City's Adopted Facilities Plans]
<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 16.07-1: Characteristics of Major Land Use Actions Matrix -- Projects in a NMU Zone Requiring a Planned Development Review (Chapter 16.23).	

## 16.07.090 OTHER LAND USES ALLOWED IN THE NEIGHBORHOOD MIXED-USE ZONE (Z-NMU)

Table 16.07-6: Other Uses Allowed in the Neighborhood Mixed-Use Zone	
(See page 21 of Chapter 16.03 for further details and listings regarding Other Uses)	
Use Categories	
Uses with <b>Class I</b> Impacts: <b>NONE</b>	
Other Uses with <b>Class II</b> Impacts such as Wireless Communication Facilities	<b>CU</b> <b>OP</b> for Emergency Services Facilities (Police, Fire and Emergency Management) up to 125 feet; over 125 feet subject to Conditional Use and Variance Processes.
<b>Other Uses with Class III Impacts:</b>	
Armory	<b>N</b>
Other Uses such as Rail Lines and Utility Corridors, except those existing prior to effective date of Development Code are allowed.	<b>N</b>
Other Uses such as Agricultural, including Forestry (see Glossary)	<b>N</b>
Other Uses such as Mining	[ <b>N</b> = No New Mining Permits will be allowed]
Other Uses such as Transportation Facilities (operation, maintenance, preservation, and construction [in accordance with the City's Transportation System Plan])	<b>CU</b> [ <b>AR</b> if Projects Implement the City's Adopted Facilities Plans]
<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 16.07-1: Characteristics of Major Land Use Actions Matrix -- Projects in a NMU Zone Requiring a Planned Development Review (Chapter 16.23).	

## 16.07.100 NEIGHBORHOOD MIXED-USE ZONE DEVELOPMENT STANDARDS

### A. Development Standards for the Neighborhood Mixed-Use Zone

The development standards in Table 16.07-7 apply to all uses, structures, buildings, and development, and major remodels, in the Neighborhood Mixed-Use Zone (Z-NMU).

<b>Table 16.07-7: Development Standards for Neighborhood Mixed Use Zone</b>	
<b>Standard</b>	
<b>See Lot Sizes (Table 16.6-6), Building/Structure Height (Table 6.06-7), Lot Coverage (Table 16.6-8)</b>	
<b>All Residential Uses</b>	Same as Residential Mixed Density (Z-RM) Requirements
<b>All Other Uses</b>	There shall be no minimum lot size for other uses.
<b>Yard Requirements</b>	
<b>All Uses</b>	Yards shall be required as if the use proposed was in the Z-RM, Z-NCM, or Z-PU zone. The placement of the use in a zone with respect to yard requirements shall be by the Planning Official.
<b>Clear Vision Area</b>	
<b>All Uses</b>	A clear vision area shall be maintained as provided in Section 12-2.7.4, and a 20 foot triangle at intersections.

**B. Utilization of Appropriate Development Standards for the Different Types of Land Use Requests Permissible in the Neighborhood Mixed-Use Zone**

Neighborhood Mixed-Use lands are open to a variety of development types including residential, limited light commercial, limited Public Uses, and limited very light (select Class I) industrial land uses, subject to the following standards.

1. Non-residential development is required to utilize site designs that minimize adverse impacts to adjacent residential properties.
2. The Neighborhood Mixed-Use Zone includes development standards applicable for all development in this zone.
3. In addition, the development standards applicable to other types of land uses shall be utilized in setting the conditions of approval:
  - a. For Residential Uses in the Mixed Use Zone, see the standards in Chapter 16.05.
  - b. For Commercial Uses in the Mixed Use Zone, see the standards in Chapter 16.08.
  - c. For Industrial Uses in the Mixed Use Zone, see the standards in Chapter 16.09.
  - d. For Public Uses in the Mixed Use Zone, see the standards in Chapter 16.10.
4. The Conditional Use Review (Chapter 16.21), Subdivision Review (Chapter 16.22), and/or Review of Planned Developments (Chapter 16.23) may set additional conditions of approval.

***Title 16: City of Lebanon  
Development Code***

ARTICLE TWO  
LAND USE ZONES

**Chapter 16.08:  
Commercial Land Use Zones**

**Adopted by City Council on  
December 10, 2008**

# Chapter 16.08: Commercial Land Use Zones

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# Chapter 16.08: Commercial Land Use Zones

## 16.08.010 BACKGROUND

- A. This Chapter contains all of the standards for the Neighborhood Commercial Zone (Z-NCM), Central Business Commercial Zone (Z-CCM), and Highway Commercial Zone (Z-HCM). The standards are intended to be applied to all reviews in the Commercial Zones. For a more detailed listing of Commercial Land Uses, please see Section 16.03.040 in Chapter 16.03, and Chapter 16.32 (Glossary and Definitions).
- B. The creation of a lot or parcel through the subdivision or partition process is an outright permitted action in the Commercial Use Zones subject to the provisions of Chapter 16.22 and any other applicable requirements in this Code (e.g., Community Development Standards, chapters 16.12 – 16.19).

## 16.08.020 PURPOSE

### A. *Central Business and Highway Commercial Zones*

Commercial districts are centers of business and civic life. This Chapter describes the three commercial districts that are designed to accommodate the range of commercial land uses in the community. The Central Business Commercial Zone (Z-CCM) is focused on “downtown” area, or the commercial and civic the core of the community (generally that area south of Rose Street, north of Oak Street, primarily east of or adjacent to 4<sup>th</sup> Street, and primarily west of or adjacent to Park Street). The Highway Commercial Zone (Z-HCM) regulations apply to those commercial areas outside of the central business area, generally located along or in close proximity to arterial streets. These commercial zones are intended to:

1. To preserve and enhance areas within the commercial core of the community for concentrated retail sales and businesses that will serve the pedestrian shopper.
2. Promote efficient use of land and urban services.
3. Create a mixture of land uses that encourages employment and housing options in close proximity to one another.
4. Provide formal and informal community gathering places and opportunities for social activities.
5. Provide connections and appropriate transitions between residential areas and commercial areas;
6. Encourage and nurture pedestrian oriented shopping and activity in the Downtown (Central Business Commercial Zone), and accommodate automobile dependent uses, as well as pedestrian oriented uses, with appropriate standards in the Highway Commercial Zone.
7. Provide for visitor accommodations and tourist amenities.
8. Encourage full utilization of Downtown infrastructure (including parking) and other amenities.



## **B. Neighborhood Commercial Zone**

1. The Neighborhood Commercial Zone (Z-NCM) is the third Commercial Zone. It is intended to enhance the livability of residential areas by providing for small neighborhood shopping clusters to serve the frequent recurring needs of neighborhood residents.
2. The Comprehensive Plan Map does not currently designate any unannexed areas as earmarked for Neighborhood Commercial development. However, it is also intended by the Comprehensive Plan that the Neighborhood Commercial Zone “. . . is for small neighborhood shopping clusters in any residential zone.”
3. Establishing a Z-NCM designation in an existing residential zone is a conditionally permitted activity. In this case, amending the zoning designation to establish Z-NCM zoning on such a property would require a Zoning Map Amendment, but would **NOT** necessitate a Comprehensive Plan Map Amendment as such a use (Z-NCM) is permitted in any residential area according to the Comprehensive Plan. (See Table 4-2 on page 5 of Chapter 4 in the City of Lebanon 2004 Comprehensive Plan.)

### **16.08.030 INTRODUCTION**

#### **A. Impact Classifications**

1. As noted in Chapter 16.03, all land use types are further divided into three subcategories by the degree of impacts or off-site impacts that the uses could reasonably be expected to exert on the surrounding properties and neighborhood.
2. Please see Section 16.03.010.E of Chapter 16.03 (pages 2 and 3) for the details of this impact classification system.

#### **B. Key to Procedures, Standards, and Conditions of Approval**

1. **Outright Permitted Uses with Site Review and Building Permit:** “**OP**” means the use is permitted outright and a **Building Permit** is issued after a **site review** determines that all setbacks and other lot and building site requirements are satisfied.
2. **Permitted Uses with Ministerial Review:** “**MR**” approval is gained through a ministerial review process (see Chapter 16.20).
3. **Permitted with Administrative Review:** “**AR**” means the use is permitted through an Administrative Review process that takes into account all applicable requirements (see Chapter 16.20).
4. **Permitted with Conditional Use Approval:** “**CU**” means the use is permitted with a Conditional Use approval (Chapter 16.21).
5. **Site Reviews:** The processing of a variety of land use applications may also include detailed site reviews (site plan reviews). These requirements are addressed in LDC Chapters 16.21 – 16.24 (Article Four).

6. **Decision Criteria and/or Additional Conditions of Approval:** The standards and review processes outlined in this Code in Article Three: Community Development and Use Standards and in Article Four: Land Use And Development Review/Decision Requirements And Procedures, as well as applicable Overlay Zones (Chapter 16.11) may set additional decision criteria and/or conditions of approval.
7. **Not Permitted:** The code provisions are also intended to make it more difficult to place incompatible uses near one another; an “N” designation means the use is not permitted.
  - a. **Existing Uses.** The “Not Permitted” (“N”) designation is not retroactive and does not impact existing uses.
  - b. **No New Uses.** The “Not Permitted” (“N”) designation indicates that no new uses of this type are allowed on a property to which this designation applies.

#### **16.08.040 PROCESS FOR REVIEW OF COMMERCIAL ZONE LAND USE APPLICATIONS**

##### ***A. Commercial Zone Land Use Reviews***

All applications for development in Commercial Land Use Zones for projects that are **not** deemed Major Land Use Actions are subject to:

1. The appropriate review process indicated in **Tables 16.08-2 thru 16.08-6**, and
2. May also be subject to:
  - a. Site Reviews (e.g., to determine that all setbacks and other lot and building site requirements are satisfied).
  - b. The standards and review processes outlined in this Code in Article Three: Community Development and Use Standards and in Article Four: Land Use And Development Review/Decision Requirements And Procedures,
  - c. Applicable Overlay Zones (Chapter 16.11) may set additional conditions of approval.

##### ***B. Process for Basic Review of Applications and Impact Mitigation for Projects Deemed Major Land Use Actions thus Requiring Planned Development Reviews***

1. For purposes of this chapter, if a proposed development in a commercial use zone is deemed a Major Land Use Action according to **Table 16.08-1** on the following page, it shall be processed as a Planned Development.
2. See Chapter 16.23 for the details of the process for *Planned Development Reviews*.

**Table 16.08-1: Characteristics of Major Land Use Actions in a Commercial Land Use Zone  
(Projects in a Commercial Zone Requiring a Planned Development Review)**

Note: Acreage refers to the size of the area being developed, not the total lot or parcel size.

Characteristics	Residential Uses	Commercial Uses	Industrial Uses	Public and Other Uses	Mixed Uses *
<b>If the project's acreage exceeds the thresholds below, that land use application shall be deemed a Major Land Use Action and processed as a Planned Development (see Chapter 16.23).</b>					
Planned Development Application Required if Project Acreage Exceeds	25 or more acres	20 or more acres	20 or more acres	10 or more acres	5 or more acres
<b>If a proposed development is characterized by two or more of the characteristics listed below (in the four rows immediately following), that land use application shall be deemed a Major Land Use Action and processed as a Planned Development (see Chapter 16.23).</b>					
Acreage of Project, and/or Size of Project	Subdivisions of 25 or more lots	10 or more acres	10 or more acres	5 or more acres	2 or more acres
Multi-Year Phasing	Yes	Yes	Yes	Yes	Yes
Class III Impacts	Yes	Yes	Not allowed in Commercial Zones	Yes	Yes
Projected Demand on Public Infrastructure and City Provided Utilities Exceed Actual or Designed Capacities in Adopted Master Facilities Plans	Yes	Yes	Yes	Yes	Yes

\* **MIXED-USE DEVELOPMENT:** Mixed use development is the co-location of various types of uses within a single building, complex or site. For example, Mixed Use Development could include residential with commercial, or with public or institutional uses, or multi-family with single family dwellings). Mixed Use Development could be "vertical" (e.g., housing above ground floor commercial), and/or "horizontal" (housing in one or more buildings, and commercial or other uses in other buildings on a site, or multi-family dwellings and single family dwellings on a site), or both vertical and horizontal mixed use on a mixed use site.

## 16.08.050 RESIDENTIAL USES ALLOWED IN THE COMMERCIAL ZONES

<b>Table 16.08-2: Residential Land Uses Allowed in Commercial Zones</b>			
<b>Land Uses</b> (Examples of land uses are in Chapter 16.03; definitions are in the Glossary, Chapter 16.32.)	<b>Neighborhood Commercial Zone (Z-NCM)</b>	<b>Central Business Commercial Zone (Z-CCM)</b>	<b>Highway Commercial Zone (Z-HCM)</b>
(See page 8 of Chapter 16.03 for further details and listings regarding Residential Uses)			
<b>Residential Uses with <u>Class I</u> Impacts:</b>			
Single Family (not attached)	<b>N</b>		
Accessory Dwelling			
Accessory Structures (with a permitted use) <ul style="list-style-type: none"> <li>• no taller than 25ft. and no larger than 1,000 square feet of building footprint</li> <li>• taller than 25 ft. or larger than 1,000 square feet of building footprint</li> </ul>			
Duplex (2 dwellings sharing a common wall on one lot) -- One duplex on a lot			
Manufactured Home			
Other Residential such as Hospice			
Other Residential Uses such as Bed & Breakfasts, Home Occupations	<b>MR</b> New Residential Use is allowed above ground floor Commercial only		
<b>Residential Uses with <u>Class II</u> Impacts:</b>			
Cottage Cluster (2-4 single family dwellings on one lot) Zero Lot Line Housing (may include one common wall)	<b>N</b>		
Town House/Rowhouse (2 or more common-wall single family dwellings or units)	<b>AR</b> New Residential Use is allowed above ground floor Commercial only		
Single Apartment, Two Unit Apartment & Multifamily Apartments (3 or more units), Senior Housing, Assisted Living, & Single Room Occupancies, Boarding or Rooming Facilities			
Other Residential Uses such as Nursing and Convalescent Homes, Retirement Center Apartments	<b>CU</b>	<b>CU</b>	<b>CU</b>
<b>Residential Uses with <u>Class III</u> Impacts:</b>			
State Regulated Special Residential Units <ul style="list-style-type: none"> <li>• Group Living Homes (5 or fewer)</li> <li>• Group Facility (6 +)</li> </ul>	<b>AR</b> New Residential Use is allowed above ground floor Commercial only		
Manufactured Home Park	<b>N</b>	<b>N</b>	<b>N</b>
Other Residential uses such as Dormitories, and Houseboats	<b>CU</b>	<b>CU</b>	<b>CU</b>
<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).			

## 16.08.060 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), 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	<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>
Micro Breweries (5,000 square feet or less)	<b>N</b>	<b>CU</b>	<b>AR</b>
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, and Other Recreational Vehicles, Shopping Mall.	<b>N</b>	<b>N</b>	<b>CU</b>
Other Class III Commercial Uses	<b>N</b>	<b>N</b>	<b>CU</b>
<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).			

## 16.08.070 INDUSTRIAL USES ALLOWED IN THE COMMERCIAL ZONES

<b>Table 16.08-4: Industrial Land Uses Allowed in Commercial Zones</b>			
(See pages 14-16 of Chapter 16.03 for further details and listings Industrial Uses)			
<i>Land Uses</i>	<b>Z-NCM</b>	<b>Z-CCM</b>	<b>Z-HCM</b>
<b>Industrial Uses with <u>Class I</u> Impacts:</b>			
Industrial Uses <b>such as</b> Assembly of <u>Light</u> Machinery, Equipment, Appliances, and Other Electrical Items, Building, Heating, Plumbing or Electrical Contractor Shops; Electric Motor Repair, Manufacture (Light) or Assembly (Light) of Instruments, including Musical Instruments, Precision Items, Photofinishing Laboratories; Repair of Scientific or Professional Instruments, Research and Development Laboratories; Sign Manufacturing	<b>N</b>	<b>CU</b>	<b>AR</b>
Other Industrial Uses <b>such as</b> Household Moving and General Freight Storage & Warehouse, Janitorial and Building Maintenance Services; Off-site (Separate) Warehouses used by Retail Stores like Furniture and Appliance Stores.	<b>N</b>	<b>N</b>	<b>CU</b>
<b>Industrial Uses with <u>Class II</u> Impacts:</b>			
Industrial Uses such as Exterminators; Laundry, Dry-Cleaning, and Carpet Cleaning Plants; Movie Production Facilities; Parcel Receiving and Distribution Services & Warehouse; Printing, Publishing and Lithography Production of Artwork and Toys; Weaving or Production of Textiles or Apparel; Woodworking, including Cabinet Makers.	<b>N</b>	When Fully Enclosed: <b>CU</b>  When Not Fully Enclosed: <b>N</b>	<b>CU</b>
Other Industrial Uses such as Fuel Oil Distributors; Machine Shops, Mail Order Houses; Major Distribution Centers; Major Post Offices; Manufacture or Assembly of Machinery, Equipment, Vehicles, Appliances, and Other Electrical Items [no discharge permits required] Production of Prefabricated Structures, Including Mobile / Manufactured / Modular Homes; Sale and Storage of Landscaping Materials; Sale or Rental of Machinery, Equipment, Heavy Trucks, Special Trade Tools, Welding Supplies, Machine Parts, Electrical Supplies, Janitorial Supplies, Caretaker Facilities, Restaurant Equipment, and Store Fixtures; Tool Repair, Towing and Vehicle Storage; Truck Freight Terminal and Warehouse; Wholesalers of Food, Clothing, Auto Parts, Building Hardware, and Office Supplies.	<b>N</b>	<b>N</b>	<b>CU</b>
<b>Industrial Uses with <u>Class III</u> Impacts:</b>			
Industrial Uses such as Auto and Truck Salvage and Wrecking; Breweries, Distilleries, and Wineries (greater than 5,000 sq ft); Concrete Batching and Asphalt Mixing; Energy Production; Fuel yards; Hazardous-Waste Collection Sites; Heavy Truck Servicing and Repair; Truck Stop; Lumber Mills, Pulp and Paper Mills, and Other Wood Products Manufacturing; Manufacture or Assembly of Heavy Machinery, Equipment, Vehicles, Appliances (discharge permits required); Railroad Yards Tire Retreading or Recapping; Waste Composting or Transfer; wrecking yards	<b>N</b>	<b>N</b>	<b>N</b>
<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).			

## 16.08.080 PUBLIC USES ALLOWED IN THE COMMERCIAL ZONES

<b>Table 16.08-5: Public (Civic or Institutional) Land Uses Allowed in Commercial Zones</b>			
(See page 18 of Chapter 16.03 for further details and listings regarding Public Uses)			
<b>Use Categories</b>	<b>Z-NCM</b>	<b>Z-CCM</b>	<b>Z-HCM</b>
<b>Public Uses with <u>Class I</u> Impacts:</b>			
Public Uses such as City offices and Facilities; Community Development Center; and Utility Offices.	<b>N</b>	<b>AR</b>	<b>AR</b>
<b>Public Uses with <u>Class II</u> Impacts:</b>			
Public Uses such as Community Centers, Colleges, Universities, Community Colleges, and Adult Education Facilities Municipal Courts; Museums, Nursery Schools, Preschools Public Safety Facilities, Including Fire/Emergency Medical Services and Police Stations, and Emergency Communication Broadcast Facilities; Public Squares, Plazas, Senior Centers, Social Service Facilities, Soup Kitchens, Vocational Training for the Physically or Mentally Challenged, Utility Substations, Youth Club facilities.	<b>N</b>	<b>CU</b>	<b>AR</b>
Other Public Uses such as Boat Launching Areas, Botanical Gardens, City Maintenance Shops; Hospitals and Large Medical Complexes Publicly Owned Swimming Pools, Recreational Trails, Surplus Food Distribution Centers; Transit Centers, Water Towers and Reservoirs.	<b>N</b>	<b>CU</b>	<b>CU</b>
Other Public Uses such as Schools	<b>N</b>	<b>CU</b>	<b>CU</b>
Other Public Uses such as Meeting Facilities or Related Facilities	<b>N</b>	<b>CU</b>	<b>CU</b>
Other Public Uses such as Daycare, adult or child day care (12 or fewer children); does not include Family Daycare under ORS 657A.250	<b>N</b>	<b>OP</b>	<b>OP</b>
Other Public Uses such as Parks and, Recreation Facilities, Open Space, Pedestrian Amenities, Publicly owned RV Parks	<b>N</b>	<b>CU</b>	<b>CU</b>
	[AR if Projects Implement the City's Adopted Facilities Plans]		
<b>Public Uses with <u>Class III</u> Impacts:</b>			
Public Uses such as Shelters for Short Term or Emergency Housing (e.g., Homeless Shelters) when operated by a Public or Non-profit Agency	<b>N</b>	<b>CU</b>	<b>CU</b>
Other Public Uses such as Cemeteries	<b>N</b>	<b>N</b>	<b>CU</b>
Other Public Uses such as Bus Barns (public), Treatment Plants and Facilities (Water and Sewage)	<b>N</b>	<b>N</b>	<b>CU</b>
	[AR if Projects Implement the City's Adopted Facilities Plans]		
<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).			

## 16.08.090 OTHER LAND USES ALLOWED IN THE COMMERCIAL ZONES

<b>Table 16.08-6: Other Land Uses Allowed in Commercial Zones</b>			
(See page 21 of Chapter 16.03 for further details and listings regarding Other Uses)			
<b>Use Categories</b>	<b>Z-NCM</b>	<b>Z-CCM</b>	<b>Z-HCM</b>
Uses with <b>Class I</b> Impacts: <b>NONE</b>	<del>X</del>	<del>X</del>	<del>X</del>
Other Uses with <b>Class II</b> Impacts such as Wireless Communication Facilities	<b>N</b>	<b>CU</b>	<b>CU</b>
	<b>OP</b> for Emergency Services Facilities (Police, Fire and Emergency Management) up to 125 feet; over 125 feet subject to Conditional Use and Variance Processes.		
<b>Other Uses with Class III Impacts:</b>			
Armory [ e.g., National Guard]	<b>N</b>	<b>N</b>	<b>N</b>
Other Uses such as Rail Lines and Utility Corridors, except those existing prior to effective date of Development Code are allowed.	<b>MR</b>	<b>MR</b>	<b>MR</b>
Other Uses such as Agricultural, including Forestry (see Glossary)	<b>N</b>	<b>N</b>	<b>N</b>
Other Uses such as Mining	[ <b>N</b> = No New Mining Permits will be allowed]		
Other Uses such as Transportation Facilities (operation, maintenance, preservation, and construction [in accordance with the City's Transportation System Plan])	<b>CU</b> [ <b>AR</b> if Projects are Implementations of City's Adopted Facilities Plans]		
<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 16.08-1: Characteristics of Major Land Use Actions Matrix -- Projects in a Commercial Zone Requiring a Planned Development Review (Chapter 16.23).</p>			



## 16.08.100 SPECIAL DEVELOPMENT STANDARDS FOR COMMERCIAL LAND USES

### A. Lot and Building Characteristics

The development standards in **Table 16.08-7** apply to all new structures, buildings, and development, and major remodels, in the Commercial Districts.

<b>Table 16.08-7: Development Standards for Commercial Uses</b>			
<b>Standard</b>	<b>Neighborhood Commercial Zone (Z-NCM)</b>	<b>Central Business Commercial Zone (Z-CCM)</b>	<b>Highway Commercial Zone (Z-HCM)</b>
<b>Lot and Building Characteristics</b>			
Maximum Lot Area (square feet)	Not Applicable	Not Applicable	Not Applicable
Minimum Lot Area (square feet)	No Standard		
Minimum Lot Size (Width/length)	No Standard		
Maximum Building/Structure Height	25 ft.	75 ft.	45 ft.
Fences, Retaining/Garden Walls	Same requirements as in Z-RM		
Lot Coverage -- Maximum Building Coverage (Foundation plane as % of site area)	60%	100%	100% (less setback areas) [Note: Underground Parking is allowed]
<b>Minimum Landscape Area (% site area)</b> -- Landscape area may include plant areas and some non-plant or hardscape areas.	The required front yard and street yards.		
<b>Yards:</b>			
(a) Front yards and street* side yards shall be a minimum of:	10 feet	0 feet	10 feet
(b) Front yards or street side yards <u>abutting a residential zone</u> shall be:	10 feet	10 feet	20 feet
(c) Side yards <u>abutting a residential zone</u> shall be:	10 feet.	10 feet	20 feet
(d) Rear yards <u>abutting a residential zone</u> shall be:	20 feet	20 feet	20 feet
* As noted in Table 16.13-1, Alleys in <b>Commercial Areas (Z-CCM and Z-HCM)</b> have no required setback, unless abutting a residential zone.			

## **B. Drive-Up/Drive-In/Drive-Through Uses and Facilities**

When drive-up or drive-through uses and facilities are allowed, they shall conform to all of the following standards, which are intended to calm traffic, and protect pedestrian comfort and safety.

1. Drive-up/drive-through facilities shall orient to an alley, driveway, or interior parking area, and not a street.
2. None of the drive-up, drive-in or drive-through facilities (e.g., driveway queuing areas, windows, teller machines, service windows, kiosks, drop-boxes, or similar facilities) are located within 10 feet (with landscaped buffer) of a street and shall not be oriented to a street corner. (Walk-up only teller machines and kiosks may be oriented to a street or placed adjacent to a street corner).
3. Drive-up/in queuing areas shall be designed so that vehicles do not obstruct a driveway, fire access lane, walkway, or public right-of-way. In addition, drive-ups serving food and/or beverages are subject to the following additional standards:
  - a. Walk-Up Facilities for sales and service.
  - b. Trash receptacles.
  - c. Safe pedestrian and bike access.

## **C. Sidewalk Café Tables**

Sidewalk café tables provide the opportunity for restaurants and cafes in the Central Business Commercial (Z-CCM) Zone to use the sidewalk immediately adjacent to their business for the purpose of providing outdoor seating. Such use shall be in conformance with the provisions set forth in the City of Lebanon Municipal Code.

## **D. Limitations on Use**

1. **Neighborhood Commercial Zone (Z-NCM) and Central Business Commercial Zone (Z-CCM):** Unless specifically allowed or otherwise modified by other provisions of this Code or the Lebanon Municipal Code, all business, service, repair, processing, storage, or merchandise display shall be conducted wholly within an enclosed building, except for drive-in windows and display of merchandise along the outside wall of the building not more than three (3') feet from the wall and where not located on a public sidewalk or right-of-way. Outdoor displays of merchandise are prohibited in required parking and/or maneuvering areas, and may not violate any fire, life and safety access requirements, or other building code requirements.
2. **Highway Commercial Zone (Z-HCM):** Unless specifically allowed or otherwise modified by other provisions of this Code or the Lebanon Municipal Code, all business, service, repair, processing, storage, or merchandise display shall be conducted wholly within an enclosed building, except for off-street parking or loading, drive-in windows, nursery plants, shrubs or trees, or displays of new or used automobiles, trailers, trucks, boats or other mobile equipment. Outdoor displays of merchandise *are prohibited in required parking and/or maneuvering areas, and may not violate any fire, life and safety access requirements, or other building code requirements.*

***Title 16: City of Lebanon  
Development Code***

ARTICLE TWO  
LAND USE ZONES

**Chapter 16.09:  
Industrial Land Use Zone**

**Adopted by City Council on  
December 10, 2008**

# Chapter 16.09: Industrial Land Use Zone

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# Chapter 16.09: Industrial Land Use Zone

## 16.09.010 BACKGROUND

- A. This Chapter contains all of the standards for the Industrial Zone (Z-IND). The standards are intended to be applied to all reviews in the Industrial Zone.
- B. The creation of a lot or parcel through the subdivision or partition process is an outright permitted action in the Industrial Zone subject to the provisions of Chapter 16.22 and any other applicable requirements in this Code (e.g., Community Development Standards, Chapters 16.12 – 16.19).

## 16.09.020 PURPOSE

- A. The purpose of the Industrial Zone is to provide lands suitable for manufacturing and related activities, warehousing and similar activities. The intent of this designation is to achieve an environment that provides for land use compatibility while providing a high-quality environment for businesses and employees.
- B. The Industrial Zone is intended to guide the orderly development of industrial areas based on the following objectives:
  - 1. Provide for the creation of jobs.
  - 2. Provide for efficient use of land and public services.
  - 3. Provide appropriately zoned land with a range of parcel sizes for industry.
  - 4. Provide transportation options for employees and customers.
  - 5. Locate business services close to major employment centers.
  - 6. Ensure compatibility between industrial uses and nearby commercial and residential areas.
  - 7. Provide appropriate design standards to accommodate a range of industrial users.
  - 8. Provide attractive locations for business to locate.
  - 9. Accommodate mixed-use development where appropriate in the Industrial Zone.

## 16.09.030 INTRODUCTION

### A. *Impact Classifications*

- 1. As noted in Chapter 16.03, all land use types are further divided into three subcategories by the degree of impacts or off-site impacts that the uses could reasonably be expected to exert on the surrounding properties and neighborhood.
- 2. Please see Section 16.03.010.E of Chapter 16.03 (pages 2 and 3) for the details of this impact classification system.

## **B. Key to Procedures, Standards, and Conditions of Approval**

1. **Outright Permitted Uses with Site Review and Building Permit:** “OP” means the use is permitted outright and a **Building Permit** is issued after a **site review** determines that all setbacks and other lot and building site requirements are satisfied.
2. **Permitted Uses with Ministerial Review:** “MR” approval is gained through a ministerial review process (see Chapter 16.20).
3. **Permitted with Administrative Review:** “AR” means the use is permitted through an Administrative Review process that takes into account all applicable requirements (see Chapter 16.20).
4. **Permitted with Conditional Use Approval:** “CU” means the use is permitted with a Conditional Use approval (Chapter 16.21).
5. **Site Reviews:** The processing of a variety of land use applications may also include detailed site reviews (site plan reviews). These requirements are addressed in LDC Chapters 16.21 – 16.24 (Article Four).
6. **Decision Criteria and/or Additional Conditions of Approval:** The standards and review processes outlined in this Code in Article Three: Community Development and Use Standards and in Article Four: Land Use And Development Review/Decision Requirements And Procedures, as well as applicable Overlay Zones (Chapter 16.11) may set additional decision criteria and/or conditions of approval.
7. **Not Permitted:** The code provisions are also intended to make it more difficult to place incompatible uses near one another; an “N” designation means the use is not permitted.
  - a. **Existing Uses.** The “Not Permitted” (“N”) designation is not retroactive and does not impact existing uses.
  - b. **No New Uses.** The “Not Permitted” (“N”) designation indicates that no new uses of this type are allowed on a property to which this designation applies.

## **16.09.040 PROCESS FOR REVIEW OF INDUSTRIAL ZONE *LAND USE APPLICATIONS***

### **A. Industrial Zone Land Use Reviews**

All applications for development in Industrial Land Use Zones for projects that are not deemed Major Land Use Actions are subject to:

1. The appropriate review process indicated in **Tables 16.09-2 thru 16.09-6**, and
2. May also be subject to:
  - a. Site Reviews (e.g., to determine that all setbacks and other lot and building site requirements are satisfied).
  - b. The standards and review processes outlined in this Code in Article Three: Community Development and Use Standards and in Article Four: Land Use and Development Review/Decision Requirements and Procedures.
  - c. Applicable Overlay Zones (Chapter 16.11) may set additional conditions of approval.
3. An industrial use application that would ordinarily be processed as an Outright Permitted Use (OP) or Ministerial Review (MR), if determined by the Planning Official to require discretionary decision making in order to meet development standards established in this Code, will automatically be processed as an Administrative Review (AR). Administrative Reviews may be referred (or subsequently appealed) to the Planning Commission (See Chapter 16.20).

**B. Process for Basic Review of Applications and Impact Mitigation for Projects Deemed Major Land Use Actions thus Requiring Planned Development Reviews**

1. For purposes of this Chapter, if a proposed development in an industrial use zone is deemed a Major Land Use Action according to **Table 16.09-1**, it shall be processed as a Planned Development.
2. See Chapter 16.23 for the details of the process for *Planned Development Reviews*.

<b>Table 16.09-1: Characteristics of Major Land Use Actions in an Industrial Land Use Zone (Projects in a Industrial Zone Requiring a Planned Development Review)</b>				
Note: Acreage refers to the size of the area being developed, not the total lot or parcel size.				
Characteristics	Commercial Uses	Industrial Uses		Public and Other Uses
		Z-IND West of 5 <sup>th</sup> Street	Z-IND East of 5 <sup>th</sup> Street	
<b>If the project's acreage exceeds the thresholds below, that land use application shall be deemed a Major Land Use Action and processed as a Planned Development (see Chapter 16.23).</b>				
Planned Development Application Required if Project Acreage Exceeds	25 or more acres	100 or more acres	50 or more acres	25 or more acres
<b>If a proposed development is characterized by two or more of the characteristics listed below (in the four rows immediately following), that land use application shall be deemed a Major Land Use Action and processed as a Planned Development (see Chapter 16.23).</b>				
Acreage of Project, and/or Size of Project	10 or more acres	50 or more acres	20 or more acres	5 or more acres
Multi-Year Phasing	Yes	Yes	Yes	Yes
Class III Impacts	Yes	Yes	Yes	Yes
Projected Demand on Public Infrastructure and City Provided Utilities Exceed Actual or Designed Capacities in Adopted Master Facilities Plans	Yes	Yes	Yes	Yes

## 16.09.050 RESIDENTIAL USES ALLOWED IN THE INDUSTRIAL ZONE

<b>Table 16.09-2: Residential Land Uses Allowed in the Industrial Zone</b>	
<i>Land Uses</i>	<i>Industrial Zone (Z-IND)</i>
(See page 8 of Chapter 16.03 for further details and listings regarding Residential Uses)	
<b>Residential Uses with <u>Class I</u> Impacts:</b>	
Single Family (not attached)	<b>N</b>
Accessory Dwelling	<b>N</b>
Accessory Structures (with a permitted use) <ul style="list-style-type: none"> <li>• no taller than 25ft. and no larger than 1,000 square feet of building footprint</li> <li>• taller than 25 ft. or larger than 1,000 square feet of building footprint</li> </ul>	<b>N</b>
Duplex (2 dwellings sharing a common wall on one lot) -- One duplex on a lot	<b>N</b>
Manufactured Home	<b>N</b>
Other Residential Uses with <b>Class I</b> Impacts <b>such as</b> Bed & Breakfasts, Home Occupations, Hospice Facilities, Family Child Care (in a home)	<b>N</b>
<b>Residential Uses with <u>Class II</u> Impacts:</b>	
Town House/Rowhouse (2 or more common-wall single family dwellings), each on its own lot	<b>N</b>
Cottage Cluster (2-4 single family dwellings on one lot)	<b>N</b>
Zero Lot Line Housing (may include one common wall)	<b>N</b>
Multifamily (3 or more dwellings on lot), includes Triplexes, Apartments, Senior Housing, Assisted Living, & Single Room Occupancies, Boarding or Rooming Facilities	<b>N</b>
Other Residential Uses <b>such as</b> Nursing and Convalescent Homes, Retirement Center Apartments	<b>N</b>
<b>Residential Uses with <u>Class III</u> Impacts:</b>	
State Regulated Special Residential Units <ul style="list-style-type: none"> <li>• Group Living Homes (5 or fewer)</li> <li>• Group Facility (6 +)</li> </ul>	<b>N</b>
Manufactured Home Park	<b>N</b>
Other Residential uses with <b>Class III</b> Impacts <b>such as</b> Dormitories, and Houseboats	<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 16.09-1: Characteristics of Major Land Use Actions Matrix -- Projects in an Industrial Zone Requiring a Planned Development Review (Chapter 16.23).</p>	



## 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 <u>Class I</u> Impacts:</b>		
Offices	<b>N</b>	
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)	<b>CU</b>	<b>N</b>
Commercial Uses such as Stores (15,000 square feet or less) Selling Printed Material, Books, & Videos; Tanning; Hair and Personal Care Services	<b>CU</b>	<b>N</b>
Other Commercial Uses such as Parcel Service Stores, Photocopy and Blueprint Services, Photographic Studios, Tailors and Seamstresses	<b>N</b>	
Other Commercial Uses such as Restaurants, Cafes, Delicatessens, Mini-Marts.	<b>CU</b>	
<b>Commercial Uses with <u>Class II</u> 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	<b>N</b>	
Other Commercial Uses such as Educational, Arts and Training Facilities, Gyms, Health Clubs, Indoor Firing Ranges; Fast Food & Beverage Sales (with drive up facilities), Financial Institutions (with Drive Up Operations), Medical, Optical and Dental Labs	<b>CU</b>	
Other Commercial Uses such as Drive-Up/Drive-In/Drive-Through (Drive-Up Windows, Kiosks, ATM's, similar uses/facilities)	<b>CU</b>	
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.	<b>N</b>	
<b>Commercial Uses with <u>Class III</u> 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, Outdoor Amphitheaters Sales or Leasing of Consumer Vehicles Including Passenger Vehicles, Motorcycles, Light and Medium Trucks, and Other Recreational Vehicles, Shopping Mall.	<b>N</b>	
Other Commercial Uses such as Gas (Filling) Stations; Mini-Storage Units	<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 16.09-1: 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>		

## 16.09.070 INDUSTRIAL USES ALLOWED IN THE INDUSTRIAL ZONE

**Table 16.09-4: Industrial Land Uses Allowed in the Industrial Zone**

(See pages 14-16 of Chapter 16.03 for further details and listings Industrial Uses)

Land Uses	Z-IND West of 5 <sup>th</sup> Street	Z-IND East of 5 <sup>th</sup> Street
<b>Industrial Uses with <u>Class I</u> Impacts:</b>		
Industrial Uses such as Assembly of Light Machinery, Equipment, Appliances, and Other Electrical Items, Building, Heating, Plumbing or Electrical Contractor Shops; Electric Motor Repair, Manufacture (Light) or Assembly (Light) of Instruments, including Musical Instruments, Precision Items, Photofinishing Laboratories; Repair of Scientific or Professional Instruments, Research and Development Laboratories; Sign Manufacturing	OP <sup>1</sup>	
Other Industrial such as Household Moving and General Freight Storage & Warehouse, Janitorial, Caretaker and Building Maintenance Services; Off-site (Separate) Warehouses used by Retail Stores like Furniture and Appliance Stores.	OP <sup>1</sup>	
<b>Industrial Uses with <u>Class II</u> Impacts:</b>		
Industrial Uses such as Exterminators; Laundry, Dry-Cleaning, and Carpet Cleaning Plants; Breweries, Distilleries, and Wineries (larger than 5,000 square feet); Movie Production Facilities; Parcel Receiving and Distribution Services & Warehouse; Printing, Publishing and Lithography Production of Artwork and Toys; Weaving or Production of Textiles or Apparel; Woodworking, including Cabinet Makers.	OP <sup>1</sup>	AR
Other Industrial Uses such as Fuel Oil Distributors; Machine Shops, Mail Order Houses; Major Distribution Centers; Major Post Offices; Manufacture or Assembly of Machinery, Equipment, Vehicles, Appliances, and Other Electrical Items [no discharge permits required] Production of Prefabricated Structures, Including Mobile, Manufactured, Modular Homes; Sale and Storage of Landscaping Materials; Sale or Rental of Machinery, Equipment, Heavy Trucks, Special Trade Tools, Welding Supplies, Machine Parts, Electrical Supplies, Janitorial Supplies, Restaurant Equipment, and Store Fixtures; Tool Repair, Towing and Vehicle Storage; Truck Freight Terminal and Warehouse; Wholesalers of Food, Clothing, Auto Parts, Building Hardware, and Office Supplies.	MR <sup>1</sup>	AR
<p><sup>1</sup> As noted in Section 16.09.040.A.3 an industrial use application that would ordinarily be processed as an Outright Permitted Use (OP) or Ministerial Review (MR) that the Planning Official determines requires discretionary decision making in order to meet development standards established in this Code will automatically be processed as an Administrative Review (AR). Administrative Reviews, if necessary, may be referred or appealed to the Planning Commission (See Chapter 16.20).</p>		
<b>Industrial Uses with <u>Class III</u> Impacts:</b>		
Industrial Uses such as Auto and Truck Salvage and Wrecking; Concrete Batching and Asphalt Mixing; Energy Production; Fuel yards; Hazardous-Waste Collection Sites; Heavy Truck Servicing and Repair; Truck Stop; Lumber Mills, Pulp and Paper Mills, and Other Wood Products Manufacturing; Manufacture or Assembly of <u>Heavy</u> Machinery, Equipment, Vehicles, Appliances (discharge permits required). Railroad Yards; Tire Retreading or Recapping; Waste Composting or Transfer; wrecking yards;	AR	CU
<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>		

## 16.09.080 PUBLIC USES ALLOWED IN THE INDUSTRIAL ZONE

<b>Table 16.09-5: Public (Civic or Institutional) Land Uses Allowed in the Industrial Zone</b>	
(See page 18 of Chapter 16.03 for further details and listings regarding Public Uses)	
Use Categories	Z-IND
<b>Public Uses with <u>Class I</u> Impacts:</b>	
Public Uses such as City offices and Facilities; Community Development Center; Libraries; and Utility Offices.	<b>N</b>
<b>Public Uses with <u>Class II</u> Impacts:</b>	
Public Safety Facilities, Including Fire/Emergency Medical Services and Police Stations, and Emergency Communication Broadcast Facilities	<b>CU</b> [ <b>AR</b> if Projects Implement the City's Adopted Facilities Plans]
Public Uses such as Community Centers, Colleges, Universities, Community Colleges, and Adult Education Facilities Municipal Courts; Museums, Nursery Schools, Preschools; Public Squares, Plazas, Senior Centers, Social Service Facilities, Soup Kitchens, Vocational Training for the Physically or Mentally Challenged, Utility Substations, Youth Club facilities	<b>N</b>
Other Public Uses such as Boat Launching Areas, Botanical Gardens, City Maintenance Shops; Hospitals and Large Medical Complexes Publicly Owned Swimming Pools, Recreational Trails, Surplus Food Distribution Centers;	<b>N</b>
Other Public Uses such as Water Towers and Reservoirs.	<b>AR</b>
Other Public Uses such as Transit Centers	<b>CU</b>
Other Public Uses such as Schools	<b>N</b>
Other Public Uses such as Meeting Facilities or Related Facilities	<b>N</b>
Other Public Uses such as Daycare, adult or child day care (12 or fewer children); does not include Family Daycare under ORS 657A.250	<b>N</b>
Other Public Uses such as Parks and, Recreation Facilities, Open Space, Pedestrian Amenities, Publicly owned RV Parks	<b>CU</b> [ <b>OP</b> for dedicated wetlands and detention facilities; <b>AR</b> if Projects Implement the City's Adopted Facilities Plans]
<b>Public Uses with <u>Class III</u> Impacts:</b>	
Public Uses such as Shelters for Short Term or Emergency Housing (e.g., Homeless Shelters) when operated by a Public or Non-profit Agency	<b>N</b>
Other Public Uses such as Cemeteries	<b>N</b>
Other Public Uses <u>such as</u> Bus Barns (public), Treatment Plants and Facilities (Water and Sewage)	<b>CU</b> [ <b>AR</b> if Projects Implement the City's Adopted Facilities Plans]
<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).	

## 16.09.090 OTHER LAND USES ALLOWED IN THE INDUSTRIAL ZONE

<b>Table 16.09-6: Other Land Uses Allowed in the Industrial Zone</b>	
(See page 21 of Chapter 16.03 for further details and listings regarding Other Uses)	
Use Categories	Z-IND
Uses with <b>Class I</b> Impacts: <b>NONE</b>	<del> </del>
Other Uses with <b>Class II</b> Impacts <b>such as</b> wireless communication facilities	<b>AR</b> <b>OP</b> for Emergency Services Facilities (Police, Fire and Emergency Management) up to 125 feet; over 125 feet subject to Conditional Use and Variance Processes.
<b>Other Uses with Class III Impacts:</b>	
Armory [e.g., National Guard]	<b>CU</b>
Other Uses such as Rail Lines and Utility Corridors, except those existing prior to effective date of Development Code are allowed.	<b>CU</b> [AR if Projects are Implementations of City's Adopted Facilities Plans]
Other Uses such as Agricultural, including Forestry (see Glossary)	<b>CU</b>
Other Uses such as Mining	[N = No New Mining Permits will be allowed]
Other Uses such as Transportation Facilities (operation, maintenance, preservation, and construction in accordance with the City's Transportation System Plan)	<b>AR</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>	

## **16.09.100 LIMITATIONS ON USE**

The following limitations shall apply, unless specifically exempted by other sections of this Code:

- A.** All service, repair, fabrication or processing shall be conducted wholly within an enclosed building unless otherwise specified by the Planning Commission. In making these decisions the Planning Commission shall use the decision criteria and process (including conditions of approval) listed in Section 16.21.060 9 (Chapter 16.21 Conditional Uses).
- B.** Open storage of materials or products may be allowed when natural or artificial screening can be provided to obscure from view at “eye-level” (a height of six feet above ground level) from the property line. Storage shall not be permitted in required yards.
- C.** All uses shall meet all applicable standards and regulations of the Oregon State Board of Health, the Oregon Department of Environmental Quality, and any other public agency having jurisdiction over the property. Prior to the final approval of a land use application, evidence shall be submitted to the City indicating that the proposed activity has been approved by all appropriate regulatory agencies.

## **16.09.110 INDUSTRIAL SITE STANDARDS**

### ***A. Industrial Zone Setback Yards and Industrial Buffers***

#### **1. Background**

This section is intended to provide flexibility in development. The standards ensure compliance with fire and building codes, separation between industrial Zone uses and adjacent residential areas, and pedestrian connections through large developments.

#### **2. Purpose**

Setback yards and buffers provide separation between industrial and non-industrial uses for fire protection/security, building maintenance, sunlight and air circulation, noise buffering, and visual separation.

#### **3. Applicability**

The setback yard and buffer standards in subsections 16.09.110.A.4 and 16.09.110.A.5 are minimum standards that apply to buildings, accessory structures, parking areas, mechanical equipment, and other development. In granting Conditional Use approval, the hearing authority may increase the standard yards and/or buffers consistent with the criteria in Chapter 16.21. The hearing authority may also decrease the standard yards and/or buffers through the Conditional Use review process, provided that all applicable building and fire safety codes are met.

#### 4. Yard Setbacks

The following setbacks shall apply in Z-IND zone yards, unless specifically exempted by other sections of this Code:

- a. Front yards and street side yards shall be 20 feet unless otherwise specified by the Planning Commission.
- b. Other side yard setbacks between adjacent industrial uses may be 0 feet.
- c. As noted in **Table 16.13-1**, Alleys in Industrial Areas (Z-IND) have no required setback, unless abutting a residential zone. In such cases, the setback shall be 20 feet unless otherwise specified by the Planning Commission. Also see Subsection “d” immediately following.
- d. Where the lot abuts a residential zone, the side and/or rear yard setback shall be at least 20 feet plus 1 (one) foot horizontally for every vertical foot of height of building of the abutting wall to a maximum setback of 50 feet.
- e. Five foot setback with buffering are required for parking lots, except for adjacent residential zone in which case the setback shall be at least 10 feet.

#### 5. Buffering and Other Yard Requirements

- a. **Buffering:** The review authority body may require landscaping, fences, walls or other buffering that exceed the landscaping standards in Chapter 16.15 when it finds through Site Design Review, Conditional Use (CU) review (Chapter 16.21), and/or Planned Development review (Chapter 16.23), as applicable, that more or different buffering is necessary to mitigate adverse noise, light, glare, and/or aesthetic impacts to adjacent properties.
- b. **Landscaping:** Yards shall be landscaped as provided in Chapter 16.15 (Landscaping).
- c. **Pedestrian and Bicycle Access:** The review authority may require the construction of pedestrian and bicycle access ways through required buffers to ensure pedestrian connections within large developments, between multiple development phases, or connecting to public sidewalks, walkways, or multi-use pathways. The design of access ways shall conform to the provisions of Chapter 16.12.

## **B. Industrial Zone Site Layout and Design**

### **1. Background**

This Section is intended to provide flexibility in development while providing for compatibility of industrial uses.

### **2. Development Compatibility**

Industrial uses and developments shall be oriented on the site to minimize adverse impacts to (e.g., noise, glare, smoke, dust, exhaust, vibration, etc.) and to provide compatibility with adjacent uses to the maximum extent practicable. The following standards shall apply to all development in the Industrial Zone:

- a. Mechanical equipment, lights, emissions, shipping/receiving areas, and other components of an industrial use that are outside enclosed buildings, shall be located away from residential areas, hospitals, schools, parks and other non-industrial areas to the maximum extent practicable.
- b. The City may require a landscape buffer, or other visual or sound barrier (fence, wall, landscaping, or combination thereof), to mitigate adverse impacts that cannot be avoided, as provided in Chapter 16.15 and Chapters 16.21 and 16.23.

### **3. Industrial Zone Building and Structure Height**

- a. There are no building height restrictions in the Industrial Zone, with the exception of Wireless Communication Facilities (WCFs).
- b. In the Industrial Zone, the maximum permissible height for a WCF is 150 feet, and does not require a variance (see Table 16.17.040-1 in Chapter 16.17).

***Title 16: City of Lebanon  
Development Code***

ARTICLE TWO  
LAND USE ZONES

**Chapter 16.10:  
Public Use Zone**

**Adopted by City Council on  
December 10, 2008**



# Chapter 16.10: Public Use Zone

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# Chapter 16.10: Public Use Zone

## 16.10.010 BACKGROUND

- A. This Chapter contains all of the standards for the Public Use Zone (Z-PU). The standards are intended to be applied to all reviews in the Public Use Zone.
- B. The creation of a lot or parcel through the subdivision or partition process is an outright permitted action in the Public Use Zone subject to the provisions of Chapter 16.22 and any other applicable requirements in this Code (e.g., Community Development Standards, Chapters 16.12 – 16.19).

## 16.10.020 PURPOSE

To provide lands suitable for a variety of public uses such as schools and community centers, parks, City facilities, and facilities for meetings and events. The Public Use Zone is intended to:

- A. Provide areas for buildings and facilities that are (1) owned by federal, state, or local governments, public utilities, special districts, or non-profit organizations, and (2) are occupied and utilized in such a manner that provide governmental or public services.
- B. Provide for school sites, public park and recreational facilities, natural areas, trails, wetlands, and similar types of open space owned and managed by a local government or special district.

## 16.10.030 INTRODUCTION

### A. *Impact Classifications*

1. As noted in Chapter 16.03, all land use types are further divided into three subcategories by the degree of impacts or off-site impacts that the uses could reasonably be expected to exert on the surrounding properties and neighborhood.
2. Please see Section 16.03.010.E of Chapter 16.03 (pages 2 and 3) for the details of this impact classification system.

## **B. Key to Procedures, Standards, and Conditions of Approval**

1. **Outright Permitted Uses with Site Review and Building Permit:** “OP” means the use is permitted outright and a **Building Permit** is issued after a **site review** determines that all setbacks and other lot and building site requirements are satisfied.
2. **Permitted Uses with Ministerial Review:** “MR” approval is gained through a ministerial review process (see Chapter 16.20).
3. **Permitted with Administrative Review:** “AR” means the use is permitted through an Administrative Review process that takes into account all applicable requirements (see Chapter 16.20).
4. **Permitted with Conditional Use Approval:** “CU” means the use is permitted with a Conditional Use approval (Chapter 16.21).
5. **Site Reviews:** The processing of a variety of land use applications may also include detailed site reviews (site plan reviews). These requirements are addressed in LDC Chapters 16.21 – 16.24 (Article Four).
6. **Decision Criteria and/or Additional Conditions of Approval:** The standards and review processes outlined in this Code in **Part Three: Community Development and Use Standards** and in **Part Four: Land Use And Development Review/Decision Requirements And Procedures**, as well as applicable Overlay Zones (Chapter 16.11) may set additional decision criteria and/or conditions of approval.
7. **Not Permitted:** The code provisions are also intended to make it more difficult to place incompatible uses near one another; an “N” designation means the use is not permitted.
  - a. **Existing Uses.** The “Not Permitted” (“N”) designation is not retroactive and does not impact existing uses.
  - b. **No New Uses.** The “Not Permitted” (“N”) designation indicates that no new uses of this type are allowed on a property to which this designation applies.

### **16.10.040 PROCESS FOR REVIEW OF PUBLIC USE LAND USE APPLICATIONS**

#### **A. Public Use Zone Land Use Reviews**

All applications for development in the Public Land Use Zone for projects that are **not** deemed Major Land Use Actions are subject to:

1. The appropriate review process indicated in Tables 16.10.2 thru 16.10.6, and
2. May also be subject to:
  - a. Site Reviews (e.g., to determine that all setbacks and other lot and building site requirements are satisfied).
  - b. The standards and review processes outlined in this Code in **Article Three: Community Development and Use Standards** and in **Article Four: Land Use And Development Review/Decision Requirements And Procedures**,
  - c. Applicable Overlay Zones (in Chapter 16.11) may set additional conditions of approval.

**B. Process for Basic Review of Applications and Impact Mitigation for Projects Deemed Major Land Use Actions thus Requiring Planned Development Reviews**

1. For purposes of this Chapter, if a proposed development in a mixed use zone is deemed a Major Land Use Action according to **Table 16.10-1**, it shall be processed as a Planned Development.
2. See Chapter 16.24 for the details of the process for *Planned Development Reviews and Impact Mitigation Reviews*.

<b>Table 16.10-1: Characteristics of Major Land Use Actions in the Public Use Land Use Zone</b>		
<b>(Projects in the Public Use Zone Requiring a Planned Development Review)</b>		
Note: Acreage refers to the size of the area being developed, not the total lot or parcel size.		
Characteristics	Residential Uses	Public and Other Uses
<b>If the project's acreage exceeds the threshold below, that land use application shall be deemed a Major Land Use Action and processed as a Planned Development (see Chapter 16.23).</b>		
Planned Development Application Required if Project Acreage Exceeds	2 or more acres	25 or more acres
<b>If a proposed development is characterized by two or more of the characteristics listed below (in the four rows immediately following), that land use application shall be deemed a Major Land Use Action and processed as a Planned Development (see Chapter 16.23).</b>		
Acreage of Project	NA	5 or more acres
Multi-Year Phasing	Yes	Yes
Class III Impacts	Yes	Yes
Projected Demand on Public Infrastructure and City Provided Utilities Exceed Actual or Designed Capacities in Adopted Master Facilities Plans	Yes	Yes

## 16.10.050 RESIDENTIAL USES ALLOWED IN THE PUBLIC USE ZONE (Z-PU)

<b>Table 16.10-2: Residential Land Uses Allowed in the Public Use Zone</b>	
<b>Land Uses</b>	
(Examples of uses are in Chapter 16.03; definitions are in the Glossary, Chapter 16.32.)	
(See page 8 of Chapter 16.03 for further details and listings regarding Residential Uses)	
<b>Residential Uses with <u>Class I</u> Impacts:</b>	
Single Family (not attached)	<b>N</b>
Accessory Dwelling	<b>N</b>
Accessory Structures (with a permitted use) -no taller than 25ft. and no larger than 1,000 square feet of building footprint taller than 25 ft. or larger than 1,000 square feet of building footprint	<b>N</b>
Duplex (2 dwellings sharing a common wall on one lot) -- One duplex on a lot	<b>N</b>
Manufactured Home	<b>N</b>
Other Residential such as Bed & Breakfasts, Home Occupations, Hospice Facilities, Family Day Care Facilities (in a home)	<b>N</b>
<b>Residential Uses with <u>Class II</u> Impacts:</b>	
Town House/Rowhouse (2 or more common-wall single family dwellings), each on its own lot,]	<b>N</b>
Cottage Cluster (2-4 single family dwellings on one lot)	<b>N</b>
Zero Lot Line Housing (may include one common wall)	<b>N</b>
Multifamily (3 or more dwellings on lot), includes Triplexes, Apartments, Senior Housing, Assisted Living, & Single Room Occupancies, Boarding or Rooming Facilities	<b>N</b>
Other Residential Uses such as Nursing and Convalescent Homes, Retirement Center Apartments	<b>N</b>
<b>Residential Uses with <u>Class III</u> Impacts:</b>	
State Regulated Special Residential Units	<b>AR</b>
<ul style="list-style-type: none"> <li>• Group Living Homes (5 or fewer)</li> <li>• Group Facility (6+)</li> </ul>	<b>CU for 6 or more</b>
Manufactured Home Park	<b>N</b>
Other Residential uses such as Dormitories, and Houseboats	<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>	

## 16.10.060 COMMERCIAL USES ALLOWED IN THE PUBLIC USE ZONE (Z-PU)

**Table 16.10-3: Commercial Land Uses Allowed in the Public Use Zone**

(See pages 10-12 of Chapter 16.03 for further details and listings regarding Commercial Uses)

Land Uses	
<b>Commercial Uses with <u>Class I</u> 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 <u>Class II</u> 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	<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 <u>Class III</u> 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; Mini-Storage Units, 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>	

## 16.10.070 INDUSTRIAL USES ALLOWED IN THE PUBLIC USE ZONE (Z-PU)

**Table 16.10-4: Industrial Land Uses Allowed in the Public Use Zone**

(See pages 14-16 of Chapter 16.03 for further details and listings regarding Industrial Uses)

**Land Uses**

**Industrial Uses with Class I Impacts:**

Industrial Uses such as Assembly of Light Machinery, Equipment, Appliances, and Other Electrical Items, Building, Heating, Plumbing or Electrical Contractor Shops; Electric Motor Repair, Manufacture (Light) or Assembly (Light) of Instruments, including Musical Instruments, Precision Items, Photofinishing Laboratories; Repair of Scientific or Professional Instruments, Research and Development Laboratories; Sign Manufacturing.

**N**

Other Industrial Uses such as Household Moving and General Freight Storage & Warehouse, Janitorial and Building Maintenance Services; Off-site (Separate) Warehouses used by Retail Stores like Furniture and Appliance Stores.

**N**

**Industrial Uses with Class II Impacts:**

Industrial Uses with such as Exterminators; Laundry, Dry-Cleaning, and Carpet Cleaning Plants; Micro Breweries, Distilleries, and Wineries; Movie Production Facilities; Parcel Receiving and Distribution Services & Warehouse; Printing, Publishing and Lithography Production of Artwork and Toys; Weaving or Production of Textiles or Apparel; Woodworking, including Cabinet Makers

**N**

Other Industrial Uses such as Fuel Oil Distributors; Machine Shops, Mail Order Houses; Major Distribution Centers; Major Post Offices; Manufacture or Assembly of Machinery, Equipment, Vehicles, Appliances, and Other Electrical Items [no discharge permits required] Production of Prefabricated Structures, Including Mobile, Manufactured, r Modular Homes; Sale and Storage of Landscaping Materials; Sale or Rental of Machinery, Equipment, Heavy Trucks, Special Trade Tools, Welding Supplies, Machine Parts, Electrical Supplies, Janitorial Supplies, Restaurant Equipment, and Store Fixtures; Tool Repair, Towing and Vehicle Storage; Truck Freight Terminal and Warehouse; Wholesalers of Food, Clothing, Auto Parts, Building Hardware, and Office Supplies.

**N**

**Industrial Uses with Class III Impacts:**

Industrial Uses with such as Auto and Truck Salvage and Wrecking; Breweries, Distilleries, and Wineries (not micro) Concrete Batching and Asphalt Mixing; Energy Production; Fuel yards; Hazardous-Waste Collection Sites; Heavy Truck Servicing and Repair; Truck Stop; Lumber Mills, Pulp and Paper Mills, and Other Wood Products Manufacturing; Manufacture or Assembly of Heavy Machinery, Equipment, Vehicles, Appliances (discharge permits required). Railroad Yards; Tire Retreading or Recapping; Waste Composting or Transfer; wrecking yards.

**N**

**Key:** 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).

## 16.10.080 PUBLIC USES ALLOWED IN THE PUBLIC USE ZONE (Z-PU)

**Table 16.10-5: Public Uses (Civic or Institutional) Allowed in the Public Use Zone**

(See page 18 of Chapter 16.03 for further details and listings regarding Public Uses)

### **Land Uses**

#### **Public Uses with Class I Impacts:**

Public Uses such as City offices and Facilities; Community Development Center; Libraries, and Utility Offices.

**AR**

#### **Public Uses with Class II Impacts:**

Public Uses **such as** Public Safety Facilities, Including Fire/Emergency Medical Services and Police Stations, Municipal Courts, and Emergency Communication Broadcast Facilities; Public Utility Substations, City Maintenance Shops; Senior Centers; Community Centers; Hospitals and Large Medical Complexes

**AR**

Other Public Uses **such as** Boat Launching Areas, Recreational Trails,

**AR**

Public Uses **such as** Colleges, Universities, Community Colleges, and Adult Education Facilities; Museums, Nursery Schools, Preschools; Public Squares, Plazas, Social Service Facilities, Soup Kitchens, Vocational Training for the Physically or Mentally Challenged, Private Utility Substations; Youth Club facilities; Botanical Gardens; Surplus Food Distribution Centers; Transit Centers.

**CU**

Other Public Uses **such as** Water Towers and Reservoirs.

**CU**

[AR if Projects Implement the City's Adopted Facilities Plans]

Other Public Uses **such as** Schools

**AR** with mandatory Public Hearing by Planning Commission

Other Public Uses **such as** Meeting Facilities or Related Facilities

**CU**

Other Public Uses **such as** Daycare, adult or child day care (12 or fewer children); does not include Family Daycare under ORS 657A.250.

**OP**

Other Public Uses such as Parks and, Recreation Facilities, Publicly Owned Swimming Pools; Open Space, Pedestrian Amenities, Publicly owned RV Parks

**CU**

[OP for dedicated wetlands & detention facilities; AR if Projects Implement the City's Adopted Facilities Plans]

#### **Public Uses with Class III Impacts:**

Public Uses **such as** Shelters for Short Term or Emergency Housing (e.g., Homeless Shelters) when operated by a Public or Non-profit Agency.

**CU**

Other Public Uses **such as** Cemeteries

**AR**

Other Public Uses **such as** Bus Barns (public), Treatment Plants and Facilities (Water and Sewage), Airports (public).


**CU**

[AR if Projects Implement the City's Adopted Facilities Plans]

**Key:** 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).



## 16.10.090 OTHER LAND USES ALLOWED IN THE PUBLIC USE ZONE (Z-PU)

<b>Table 16.10-6: Other Uses Allowed in the Public Use Zone</b>	
(See page 21 of Chapter 16.03 for further details and listings regarding Other Uses)	
<b>Land Uses</b>	
Uses with <b>Class I</b> Impacts: <b>NONE</b>	
Other Uses with <b>Class II</b> Impacts such as Wireless Communication Facilities	<b>CU</b> <b>OP</b> for Emergency Services Facilities (Police, Fire and Emergency Management) up to 125 feet; over 125 feet subject to Conditional Use and Variance Processes.
<b>Other Uses with Class III Impacts:</b>	
Armory [e.g., National Guard]	<b>CU</b>
Other Uses such as Rail Lines and Utility Corridors, except those existing prior to effective date of Development Code are allowed.	<b>N</b>
Other Uses such as Agricultural, including Forestry (see Glossary)	<b>N</b>
Other Uses such as Mining	<b>[N = No New Mining Permits will be allowed]</b>
Other Uses such as Transportation Facilities (operation, maintenance, preservation, and construction [in accordance with the City's Transportation System Plan])	<b>CU</b> <b>[AR if Projects Implement the City's Adopted Facilities Plans]</b>
<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).	

### 16.10.100 PUBLIC USE ZONE DEVELOPMENT STANDARDS

The development standards in **Table 16.10-7** apply to all uses, structures, buildings, and development, and major remodels, in the Public Use Zone (Z-PU).

<b>Table 16.10-7: Development Standards for Public Use</b>	
<i>Standard</i>	
<b>Lot Area, Width, Depth, Coverage</b>	
<b>All Uses</b>	There shall be no requirement.
<b>Yard Requirements</b>	
<b>All Uses</b>	<p><b>Front/Street Yard Setback:</b> Ten feet, except when abutting a lot in a residential zone, then the front yard setback to a building or parking area shall be according to the required setback in the abutting residential zone.</p> <p><b>Side and Rear Yard Setback:</b> None, except when abutting a lot in a residential zone, then the structure setback shall be a minimum of 10 feet. The required side and rear yard setback shall be <u>increased</u> by one-half foot for each by which the structure exceeds 20 feet in height.</p>
<b>Clear Vision Area</b>	
<b>All Uses</b>	A clear vision area shall be maintained as provided in Section 16.12.030.H, and a 20 foot triangle at intersections.
<b>Other Required Conditions</b>	
<b>All Uses</b>	All service, repair, processing, or storage on property abutting or across the street from a lot in a residential zone shall be conducted wholly within an enclosed building unless screened from the residential zone by an approved site-obscuring fence or wall.

***Title 16: City of Lebanon  
Development Code***

ARTICLE TWO  
LAND USE ZONES

**Chapter 16.11:  
Overlay Land Use Zones**

**Adopted by City Council on  
December 10, 2008**

# Chapter 16.11: Overlay Land Use Zones

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# Chapter 16.11: Overlay Land Use Zones

## 16.11.010 OVERVIEW

### A. Background and Purpose

1. An **Overlay zone** is an area where additional requirements are superimposed upon those of the base or underlying zone. An overlay zone addresses special land use circumstances or environmental safeguards unique to the property or properties. Properties within an overlay zone are subject to the requirements and regulations of both the base zone and the overlay zone. Where the standards of the overlay and base zone are different or in conflict, the more restrictive standards shall apply.
2. The Lebanon Development Code contains several overlay Zones, including the following: Airport; Riparian Protection; Special Transportation Area, Steep Slopes, Limited Use, and Flood Plains.

### B. Introduction

#### 1. Overlay Zone Impact Classifications

- a. The Impact Classifications for the Overlay Zones are significantly different than those discussed in Chapter 16.03, and applied in Chapters 16.05 through 16.11.
- b. The land uses are divided into Impact Classifications by the degree of impacts that the uses could reasonably be expected to exert on the Overlay Zones, or rather the attributes or values that the Overlay Zones are designed to protect.
- c. **Class I Impacts:** The impacts or latent conflicts of the land use are so minimal that the land use can be conducted without special mitigation measures beyond those standards of the existing base zone.
- d. **Class II Impacts:** The impacts or latent conflicts of the land use are significant enough to warrant special mitigation measures as prescribed by the standards of the Overlay Zone.
- e. **Class III Impacts:** The impacts or latent conflicts of the land use are substantial and warrant significant mitigation as described by the standards of the Overlay Zone.

#### 2. Key to Procedures, Standards, and Conditions of Approval

- a. **Outright Permitted Uses with Site Review and Building Permit:** “OP” means the use is permitted outright and a **Building Permit** is issued after a **site review** determines that all setbacks and other lot and building site requirements are satisfied.
- b. **Permitted Uses with Ministerial Review:** “MR” approval is gained through a ministerial review process.
- c. **Permitted with Administrative Review:** “AR” means the use is permitted through an Administrative Review process that takes into account all applicable requirements.
- d. **Permitted with Conditional Use Approval:** “CU” means the use is permitted with a Conditional Use approval (Chapter 16.21).
- e. **Site Reviews:** The processing of a variety of land use applications may also include detailed site reviews (site plan reviews). These requirements are addressed in LDC Chapters 16.21 – 16.24 (Article Four).



- f. **Decision Criteria and/or Additional Conditions of Approval:** The standards and review processes outlined in this Code in Article Three: Community Development and Use Standards and in Article Four: Land Use And Development Review/Decision Requirements And Procedures, as well as applicable Overlay Zones (Chapter 16.11) may set additional decision criteria and/or conditions of approval.
- g. **Not Permitted:** The code provisions are also intended to make it more difficult to place incompatible uses near one another; an “N” designation means the use is not permitted.
  - (1) **Existing Uses.** The “Not Permitted” (“N”) designation is not retroactive and does not impact existing uses.
  - (2) **No New Uses.** The “Not Permitted” (“N”) designation indicates that no new uses of this type are allowed on a property to which this designation applies.

**16.11.020 AIRPORT OVERLAY ZONES (AP-OZs)**

**A. Introduction to and Purpose of City’s Airport Overlay Zones**

The sponsor of the Lebanon airport is the Oregon Department of Aviation. For applicable Oregon Revised Statutes (ORS) and Oregon Administrative Rules (OARs), see the Oregon Department of Aviation.

As shown in **Table 16.11.020-1**, the City of Lebanon has two primary airport overlay zones: the Airport Control Zone (AC-OZ), and the Airport Safety Zone (AS-OZ). Each primary airport overlay zone is comprised of two or more subzones or areas.

**1. Airport Control Zone (AC-OZ)**

- a. The AC Zone is composed of the Airport Noise Impact Zone (AN-OZ) and the Airport Use Zone (AU-OZ) (see **Table 16.11.020-1** and **Figure 16.11.020-1**).
- b. The primary purpose of this zone is to promote safe and viable use of the airport by establishing criteria for compatibility of land uses.

**2. Airport Safety Zone (AS-OZ)**

- a. The Airport Safety Zone (AS-OZ) is composed of the “imaginary” Direct Impact Area, and the airport’s “imaginary” surfaces and zones, including Approach Surfaces, Transitional Surfaces, Horizontal Surfaces, Conical Surfaces, and Runway Protection Zones (see **Table 16.11.020-1** and **Figure 16.11.020-2**).
- b. The primary purpose of this zone is to promote aviation safety by prohibiting structures, trees, and other objects of natural growth from penetrating airport imaginary surfaces as defined in applicable OARs.

<b>Table 16.11.020-1: Overview of the Airport Overlay Zones</b>		
<b>Airport Control Zone (AC-OZ)</b>	<b>Airport Safety Zone (AS-OZ)</b>	
Airport Noise Impact Subzone (AN-OZ) Airport Use Subzone (AU-OZ) Also encompasses the Runway	Airport Direct Impact Area	“Imaginary” Surfaces and Zones
		Primary Surface; Runway Protection Zone; Approach Surfaces; Transitional Surface; Horizontal Surface; Conical Surface

### 3. Overall Purpose

The overall purpose of these two overlay zones is to encourage and support the continued safe operation and vitality of this public use airport in the Lebanon area. This is to be accomplished by establishing compatibility and safety standards to promote air navigational safety and to reduce potential safety hazards for persons living, working or recreating near such a public use airport. These standards will restrict incompatible land uses and airspace obstructions around the airport in an effort to maintain the airport's maximum benefit. Specific use limitations apply to the overlaying AC-OZ, the AS-OZ, and/or their subcomponents. Any uses permitted outright or by conditional use in the underlying zone are allowed except as provided for in 16.11.020.F. Incompatible uses may include the height of trees, buildings, structures or other items and uses that would be subject to frequent aircraft over-flight or might intrude into areas used by aircraft.

### 4. Application of Provisions

The provisions of this section shall only apply as stipulated to the areas located within the Lebanon City Limits and under the specified airport overlay zone: the Airport Control Overlay Zone (AC-OZ), and the Airport Safety Overlay Zone (AS-OZ), and/or their subcomponents. In any land use zone subject to the AC-OZ and/or AS-OZ, the requirements and standards of this section shall apply as stipulated in addition to those specified in the ordinance for the underlying land use zone. If a conflict in regulations or standards occurs, the more restrictive provisions shall govern.

### 5. Aviation-Related Definitions

See Aviation-Related Definitions Section in the Glossary, Chapter 16.32, of this Development Code.

## ***B. Location and Description of the Lebanon Airport and Its Zones***

### 1. Location

The State's Public Use Airport in the City of Lebanon is currently located 1 mile west of the downtown area at 44°00'31"47"N, 122°00'55"46"W. It has an Elevation - 344'. The single Runway is on a north-south axis; it is 2877' long and 50' wide, with an Asphalt Surface (see **Figure 16.11.020-1**).

### 2. Airport Use Subzone (AU-OZ)

The Use Zone of the Lebanon Airport is identical to the property line of the Airport (see **Figure 16.11.020-1**).

### 3. Airport Noise Impact Subzone (AN-OZ)

The perimeter of this boundary (see **Figure 16.11.020-1**) shall be 1,500 feet from the edge of the runway, or within established noise contour boundaries exceeding on a daily average 55 LDN noise contour as established by valid scientific studies by the Oregon Department of Aviation.

#### 4. Airport Direct Impact Area

The area located within 5,000 feet edge of the airport's runway(s), excluding lands within the runway protection zone and approach surface (see **Figure 16.11.020-2**).

#### 5. Description of Runway Protection Zone and Imaginary Surfaces: Primary, Approach, Transitional, Horizontal, and Conical Surfaces

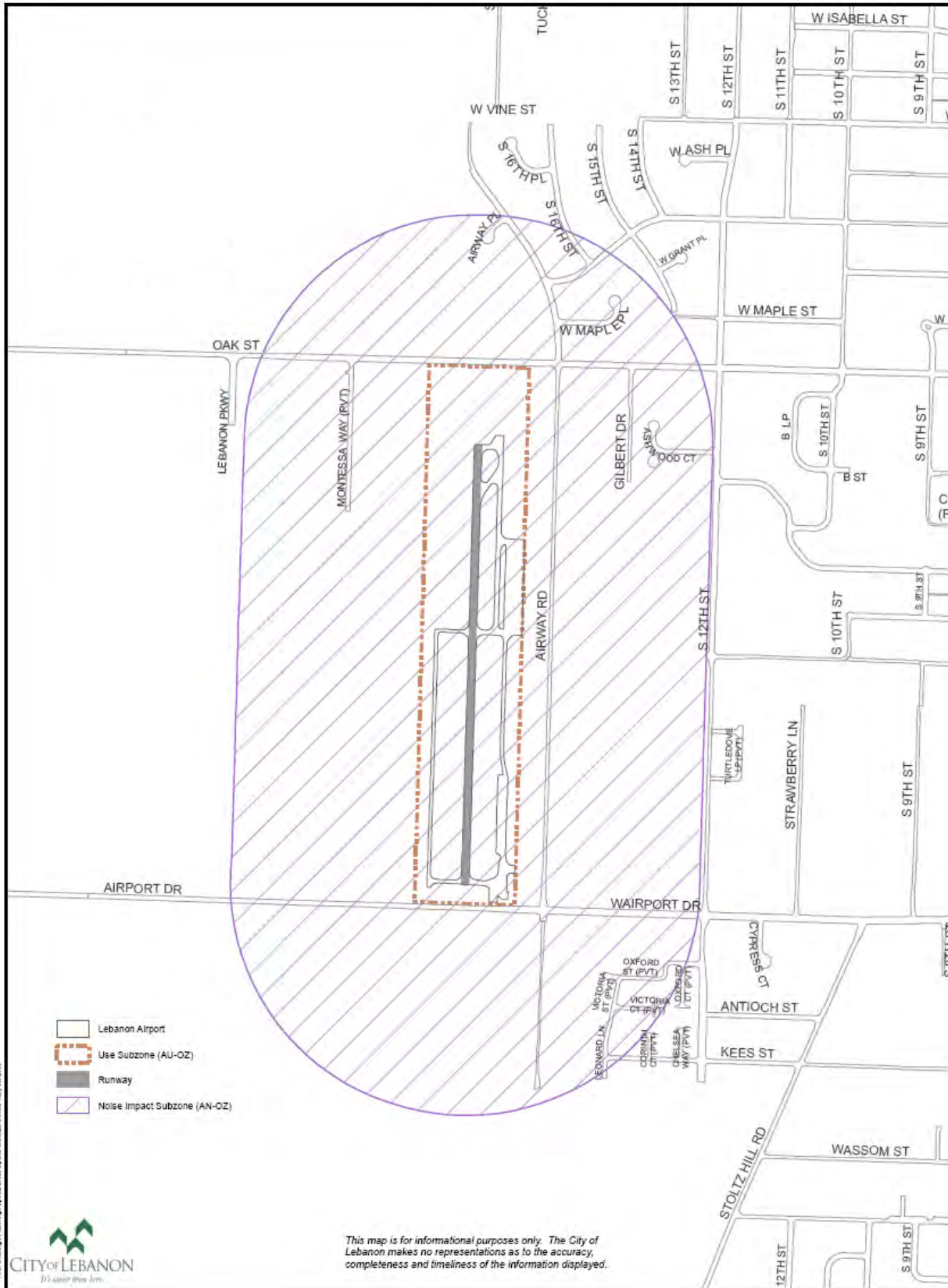
The Lebanon Airport is currently classified as a utility airport and is designed to handle only visual approaches; it has the following "imaginary" surfaces:

- a. **Primary Surface:** a rectangular shape centered longitudinally on the runway with dimensions of 250' wide by 3,277' long. The primary surface extends 200 feet beyond each end of the runway's hard surface (see **Figure 16.11.020-2**).
- b. **Runway Protection Zone (RPZ):** a trapezoidal shaped area at each end of the primary surface with dimensions of 250' wide at the end of the runway by 1,000' long, with a width of 450' at the far end of the trapezoid, with an upward approach slope at a 20:1 ratio, one-foot vertical for each 20 feet horizontal (see **Figure 16.11.020-2**).
- c. **Approach Surfaces:** a trapezoidal shaped visual approach surface at each end of the primary surface by 5,000' long, with a width of 1,250' at the far end of the trapezoid, with an upward approach slope at a 20:1 ratio, one-foot vertical for each 20 feet horizontal (see **Figure 16.11.020-2**).
- d. **Transitional Surface:** a surface that extends upward and outward from each side of the primary surface at 90 degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to the point of intersection with the horizontal and conical surfaces (see **Figure 16.11.020-3**).
- e. **Horizontal Surface:** a horizontal plane 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the primary surface of each runway of each airport and connecting the adjacent arcs by lines tangent to those arcs. The radius of each arc is 5,000 feet for all runways designated as utility (see **Figure 16.11.020-3**).
- f. **Conical Surface:** a surface that extends outward and upward from the periphery of the horizontal surface at a slope of 20:1 for a horizontal distance of 4,000 feet and a vertical height of 350 feet above the airport elevation (see **Figure 16.11.020-3**).

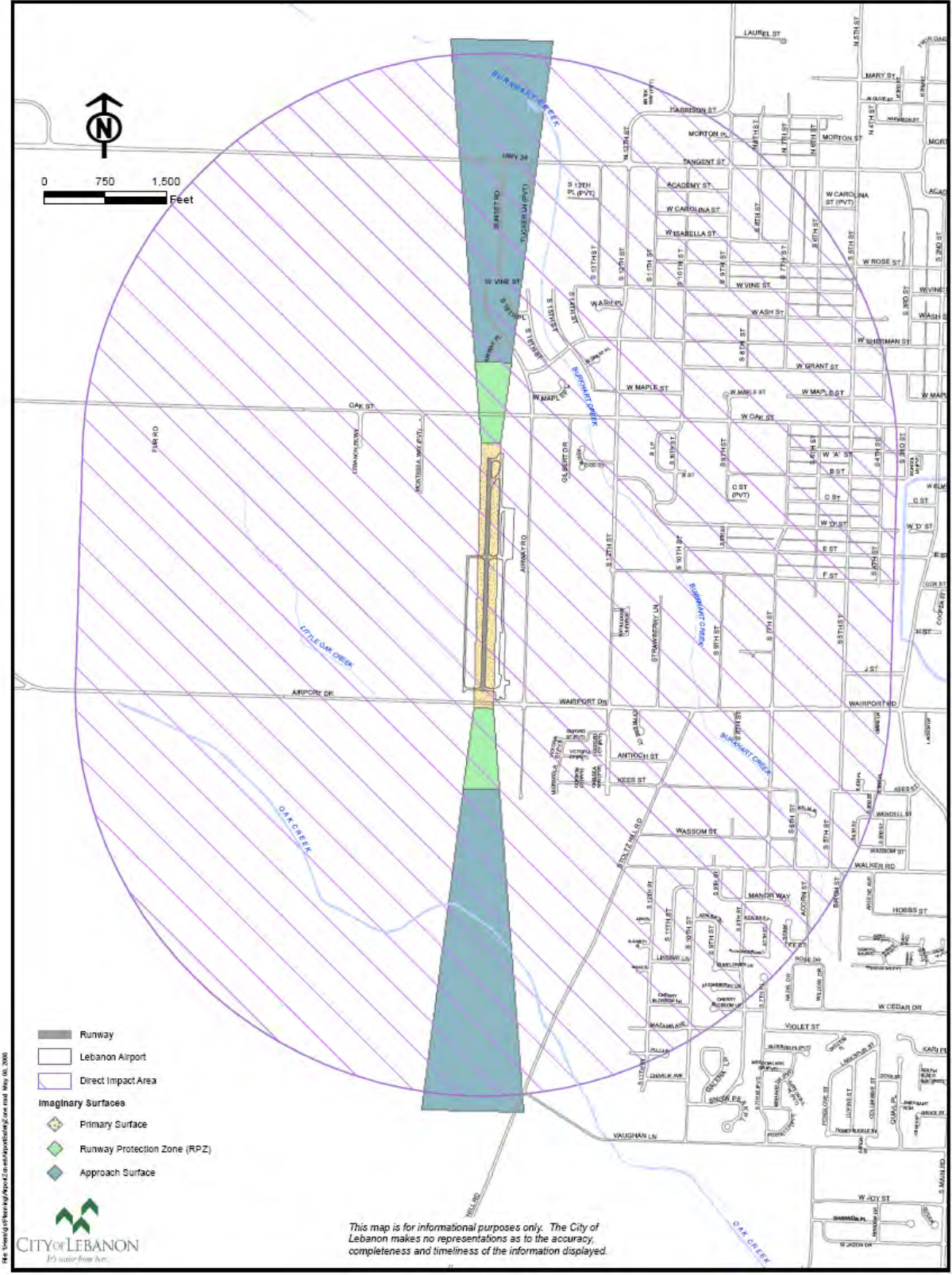
#### 6. Inclusion of Airport Overlay Zones on City's Official Zoning Map

The Lebanon Airport's elevation, the airport noise impact zone, and the location and dimensions of the runway, primary surface, runway protection zone, approach surface, horizontal surface, conical surface, transitional surface, and airport use zone shall be delineated and subject to the airport overlay zones as described herein, and shall be made part of the official Zoning Map (see **Figures 16.11.020-1** through **16.11.020-3**). All lands, waters and airspace, or portions thereof, that are located within these boundaries or surfaces are subject to the requirements of the airport overlay zones as applicable.

**Figure 16.11.020-1: Lebanon Airport's Airport Control Overlay Zone (AC-OZ) Showing the Runway, Airport Noise Impact Subzone, and Airport Use Subzone**

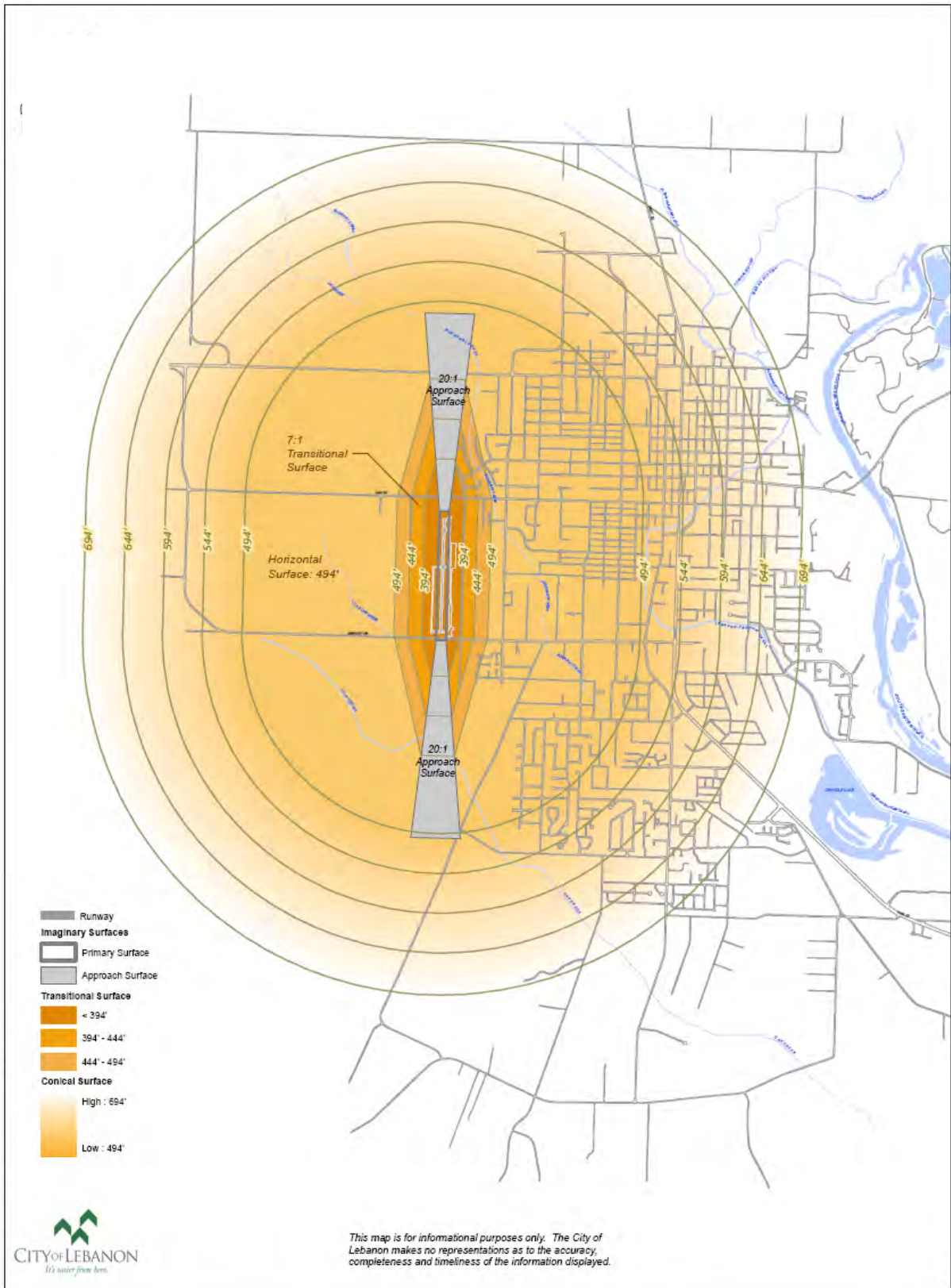


**Figure 16.11.020-2: Lebanon Airport's Airport Safety Zone (AS-OZ)**  
**Showing the Runway, Primary Surface, Airport Direct Impact Area,**  
**Runway Protection Zone, Approach Surfaces**



### Figure 16.11.020-3: Lebanon Airport's Airport Safety Zone (AS-OZ)

Showing the Runway, Primary Surface, Transitional Surfaces, Horizontal Surface, and Conical Surface



## **C. Notification of Land Use and Permit Applications**

Within the described overlay zones and/or their subcomponents, except as otherwise provided herein, written notice of applications for land use or limited land use decisions, including comprehensive plan or zoning amendments, shall be provided to the airport sponsor in the same manner as notice is provided to property owners entitled by law to written notice of land use or limited land use applications. At the time of adoption of this Code, the airport sponsor is the Oregon Department of Aviation. Hereafter in this Code, the sponsor will be referenced as the Oregon Department of Aviation for administrative convenience, but the provisions of this Code apply as to any lawful successor-in-interest to the Oregon Department of Aviation. Notices are subject to the following provisions and exceptions.

### **1. Notice Requirements**

Notice shall be provided to the airport sponsor (the Oregon Department of Aviation) when the property, or a portion thereof, that is subject to the land use or limited land use application is located within 1,500 feet from both sides and ends of a runway (the AC Overlay Zone Area, or Noise Impact Boundary and Airport Use Zone) and/or 5,000 feet from both sides and ends of a runway (the AS overlay zone that includes the Airport Direct Impact Area as well as the Runway Protection Zone and Approach Surface).

- a. Notice of land use and limited land use applications shall be provided within the following timelines:
  - (1) Notice of land use or limited land use applications involving public hearings shall be provided prior to the public hearing at the same time that written notice of such applications is provided to property owners entitled to such notice.
  - (2) Notice of land use or limited land use applications not involving public hearings shall be provided at least 20 days prior to entry of the initial decision on the land use or limited land use application.
- b. Notice of the decision on a land use or limited land use application shall be provided to the airport sponsor (Oregon Department of Aviation) within the same timelines that such notice is provided to parties to a land use or limited land use proceeding.

### **2. Notice of Water Impoundment**

A person submitting a land use application or limited land use application that will result in a water impoundment larger than  $\frac{1}{4}$  acre within 10,000 feet of an airport shall provide notice of the application to the Oregon Department of Aviation.

### **3. Exceptions**

Notices required under Paragraphs "a" and "b" directly above of this section need not be provided to the airport sponsor (Oregon Department of Aviation) where the land use or limited land use application meets **all** of the following criteria:

- a. Allows structures of less than 35 feet in height;
- b. Involves property located entirely outside the **Approach Surface and Transition Surface**;

- c. Does not involve industrial, mining or similar uses that emit smoke, dust or steam; sanitary landfills or water impoundments; or radio, radiotelephone, television or similar transmission facilities or electrical transmission lines; and
- d. Does not involve wetland mitigation, enhancement, restoration or creation.

#### ***D. Height Limitations on Allowed Uses in Underlying Zones, and Trimming of Trees***

All uses permitted by the underlying zone shall comply with the height limitations in this Section. When height limitations of the underlying zone are more restrictive than those of the airport overlay zones, the underlying zone height limitations shall control.

1. Except as provided in subsections (b) and (c) immediately following, no structure or tree, plant or other object of natural growth shall penetrate an airport imaginary surface.
2. For areas within **Airport Imaginary Surfaces** but outside the **Approach and Transition Surfaces**, where the terrain is at higher elevations than the airport imaginary surfaces such that existing structures and permitted development penetrate or would penetrate the airport imaginary surfaces, the City may authorize structures up to 35 feet in height.
3. Other height exceptions or variances may be permitted when supported in writing by the airport sponsor (Oregon Department of Aviation) and the FAA. Applications for height variances shall follow the procedures for other variances and shall be subject to such conditions and terms as recommended by the Department of Aviation and the FAA.
4. **Trimming Trees:** The airport sponsor (Oregon Department of Aviation), or its agents, shall be permitted (at times and under stipulations mutually agreed to in writing by property owners and the airport sponsor or its agents) to enter onto private property to reduce the height of trees that exceed the height limitations herein established. The airport sponsor, and/or its agents shall be responsible for all such work and legally liable for any claims of damage caused by such work.

#### ***E. Application Procedures for Land Use Review***

An applicant seeking a land use or limited land use approval in an area within the airport overlay zones shall provide the following information in addition to any other information required in the permit application:

1. **A map or drawing** showing the location of the property in relation to the **Airport Imaginary Surfaces**. The City's Community Development Division shall provide the applicant with appropriate base maps upon which to locate the property.
2. **Elevation profiles and a site plan**, both drawn to scale, including the location and height of all existing and proposed structures, measured in feet above mean sea level.
3. And, additionally, if a **height variance** is requested, **letters of support** from the airport sponsor (Oregon Department of Aviation) and the FAA as well. The letter(s) shall include specific references to the particular variance and proposed findings for approval.



## **F. Land Use Compatibility Requirements**

### **1. Overview**

Applications for land use or building permits for properties within the boundaries of the AC overlay zone and/or the airport imaginary surfaces stipulated below in this subsection shall comply with the requirements of this section as provided herein. When compatibility issues arise, the Planning Official or Hearings Body shall take reasonable steps to eliminate or minimize the incompatibility by choosing the most compatible location, design, or conditions for the boundary or use [see applicable ORS and OARs]. Decisions on compatibility shall further the State's Policy established by Applicable ORS: *In recognition of the importance of the network of airports to the economy of the state and the safety and recreation of its citizens, the policy of the State of Oregon is to encourage and support the continued operation and vitality of Oregon's airports.* To further these ends, the Planning Official or Hearings Body may impose reasonable conditions for new uses at the airport to ensure compatibility with existing and planned land uses surrounding the airport [Applicable ORS and OARs]. In addition, the Planning Official or Hearings Body may impose reasonable conditions to protect the public safety [see applicable ORS and OARs]. *"Compatible," as used in this section, is not intended as an absolute term meaning no interference or adverse impacts of any type with surrounding land uses [see applicable ORS and OARs].*

### **2. Noise**

Within airport **Noise Impact Zone (AN-OZ)**, land uses shall be established consistent with the levels identified in applicable ORS and OARs.

- a.** Applicants for any subdivision or partition approval or other land use approval or building permit affecting land within airport noise impact boundaries, shall sign and file with the City of Lebanon and record in the Linn County Book of Records, a **Declaration of Anticipated Noise** declaring that the applicant and his successors will not now, or in the future complain about or otherwise contest or challenge the allowed airport activities at the adjacent airport. (The City may provide a **Model Declaration** based on a state template.)
- b.** In areas where the noise level is anticipated to be at or above 55 Average Day-Night Sound Level (Ldn), prior to issuance of a building permit for construction of a noise sensitive land use (real property normally used for sleeping or as a school, church, hospital, public library or similar use), the permit applicant shall be required to demonstrate that a noise abatement strategy will be incorporated into the building design that will achieve an indoor noise level equal to or less than 55 Ldn. *[NOTE: FAA Order 5100.38A, Chapter 7, provides that interior noise levels should not exceed 45 decibels in all habitable zones.]*

### 3. Outdoor Lighting

No new or expanded industrial, commercial or recreational use shall project lighting directly onto an existing **Runway** or **Taxiway** or into existing airport **Approach Surfaces** except where necessary for safe and convenient air travel. Lighting for these uses shall incorporate shielding in their designs to reflect light away from airport approach surfaces [see applicable ORS and OARs]. No use shall imitate airport lighting or impede the ability of pilots to distinguish between airport lighting and other lighting.

### 4. Glare

No glare producing material, including but not limited to unpainted metal or reflective glass, shall be used on the exterior of structures located within an **Approach Surface** and/or the **AC Zone** lands where glare could impede a pilot's vision.

### 5. Industrial Emissions

No new industrial, mining or similar use, or expansion of an existing industrial, mining or similar use, shall, as part of its regular operations, cause emissions of smoke, dust or steam that could obscure visibility within **Airport Approach Surfaces**, except upon demonstration, supported by substantial evidence, that mitigation measures imposed as approval conditions will reduce the potential for safety risk or incompatibility with airport operations to an insignificant level. The review authority shall impose such conditions as necessary to ensure that the use does not obscure visibility.

### 6. Communications Facilities and Electrical Interference

No use shall cause or create electrical interference with navigational signals or radio communications between an airport and aircraft. Proposals for the location of new or expanded radio, radiotelephone, and television transmission facilities and electrical transmission lines within the **AC Overlay Zone** shall be coordinated with the Department of Aviation and the FAA prior to approval. Review and approval of all radio, radiotelephone, and television transmission facilities and electrical transmission lines on property located under the **Airport's Imaginary Surfaces** shall be coordinated with the State's Department of Aviation [see applicable ORS and OARs].

### 7. Use Prohibitions in the Runway Protection Zone (RPZ)

Notwithstanding the underlying zone, the following uses are prohibited in the RPZ [see applicable ORS and OARs]:

- a. New residential development.
- b. New public assembly facilities.

## **8. Restrictions on Housing Densities Beyond the Outer Edge of the Airport's RPZ**

The areas located directly beyond Lebanon State Airport's RPZ are critical zones where aviation related accidents will most likely occur. To minimize the risks of damage or injury to persons and properties on the ground from potential aviation related accidents, the following densities on housing development are established in portions of the Approach Surface (see Section 16.11.020.B.5.a), the trapezoidal shaped area encompassed by "imaginary" extensions north and south of the Runway Protection Zones (See **Figure 16.11.020-4**):

- a. One dwelling unit per acre within 500 feet of the outer edge of the airport's RPZ.
- b. Two dwelling units per acre within 500 to 1,500 feet of the outer edge of the RPZ.
- c. Four units per acre within 1,500 to 3,000 feet of the outer edge of the RPZ.

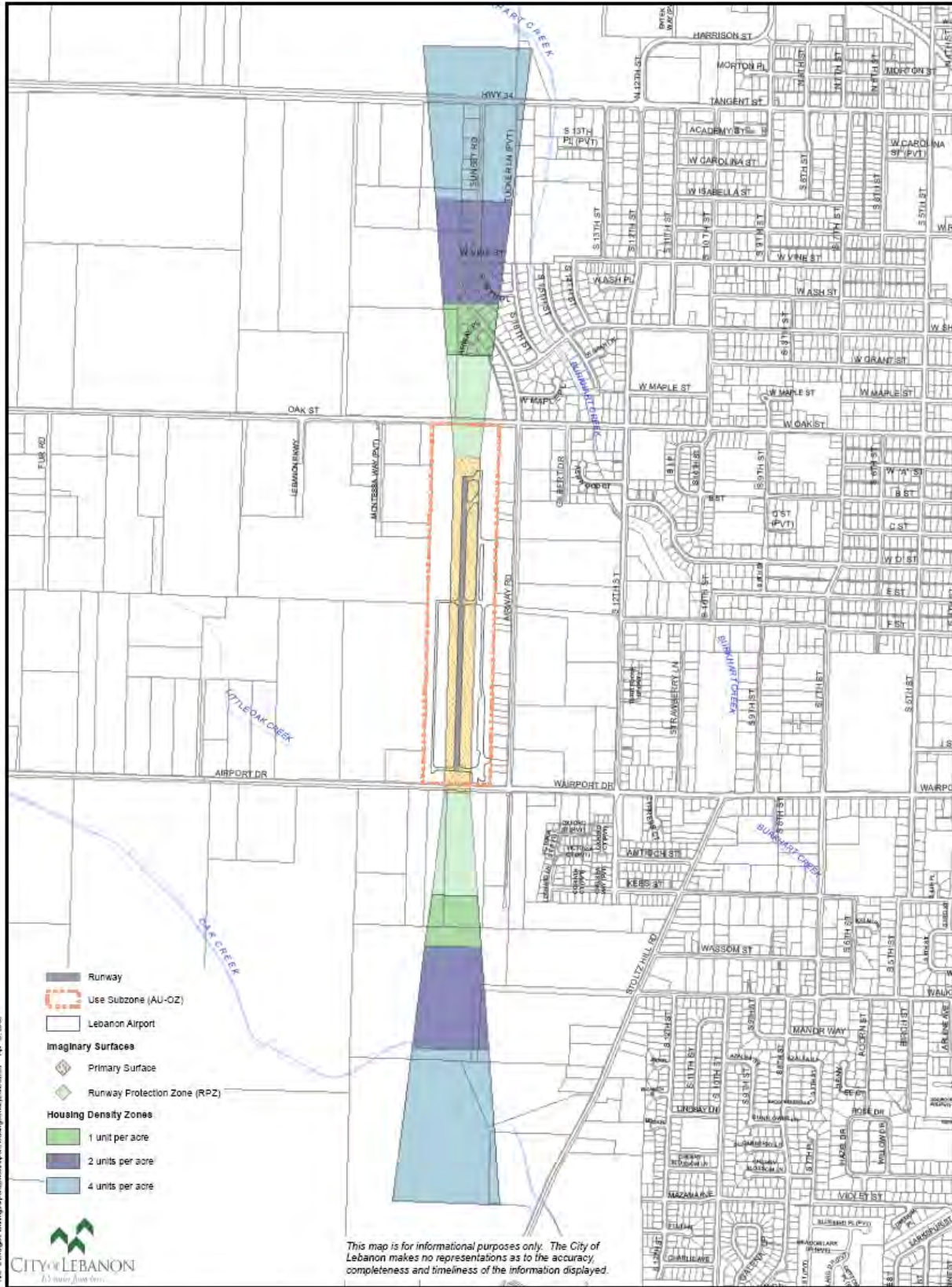
## **9. Sanitary Landfills**

No sanitary landfills shall be permitted within 5,000 feet of the airport runway if it is to be used by only piston-type aircraft, or within 10,000 feet of the airport runway if it will be used by turbojet aircraft.

## **10. Dimensional Standards**

- a. Minimum lot size and setbacks shall be those indicated in the underlying zone with which the AC Zone or AS Zone is combined.
- b. Where an area is covered by more than one height limitation, the more restrictive shall prevail.

**Figure 16.11.020-4: Lebanon Airport's Restrictions on Housing Densities Beyond the Outer Edge of the Airport's RPZ**



## **G. Uses Permitted Outright in the Airport's Use Zone (AU-OZ)**

The following uses and activities are permitted outright in the Airport's Use Zone [see applicable ORS and OARs]:

### **1. Customary and Usual Aviation-Related Activities**

Includes but is not limited to takeoffs and landings; aircraft hangars and tie-downs; construction and maintenance of airport facilities; fixed based operator facilities; a residence for an airport caretaker or security officer; and other activities incidental to the normal operation of an airport. Except as provided in this ordinance, "customary and usual aviation-related activities" do not include: [1] residential, and [2] non-aviation related commercial, industrial, manufacturing and other uses.

### **2. Air Passenger and Air Freight Services and Facilities**

Such services and facilities must be at levels consistent with the classification and needs identified in the Oregon Department of Aviation Airport System Plan, as determined by the airport sponsor.

### **3. Emergency Medical Flight Services**

Includes activities, aircraft, accessory structures, and other facilities necessary to support emergency transportation for medical purposes. Emergency medical flight services do not allow the establishment of hospitals, medical offices, medical labs, medical equipment sales, and other similar uses in the AU-OZ.

### **4. Law Enforcement and Firefighting Activities**

Includes aircraft and ground-based activities, facilities and accessory structures necessary to support federal, state or local law enforcement or land management agencies engaged in law enforcement or firefighting activities. Law enforcement and firefighting activities include transport of personnel, aerial observation, and transport of equipment, water, fire retardant and supplies.

### **5. Search and Rescue Operations**

Includes aircraft and ground based activities that promote the orderly and efficient conduct of search or rescue related activities.

### **6. Flight Instruction Activities, Facilities, and Accessory Structures**

Includes such facilities and services as are located at airport sites that provide education and training directly related to aeronautical activities. Flight instruction includes ground training and aeronautic skills training, but does not include schools for flight attendants, ticket agents or similar personnel.

### **7. Aircraft Service, Maintenance and Training**

Includes activities, facilities and accessory structures provided to teach aircraft service and maintenance skills and to maintain, service, refuel or repair aircraft or aircraft components. "Aircraft service, maintenance and training" includes the construction and assembly of aircraft and aircraft components for personal use, but does not include activities, structures or facilities for the manufacturing of aircraft or aircraft-related products for sale to the public.

## **8. Aircraft Rental**

Includes activities, facilities and accessory structures that support the provision of aircraft for rent or lease to the public.

## **9. Aircraft Sales and the Sale of Aeronautic Equipment and Supplies**

Includes activities, facilities and accessory structures for the storage, display, demonstration and sales of aircraft and aeronautic equipment and supplies to the public but not including activities, facilities or structures for the manufacturing of aircraft or aircraft-related products for sale to the public.

## **10. Crop Dusting Activities**

Includes activities, facilities and structures accessory to crop dusting operations. Crop dusting activities include, but are not limited to, aerial application of chemicals, seed, fertilizer, defoliant and other chemicals or products used in a commercial agricultural, forestry or rangeland management setting.

## **11. Agricultural and Forestry Activities**

Includes activities, facilities and accessory structures that qualify as a "farm use" as defined in applicable ORS or "farming practice" as defined in applicable ORS.

### ***H. Uses Permitted in the Use Zone (AU-OZ) of the Airport Subject to the Acceptance of the Airport Sponsor***

In addition to the uses allowed in the underlying Zone, the following uses and activities and their associated facilities and accessory structures are permitted in the Use Zone of the Lebanon Airport upon demonstration of acceptance by the airport sponsor (Oregon Department of Aviation) [see applicable ORS and OARs].

#### **1. Aeronautic Recreational and Sporting Activities**

Includes activities, facilities and accessory structures at airports that support recreational usage of aircraft and sporting activities that require the use of aircraft or other devices used and intended for use in flight. Aeronautic recreation and sporting activities authorized under this paragraph include, but are not limited to: fly-ins; glider flights; hot air ballooning; ultralight aircraft flights; displays of aircraft; aeronautic flight skills contests; and gyrocopter flights, but do not include flights carrying parachutists or parachute drops (including all forms of skydiving).

#### **2. Flights Carrying Parachutists, and Parachute Drops onto an Airport**

Flights carrying parachutists, and parachute drops (including all forms of skydiving) onto an airport, may be permitted but only upon demonstration that the parachutist business has secured approval to use a drop zone that is at least 10 contiguous acres. The configuration of the drop zone shall roughly approximate a square or a circle and may contain structures, trees, or other obstacles only if the remainder of the drop zone provides adequate areas for parachutists to land safely.

## **I. Conditional Uses and Additional Requirements**

### **1. Conditional Uses in Underlying Zone(s) and in the Airport's Use Zone (AU-OZ)**

Within the Airport's Use Zone any uses permitted conditionally in the underlying zone(s) with which the AC Zone is combined shall be allowed conditionally except as provided in Section 16.11.020.F (Land Use Compatibility Requirements) or as outright permitted uses (section 16.11.020.G). Applications may be subject to review under the provisions of Chapter 16.21 of this Code, as well as the provisions directly below.

### **2. Additional Requirements Within the AC Zone (AC-OZ)**

As a condition of approval of any conditional use proposed within the AC Zone (AC-OZ), the Planning Official or Hearings Body may require:

- a. An increase in required setbacks.
- b. Additional off-street parking and loading facilities and building standards.
- c. Limitations on signs or lighting, hours of operation, points of ingress and egress and building heights.
- d. Additional landscaping, screening and other improvements.
- e. Use of glare-resistant materials in construction or other methods likely to reduce operating hazards.
- f. Other conditions considered necessary to achieve compliance with this Code and applicable policies of the comprehensive plan and state law.

## **J. Non-Conforming Uses**

1. These regulations shall not be construed to require the removal, lowering or alteration of any structure not conforming to these regulations. These regulations shall not require any change in the construction, alteration or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this overlay zone.
2. No land use or limited land use approval or other permit shall be granted that would allow a nonconforming use or structure to become a greater hazard to air navigation than it was on the effective date of the airport overlay zones described this Section.

## **K. Variances**

1. Any person desiring to erect or increase the height of any structure or use not in accordance with the provisions of this Code may apply for a variance (see Chapter 16.29 of this Code).
2. Application for Variance must be accompanied by a determination from the Oregon Department of Aviation and the Federal Aviation Administration (FAA) as to the effect of the proposal on the safe and efficient use of navigable airspace.
3. Any variance granted may be conditioned so as to require the owner of the structure to install, operate and maintain obstruction markers, at the owner's expense.

**L. Permanent Water Impoundments within Approach Surfaces and the Airport's Direct Impact Zone**

1. Any use or activity that would result in the establishment or expansion of a permanent water impoundment shall comply with the requirements of this section [see applicable ORS and OARs].
2. New or expanded permanent water impoundments of one-quarter acre in size or larger shall be prohibited:
  - a. Within an approach surface and within 5,000 feet from the end of a runway; or
  - b. On land owned by the airport sponsor (Oregon Department of Aviation) that is necessary for airport operations.
3. New or expanded permanent water impoundments of one-quarter acre in size or larger shall be prohibited within 5,000 feet from the end or edge of a runway, pending a valid and ODA approved Bird Strike Study.

**M. Air Navigation Easement within Approach Surfaces and the AC Overlay Zone**

**1. State Department of Aviation Requirements**

The State Department of Aviation, in response to notification by the City of Lebanon of land use actions within the AC Overlay Zone (AC-OZ) or the Approach Surfaces, **may** request in writing that the owners of properties that are the subjects of such applications submit an air navigation easement to the State Department of Aviation and the City of Lebanon as part of the review process.

**2. Land Use Applications that could Require an Air Navigation Easement**

Applications subject to this provision include land use or limited land use decisions for:

- a. Building permits.
- b. New residential, commercial, industrial, institutional or recreational buildings or structures intended for habitation or occupancy by humans or animals.
- c. Expansions of such buildings or structures by the lesser of 50% or 1000 square feet.

**3. Acceptable Air Navigation Easement Form and Filing Requirements**

- a. The air navigation easement shall be in a form acceptable to the airport sponsor (Oregon Department of Aviation).
- b. This easement shall be signed and recorded in the deed records of Linn County with copies on file with the airport sponsor and the City of Lebanon.



**Table 16.11.020-2: Summary of Special Uses and Regulations in the Airport Overlay Zones**

<b>Special Land Uses and Regulations</b>	Airport Overlay Zones (OZs)		
	Airport Safety (AS-OZ)	Airport Control (AC-OZ)	
	“Imaginary” Areas & Surfaces	Airport Use (AU-OZ)	Airport Noise Impact (AN-OZ)
Notice shall be provided to the airport sponsor and the Department of Aviation when the property, or a portion thereof, that is subject to the land use or limited land use application is located within the OZ. <b>[see 16.11.020.C]</b>	<b>YES</b> (See Exceptions)	<b>YES</b> (See Exceptions)	<b>YES</b> (See Exceptions)
Additional Height Limitations <b>[see 16.11.020.D]</b>	<b>Varies</b>		
Prohibition on New residential development, and New public assembly facilities. <b>[see 16.11.020.F.7]</b>	<b>RPZ - YES</b>		
Density of new residential development <b>[see 16.11.020.F.8]</b>	<b>Portions of the Approach Surface - YES</b>		
Special Factors or Features Subject to Regulation: Noise, Outdoor Lighting, Glare, Industrial Emissions, Communications Facilities and Electrical Interference, Sanitary Landfills, Permanent Water Impoundments <b>[see 16.11.020.F and 16.11.020.L]</b>	<b>Varies</b>		
Customary and Usual Aviation-Related Activities, Air Passenger and Air Freight Services and Facilities, Emergency Medical Flight Services, Law Enforcement and Firefighting Activities, Search and Rescue Operations, Flight Instruction Activities, Facilities, and Accessory Structures, Aircraft Service, Maintenance and Training, Aircraft Rental, Aircraft Sales and the Sale of Aeronautic Equipment and Supplies, Crop Dusting Activities, Agricultural and Forestry Activities <b>[see 16.11.020.G]</b>	<b>See Underlying Zone</b>	<b>OP</b>	<b>See Underlying Zone</b>
(1) Aeronautic recreational and sporting activities, including, but are not limited to: fly-ins, glider flights, hot air ballooning, ultralight aircraft flights, displays of aircraft, aeronautic flight skills contests, and gyrocopter flights. (2) Flights carrying parachutists, and parachute drops including sky-diving (with additional specific requirements). <b>[see 16.11.020.H]</b>	<b>See Underlying Zone</b>	<b>OP</b> with Acceptance by the Airport Sponsor	<b>See Underlying Zone</b>
Additional <b>discretionary</b> conditions of approval <b>[see 16.11.020.I]</b>	<b>Varies</b>	<b>YES</b>	<b>YES</b>
State Department of Aviation <b>discretionary</b> obstruction markers and tree trimming <b>[see 16.11.020.D and 16.11.020.J]</b>	<b>YES</b>	<b>YES</b>	<b>YES</b>
State Department of Aviation <b>discretionary</b> request for submittal of an avigation easement <b>[see 16.11.020.M]</b>	<b>YES</b>	<b>YES</b>	<b>YES</b>
<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.			

## 16.11.030 RIPARIAN PROTECTION OVERLAY ZONE (RIP-OZ)

### A. Purpose

The primary purposes for the creation of the Riparian Protection Overlay Zone (RIP-OZ) along the South Santiam River, Oak Creek, and Cheadle Lake corridors are to: maintain and enhance water quality; prevent property damage during floods and storms; limit development activity in designated riparian corridors; protect native plant species; maintain and enhance fish and wildlife habitats; preserve and where appropriate enhance public access to and from these water corridors; maintain *viewsheds*; and conserve scenic and recreational values of riparian areas.

### B. Establishment of the Riparian Corridor Overlay Zone Boundary

The Riparian Protection Overlay Zone (RIP-OZ) consists of two component areas: the area within the channel banks, and the protective overlay zone.

#### 1. Two Components

The two components of the Riparian Protection Overlay Zone (RIP-OZ) are defined as:

- a. **Top of Bank and Bankfull Stage:** The area within the channel limits of a water feature or water body (from top of one bank to top of the opposite bank) listed in Subsection B.1.b immediately. For a given stream, river, or channel the top of bank is the same as the "bankfull stage." The "bankfull stage" is defined as the stage or elevation at which water overflows the natural banks of streams or other waters of the state and begins to inundate the upland.
- b. **Minimum Overlay Zone From Top of Bank:** The overlay zones measured horizontally upland from the top of bank are noted in **Table 16.11.030-1** as follows:

<b>Table 16.11.030-1: Minimum Overlay Zone From Top of Bank</b>		
In Cubic Feet Per Second (CFS)		
<b>Stream Flow (CFS)</b>	<b>Overlay Zone</b>	<b>Water Body</b>
1,000 CFS or more	75 feet	South Santiam River
Less than 1,000 CFS	50 feet	Oak Creek, Cheadle Lake

- c. **State or federal laws that regulate protected lands, water, wetland, or habitat areas:** The provisions of the Riparian Protection sub-zone do not exempt persons or property from state or federal laws that regulate protected lands, water, wetland, or habitat areas. In addition to the restrictions and requirements of this Chapter, all proposed development activities within any jurisdictional wetland are also subject to state and federal agency standards and approval.

## **2. Development Within the Minimum Overlay Zones Developed Prior to 1998**

Areas developed prior to adoption of the ordinance originally codified with these provisions in 1998 are acknowledged as pre-existing conditions and are allowed to be maintained in their status at the time of adoption of said ordinance.

## **3. Development Defined**

For the purposes of this section of Chapter 16.11, "development" means buildings and any other development requiring a building permit, or any alteration of the RIP-OZ by grading or construction of an impervious surface, including paved or gravel parking areas, or installation of human made materials or devices.

### **C. Limitations on Use**

In addition to the requirements of the primary zone, the following limitations and exceptions shall apply:

#### **1. Vegetation**

The removal of native vegetation or the planting of non-native vegetation within the RIP-OZ is prohibited, except for the following uses after Planning Official approval using the standards of Chapter 16.15:

- a. Replacement of vegetation with native riparian species as is necessary for restoration activities.
- b. Removal of nonnative vegetation and replacement with native plant species, or the removal of Invasive Species as defined by LMC 8.13.
- c. For the development of water-related or water-dependent uses, provided they are designed and constructed to minimize impact on the existing riparian vegetation.
- d. Removal of emergent in-channel vegetation which has the potential to cause flooding.
- e. Removal of excess debris deposited by a flood event.
- f. Removal of trees demonstrated to be a potential hazard to property or human life.
- g. In-channel erosion or flood control measures that have been approved by the Oregon Department of State Lands (DSL), the U.S. Army Corps of Engineers or another state or federal regulatory agency.
- h. The Planning Official may, upon receipt of a landscape plan, approve new vegetation and other landscape changes with the RIP-OZ, upon reasonable assurance of the protection of existing native riparian vegetation, and the river bank as well as existing viewsheds and rights of public access.

#### **2. Building, Paving and Grading Activities**

Within the RIP-OZ, the placement of structures or impervious surfaces, including grading and the placement of fill, is prohibited except as is stated below. Exceptions to the RIP-OZ restrictions may be made for the following uses, providing they are designed and constructed to minimize adverse impacts to the riparian area:

- a. Replacement of existing structures with structures located on the original building footprint that does not disturb additional riparian surface areas.

- b. Streets, roads, and paths which are included in the City's facility plans or are deemed necessary by the City.
- c. Water-related and water-dependent uses, including the drainage facilities, water and sewer utilities, flood control projects, and drainage pumps.
- d. Routine maintenance or replacement of existing public facilities projects and public emergencies, including emergency repairs to public facilities.
- e. In-channel erosion or flood control measures that have been approved by the Oregon Department of State Lands (DSL), the U.S. Army Corps of Engineers or any other state or federal regulatory agency.

### **3. Land Divisions and Property Line Adjustments**

Land divisions and property line adjustments which result in parcels that cannot be developed in conformance with Riparian Protection Overlay Zone (RIP-OZ) regulations shall be prohibited.

### **4. Site Maintenance**

The limitations imposed by this section do not preclude the routine maintenance of existing site improvements including lawns, natural and planted vegetation and landscaping, and structures. Maintenance trimming of existing trees shall be kept at a minimum and under no circumstances can trimming maintenance be so severe as to compromise the tree's health, longevity, and resource functions. The planting of new vegetation within the RIP-OZ shall be in accordance with Section 16.11.030.C.1 of this Chapter.

### **5. Hazardous Tree Removals**

Hazardous trees are those that pose an obvious and immediate health, safety, or welfare threat to persons or property. Hazardous tree removal, except in emergency circumstances, is required to be reviewed by City staff. Any trees removed are required to be replaced by like native species or alternate approved native species.

## **D. Procedures**

The procedures for reviewing any development within the Riparian Protection Overlay Zone are as follows:

### **1. Review by the Planning Official**

Any proposed development; placement of human-made structures/devices or native vegetation removal proposal within the RIP-OZ shall be submitted to the Planning Official. Depending on the action requested, the Planning Official will process the application as an Administrative Review or refer the proposal to the Planning Commission for a public hearing and decision (see Chapter 16.20 for review provisions).

## **2. Basic Submittal Requirements**

The applicant shall be responsible for the preparation of a map showing the precise location of the top-of-bank, one-hundred-year flood elevation, wetland edge (if present), riparian setback, significant vegetation, site improvements or other relevant primary features. The specific information to be indicated on the map will differ according to application type, and therefore the specific information to be provided by the applicant will be identified by the Planning Official.

## **3. Supplemental Submittal Requirements**

At the time of application the planning official may request that the applicant submit supplemental information, which may include the following:

- a. Grading Site Plan.** The grading plan shall include information on terrain, drainage, location of proposed and existing structures, and finished elevations.
- b. Vegetation Report.** This report shall consist of a survey of existing native vegetation and proposed alterations. Where the removal of native vegetation is proposed, measures for re-vegetation and enhancement with native plant species will be included. The City shall have and maintain a list of native vegetation species.

### ***E. Hardship Variances***

For any existing lot or parcel demonstrated to have been rendered not buildable by application of this Chapter and/or when a riparian corridor (RIP-OZ) map error has been verified, the property owner may apply for a hardship variance for waiver of land development restrictions and prohibitions. A decision regarding hardship variances will follow the procedures and standards of Chapter 16.29, Variances.

### ***F. Restoration and Enhancement Exceptions***

Permanent alteration of the riparian area by placement of structures or impervious surfaces may be permitted by the Planning Official upon demonstration that equal or better protection for the remaining on-site Riparian Protection Overlay Zone area will be ensured through restoration of riparian areas, enhanced buffer treatment or similar measures. In no case shall such alterations occupy more than fifty percent of the width of the riparian area measured from the upland edge of the corridor.

### ***G. Appeals***

Planning Official and Planning Commission decisions can be appealed pursuant to the procedures described in Chapter 16.20 of this Code.

## **16.11.040 STEEP SLOPE DEVELOPMENT OVERLAY ZONE (SSD-OZ)**

### **A. Purpose**

Steep Slope Development Overlay Zone (SSD-OZ) ensures that development in areas with Steep Slopes (equal to or greater than 15%):

1. Minimizes the potential for earth movement and resultant hazards to life and property.
2. Protects water quality by minimizing soil erosion and siltation.
3. Retains and protects natural vegetation, natural water features and drainageways, scenic quality and open space by minimizing vegetation removal in sloped areas.
4. Assures the compatibility of new development with surrounding areas.
5. Encourages site and building design that is consistent with the natural topography in order to minimize the cost of providing public infrastructure.
6. Provides for adequate access for emergency services; and otherwise protects the public health and safety.

### **B. Applicability**

1. The Steep Slope Development Overlay Zone shall apply in residential zones within the City Limits and the City's UGA to areas where the percent of slope is 15 percent or greater.
2. Development is prohibited on slopes of equal to or greater than 30 percent unless the Planning Commission finds that adverse project impacts can be effectively mitigated.
3. All proposed development on hillsides with a slope equal to or greater than 15 percent shall be accompanied by detailed site specific investigation and report prepared by an engineering geologist registered in the State of Oregon. This report shall address the physical nature of the site, the impacts of the proposed development and its suitability as presented. See Section 16.11.040.F below for the reports that are required where the buildable portion of the land to be developed exceeds 15 percent average slope.
4. The creation of a lot or parcel through the subdivision or partition process on a site with slope(s) equal to or greater than 30 percent, may only be approved if (a) it is demonstrated to be buildable according to a detailed site specific report prepared by an engineering geologist registered in the State of Oregon as noted above, and **(b)** the lot or parcel meets or exceeds the minimum lot size and frontage requirements for lots and parcels on slopes greater than 15% (see **Table 16.11.040-1**).
5. All grading, retaining wall design, drainage, and erosion control plans for development on Hillside Lands shall be designed by a geotechnical expert (see Section 16.11.3.6 below). All cuts, grading or fills shall conform to Chapter 70 of the Uniform Building Code. Erosion control measures on the development site shall be required to minimize the solids in runoff from disturbed areas.

## C. Review

1. Proposed development within a Steep Slope Development Overlay Zone, as determined by the Planning Official, may be reviewed as a:
  - a. Separate Administrative Review procedure submitted concurrently with the applicable application for the basic land use request (e.g., a Conditional Use, Property Line Adjustment, a Partition, Subdivision Plan, or Planned Development); or,
  - b. Part of the review process for the basic land use request (e.g., a Conditional Use, Property Line Adjustment, a Partition, Subdivision Plan, or Planned Development).
  - c. The applicant may request that the proposed steep slope development review process be consolidated with the basic land use request and review process (as noted in Section 16.11.040.C.1.b immediately above).
2. If a proposed development within a Steep Slope Development Overlay Zone is processed as a separate Administrative Review (as per Section 16.11.040.C.1.a immediately above), the decision and conditions of approval will be separate from but in addition to those of the basic land use request process, decision and conditions of approval. Such a separate Administrative Review shall also require a separate fee.
3. If a proposed development within a Steep Slope Development Overlay Zone is processed as a consolidated part of the review process for the basic land use request (as per Section 16.11.040.C.1.b above), the decision and conditions of approval will be part of the basic land use decision and conditions of approval. Such a consolidated review shall not require a separate fee.
4. A complete application together with all required materials shall be submitted to the Planning Official prior to the appropriate review of the request as specified in Chapter 16.20 of this Code.

## D. Development Density Options

### 1. Options

A developer has three options for the development of steeply sloped land. The **first option**, Option "A", is designed to correlate minimum lot sizes to the average slope of the development area. The **second option**, Option "B", is designed to allow for a *density transfer bonus* to stimulate development on those portions of the development area where the slope of the land is less than 15 percent. The **third option** could be a combination of Options "A" and "B" as proposed by the applicant and approved by the review authority.

### 2. Calculations

All of the calculations noted below as required for the three options, must be performed and certified by a certified professional surveyor.

### 3. Option "A" - Average Slope - Minimum Lot Size

#### a. Residential Low Density Zone Development Standards

The site development standards and requirements of the Residential Low Density Zone (Z-RL) shall apply, with the exception of the minimum lot size and duplex standards.

**b. Determination of Minimum Lot Size on Steep Slopes – Three Step Process**

Determination of minimum lot size where the slope is 15 percent or greater is a 3 step process.

**(1) Step “A-1”:** Determine the **area of the parcel** where the slope of the land is:

Less than 15 percent, (2) From 15 percent to less than 30 percent, (3) 30 percent or greater.

Use the following formula to determine the % of slope:

$$(V / H) \times 100 = \% \text{ slope}$$

**V** = Vertical distance between contours (Elevation Change)

**H** = Horizontal distance between contours

Indicate the portions of the development area that are less than 15 percent; from 15 percent to less than 30 percent; and 30 percent or greater, then use a planimeter to determine the land area of each category.

**(2) Step “A-2”:** Determine the **average slope** of the portion of the development area where the slope of land is from 15 percent to less than 30 percent by using the following formula:

$$S = 0.00229 I \times (L / A)$$

Where:

**S** = Average % of slope for the area where the slope ranges from 15 percent to less than 30 percent.

**I** = Contour interval, (Not greater than 10 feet).

**L** = Summation of length of the contour lines within the area where the slope is from 15 percent to less than 30 percent.

**A** = Area in acres of the portion of the parcel where the slope is from 15 percent to less than 30 percent.

**(3) Step “A-3”:** Determine the minimum lot size for the portion of the development area where the slope of the land is greater than 15% by using **Table 16.11.040-1**.



**Table 16.11.O4O-1: Minimum Lot Size and Frontage on Slopes Greater Than 15%**

Average Slope of Development Site	Minimum Lot Size Per Dwelling Unit	Minimum Frontage Per Lot
15% - < 20%	10,000 Sq. Ft.	75 ft.
20% - <25%	15,000 Sq. Ft.	100 ft.
25% - < 30%	20,000 sq. ft.	125 ft.
30% - <35%	30,000 sq. ft.	150 ft.
> 35%	43,560 sq. ft.	200 ft.
<ul style="list-style-type: none"> <li>• <b>Panhandles (Flag Lots)</b> are permitted only when requirements of this Section pertaining to fire protection and lot size are met and the lot cannot be served with a public street. The panhandles are not counted as part of the minimum lot size.</li> <li>• Minimum frontage standards for all other lots may be amended by the Review Authority when it is found that the topography or location of natural features prevent achieving the standard.</li> </ul>		

**4. Option "B" Density Transfer Bonus**

**a. Density Transfers and the Preservation of Natural Slopes**

In order to promote the preservation of natural slopes greater than 15 percent, and encourage solar access, development density transfer is encouraged when dividing land. The density transfer is only feasible where there are sizable portions of the development area which have slopes less than 15 percent.

**b. Determination of the density transfer bonus on Steep Slopes – Four Step Process**

Determination of the density transfer bonus is a 3 step process:

- (1) **Step "B-1"**: Determine the area of the parcel where the average slope of *the land* is:
  - (a) Less than 15 percent.
  - (b) From 15 percent to less than 30 percent.
  - (c) 30 percent or greater.
- (2) **Step "B-2"**: Determine the average slope of the area of the parcel where the average slope of the land is from 15 percent to less than 30 percent by using the formula identified in Option A, Step 'A-2'.
- (3) **Step "B-3"**: Determine the number of potential lots for the total development area which could have been permitted, for the portion of the parcel where the average slope is greater than 15 percent, if the average slope option had been considered by using **Table 16.11.O4O-1** in Option "A", Step "A-3."

- (4) **Step “B-4”:** Multiply the number of potential lots by 1.2 to determine the density that may be transferred to those sections of the development area where the slopes are less than 15 percent. In no case shall the density of the developed portion of the site exceed 8 dwelling units per developable acre, (i.e., excluding streets and open space). Land of greater than 15 percent average slope subject to density transfer provisions shall be maintained as permanent open space or dedicated for park use. Modification of standards as stated in Section 16.11.040.H of this Chapter may be applied to the entire development area.

**E. Street Grade Standards**

**1. Hillside Contouring**

Streets shall be contoured in hillside areas to minimize environmental and scenic disruption.

**2. Street Grades**

- a. As noted in **Table 16.13.030-2** (Chapter 16.13 of this Code) and in the Lebanon Transportation System Plan, the following Maximum Street Grades are the adopted standards of the City (also duplicated in **Table 16.11.040-2** below).

<b>Table 16.11.040-2: Maximum Street Grades</b>			
<b>TYPICAL PARKWAY SEGMENT</b>	<b>TYPICAL ARTERIAL STREET</b>	<b>TYPICAL COLLECTOR STREET</b>	<b>TYPICAL LOCAL STREET (or a Cul-de-sac)</b>
5%	6%	10%	15%

- b. Street grades should be less than the 15 percent maximum local street standard specified in Chapter 16.13, and other relevant sections of this Code, except where topographical conditions make it impractical to be less than the 15 percent maximum standard, subject to the following conditions with approval of the City Engineer:
- (1) Except for lots, parcels and roads created prior to the adoption of the 1980 Comprehensive Plan and the 1980 Zoning Ordinance, no new driveways or intersections shall be permitted where street grades exceed 15 percent:
  - (2) No new street with a grade of 15 percent shall be permitted for a distance of more than 200 feet.
  - (3) In no case shall a new street grade exceed 15 percent.
  - (4) New street grades must be approved by the Lebanon Fire District, as per adopted Fire Code standards.

## **F. Reports Required**

Where the buildable portion of the land to be developed exceeds 15 percent average slope, the following reports shall be required and their conclusions applied in order to prevent or mitigate possible hazards to life and property and adverse impacts on the natural environment, consistent with the purpose of this Steep Slope Development Overlay Zone (SSD-OZ).

### **1. Geotechnical Evaluations**

- a. This evaluation shall include data regarding the geology of the site, the nature, distribution, and strength of existing soils, conclusions and recommendations for grading procedures, design criteria for corrective measures, and options and recommendations to maintain soil and slope stability and minimize erosion of the site to be developed in a manner imposing the minimum variance from the natural conditions.
- b. The investigation and report shall be prepared by a civil engineering geologist or a geotechnical engineer certified by the state of Oregon.
- c. **Geotechnical Report Standards:** To be accepted, a Geotechnical Evaluation shall
  - (1) Be a stamped **Engineering Geologic Report** that meets or exceeds the standards for such investigations according to the Oregon State Board of Geologist Examiners and implementing the newest technology available (e.g., LIDAR data and “bare earth modeling”). The Oregon State Board of Geologic Examiners **Guidelines for Preparing Engineering Geologic Reports in Oregon** can be obtained from the Oregon State Board of Geologist Examiners’ (see the Board’s webpage). The latest edition shall be used.
  - (2) Include a comprehensive Engineering Geological/Geotechnical Engineering **investigation** and **report** for the site:
    - (a) The **investigation** must appropriately include field data of surface and subsurface earth from statistically representative appropriate sampling, such as bore holes, with special concern in identified potential land slide areas and areas of historic or proposed fill. It is expected that the **investigation** must also include an evaluation of seasonal hydrogeology.
    - (b) The **report** must include an evaluation of all data and recommend design criteria and standards for construction of each type of improvement proposed. In the professional practice of Engineering Geology and Geotechnical Engineering, it is expected that the **report** will evaluate the types and frequency of sampling, hydrogeologic effects on lands and improvements, erosion prevention/storm water management, and structural/geologic stability.
  - (3) **Independent Review:** If needed, as determined by the City, the applicant shall pay for an independent verification analysis and review of the applicant’s investigation and report. Such an independent review shall be performed by a geotechnical expert (civil engineering geologist or a geotechnical engineer certified by the state of Oregon) selected by the City.

## 2. Grading Plan Report

This plan shall include the following information:

- a. Existing and proposed details and contours (five-foot intervals) of property.
- b. Details of terrain and area drainage.
- c. Location of any existing buildings or structures on the property where the work is to be performed, the location of any existing buildings or structures on land of adjacent owners which are within 100 feet of the property or which may be affected by the proposed grading operations, and proposed or approximate locations of structures relative to adjacent topography.
- d. The direction of drainage flow and the approximate grade of all streets with the final determination to be made in accordance with Section 16.11.040.F.5 of this Chapter.
- e. Limiting dimensions, elevations, or finished contours to be achieved by the grading, including all cut and fill slopes, proposed drainage channels, and related construction.
- f. Detailed plans and locations of all surface and subsurface drainage devices, walls, dams, sediment basins, storage reservoirs, and other protective devices to be constructed with, or as a part of, the proposed work, together with a map showing drainage areas, the complete drainage network, including outfall lines and natural drainageways which may be affected by the proposed development, and the estimated run-off of the area served by the drains.
- g. A schedule showing when each stage of the project will be completed, including the total area of soil surface which is to be disturbed during each stage, and estimated starting and completion dates; the schedule shall be drawn up to limit to the shortest possible period the time that soil is exposed and unprotected.
  - (1) In no event shall the existing "natural" vegetative ground cover be destroyed, removed, or disturbed more than 15 days prior to grading or construction of required improvements.
  - (2) Within 15 days of grading or other pre-development activity that removes or significantly disturbs ground cover vegetation, exposed soil shall either be built upon (e.g., covered with gravel, a slab foundation or other construction), landscaped (e.g., seeded or planted with ground cover) or otherwise protected.
- h. The Grading Plan shall be prepared by a geotechnical expert (civil engineering geologist or a geotechnical engineer certified by the state of Oregon).

## 3. Tree Removal Plans and Tree Felling Permits

- a. Tree removal on slopes equal to or greater than 15% for development (not including forestry) shall require the submittal of a Tree Removal Plan and require a Tree Felling Permit (an Administrative Review process).
- b. A Tree Removal Plan and Tree Felling Permit is needed for each lot. All trees proposed to be removed on a lot may be included on the same Tree Removal Plan and Tree Felling Permit application, or the developer may chose to submit multiple applications for each lot.
- c. Development shall be designed to preserve the maximum number of trees on a site, and shall be shown as part of the Tree Removal Plan.

- d. The development shall follow the standards for fuel reduction if the development is located in Wildfire Lands (see Section 16.11.3.7 below), and documentation shall be shown as part of the Tree Removal Plan.
- e. When justified by findings of fact, the review authority may approve the removal of trees for one or more of the following conditions:
  - (1) The tree(s) is (are) located within the building envelope.
  - (2) The tree(s) is (are) located within the wildfire defense plan envelope and compromises the efficacy of the fire defense plan (see Section 16.11.040.G below).
  - (3) The tree(s) is (are) located within a proposed street, driveway, or parking area.
  - (4) The tree(s) is (are) located within a water, sewer, or other public utility easement.
  - (5) The tree(s) is (are) determined by a certified arborist to be dead or diseased, or it constitutes an unacceptable hazard to life or property when evaluated by the standards in Section 16.11.040.G below.
  - (6) The tree(s) is (are) located within or adjacent to areas of cuts or fills that are deemed threatening to the life of the tree, as determined by a landscape professional.
- f. **Forestry, Timber Growing and/or Harvesting:** Any commercial activity relating to the growing and harvesting of forest tree species (or timber) shall be governed by the application and review procedures specified in the Land Use Chapters (16.05 – 16.10). Forestry is considered an agricultural land use and is regulated as an “Other Land Use” (See Tables 16.05-6, 16.06-6, 16.07-6, 16.08-6, 16.09-6, and 16.10-6, and See Glossary.)

#### 4. Vegetation and Development Plan Report

- A proposed development plan shall be submitted, depicting building envelopes for each lot, including driveway approaches and all other associated impervious surface areas.
- a. In accordance with the provisions of Chapter 16.15 of this Code, the applicant shall specify whether trees will be felled under (1) one Tree Felling Permit (a separate Administrative Review process), (2) as part of the subdivision construction process, or (3) by separate Tree Felling Permit (a separate Administrative Review process) for each individual lot prior to the issuance of a Building Permit.
  - b. The plan shall be based upon the findings of the required reports in this Section and the lot coverage standards of the applicable Land Use Zone. Building envelopes shall be specified in Covenants, Conditions, and Restrictions recorded with the Subdivision Plat.

#### 5. Verification of Slope and Grade Percentages

Prior to acceptance of the Final Plat, all streets shall be cross-sectioned and their center-lines staked in the field, to determine the accuracy of preliminary slope and grade percentages. If there are significant differences between preliminary and final grade and slope determinations, (e.g., density or street gradients exceed the limits set forth in this Chapter) the Tentative Plan shall be modified to reflect the revised information and resubmitted.

### **G. Urban-Wildland Interface Fire Protection Requirements**

Additional fire protection requirements may be required in hillside development areas that are considered vegetated areas subject to wildfires as determined by the Fire Marshal.

1. The developer in such areas shall specify in the recorded Covenants, Conditions and Restrictions that a wildfire defense plan for **each** lot, approved by the Fire Marshal, will be required prior to the issuance of a building permit.
2. All buildings located in or adjacent to vegetated areas subject to wildfires shall have a Class A or B roofing in accordance with the Oregon State Structural Specialty Code.
3. The Oregon Fire Code, as adopted by the Lebanon Fire District, references the International Urban-Wildland Interface Code as a useful guide for use by the Fire Code Official in the interface area. All development proposals shall **demonstrate compliance with the International Wildland-Urban Interface Code.**

### **H. Modification of Transportation Standards for Steep Slope Development**

The review authority may modify without a variance the following transportation related standards as they apply to an entire steep slope development area, within the following prescribed limits:

1. The reduction of public right of way, pavement width, and/or requirements for the installation of sidewalks as specified in Chapter 16.13 of this Code, may be allowed if provisions are made to provide off-street parking in addition to that required in Chapter 16.14 (Off-Street Parking).
2. The Review Authority may require combinations of collective private driveways, shared parking areas and on-street parallel parking bays where topography, special traffic, building, grading, or other circumstances necessitate additional regulation to minimize land and soil disturbance and minimize impervious surface areas.
3. Other development standards may not be modified under the provisions of this Subsection.

## **16.11.050 SPECIAL TRANSPORTATION AREA OVERLAY ZONE (STA-OZ)**

### **A. Purpose**

The primary objective of managing State Highway facilities in a Special Transportation Area Overlay Zone (STA-OZ) is to provide access to community activities, businesses, and residences, as well as to accommodate pedestrian movement along the highway in a downtown central business district.

### **B. Designated Boundaries**

The City of Lebanon's Special Transportation District Overlay Zone is primarily located in the core of the Downtown area, and focuses on portions of Highway 20. The STA boundaries established by the Oregon Transportation Commission (OTC) are as follows:

1. Tangent Drive between the railroad and 2<sup>nd</sup> Street
2. 2nd Street south of Morton,
3. Morton west of US-20,
4. Main Street (US-20) between Rose and Oak (but not US-20 between Morton and Rose),
5. Park Street between Rose and Oak.

### **C. Characteristics and Requirements of the STA-OZ**

#### **1. Existing Public Street Spacing and Development Pattern**

An STA accommodates the existing public street system and compact development pattern. Specific access management conditions for the designated STA on Highway 20 include the following provisions:

- a. **Minimum spacing for public road approaches** is either the current block spacing or the spacing parameters established in the Transportation Systems Plan (TSP) and implemented in the City's Land Use Ordinance(s) and Comprehensive Plan.
- b. **Public road connections** are preferred over private driveways, and in the STA, driveways accessing the State Highway are discouraged. Proposals for new driveways accessing the State Highway with approval by ODOT.
- c. **Minimum spacing** for driveways, where they are allowed and where land use patterns permit, is 175 feet or mid-block if the current block spacing is less than 350 feet.

#### **2. Need for Local Access**

The designation of an STA in the City of Lebanon recognizes that the need for local access outweighs the consideration of maintaining highway mobility, except on designated Freight Highways (U.S. 20 and 34) where accessibility and mobility needs are balanced.

## **16.11.060 LIMITED USE OVERLAY ZONE (LU-OZ)**

### **A. Purpose**

The Limited Use Overlay Zone may only be applied when a zoning map amendment is requested by an applicant. The purpose of the Limited Use Overlay Zone is to reduce the list of permitted uses in a land use zone to those that are suitable for a particular location. Land use zones permit a number of uses that may be considered compatible in terms of the type and intensity of activity on adjacent properties. However, on a particular property certain permitted uses may conflict with adjacent land uses. Rather than deny appropriate permitted uses because the proposed land use zone would permit an objectionable use, the Limited Use Overlay can be used to identify the appropriate uses and require a conditional use permit for other uses normally permitted in the zone. It is the intent that the maximum number of acceptable uses be permitted so that the use of the property is not unnecessarily limited.

### **B. Requirements**

When the Limited Use Overlay Zone is applied, the uses permitted in the underlying land use zone shall be limited to those permitted uses specifically referenced in the ordinance adopting the Limited Use Overlay Zone. Until the Overlay Zone has been removed or amended, the only permitted uses in the zone shall be those specifically referenced in the adopting ordinance. Uses that would otherwise be permitted may only be allowed if a Conditional Use permit is approved.

### **C. Procedures**

1. The Limited Use Overlay Zone is applied at the time the underlying zone is being changed (Zoning Map Amendment – see Chapter 16.27).
2. Notice of a Zoning map amendment shall include a statement that the Planning Commission may impose a LU-OZ as a condition of zone amendment.

### **D. Criteria**

The ordinance adopting the overlay zone shall include findings showing that:

1. No zone has a list of permitted uses where all uses would be appropriate.
2. The proposed zone is the best suited to accommodate the desired uses.
3. It is necessary to limit the uses permitted in the proposed zone.
4. The maximum number of acceptable uses in the zone have been identified and will be permitted.

### **E. Adoption**

The ordinance adopting the overlay zone shall by section reference, or by name, identify those permitted uses in the zone that will remain permitted uses. A permitted use description may be segmented to require a conditional use for distinct uses that may not be compatible.



### ***F. Official Zoning Map***

The official Zoning Map shall be amended to show an "-(LU-OZ)" suffix on any parcel where the Limited Use Overlay Zone has been applied.

### ***G. Development Provisions***

Development of property located within the LU-OZ shall comply with all applicable procedures or development requirements contained in this Development Code. Compliance with these provisions is not waived, altered or otherwise modified by the LU-OZ designation.

### ***H. Recording of Limited Use Overlay Zone (LU-OZ)***

Any ordinance adopting a Limited Use Overlay Zone designation shall be recorded in the deed and mortgage records of Linn County.

## **16.11.070 FLOOD PLAIN OVERLAY ZONE (FP-OZ)**

### **A. Authority**

The Legislature of the State has in Oregon Revised Statutes delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety and general welfare of their citizens.

### **B. Purpose**

It is the purpose of this Flood Plain Overlay Zone (FP-OZ) to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

1. To protect human life and health.
2. To minimize expenditure of public money and costly flood-control projects.
3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public.
4. To minimize prolonged business interruptions.
5. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard.
6. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas.
7. To ensure that potential buyers are notified that property is in an area of special flood hazard.
8. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

### **C. Community's Flood Hazard Situation**

1. The flood hazard areas of Lebanon are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
2. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated, or otherwise protected from flood damage also contribute to the flood loss.

#### **D. Methods and Provisions**

In order to accomplish its purposes, this Flood Plain Overlay Zone includes methods and provisions for:

1. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities.
2. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.
3. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel floodwaters.
4. Controlling filling, grading, dredging and other development which may increase flood damage.
5. Preventing or regulating the construction of flood barriers which will unnaturally divert floodwaters or may increase flood hazards in other areas.

#### **E. Applicability**

This Flood Plain Overlay Zone shall apply to all areas of special flood hazards within the jurisdiction of the City.

#### **F. Interpretation**

In the interpretation and application of this title, all provisions shall be:

1. Considered as minimum requirements.
2. Liberally construed in favor of the governing body.
3. Deemed neither to limit nor repeal any other powers granted under state statutes.

#### **G. Special Flood Hazard Area Identification--Study and Maps Adopted**

The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for the City of Lebanon, Oregon," dated January, 1981, revised September 1, 1983, with accompanying flood insurance maps is adopted by reference and declared to be a part of this Chapter. The Flood Insurance Study and the FIRM are on file at the Lebanon Community Development Center, 853 Main Street. The best available information for flood hazard area identification as outlined below in Subsection O.6 shall be the basis for regulation until a new FIRM is issued which incorporates the data utilized under Subsection O.6. "Any future map amendments or revisions to the above noted 1983 revision shall be adopted by reference and declared to be part of this Chapter and overlay zone.

## **H. Compliance Required**

No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this title and other applicable regulations. Violation of the provisions of this title by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a violation. Any person who violates or fails to comply with the requirements of this title shall be subject to a fine, and in addition shall pay all costs and expenses incurred by the City in the case. Each day that a violation is permitted to exist constitutes a separate violation. Nothing contained in this Section (16.11.070) of Chapter 16.11 shall prevent the City from taking such lawful action as is necessary to prevent or remedy any violation.

## **I. Abrogation--Greater Restrictions**

The provisions codified in this Section (16.11.070) of Chapter 16.11 are not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where the provisions of this Chapter differ from or conflict with another ordinance, easement, covenant or deed restriction, or Oregon Building Code, whichever imposes the more stringent restrictions shall prevail.

## **J. Warning--Liability Disclaimer**

The degree of flood protection required by this Section of Chapter 16.11 is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This title does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. The provisions of this Section (16.11.070) of Chapter 16.11 shall not create liability on the part of the City, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this title or any administrative decision lawfully made hereunder.

## **K. Flood Plain Overlay Zone Technical Definitions**

Unless specifically defined below, words or phrases used in this Section (16.11.070) of Chapter 16.11 shall be interpreted so as to give them the meaning they have in common usage and to give this Section (16.11.070) of Chapter 16.11 its most reasonable application.

- 1. Appeal (for Flood Plain issues):** "Appeal" means a request for a review of the City Administrator or his/her designates interpretation of any provisions of the codified in this Chapter or a request for a variance. Planning Official and Planning Commission decisions can be appealed pursuant to the procedures described in Chapter 16.20 of this Code.
- 2. Area of Special Flood Hazard:** "Area of special flood hazard" means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. Designation on maps always includes the letters A or V.
- 3. Base Flood:** "Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the "one-hundred-year flood." Designation on maps always includes the letters A or V.
- 4. Basement:** "Basement" means any area of the building having its floor subgrade (below ground level) on all sides.

5. **Below-Grade Crawl Space:** “Below-Grade Crawl Space” means an enclosed area below the base flood elevation in which the interior grade is not more than two feet below the lowest adjacent exterior grade and the height, measured from the interior grade of the crawlspace to the top of the crawlspace foundation, does not exceed 4 feet at any point.
6. **Critical Facility:** “Critical Facility” means a facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to schools, nursing homes, hospitals police, fire and emergency response installations, installations which produce, use or store hazardous materials or hazardous waste.
7. **Development:** “Development” means a man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials located within the area of special flood hazard.
8. **Elevated Building:** “Elevated Building” means for insurance purposes, a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns.
9. **Existing Manufactured Home Park or Subdivision:** “Existing Manufactured Home Park or Subdivision” means a manufactured home park subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the adopted floodplain management regulations.
10. **Flood or Flooding:** “Flood” or “flooding” means a general and temporary condition of partial or complete inundation of normally dry land areas from: **[a.]** The overflow of inland or tidal waters; and/or **[b.]** the unusual and rapid accumulation of runoff of surface waters from any source.
11. **Flood insurance Rate Map (FIRM):** “Flood insurance rate map (FIRM)” means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.
12. **Flood Insurance Study:** “Flood insurance study” means the official report provided by the Federal Insurance Administration that includes flood profiles, the flood boundary-floodway map, and the water surface elevation of the base flood.
13. **Floodway:** “Floodway” means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.
14. **Lowest Floor:** “Lowest floor” means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building’s lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of the ordinance codified in this title found in Section 16.11.070.N.2 of this code.
15. **Manufactured Home:** “Manufactured home” means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term “manufactured home” also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than one hundred eighty consecutive days.
16. **Manufactured Home Park or Subdivision:** “Manufactured home park or subdivision” means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

17. **New Construction:** “New construction” means structures for which the start of construction commenced on or after the effective date of the ordinance codified in this title.
18. **Recreational Vehicle:** “Recreational vehicle” means a vehicle which is: **[a.]** Built on a single chassis; **[b.]** Four hundred square feet or less when measured at the largest horizontal projection; **[c.]** Designed to be self-propelled or permanently towable by a light duty truck; and **[d.]** Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.
19. **Start of Construction:** “Start of construction” includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within one hundred eighty days of the permit date. The “actual start” means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavations for a basement, footings, piers or foundation, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, as that term is defined hereafter, the “actual start of construction” means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
20. **Structure:** “Structure” means a walled and roofed building including a gas or liquid storage tank that is principally above ground.
21. **Substantial Damage:** “Substantial damage” means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty percent of the market value of the structure before the damage occurred.
22. **Substantial Improvement:** **[a.]** “Substantial improvement” means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure either: **(1)** Before the improvement or repair is started; or **(2)** If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not alteration affects the external dimensions of the structure. **[b.]** The term does not, however, include either: **(1)** Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum (comply with existing state or local health, sanitary or safety code specifications which are solely) necessary to assure safe living conditions; or **(2)** Any alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places.
23. **Variance:** “Variance” means a grant of relief from the requirements of the provisions codified in this Chapter that permits construction in a manner that would otherwise be prohibited by the ordinance codified in this title.
24. **Water Dependent:** “Water Dependent” means a structure for commerce or industry which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations.

## **L. Development Permits**

A development permit shall be obtained before construction or development begins within any area of special flood hazard established in above in Section 16.11.070.G. The permit shall be for all structures including manufactured homes, as set forth in Subsection 16.11.070.K of this Chapter, and for all development including fill and other activities, also as set forth in Subsection 16.11.070.K of this Chapter.

## **M. Application**

Application for a development permit shall be made on forms furnished by the City Planning Official and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

1. Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures.
2. Elevation in relation to mean sea level to which any structure has been floodproofed.
3. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in this Section (16.11.070) of Chapter 16.11.
4. Description of the extent to which a watercourse will be altered or relocated as a result of proposed development.

## **N. Administration**

1. **Administrator—Designated:** The City Planning Official is appointed to administer and implement this title by granting or denying development permit applications in accordance with its provisions.
2. **Administrator—Duties:** Duties of the City Planning Official shall include, but not be limited to, those duties set forth in Sections 16.11.070.N.1 through 16.11.070.N.7 below.
3. **Permit Review:** The City Planning Official shall:
  - a. Review all development permits to determine that the permit requirements of this title have been satisfied.
  - b. Review all development permits to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.
  - c. Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of Section 16.11.070.P are met.
4. **Base Flood Elevation Data:** When base flood elevation data has not been provided in accordance with Section 16.11.070.G, Special flood hazard area identification—Study and maps adopted, the City Planning Official shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer Section 16.11.070.P, Base Flood Areas, and Section 16.11.070.Q, Floodways.

5. **Elevation of Structures—Recordation:** The Planning Official shall, where base flood elevation data is provided through the flood insurance study or required as in Section 11.14.4 (immediately above), obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
6. **Elevation of Structures—Verification:** The Planning Official shall, for all new or substantially improved floodproofed structures:
  - a. Verify and record the actual elevation (in relation to mean sea level), to which the structure was floodproofed; and
  - b. Maintain the floodproofing certifications required in Section 16.11.070.M.3.
7. **Records Maintenance:** The Planning Official shall maintain for public inspection all records pertaining to the provisions of this title.
8. **Watercourse Relocation or Alteration—Notice:** The Planning Official shall notify adjacent communities, the Department of Land Conservation and Development and the Department of Water Resources and Army Corps of Engineers following the City's approval of an application and prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.
9. **Watercourse Alteration or Relocation--Maintenance:** The Planning Official shall require as part of any permit that maintenance is provided within the altered or relocated portion of the watercourse so that the flood-carrying capacity is not diminished.
10. **Boundary Interpretation:** The Planning Official shall make interpretations where needed, as to exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 16.11.070.17.I.

## ***O. Construction Standards Generally***

1. **Applicability:** In all areas of special flood hazards, the standards set forth in this Chapter are required.
2. **Anchoring:**
  - a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
  - b. All manufactured homes must likewise be anchored to prevent flotation, collapse or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques).
3. **Construction Materials and Methods:**
  - a. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
  - b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.



- c. Electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

**4. Subdivision Proposals:**

- a. All subdivision proposals shall be consistent with the need to minimize flood damage.
- b. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
- c. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.
- d. Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least fifty lots or five acres (whichever is less).

**5. Utilities:**

- a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
- b. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters.
- c. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

**6. Building Permit Application Review Where Elevation Data Unavailable:**

Where elevation data is not available either through the flood insurance study or from another authoritative source (Section 16.11.070.N.4), applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, and similar types of information, where available. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.

## **P. Base Flood Areas**

**1. Applicability:** In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 16.11.070.G, Special flood hazard area identification--Study and maps adopted, or Section 16.11.070.N.4, Base flood elevation data, the provisions set forth in this Chapter shall apply.

### **2. Residential Construction:**

- a.** New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to a minimum of one foot above (or above) the base flood elevation.
- b.** Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:
  - (1)** A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
  - (2)** The bottom of all openings shall be no higher than one foot above grade.
  - (3)** Openings may be equipped with screens, louvers, or other coverings or devices; provided, that they permit the automatic entry and exit of floodwaters.

### **3. Nonresidential Construction**

New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation; or together with attendant utility and sanitary facilities, shall:

- a.** Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water.
- b.** Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of (buoyancy) buoyancy.
- c.** Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this section based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in Section 16.11.070.N.F of this title.
- d.** Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in Section 16.11.070.P.2.b of this Chapter.
- e.** Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g., a building constructed to the base flood level will be rated as one foot below that level).

#### 4. **Manufactured Homes:**

All manufactured homes to be placed or substantially improved within zones A 1-30 and AE shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is a minimum of one foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement in accordance with the provisions of Section 16.11.070.P.2.b.

#### 5. **Recreational Vehicles:**

Recreational vehicles placed on sites are required to either:

- a. Be on the site for fewer than 180 consecutive days,
- b. Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
- c. Meet the requirements of 5.2-3 above and the elevation and anchoring requirements for manufactured homes.

#### **Q. Flood Ways**

1. **Floodways:** Located within areas of special flood hazard established in Section 18.04.070 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:
  - a. Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
  - b. If subsection A of this section is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Sections 16.11.070.P, 16.11.070.P, and 16.11.070.Q.
2. **Encroachments:** Where base flood elevations have been provided but flood-ways have not, Section 16.11.070.Q should read as follows: *The cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than one foot at any point.*

## R. Variances

1. **Elevation Standard:** Generally, the only condition under which a variance from the elevation standard may be issued is for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items set out in Section 16.11.070.R.9.d (below) have been fully considered. As the lot size increases the technical justification required for issuing the variance increases.
2. **Historic Places:** Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the state inventory of historic places, without regard to the procedures set forth in this Chapter.
3. **Floodway Issuance Standard:** Variances shall not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result.
4. **Minimum-Necessity-for-Relief Requirement:** Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
5. **Good-and-Sufficient-Cause, Hardship and Absence-of-Designated-Effects Requirement:** Variances shall only be issued upon:
  - a. A showing of good and sufficient cause;
  - b. A determination that failure to grant the variance would result in exceptional hardship to the applicant;
  - c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in Section 16.11.070.R.9.d (below) or conflict with existing local laws or ordinances.
6. **Interpretation:** Variances as interpreted in the national flood insurance program are based on the general zoning law principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from the flood elevations should be quite rare.
7. **Nonresidential Buildings:** Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of floodproofing than watertight or dry-floodproofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria except Section 16.11.070.R.1 (above), and otherwise complies with Sections 16.11.070.O.2 and 16.11.070.O.3.
8. **Granted--Notice to Applicant:** Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

## 9. APPEALS

### a. Hearing Authority:

- (1) Planning Official and Planning Commission decisions can be appealed pursuant to the procedures described in Chapter 16.20 of this Code.
- (2) The City Council shall hear and decide appeals and requests for variances from the requirements of this Chapter.

**b. Enforcement or Administrative Appeals:** The City Council shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the planning official in the enforcement or administration of this title. The City Council's decision shall be in writing, and shall be the City's final decision on the matter.

**c. Decision Criteria:** In passing upon such applications, the City Council shall consider all technical evaluations, all relevant factors, standards specified in other sections of this title, and:

- (1) The danger that materials may be swept onto other lands to the injury of others.
- (2) The danger to life and property due to flooding or erosion damage.
- (3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
- (4) The importance of the services provided by the proposed facility to the community.
- (5) The necessity to the facility of a waterfront location, where applicable.
- (6) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage.
- (7) The compatibility of the proposed use with existing and anticipated development.
- (8) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area.
- (9) The safety of access to the property in times of flood for ordinance and emergency vehicles.
- (10) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effect of wave action, if applicable, expected at the site.
- (11) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

**10. Variances granted -- Conditions:** Upon consideration of the facts of Section 16.11.070.R.9.d and the purposes of this Chapter, the City Council may attach such conditions to the granting of variances as it deems necessary to further the purposes of this Chapter.

**11. Recordkeeping and Reporting Requirements:** The City Planning Official shall maintain the records of all appeal actions and report all variances to the Federal Insurance Administration upon request.

## **S. Below Grade Crawl Spaces**

Below-grade crawlspaces are allowed subject to the following standards as found in FEMA Technical Bulletin 11-01, *Crawlspace Construction for Buildings Located in Special Flood Hazard Areas*:

1. The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Hydrostatic loads and the effects of buoyancy can usually be addressed through the required openings stated in Section B below. Because of hydrodynamic loads, crawlspace construction is not allowed in areas with flood velocities greater than five (5) feet per second unless the design is reviewed by a qualified design professional, such as a registered architect or professional engineer. Other types of foundations are recommended for these areas.
2. The crawlspace is an enclosed area below the base flood elevation (BFE) and, as such, must have openings that equalize hydrostatic pressures by allowing the automatic entry and exit of floodwaters. The bottom of each flood vent opening can be no more than one (1) foot above the lowest adjacent exterior grade.
3. Portions of the building below the BFE must be constructed with materials resistant to flood damage. This includes not only the foundation walls of the crawlspace used to elevate the building, but also any joists, insulation, or other materials that extend below the BFE. The recommended construction practice is to elevate the bottom of joists and all insulation above BFE.
4. Any building utility systems within the crawlspace must be elevated above BFE or designed so that floodwaters cannot enter or accumulate within the system components during flood conditions. Ductwork, in particular, must either be placed above the BFE or sealed from floodwaters.
5. The interior grade of a crawlspace below the BFE must not be more than two (2) feet below the lowest adjacent exterior grade.
6. The height of the below-grade crawlspace, measured from the interior grade of the crawlspace to the top of the crawlspace foundation wall must not exceed four (4) feet at any point. The height limitation is the maximum allowable unsupported wall height according to the engineering analyses and building code requirements for flood hazard areas.
7. There must be an adequate drainage system that removes floodwaters from the interior area of the crawlspace. The enclosed area should be drained within a reasonable time after a flood event. The type of drainage system will vary because of the site gradient and other drainage characteristics, such as soil types. Possible options include natural drainage through porous, well-drained soils and drainage systems such as perforated pipes, drainage tiles or gravel or crushed stone drainage by gravity or mechanical means.
8. The velocity of floodwaters at the site should not exceed five (5) feet per second for any crawlspace. For velocities in excess of five (5) feet per second, other foundation types should be used.
9. For more detailed information refer to FEMA Technical Bulletin 11-01.
10. There is a charge added to the basic NFIP policy premium for a below-grade crawlspace.

***Title 16: City of Lebanon  
Development Code***

ARTICLE THREE  
COMMUNITY DEVELOPMENT AND USE  
STANDARDS

**Chapter 16.12:**  
Transportation Access, Access  
Management, and Circulation

**Adopted by City Council on  
December 10, 2008**

# Chapter 16.12: Transportation Access, Access Management, and Circulation

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# Chapter 16.12:

## Transportation Access, Access Management, and Circulation

### 16.12.010 PURPOSE AND TRAFFIC IMPACTS

#### A. Purpose

##### 1. General

The purpose of this Chapter is to ensure that developments provide adequate access to lots as well as safe and efficient access and circulation, for pedestrians, bicycles, and motor vehicles. This Chapter provides standards for:

- a. Minimum street frontage.
- b. Motor vehicular access and circulation.
- c. Bicycle access and circulation.
- d. Pedestrian access and circulation.
- e. Section 16.12.060 lists exceptions to the placement standards for streets and pathways for pedestrians and bicyclists.

##### 2. Connectivity and Access

It is the intention of the City to promote connectivity and efficient multi-modal access within and between developments and neighborhoods. The goal of the City's access management is to both establish efficient access to land development and to maintain maximum levels of the flow of traffic in terms of safety, capacity, functional classification, and performance standards. Accomplishing this goal requires the regulation and coordination of highway access, and as necessary access onto other major arterials and collectors.

##### 3. General Requirements

All developed properties in the City are required to access adjacent streets that have been improved to full City standards.

#### B. Traffic Impacts, Studies, and Mitigation Measures

##### 1. Transportation Related Development and Traffic Impacts

All transportation related development (including off-street parking and loading) must take into account the impacts of such development upon the transportation system, including the street grid, access, access management, circulation, and transportation improvements. Accordingly, a variety of land use actions (such as subdivisions, partitions, planned developments, conditional uses, and so on), may require studies and mitigation of traffic impacts as noted in a number of Chapters in this Code. The City Engineer, in consultation with the Planning Official, may determine additional requirements for such studies and mitigation measures. The following provisions and definitions will guide such studies.

## 2. Studies of Traffic Impacts and Mitigation Measures

- a. **Traffic Impact Analysis (TIA):** A traffic impact analysis may involve, at a minimum, any or all of the following depending on the nature of a development and its relationship to the transportation system:
  - (1) An analysis of the effect of traffic generated by a development on the capacity, operations, and safety of the public street and/or highway system.
  - (2) An analytical and informational document prepared by a licensed professional traffic engineer or civil engineer in connection with a specific proposed land use application that forecasts, describes, and suggests mitigation measures or ways of off-setting the traffic effects of the proposed new activities within a geographic area.
  - (3) A study or analysis of how any use, plan or development will affect traffic in a surrounding area.
  - (4) A study that assesses the impacts of a proposed development on the existing and future multi-modal transportation network, and includes recommended mitigation measures for the anticipated impacts, and an analysis of the adequacy of the development's planned access points.
- b. **Traffic Impact Mitigation Measure:** Any measure or improvement taken by or required of the developer in order to lessen, abate, or reduce the traffic impact of the development on the public street and/or highway system.
- c. **Traffic Impact Study:** An analysis of the effects of a proposed development on the transportation system, and of traffic impacts on neighboring properties.
- d. **Traffic Impact:** A proposed development's effects on the transportation system, as represented by increased vehicle trips on the public street system, an increase in congestion, worsening of level of service, or reductions in safety and efficiency.
- e. **Traffic Model:** A mathematical representation of traffic movement within an area or region based on observed relationships between the kind and intensity of development in specific areas.
- f. **Traffic Study:** A limited analysis of the operational aspects and traffic safety issues of a particular development area, including but not limited to on-site traffic circulation and access design and operation.

## 3. Traffic Counts

Unless otherwise specified by the City Engineer, the number used for traffic counts for all traffic studies and analyses shall be based on the number of persons determined by the Fire Marshal as maximum occupancy for the facility(-ies) in question.

(See Section 16.20.110 of Chapter 16.20 for additional information on traffic studies.)

## **16.12.020 MINIMUM STREET FRONTAGE REQUIREMENTS**

### **A. Multi-Family, Commercial, Industrial, Public/Civic Use, and Other Use Lots**

Every Multi-Family, Commercial, Industrial Public/Civic Use, and Other Use lot shall abut a street other than an alley, for a minimum width of 20 feet, except where the Planning Commission has approved an easement or other lawful means of access or where the easement or other access existed prior to the adoption of this Development Code.

### **B. One and Two Family Residential Lots**

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

1. **Single Parcel**: A lot must abut a street for a minimum width of 14 feet including a minimum 12-foot wide driveway.
2. **Two Adjacent Parcels**: Two adjacent parcels must abut a street for a minimum of 24 feet (minimum of 12 feet for each parcel) that may include a shared 12-foot wide driveway serving both. Perpetual reciprocal access easements and maintenance agreements for shared driveways are required.
3. **Six Parcels and/or Six Dwelling Units**: Up to a maximum of six parcels and/or dwelling units may be served by a minimum 30-foot wide access easement with a minimum 24-foot wide two-way driveway. All buildings must be set back at least 5 feet from the access easement. Perpetual reciprocal access easements and maintenance agreements for all lots proposed to use the driveway are required.
4. **Single Family Dwelling Parcel Not Abutting a Public Right-of-Way**: A lot or parcel developed with a single family dwelling may be partitioned creating a parcel with access by easement to a public street. A minimum 12-foot wide easement (that may not serve any other dwelling), with ready access by emergency vehicles is required.

## **16.12.030 MOTOR VEHICLE ACCESS AND MANAGEMENT REQUIREMENTS**

### **A. Purpose**

This Section sets the standards for vehicle access to individual properties. Vehicle access must be balanced with the overall objectives of providing a connected street system, and preserving the flow of traffic in terms of safety, roadway capacity, and efficiency.

1. **Goals**: Access shall be managed to maintain an adequate "level of service" and to maintain the "functional classification" of roadways as required by the City's Transportation System Plan. Major roadways, including highways, arterials, and collectors, serve as the primary system for moving people and goods. "Access management" is a primary concern on these roads. Local streets and alleys provide access to individual properties. If vehicular access and circulation are not properly designed, these roadways will be unable to accommodate the needs of development and serve their transportation function. This Section attempts to balance the right of reasonable access to private property with the right of the citizens of the City and the State of Oregon to safe and efficient travel. It also requires all developments to construct planned streets (arterials and collectors) and to extend local streets.

2. **Classification of Roadways:** To achieve this policy , state and local roadways have been categorized in the Comprehensive Plan and Transportation System Plan by function and classified for access purposes based upon their level of importance and function. Regulations have been applied to these roadways for the purpose of reducing traffic accidents, personal injury, and property damage attributable to access systems, and to thereby improve the safety and operation of the roadway network. This will protect the substantial public investment in the existing transportation system and reduce the need for expensive remedial measures. These regulations also further the orderly layout and use of land, protect community character, and conserve natural resources by promoting well-designed road and access systems and discouraging the unplanned subdivision of land.

### ***B. Applicability***

The requirements of this Chapter apply to all public streets within the City and to all properties that abut these streets.

### ***C. Access Permits Required***

Access to a public street requires an Access Permit issued in accordance with the following procedures:

1. **City Streets:** Permits for access to City streets are subject to review and approval by the City Engineer based on the standards contained in this Chapter, the provisions of both LDC Chapter 16.14, and the City’s *Public Improvement Standards*. An access permit may be in the form of a letter to the applicant, or may be attached to a land use decision notice. It may further serve as a basis for the imposition of conditions of approval.
2. **State Highways 20 and 34:** Permits to develop or use access to State Highways 20 and 34 (defined as **Principal Arterials** in the Lebanon TSP, as per Figure 6-2) must be obtained from the Oregon Department of Transportation (ODOT). Permits are subject to the requirements established in applicable Oregon Administrative Rules.
3. **County Roadways:** Permits for access to County roadways are subject to review and approval by Linn County and implemented in accordance with the Lebanon-Linn County Growth Management Agreement (UGMA), Lebanon’s Comprehensive Plan and Transportation System Plan, the Linn County’s Comprehensive Plan and Transportation System Plan, and the State’s Transportation Planning Rule.

### ***D. Traffic Study Requirements***

The City or other agency with jurisdiction over transportation access may require a traffic impact analysis or traffic study prepared by a qualified professional to determine access, circulation and other transportation-related impacts created by development and redevelopment (see Section 16.12.010.B, above).

### ***E. Development Requirements***

1. The City may require the closing or consolidation of existing curb cuts or other vehicle access points, recording of reciprocal access easements (e.g., for shared driveways, etc.), development of a frontage street, installation of traffic control devices, and/or other mitigation as a condition of granting an access permit, to ensure the safe and efficient operation of the street and highway system.

2. Except for single-family and two-family dwellings, access to and from off-street parking areas shall not permit backing onto a public street. (Also see Chapter 16.14, Off-Street Parking.)

#### **F. Access Options For City Streets and Alleys**

When vehicle access is required for development (e.g., for off-street parking, delivery, service, drive-through facilities, etc.), access shall be provided by one of the following methods (a minimum of 12 feet per lane is required). These methods are “options” for the applicant, unless one method is specifically required by applicable regulations. Street accesses shall comply with the access spacing standards in Subsection 16.12.030.G, below.

1. **Option 1 -- Access is from an Alley**. If a property has access to an alley, direct access to a public street may not be required, and may not be allowed to an arterial. Garage doors or carports facing alleys must be at least 44 feet from the farthest side of the alley when parking is provided in front of these structures. Garages and carports facing an alley may be located 24 feet from the farthest side of the alley when no parking is required in front of these structures.
2. **Option 2 -- Access is from a Private Street or Shared Driveway**. An access easement and maintenance agreement covering the private street or driveway shall be recorded.
3. **Option 3 -- Access is from a Public Street** adjacent to the development parcel.
4. **Subdivisions Fronting onto an Arterial Street**: In order to minimize or preclude access to arterials, new residential land divisions fronting on an arterial street shall be required to provide access from alleys or secondary (local or collector) streets to individual lots. When alleys, collectors or local streets cannot provide access due to topographic or other physical constraints, access may be provided by creating a frontage street or other suitable alternatives acceptable to the City Engineer, and where access to Highway 20 or 34 (defined as Principal Arterials in the Lebanon TSP, as per Figure 6-2) is proposed, acceptable to the Oregon Department of Transportation.
5. **Backing movements** are not allowed onto arterial streets.
6. **Through Lots**: When a lot has frontage onto two or more streets, and in order to minimize access to the higher class street, access shall be provided first from the street with the lowest classification. For example, access shall be provided from a local street before a collector or arterial street.
7. **Dedication of Public Rights-of-Way And Construction Of New Streets**: The City may require the dedication of public right-of-way and construction of a street (e.g., frontage road, alley or other street) when the development impact warrants such mitigation.

## **G. Access Spacing**

When required to serve the proposed development, accesses shall be separated from driveways and street intersections in accordance with the following standards and procedures:

- 1. Local Streets:** Driveways and alleys shall be placed as far away as practicable from an intersecting street, and on the street with the lowest classification possible.
- 2. Arterial and Collector Streets:** Where a collector or arterial street or a controlled intersection is under the jurisdiction of the City of Lebanon (see Figure 6-2 in the Lebanon TSP), access spacing shall be determined based on the policies and standards contained in the *City's Transportation System Plan* as well as the *Manual for Uniform Traffic Control Devices*. Exceptions to this may be granted by the City Engineer. Evaluations of exceptions shall consider posted speed of the street on which access is proposed, constraints due to lot patterns, and effects on safety and capacity of the adjacent public street, bicycle and pedestrian facilities. Access spacing on State Highways 20 and 34 (defined as Principal Arterials in the Lebanon TSP, as per Figure 6-2) is subject to the requirements of applicable Oregon Administrative Rules as determined by Oregon Department of Transportation.
- 3. Special Provisions for All Streets:** Direct street access may be restricted for some land uses, in conformance with the provisions of Chapters 16.05 thru 16.11. For example, access consolidation, shared access, and/or access separation greater than that specified by subsections "1-2" above, may be required for access to the City, County or State roadways for the purpose of protecting the function, safety and operation of the facility for all users (See Subsection "I," below). In some cases, directional connections (i.e., right in/out, right in only, or right out only) may be required.

## **H. Clear Vision Requirements**

All street access points must meet the applicable clear vision requirements noted below.

1. Except within the Central Business Commercial Zone (Z-CCM), vision clearance areas shall be provided at intersections of all streets and at intersections of driveways and alleys with streets to promote pedestrian, bicycle, and vehicular safety. The extent of vision clearance to be provided shall be determined from standards listed below, and as otherwise adopted by the City to further take into account functional classification of the streets involved, type of traffic control present at the intersection, street configuration, clear sight distance needed to see on coming traffic (motor vehicles, pedestrians, and bicyclists), and designated speed for the streets.
2. A clear vision area shall consist of a triangular area, two sides of which are lot lines measured from the corner intersection of the street lot lines for a distance specified in this regulation, and the third side of which is a line across the corner of the lot joining the nonintersecting ends of the other two sides. Where the lot lines have rounded corners, the lot lines shall be extended in a straight line to a point of intersection and so measured. In situations involving driveways, the two sides shall include the sides of the driveway and the adjacent property line or access easement line.
3. A clear-vision area shall contain no plantings, fences, walls, structures, utility pedestals, or temporary or permanent obstruction exceeding 2-1/2 feet in height, measured from the top of the curb, or where no curb exists, from the established street center line grade. Trees exceeding this height may be located in this area, provided all branches or foliage are removed to a height of 8 feet above grade.

4. The following measurements shall establish a clear vision area: The minimum distance shall be 20 feet at intersections, or at an alley, 10 feet. When the angle of intersection between streets, other than an alley, is less than 30 degrees, the distance shall be 25 feet. Dimensions for clear vision areas for new development in the Central Business Commercial Zone (Z-CCM), shall be specified by the City Engineer on a site by site basis given the near total build out of that zone.
5. Exceptions Within Vision Clearance Areas: Traffic control devices, streetlights, and utility installations meeting approval by the City Engineer are permitted within vision clearance areas.

### **I. Number of Access Points**

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

### **J. Shared Driveways and Access**

The number of driveway and private street intersections with public streets shall be minimized by the use of shared driveways with adjoining lots where feasible. The City may require shared driveways as a condition of approval for a land division or other land use review, as applicable, for traffic safety and access management purposes in accordance with the following standards:

1. Shared Driveways and Frontage or Local Access Streets: Shared driveways, frontage streets, and local access streets may be required to consolidate access onto a collector or arterial street. New streets shall be stubbed to adjacent developable parcels to indicate future extension.
2. Lot Development Abutting a State Highway: Subdivisions with frontage along a State Highway shall have access points from local streets whenever possible.
3. Adjacent Commercial and Public Use Direct Access: Adjacent commercial and/or public use developments (e.g., shopping plazas, office parks), shall provide a cross access drive and pedestrian access (and reciprocating access easements) to allow off-highway/roadway circulation between sites.
4. Recording of Shared Access Easements and Coordinated Maintenance Agreements: Access easements for the benefit of affected properties shall be recorded for all shared driveways, joint access, cross-access, and shared parking areas as well as pathways, at the time of final plat approval or as a condition of site development approval. Pursuant to the provisions of this subsection, the property owners:
  - a. Shall record an easement with the deed allowing cross access to and from other properties served by facility (i.e., the joint use driveways, and/or cross access, and/or service drive).



- b. Shall record a coordinated maintenance agreement with the deed defining maintenance responsibilities of the property owners.
- c. Such agreements shall be on forms acceptable to the City.

**5. Reduction of Separation Distance Between Access Points for City Streets:**

The City may reduce the required separation distance between access points on City streets where the required distance would be impractical, provided all of the following applicable requirements are met:

- a. Joint access driveways and cross access easements are provided in accordance with the provisions of this Subsection.
- b. The site plan incorporates a unified access and circulation system in accordance with the provisions of this Subsection.

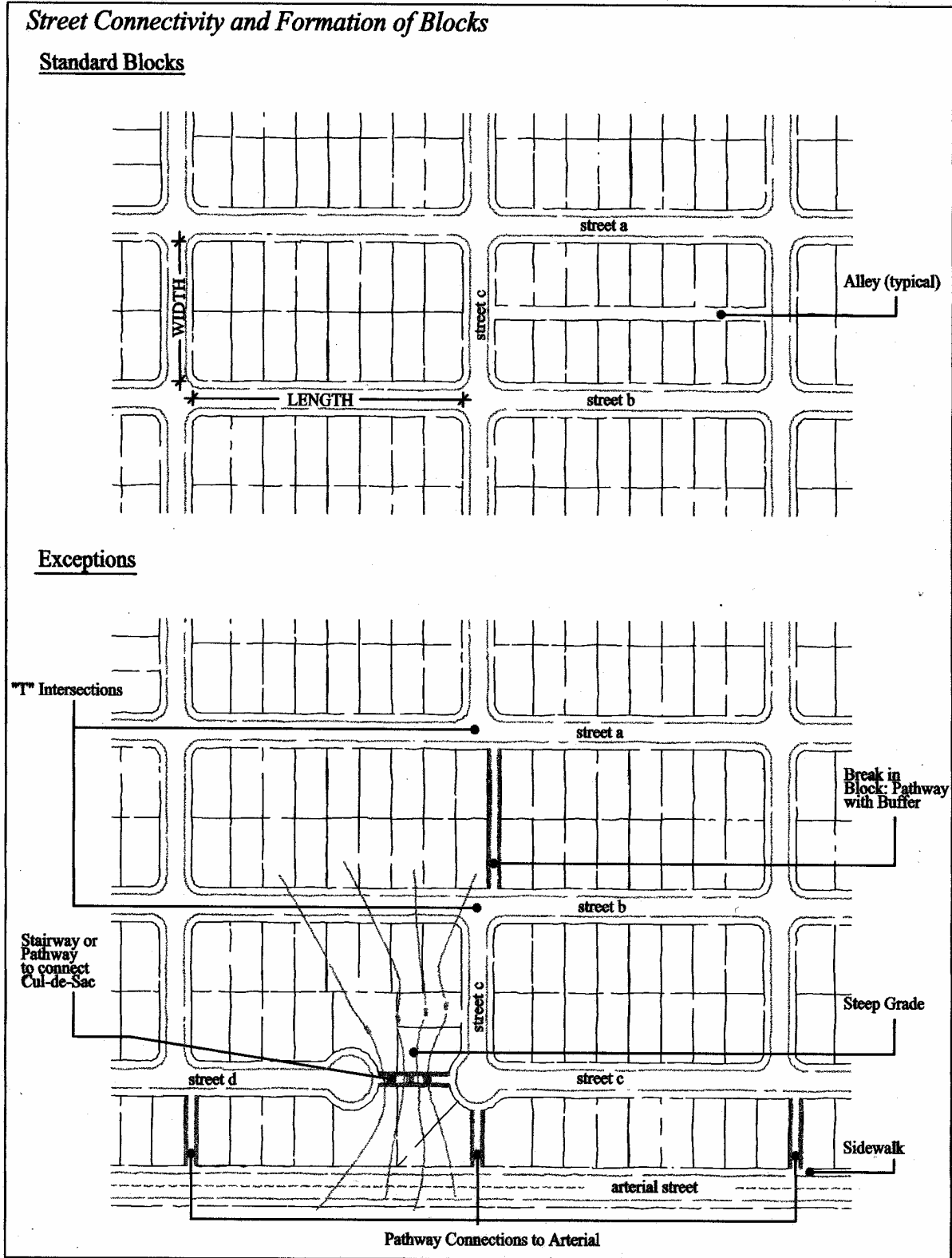
**6. Exceptions:** The City may in its discretion modify or waive any of the requirements of this Subsection (16.12.030) for City streets when existing development patterns or physical constraints (e.g., topography, parcel configuration, and similar conditions) prevent extending the street/driveway in the future, and/or would make a development of a unified or shared access and circulation system impractical, in conjunction with a development application. Such exceptions may also be made to preserve trees, wetlands, and other significant natural areas. Exceptions shall be approved in writing by the City Engineer or designee.

**K. Requirements for Street Connectivity and Formation of Blocks**

In order to promote efficient vehicular and pedestrian circulation throughout the City, new land divisions and large site developments shall produce complete blocks bounded by a connecting network of public and/or private streets, in accordance with the following standards (see **Figure 16.12.030-1**):

- 1. **Block Length and Perimeter:** The maximum block length and perimeter (measured along the edge of the right-of-way) should not exceed:
  - a. **In Residential Zones (Z-RL, Z-RM, Z-RH):**
    - (1) Blocks without Pedestrian and Bicycle Pathway Connections through the Block (see “Standard Blocks” in **Figure 16.12.030-1**), 600 feet length and 1,600 feet perimeter.
    - (2) Blocks that include Pedestrian and Bicycle Pathway Connections through the Block (see “Exceptions in **Figure 16.12.030-1**), 800 feet length and 2,000 feet perimeter.
  - b. **In the Central Business Commercial Zone (Z-CCM)**, except for the Existing City Blocks: 400 feet length and 1,200 feet perimeter.
  - c. 600-800 feet length and 1,600-2,000 feet perimeter in the **Highway Commercial Zone (Z-HCM)**, and **Mixed Use Zone (Z-MU)**, except as required for commercial developments subject to other provisions of this code or the Subdivision Ordinance.
  - d. Not applicable to the **Neighborhood Commercial Zone (Z-NCM)** where the requirements of the surrounding zone(s) shall prevail.
  - e. Not applicable to the **Industrial Zone (Z-IND)**.

Figure 16.12.030-1: Street Connectivity and Formation of Blocks



2. **Street Standards:** Public and private streets shall also conform to applicable provisions of Chapter 16.14 of this Code, and applicable Americans With Disabilities Act (ADA) design standards for public streets. See Blocks above in Section 16.12.O30.I, and adopted City Public Improvement Standards.
3. **Exceptions to Block Lengths:** Exceptions to the above standards may be granted when
  - a. Blocks are divided by one or more pathway(s), in conformance with applicable provisions of this Code. Pathways shall be located to minimize out-of-direction travel by pedestrians and may be designed to accommodate bicycles.
  - b. Blocks are divided by an alley in conformance with the applicable provisions of this Code.
  - c. Existing development precludes meeting the established standards.
  - d. Geographical or natural features preclude meeting the established standards.
  - e. Block perimeters may be increased by twice the width of any alley that is included in a block.
4. **Connectivity and Subdivisions:** The street grid of proposed subdivisions shall be designed to connect with existing, proposed, and planned streets outside of the subdivision as provided below:
  - a. Whenever a proposed development abuts unplatted land, underutilized land, redevelopable land (as identified in the City's Buildable Lands Inventory), or a future development phase of the same development, street stubs shall be provided to access abutting properties and to extend the street system into the surrounding area, except where
    - (1) Existing development precludes street stubs, or
    - (2) Geographical or natural features preclude street stubs.
  - b. All street stubs shall be provided with a temporary turn-around unless specifically exempted by the Public Works Director, and/or Fire Code Official.
  - c. The extension of the street shall be the responsibility of the developer of the adjacent land.
5. **Future Street Plans:** Building placement and alignment of shared drives shall be designed so that future street connections can be made as surrounding properties develop.
6. **Minor Collector and Local Residential Access Streets:** Minor collector and local residential access streets shall connect with surrounding streets to permit the convenient movement of traffic between residential neighborhoods or facilitate emergency access and evacuation. Connections shall be designed to avoid or minimize through traffic on local streets.

## 7. **Cul-de-Sacs:**

The following provisions shall apply to development utilizing Cul-de-sacs.

- a. Shall be limited to situations where full street connections cannot be made because of topography, pre-existing development, or environmental constraints.
  - b. Cul-de-sac streets may also be permitted when compliance with other standards in this code preclude street extension and through circulation.
  - c. Also see Section 16.13.030.L and Table 16.13.030-1 in Chapter 16.13.
8. **Pedestrian and Bicycle Accessways:** Block lengths of more than 600 feet shall include a pedestrian/bike accessway. Typically, such an accessway shall be located in the middle third of the block.

## L. ***Driveway Approaches***

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

1. **Single family, and two-family uses** shall have a minimum driveway width of 12 feet.
2. **Multiple family uses and up to six individual family dwelling units with shared access** shall have a minimum driveway width of 24 feet.
3. **Multiple family uses and off-street parking areas with 16 or more parking spaces** shall have a minimum driveway width of 24 feet, and a maximum width of 36 feet. These dimensions may be increased if the Planning Official, in consultation with the City Engineer, determines that more than two lanes are required based on the number of trips generated or the need for turning lanes.
4. **Access widths for all other uses** shall be based on 12 feet of width for every travel lane, except that driveways providing direct access to parking spaces shall conform to the parking area standards in Chapter 16.14 (Off-Street Parking Requirements) of this Code.
5. **Driveway Aprons:** Driveway aprons (when required) shall be constructed of concrete and shall be installed between the street right-of-way and the private drive.
6. **Construction of driveways along acceleration or deceleration lanes and tapers** shall be avoided to prevent potential weaving conflicts between vehicles.
7. **Driveways shall also conform to the specifications provided in Chapter 16.14 (Off-Street Parking Requirements).**
8. **Emergency Access Lane:** Any access lane that serves as an emergency vehicle access lane must comply with the standards of the Lebanon Fire District and emergency services.

## M. ***Fire Access and Parking Area Turn-Arounds***

Fire Access and Parking Area Turn-Arounds shall comply with the Fire Code and standards adopted by the Lebanon Fire District.

## **N. Vertical Clearances**

Driveways, private streets, aisles, turn-around areas and ramps shall have a minimum vertical clearance of 12.5 feet for their entire length and width.

## **O. Non-Conforming Existing Access**

Pre-existing and legally established access in place prior to the adoption of this Code are considered to be nonconforming and shall be brought into compliance with applicable standards under the following conditions: **1.** When new access permits are requested; **2.** When a land use permit is required for change of use, building expansion, or redevelopment.

## **P. Lots With Multiple Frontages**

- 1. Corner Lots and Through Lots:** Lots that front on more than one street shall be required to locate motor vehicle accesses on the street with the lower functional classification. On a corner lot, the access point shall be as far from the intersection as practicable.
- 2. Subdivision Abutting an Arterial:** When a residential subdivision is proposed that would abut an arterial, it shall be designed to provide through lots along the arterial with access from a frontage road or interior local road. Access rights of these lots to the arterial shall be strictly limited or prohibited. A buffer yard may be required at the rear of through lots to buffer residences from traffic on the arterial. Where such rear buffer yards exist, rear yard fences with gates shall be provided.

## **Q. Flag Lot Standards**

- 1. Connections to the State Highway System or City Arterials:** Flag lots shall not be permitted when the results would be to increase the number of driveways requiring direct and individual access connections to the State Highway System, or City arterial streets.
- 2. Planning Objectives and Residential Development:** Flag lots may be permitted for residential development when necessary to achieve planning objectives, such as reducing direct access to roadways, providing internal platted lots with access to a residential street, infill development, redevelopment, or preserving natural or historic resources.
- 3. Conditions of Flag Lot Creation:** Flag lots may be created only when a through street or mid-block lanes cannot be extended to serve abutting uses or future development. A flag lot driveway ("flag pole" or "pan handle") may serve no more than two (2) dwelling units, including accessory dwellings and dwellings on individual lots, unless the fire codes and standards adopted by the City and/or the Lebanon Fire District are met for more units. When such standards are met, the maximum number of dwellings shall be four (4). A driveway serving more than one lot shall have a reciprocal access and maintenance easement recorded for all lots. No fence, structure or other obstacle shall be placed within the driveway area. The Fire Marshal may require an emergency turn-around. Fire sprinklers may also be required for buildings that cannot be fully served by fire hydrants (e.g., due to distance from hydrant or insufficient fire flow).
- 4. Flag Lot Addressing:** Flag lots shall be addressed at the street according to addressing standards established by Emergency Services.

## **R. Required Improvements, Time of Construction, and Temporary Deferments**

1. Development abutting existing substandard public streets may temporarily defer some or all City standard street upgrade improvements, if so permitted by the City Engineer in consultation with the Planning Official.
2. When such required street improvements are temporarily deferred, the property owner shall sign an irrevocable petition agreeing not to challenge the future formation of and proportionate financial participation in a local improvement district.
3. City standard street improvements are required with approval of any of the following applications: **a.** Land divisions; **b.** Land use and development approvals; (3) Building permits for residential, commercial or industrial development.
4. Street Frontage Improvements. The following improvements shall be required:
  - a. Consistent with the adopted transportations plans, sufficient land shall be dedicated to establish the appropriate right-of-way width.
  - b. Non-Remonstrance Agreement: If the street frontage of the subject property is less than or equal to 250 feet, the applicant shall sign a non-remonstrance agreement with the City of Lebanon. This agreement shall also apply to street extensions. This agreement shall stipulate that the applicant, or future property owner, will agree to participate in right-of-way improvements. The agreement may include provisions for the following: street paving, curbing, sidewalks, utility lines, storm sewer facilities and sanitary sewer facilities. The agreement shall be recorded in the County deed records at the time of the recording of the final plat.
  - c. If the street frontage of the subject property exceeds 250 feet, or extends an existing dedicated right-of-way, the applicant shall improve the following:
    - (1) Public streets upon which the property fronts to public standards, including: surfacing from center line to curb, installation of curbing, storm sewers, sanitary sewers, water lines and other necessary public utilities per approved master plans. Where a master plan has not been adopted, the developer shall enter into a non-remonstrance agreement consistent with item "4.b", above.
    - (2) Sidewalks, meeting City standards, along public street frontage. Sidewalk construction may be deferred until such time as a building permit is issued.
    - (3) The installation of storm sewers, sanitary sewers, water lines and other utilities necessary to serve parcels accessing off of the new street.
  - d. Improvements specified in the approach road permit issued by the Oregon Department of transportation.

## **S. Variances from Access Standards**

All variances shall conform to the specifications established in Chapter 16.29 (Variances) of this Code.

## **16.12.040 BICYCLE ACCESS AND MANAGEMENT REQUIREMENTS**

### **A. On-Street Bike Lanes**

On- and/or off-street bike lanes or paths shall be provided as per the street standards and specifications in the Lebanon Transportation System Plan (TSP) and constructed at the time of street improvements.

### **B. Safe and Convenient Bicycle Facilities**

Safe and convenient bicycle facilities that strive to minimize travel distance to the greatest extent practicable shall be provided in conjunction with applicable redevelopment as well as new development within and between new subdivisions, planned developments, commercial developments, industrial areas, residential areas, transit stops, and neighborhood activity centers such as schools and parks. For the purposes of this section, "safe and convenient" means bicycle facilities that:

1. are reasonably free from hazards that would interfere with or discourage bicycle travel for short trips.
2. provide a direct route of travel between destinations.
3. meet the travel needs of bicyclists considering destination and length of trip.

### **C. Bicycle or Multi-Use Pathway Facility Paving Standards**

Adequate widths for bicycle or Multi-Use pathway facilities shall be provided in accordance with the standards summarized below.

1. **Paving Standards:** Table 16.12.040-1 shows paving and width standards for each classification category.
2. **Bicycle/Pedestrian Rights-Of-Way:** Bicycle/pedestrian rights-of-way connecting cul-de-sacs or passing through unusually long or oddly shaped blocks shall be a minimum of 15 feet wide.

### **D. Connectivity and Creating an Effective Bicycle Network**

To provide for orderly development of an effective bicycle network, bicycle facilities installed concurrent with development of a site, or applicable redevelopment, shall be extended through the site to the edge of adjacent property(-ies).

### **E. Safe Lines of Sight**

To maximize the personal safety of the pedestrians and cyclists that use paths that connect streets, such paths should be developed with a straight line of site from the streets at both ends, except where terrain does not permit such a linear layout.

**Table 16.12.040-1: Bicycle or Multi-Use Pathway Facility Paving Width Standards**

Type of Bikeway/Multi-Use Path		Paved Area (Width in Feet)	Minimum ROW or Easement (Width in Feet)
Bike Lane	(On-Street)*	5-6	NA – In Street ROW
Bike Path	(Off-Street)	5-6	10
Multi-Use Path or Two-Way Bike Path	(Off-Street)	12	15
Special High Volume Multi-Use Path or Two-Way Bike Path	(Off-Street)	15	18
Multi-Use Path or Two-Way Bike Path Built for Use by Emergency and Service Vehicles	(Off-Street)	Up to 20	20
<b>Notes:</b>			
<p>* <i>Bike lanes provided only where specified in Bicycle Plan.</i></p> <ul style="list-style-type: none"> <li>• Multi-Use Paths and Bike Paths must be paved.</li> <li>• The ROW that is not paved must be graveled.</li> <li>• “Recreational Trails” are not regulated by the standards of this Chapter (nor Chapter 16.14), and as noted in the State’s Transportation Planning Rule (TPR) do not have to be paved. See Parks Master Plan and related documents.</li> </ul>			



## 16.12.050 PEDESTRIAN ACCESS AND MANAGEMENT REQUIREMENTS

### A. *Pedestrian Access and Circulation*

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

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

### B. *Continuous Pathways*

The pathway system (also applicable for bike paths) shall extend throughout the development site, and connect to all future phases of development, adjacent trails, public parks and open space areas whenever possible. The developer may also be required to connect or stub pathway(s) to adjacent streets and private property, in accordance with the provisions of Chapter 16.13 (Transportation Improvements and Design Standards).

### C. *Safe, Direct, and Convenient Pathways*

Pathways within developments shall provide safe, reasonably direct and convenient connections between primary building entrances and all adjacent streets, based on the following definitions:

1. **Reasonably Direct:** A route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel for likely users.
2. **Safe and Convenient:** Bicycle and pedestrian routes that are reasonably free from hazards and provide a reasonably direct route of travel between destinations.
3. **Primary Entrance for Commercial, Industrial, Mixed-Use, Public, and Institutional Buildings:** For such development, the “primary entrance” is the main public entrance to the building. In the case where no public entrance exists, street connections shall be provided to the main employee entrance.
4. **Primary Entrance for Residential Buildings:** For such development the “primary entrance” is the front door (i.e., the entrance that faces the street). For multifamily buildings in which each unit does not have its own exterior entrance, the “primary entrance” may be a lobby, courtyard or breezeway that serves as a common entrance for more than one dwelling.

### D. *Connections Within Development*

For all developments subject to any site design review (e.g., Planning process, Engineering Services process), pathways shall connect all building entrances to one another. In addition, pathways shall connect all parking areas, storage areas, recreational facilities and common areas (as applicable), and adjacent developments to the site, as applicable.

## **E. Street Connectivity**

Pathways (for pedestrians and bicycles) shall be provided at or near mid-block where the block length exceeds the length required by Section 16.12.030 above. Pathways shall also be provided where cul-de-sacs or dead-end streets are planned, to connect the ends of the streets together, to other streets, and/or to other developments, as applicable. Pathways used to comply with these standards shall conform to all of the following criteria:

1. **Multi-use pathways:** Multi-use pathways for pedestrians and bicyclists shall be no less than 12 feet wide in a 15 foot wide ROW and if warranted and required located within a 20-foot-wide right-of-way or easement that allows access for emergency vehicles.
2. **Lighting:** If the streets within the subdivision or neighborhood are lighted, the pathways shall also be lighted (also applicable for bike paths), subject to Review Authority approval.
3. **Alternatives for Areas with Steep Grades:** Stairs or switchback paths using a narrower right-of-way/easement may be required in lieu of a multi-use pathway where grades are steep.
4. **Required Landscaping:** The City may require landscaping within the pathway easement or right-of-way for screening and the privacy of adjoining properties (also applicable for bike paths).
5. **Exceptions:** The hearings body or Planning Official, as appropriate, may determine, based upon facts in the record, that installation of a pathway (also applicable for bike paths) is impracticable due to: **a.** physical or topographic conditions (e.g., railroads, extremely steep slopes, sensitive lands, and similar physical constraints), **b.** buildings or other existing development on adjacent properties that physically prevent a connection now or in the future, considering the potential for redevelopment, and **c.** sites where the provisions of recorded leases, easements, covenants, restrictions, or other agreements recorded as of the effective date of this Code prohibit the pathway connection.

## **F. Design and Construction Standards**

Pathways shall conform to all of the standards in subsections “1” – “8” below:

1. **Vehicle/Pathway Separation:** Where off-street pathways (also applicable for bike paths) are parallel and adjacent to a driveway or street (public or private), they shall generally be raised 6 inches and curbed, or separated from the driveway/street by a 5-foot minimum strip with bollards, a landscape berm, or other physical barrier. If a raised path is used, the ends of the raised portions must be equipped with curb ramps. Alternative safety features may be approved by the City Engineer.
2. **Housing/Pathway Separation:** Pedestrian pathways (also applicable for bike paths) shall be separated a minimum of 5 feet from all residential living areas on the ground floor, except at building entrances. Separation is measured as measured from the pathway edge to the closest dwelling unit. The separation area shall be landscaped in conformance with the provisions of Chapter 16.15 of this Code. No pathway/building separation is required for commercial, industrial, public, or institutional uses.

3. **Pathway Surface:** Pathway surfaces (also applicable for bike paths) shall be concrete, asphalt, brick/masonry pavers, or other durable surface, at least 5 feet wide, and shall conform to ADA requirements. Multi-use paths for bicycles and pedestrians shall be the same materials, at least 12 feet wide. (See also, *Transportation Standards* for public, multi-use pathway standards.)
4. **Accessible Routes:** Pathways shall comply with the provisions of the Americans with Disabilities Act (ADA) that require accessible routes of travel.
5. **Internal Pedestrian Connections – Accessway and Walkway Connections within Commercial and Office Park Development:** Acceptable methods for meeting the State’s Transportation Planning Rule (TPR) requirements for internal pedestrian connections within new office parks and commercial developments include:
  - a. Providing at least one sidewalk connection between abutting developments.
  - b. Providing walkways to the street for every 300 feet of frontage.
  - c. Providing direct connections and minimizing driveway crossings.
  - d. Linking connections to the internal circulation of the building.
  - e. Providing walkways that are at least 5 feet wide and are raised, have curbing, or have different paving material when crossing driveways.
  - f. Providing accessways for through parking lots that are physically separated from adjacent vehicle parking or parallel vehicle traffic by curbs or similar devices and include landscaping, trees and lighting.
6. **Paving Width Standards for Pedestrian Facilities (e.g., Pathways, Sidewalks):** The following paving width standards shall apply to all new development and redevelopment (See-Table 16.12.050-1.

<b>Table 16.12.050-1: Pedestrian Facility Paving Width Standards</b>			
<b>Type of Pedestrian Facility</b>	<b>Minimum Paved Area (Width in Feet)</b>		
	<b>On Local Streets</b>	<b>On Collectors</b>	<b>On Arterials</b>
Sidewalk – retrofit on existing street	5	5	5-6
Curbside Sidewalk - reconstruction on existing street, or new development	5	5	6
Setback Sidewalk – reconstruction on existing street, or new development	5	5	6
Sidewalk on bridge	5 1/2	5-6	5-6
Sidewalk in Pedestrian District or STA	8-10	8-10	8-10
Multi-Use Path	12	12	12

## **16.12.060 EXCEPTIONS TO REQUIREMENTS FOR STREETS AND ACCESSWAYS**

Streets and accessways for both pedestrians and bicyclists need not be provided where one or more of the following conditions exist:

### ***A. Physical or Topographic Conditions***

Physical or topographic conditions make providing a street or accessway connection impracticable. Such conditions include, but are not limited to, railroads, steep slopes, wetlands or other bodies of water where a connection cannot reasonably be provided;

### ***B. Buildings and Other Development Blocking Access Routes***

Buildings or other existing development on adjacent lands physically preclude a connection now or in the future considering the potential for redevelopment; or

### ***C. Legal Constraints***

Where streets or accessways would violate provisions of recorded leases, easements, covenants, restrictions or other agreements existing as of May 1, 1995, that preclude a required street or accessway connection.

***Title 16: City of Lebanon  
Development Code***

ARTICLE THREE  
COMMUNITY DEVELOPMENT AND USE  
STANDARDS

**Chapter 16.13:  
Transportation Improvements, and  
Design standards for  
Streets and Alleys**

**Adopted by City Council on  
December 10, 2008**

# Chapter 16.13: Transportation Improvements, and Design Standards for Streets, and Alleys

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# Chapter 16.13: Transportation Improvements, and Design Standards for Streets, and Alleys

## 16.13.010 PURPOSE AND APPLICABILITY

### A. Purpose

The purpose of this Chapter is to provide planning and design standards for transportation improvements, and for public and private transportation facilities. Streets are the most common public spaces, touching virtually every parcel of land. Accordingly, one of the primary purposes of this Chapter is to provide standards for attractive and safe streets that can accommodate vehicle traffic, and provide a range of transportation options, including options for driving, walking, bicycling. This Chapter also provides standards for attractive and safe alleys. The provisions of this Chapter are consistent with and implement the City's Transportation System Plan. Key goals of this Chapter are to establish:

1. **Standards for local streets and accessways that minimize pavement width and total right-of-way** consistent with the operational needs of the facility to:
  - a. reduce excessive standards for local streets and accessways in order to reduce the cost of construction.
  - b. provide for more efficient use of urban land.
  - c. provide for emergency vehicle access.
  - d. discourage inappropriate traffic volumes and speeds.
  - e. accommodate convenient pedestrian and bicycle circulation.
2. **Standards that create circulation patterns that facilitate bicycle and pedestrian trips to meet local travel needs** in developed areas. Appropriate improvements shall provide for more direct, convenient and safer bicycle or pedestrian travel within and between residential areas and neighborhood activity centers (e.g., schools, shopping areas, transit stops). Specific measures may include constructing walkways between cul-de-sacs and adjacent roads, providing walkways between buildings, and providing direct access between adjacent uses.

### B. Important Cross-References to Other Standards

The City requires that streets provide direct and convenient access, including regular intersections, and there are other required provisions for Accessways. See Chapter 16.12 of this Code (subsections regarding Motor Vehicle Access and Management Requirements, Bicycle Access and Management Requirements, and Pedestrian Access and Management Requirements), the City's Public Improvement Standards, the City's Adopted Standards and Specifications for Construction, and relevant sections of the Lebanon Municipal Code, that collectively provide standards for transportation improvements such as intersections and blocks, and requirements for vehicle access, and pedestrian and bicycle access and circulation.

### **C. When Standards Apply and Exceptions**

The standard specifications for construction, reconstruction or repair of transportation facilities within the City shall occur in accordance with the standards of this Chapter and other appropriate City improvement standards, unless site-specific considerations warrant exceptions as provided for in this Code. All such exceptions must be approved in writing by the City as part of development review. No development or redevelopment may occur unless the public facilities related to the development or redevelopment comply with the public facility requirements established in this Chapter.

### **D. Standard Specifications**

The City Engineer shall establish standard construction specifications consistent with the design standards of this Chapter and application of engineering principles.

### **E. Basic Decision Criteria for Development Approval**

Development may not occur unless

1. Key urban utility services (i.e., water, storm drainage, sanitary sewerage, and streets) to serve the proposed development are in place, guaranteed, are planned for, or are constructed concurrently with the proposed development in conformance with the provisions of this Code and other relevant City standards; or
2. There are on-site equivalent services approved by the appropriate review authority.

### **F. Compliance with Transportation System Plan**

If review under this Chapter indicates that the use or activity is inconsistent with the Transportation System Plan, the procedures for Plan and/or Code amendments, as appropriate, shall be undertaken prior to or in conjunction with the required land use review.



## 16.13.020 TRANSPORTATION IMPROVEMENTS: OUTRIGHT PERMITTED AND CONDITIONALLY PERMITTED USES

### A. *Transportation Uses Permitted Outright*

Except where otherwise specifically regulated by this Code, the following *Standard Transportation Improvements* are permitted outright:

1. Normal operation, maintenance, repair, and preservation activities of existing transportation facilities.
2. Installation of culverts, pathways, medians, fencing, guardrails, lighting, directional signs, and similar types of improvements within the right-of-way.
3. Projects specifically identified in the Transportation System Plan as not requiring further land use regulation.
4. City approved transportation facility related projects.
5. Landscaping as part of a transportation facility, as long as it complies with standards set forth in Chapter 16.15 (Landscaping/Street Trees), and Chapter 16.12 (16.12.030.H, Clear Vision) of this Code.
6. Emergency measures necessary for the safety and protection of property.
7. Acquisition of right-of-way for public roads, highways, and other transportation improvements deemed necessary in the public interest, and/or designated in the Transportation System Plan.
8. Construction of a street or road as part of an approved subdivision or land partition approved consistent with the applicable land division ordinance.
9. Changes in the frequency and intensity of transit, rail, and airport services.

### B. *Transportation Conditional Uses Permitted*

1. Conditionally permitted transportation improvements include construction, reconstruction, or widening of highways, roads, bridges, or other transportation projects that:
  - a. **Are not** designated in the Transportation System Plan, or an adopted transportation facility plan, or a City- approved project, or
  - b. **Change** the character, function, or operation of an existing transportation-related facility as proposed or designated in the Transportation System Plan (TSP). Such projects shall comply with the overall standards of the TSP and other applicable standards, and shall address the following criteria:
    - (1) The project is designed to be compatible with existing land use and social patterns, including noise generation, safety and zoning.
    - (2) The project is designed to minimize avoidable environmental impacts to identified wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities.
    - (3) The project preserves or improves the safety and function of the facility through access management, traffic calming, or other design features.
    - (4) The project includes provisions for bicycle and pedestrian circulation as consistent with the applicable requirements of this ordinance.

2. If review under this Chapter indicates that the use or activity is inconsistent with the Transportation System Plan, the Development Code, or the Public Improvement Standards, the procedures for plan and zoning amendments, as appropriate, shall be undertaken prior to or in conjunction with the conditional permit review.
3. **Time Limitations on Transportation-Related Conditional Use Permits:** Authorization of a conditional use shall be void after a period specified by the applicant as reasonable and necessary based on season, right-of-way acquisition, and other pertinent factors. This period shall not exceed three years, or a period of time approved or extended by the Review Authority.

## **16.13.030 DESIGN STANDARDS FOR IMPROVEMENTS: STREETS, ALLEYS, & PATHWAYS**

### **A. General Development Standards**

Development shall not occur unless the development has frontage or approved access to a public street, in conformity with the provisions of Section 16.12.020 in Chapter 16.12, **and** the following additional standards are met:

1. Streets within or adjacent to a development shall be improved to City standards in accordance with the Transportation System Plan, Public Improvement Standards, and the provisions of this Chapter.
2. Development of new streets, additional street width or improvements planned as a portion of an existing street, shall be improved in accordance with this Chapter, and other applicable City standards.
3. All driveway approaches and driveways shall be paved, as per adopted City engineering standards.
4. Minor sections of non-contiguous street improvements may be deferred until contiguous to City standard street improvements as determined by the City Engineer.

### **B. Creation of Rights-of-Way for Streets and Related Purposes**

Streets shall be created through the approval and recording of a final subdivision or partition plat; except the City may approve the creation of a street by acceptance of a dedication by the City Council for the purpose of implementing the *Transportation System Plan*, and the dedication of right-of-way conforms to the standards of this **Code**. All dedications shall be in a form approved by the City Engineer.

### **C. Creation of Access Easements**

The City may approve an access easement when the easement is necessary to provide for access and circulation in conformance with Chapter 16.12 of this Code (*Transportation Access, Access Management, and Circulation*). Access easements shall be created and maintained in accordance with this Code, the Oregon Fire Code, and Lebanon Fire District's requirements as determined by the Fire Code Official.

### **D. Street Location, Width and Grade**

Except as noted below, the location, width and grade of all new public streets shall conform to the *Transportation System Plan*, as applicable, and an approved street plan or subdivision plat. Street location, width and grade shall be determined in relation to existing and planned streets, topographic conditions, public convenience and safety, and in appropriate relation to the proposed use of the land to be served by such streets:

1. Street grades shall be approved by the City Engineer in accordance with the design standards in the City's Transportation System Plan, and Public Improvement Standards.
2. Where the location of a street is not shown in an existing street plan (See Subsection "H" below), the location of streets in a development shall either:
  - a. Provide for the continuation and connection of existing streets in the surrounding areas, conforming to the street standards of this Chapter, Chapter 16.13; or

- b. Conform to a site development plan approved by the review authority if it is impractical to connect with existing street patterns because of particular topographical or other existing conditions of the land. Such a plan shall be based on the type of land use to be served, the volume of traffic, the capacity of adjoining streets and the need for public convenience and safety.

### E. Minimum Rights-of-Way and Street Sections

The City of Lebanon Street Cross-Section Standards are summarized in **Table 16.13.030-1** (also see **TSP Table 6-1**), and the Right-of-Way and Street Design Standards are shown in **Table 16.13.030-2** (also see **TSP Tables 6-2 thru 6-5**). **Table 16.13.030-1** also contains typical alley and cul-de-sac information.

Table 16.13.030-1: Typical Street Cross-Sections							
Facility	ROW	Travel Lanes (volumes)	Median Type	Bike Lanes	Sidewalks	On-Street Parking	Planting Strip
Arterial:			TWLTL or Raised Median	Yes (new construction only unless specified in bikeway plan)	Yes	No	Yes
Minor	75 feet	3 (14,000 to 18,000 ADT)					
Major	105 feet	5 (18,000 ADT and above)					
Parkway	130 feet	4 (40,000 ADT)		Sidewalk/ Multi-Use Path	No		
Collector	60 to 75 feet	2 to 3 (10,000 to 14,000 ADT) depending on access density & zoning	None or TWLTL or Raised Median	Yes	Yes	No	Yes
Local	50 to 56 feet	2 (less than 10,000 ADT)	None	Shared	Yes	1 side or 2 if multi-family residential	Yes
Cul-de-sacs (See Note # 3 Below)	50 to 56 feet	2 (less than 10,000 ADT)	None	Shared	Yes	1 side or 2 if multi-family residential	Yes
Alleys	16 to 20 feet (See Note # 4 Below)	One Lane – Residential Area: can vary from 12 to 20 feet of paved surface (See Note # 5 Below)	None	None	None	See Note # 6 Below	None

- (1) **TWLTL** = two-way left-turn lane; **ADT** = Average Daily Traffic.
- (2) **Raised median** may be constructed in lieu of the center turn lane for access management and safety.
- (3) **Cul-de-sacs**: the “bulb” must have a minimum radius of 48 feet. For additional standards on **cul-de-sacs**, see Section 16.12.030.K.7 (Chapter 16.12), and Section 16.13.030.I (in this Chapter).
- (4) If required for **emergency access**, an alley must have a minimum ROW of 20 feet, but a greater width may be required by the Fire Code Official.
- (5) Alleys in **Commercial Areas (Z-CCM and Z-HCM)** and **Industrial Areas (Z-IND)** require a minimum of 16 feet of paved surface, but no setback is required, unless abutting a residential zone.
- (6) **Garage doors or carports facing alleys** must be at least 44 feet from the farthest side of the alley when parking is provided in front of these structures. Garages and carports facing an alley may be located 24 feet from the farthest side of the alley when no parking is required in front of these structures.

**Table 16.13.030-2: Typical Street Design Standards  
(Subject to Engineering Site Plan Reviews)**

DESIGN CRITERION	TYPICAL PARKWAY SEGMENT	TYPICAL ARTERIAL STREET	TYPICAL COLLECTOR STREET	TYPICAL LOCAL STREET (or a Cul-de-sac)
Minimum ROW (ft)	130	75 to 105	60 to 75	50' for parking on one side; 56' for parking on both sides
Lane Width (ft)	12/12.5/15/12.5/12	14/12/14/12/14 for 105' ROW for major arterial; 12/14/12 for 75' ROW for minor arterial	12/12 for 60' ROW; 12/14/12 for 75' ROW	20
Shoulder/Parking (ft)	N/A	N/A	8 (where permitted)	8
Roadway Width Including Bike Lane(ft)	64	78' for 5-lane configuration; 50' for 3-lane configuration	34' for 2-lane configuration; 48' for 3-lane configuration	28' for parking on one side; 34' for parking on both sides
Design Speed (mph)	45	40	35	25
Maximum Grade (%)	5	6	10	15
Minimum Centerline Radius (ft)	1,200	500	300	100
Design Volume (ADT)	40,000	18,000	14,000	3,000
Bike Lane (ft)	N/A	6	5	N/A
Sidewalk (ft)	See Notes	6	5	5
Planter (includes 6-inch curb)	See Notes	5.5 feet (minimum)	5.5 feet (minimum)	5.5 feet (minimum)
Curb and Gutter Required (inches)	Ditch - Variable depending on drainage requirement	30	30	30
Minimum Intersection Curb Radius (ft)	45	35	20	20
<u>Notes:</u>	<ul style="list-style-type: none"> <li>Multi-use Path: 12 ft generally located on side of roadway towards the City Center</li> <li>Sidewalk: 6 ft sidewalk should be constructed on opposite side of the roadway where there is no other alternative for pedestrian traffic.</li> </ul>	<ul style="list-style-type: none"> <li>A larger Minimum Intersection Curb Radius may be required if there is a significant amount of truck traffic.</li> <li>Bike lanes provided where specified in Bicycle Plan, or as part of new construction.</li> </ul>	<ul style="list-style-type: none"> <li>On-street parking may be permitted in residential areas</li> <li>A larger Minimum Intersection Curb Radius may be required if there is a significant amount of truck traffic. 5 ft Bicycle lanes provided in each direction.</li> <li>14ft center lane in industrial or commercial areas.</li> <li>No parking unless insufficient off-street.</li> </ul>	<ul style="list-style-type: none"> <li>Exceptions may be granted when connecting to existing substandard local street improvements.</li> <li>5-foot bike lanes provided where specified in Bicycle Plan, otherwise bicycles share travelway</li> </ul>
<b>As noted in the TSP, standards developed specifically for neighborhood areas (e.g., Russell Drive Neighborhood Refinement Plan) may supersede these standards.</b>				

(See Section 6 of TSP for Figures depicting these typical Street Design Standards.)

## **F. Traffic Signals and Traffic Calming Features**

1. **Traffic-calming features**, such as traffic circles, curb extensions, narrow residential streets, and special paving may be used to slow traffic in neighborhoods and areas with high pedestrian and/or bicycle traffic.
2. **Traffic signals** may be required when traffic signal warrants are met, in conformance with the Highway Capacity Manual, and Manual of Uniform Traffic Control Devices. The location of traffic signals shall be noted on approved street plans. Where a proposed street intersection will result in an immediate need for a traffic signal, a signal meeting approved specifications shall be installed. The developer's cost and the schedule of improvements may be included as a condition of development approval.

## **G. Future Street Plan and Extension of Streets**

1. When a new subdivision or planned development includes the creation of a new street(s), the subdivision proposal must include a proposed street plan as part of the application for the subdivision in order to facilitate orderly development of the street system. The plan shall show the pattern of existing and proposed future streets from the boundaries of the proposed land division and shall include other parcels within 600 feet surrounding and adjacent to the proposed land division. The plan must demonstrate that connectivity can be achieved in a practical manner by connections with potential street extensions within future development on the surrounding and adjacent parcels.
2. **Streets shall be extended** to the boundary lines of the parcel or tract to be developed. These extended streets or street stubs to adjoining properties are not considered to be cul-de-sacs since they are intended to continue as through streets when the adjoining property is developed. The point where the streets temporarily end shall conform to Subsections "a" and "b" below:
  - a. A MUTCD barricade shall be constructed at the end of the street and shall not be removed until authorized by the City or other applicable agency with jurisdiction over the street. The cost of the barricade shall be included in the street construction cost.
  - b. Emergency Vehicle turnarounds (e.g., hammerhead or bulb-shaped configuration) shall be constructed for stub streets in compliance with the Oregon Fire Code and Lebanon Fire District's requirements, as determined by the Fire Code Official.

## **H. Street Alignment and Connections**

1. **Spacing between street intersections** shall have a minimum separation of 300 feet, except where more closely spaced intersections are warranted by site specific considerations.
2. **Through Circulation of Local and Collector Streets:** Unless superseded by a local street network plan, all local and collector streets that abut a development site shall be extended within the site to provide through circulation and connection to abutting streets unless prevented by environmental or topographical constraints, existing development patterns or compliance with other standards in this code.

## **I. Sidewalks, Planter Strips, Bicycle Lanes**

Sidewalks, planter strips, and bicycle lanes shall be installed in conformance with the standards in **Table 16.13.030-2**, applicable provisions of the *Transportation System Plan*, Public Improvement standards, and adopted street plans. Maintenance of sidewalks, and planter strips is the continuing obligation of the adjacent property owner. Also see Chapter 16.12 of this Code, subsections 16.12.040 (*Bicycle Access and Management Requirements*), and 16.12.050 (*Pedestrian Access and Management Requirements*) for further details on Bicycle and Pedestrian pathways.

## **J. Intersection Angles**

Streets shall be laid out so as to intersect at an angle as near to a right angle as practicable, except where topography requires a lesser angle or where a reduced angle is necessary to provide an open space, park, common area or similar neighborhood amenity.

## **K. Existing Rights-of-Way**

Whenever existing rights-of-way adjacent to or within a tract are of less than standard width, additional rights-of-way shall be provided at the time of subdivision or development.

## **L. Cul-de-sacs**

1. The length of a cul-de-sac street shall not exceed 400 feet. However, cul-de-sacs may be up to 600 feet in length with a pedestrian/bicycle accessway to neighboring streets and/or pathways for connectivity that includes a dedicated right-of-way for utilities, and subject to approval of the Lebanon Fire District.
2. The length of a cul-de-sac is measured from the edge of the street right-of-way along the length of the "stem" to the back of the "bulb."
3. All cul-de-sacs of more than 150 feet in length shall terminate with a circular turnaround. Such Emergency Vehicle turnarounds shall be constructed in compliance with the Oregon Fire Code and Lebanon Fire District's requirements.
4. Also see Section 16.12.030.K.7 (Chapter 16.12), and Table 16.13.030-1 (in this Chapter).

## **M. Development Adjoining Arterial Streets**

Where a development adjoins or is crossed by an existing or proposed arterial street, the development design shall separate residential access and through traffic, and shall minimize traffic conflicts. The design shall include one or more of the following:

1. **Parallel access street** along the arterial with a landscape buffer separating the two streets;
2. **Deep lots** abutting the arterial or major collector to provide adequate buffering with frontage along another street (double-frontage lots shall conform to the buffering standards in Section 16.12.030.O (Chapter 16.12) of this Code;
3. **Screen planting** at the rear or side property line to be contained in a non-access reservation (e.g., public easement or tract) along the arterial; or
4. **Other** treatment suitable to meet the objectives of this subsection;

5. If a lot has **access to two streets with different classifications**, primary access shall be from the lower classification street, in conformance with Section 16.12.030.O (Chapter 16.12) of this Code.

#### **N. Private Streets Standards**

1. Private streets shall not be used to avoid connections with public streets.
2. All private streets shall conform to the adopted City Standards for Private Streets, and with the Oregon Fire Code and Lebanon Fire District's requirements.

#### **O. Gated Communities**

Developments that have a gate limiting access from a public street (i.e., a "Gated Community") shall allow unrestricted access for emergency service vehicles and the vehicles of public and private utility providers that service the community.

#### **P. Street Names**

Proposed new street names must conform to City of Lebanon requirements, and with the requirements of the Linn County Sheriff's Office, Emergency Services division. Accordingly, no street name shall be used that will duplicate or be confused with the names of existing streets except for extensions of existing streets. Street names, signs and addresses shall conform to the established City standards in the surrounding area, except as requested by emergency service providers.

#### **Q. Street Signage**

The developer shall be responsible for funding and installing all signs for traffic control and street names. Street name signs shall be installed at all street intersections. Stop signs and other signs may be required. All signage shall conform to the applicable City, County, and State Standards, and be subject to the approval of the appropriate jurisdiction.

#### **R. Mailboxes**

Plans for mailboxes to be installed shall be approved by the United States Postal Service. All such units shall comply with clear vision area restrictions, including appropriate height limitations.

#### **S. Street Light Standards**

Streetlights shall be installed in accordance with City standards.

#### **T. Utility Pedestals**

The plans and locations for all utility Pedestals to be installed shall be subject to the approval of the appropriate jurisdiction. All such units shall comply with clear vision area restrictions, including appropriate height limitations.



***Title 16: City of Lebanon  
Development Code***

ARTICLE THREE  
COMMUNITY DEVELOPMENT AND USE  
STANDARDS

**Chapter 16.14:  
Off-Street Parking and Loading**

**Adopted by City Council on  
December 10, 2008**

**Chapter 16.14:  
Off-Street Parking and Loading**  
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# Chapter 16.14: Off-Street Parking and Loading

## 16.14.010 PURPOSES

### **A. Off-Street Parking, Loading, and Access**

1. These regulations are established in order to provide on-site parking and loading areas and access to such areas of adequate capacity, and appropriate location and design.
2. The parking requirements are intended to provide sufficient parking in close proximity to the various uses for residents, customers, and/or employees; and to maintain traffic carrying capacity of nearby streets.
3. These regulations apply to both motorized vehicles (hereafter referred to as vehicles) and bicycles.
4. For each new structure or use, each structure or use increased in area and each change in the use of an existing structure there shall be provided and maintained off-street parking areas in conformance with the provisions of this section.
5. Off-street parking does not include on-street parking or parking in a public lot.

### **B. Non-Emergency Access**

The provisions in this Chapter regarding “access” refer exclusively to non-emergency access unless otherwise specified.

## 16.14.020 GENERAL PROVISIONS

### **A. Provision and Maintenance**

1. The provision and maintenance of off-street parking spaces for vehicles and bicycles, and loading facilities for vehicles are continuing obligations of the property owner.
2. The subsequent use of property for which the permit is issued shall be conditioned upon the unqualified continuance and availability of the amount of parking required by this Code.

### **B. Plans for Compliance**

A site plan, drawn to scale, and narrative indicating how the off-street parking requirements are to be fulfilled, shall accompany all requests for building permits, and may be required for a variety of land use applications. No building permit or other permit shall be issued until such site plans are submitted and approved.

### **C. Parking for Uses not Specified**

Vehicle and bicycle parking requirements for uses not specified in this Section shall be determined by the Planning Official based upon the requirements of similar uses.

#### **D. New Structures**

When a structure is constructed, on-site vehicle and bicycle parking and loading spaces shall be provided in accordance with Section 16.14.070 below.

#### **E. Alteration of Existing Structures**

1. When an existing structure is altered to the extent that the existing use is intensified (i.e., Changes from a lower to higher Impact Classification), vehicle and bicycle parking shall be provided in the amount required for such intensification.
2. When structural increases require no more than 2 vehicle spaces, no additional vehicle parking facilities shall be required.

#### **F. Change in Use**

1. When an existing structure is changed in use from one use type to another use type (as listed in Section 16.14.070 below) and the vehicle and bicycle parking requirements for each use type are the same, no additional parking shall be required.
2. When a change in use results in an intensification of use in terms of number of vehicle and bicycle parking spaces required, additional vehicle parking space shall be provided in an amount equal to the difference between the number of spaces required for the existing use and number of spaces required for more intensive use.
3. When an owner or occupant of a lot or building changes the use of the property to a use that increases the off-street parking requirements, it is unlawful and a violation of this Code to begin to maintain such altered use until the required increase in off-street parking is provided.

#### **G. Inoperative Motor Vehicles**

In any residential Zone or neighborhood in a Mixed Use Zone, all motor vehicles incapable of movement under their own power or lacking legal registration shall be stored in a garage, carport, or a completely screened space in a side or rear yard.

#### **H. Availability and Exclusive Use of Parking Spaces**

Required parking spaces shall be available and unobstructed for the parking of operable motor vehicles and bicycles for residents, customers, patrons, and employees only and shall not be used for storage of vehicles, trailers, or materials or for the parking of trucks, other vehicles or bicycles used in conducting the business or for repair or servicing of any vehicle or bicycle.

#### **I. Multiple Uses**

1. In the event several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately.
2. Where it can be shown that the peak parking demands are actually less (e.g., the uses create parking demand on different days or at different times of the day), the total requirements may be reduced accordingly provided reasonable evidence is presented by the proponent demonstrating to the Planning Official or hearings authority that such distinct parking demands exist.

## **J. Conflicting Parking Requirements**

When a building or use is planned or constructed in such a manner that more than one standard is applicable, the use that requires the greater number of parking spaces shall govern.

## **K. Joint Use of Parking Spaces and Reductions of Parking Requirements**

- 1. Shared Parking:** Owners of two or more uses, structures or parcels of land may agree to use the same parking spaces jointly when the parking demands do not overlap, provided reasonable evidence is presented by the proponent demonstrating to the Planning Official or hearings authority that there is not adverse impact to the existing or the proposed cooperative parking facility. Shared parking spaces must be within 300 feet of the uses, structures or parcels sharing such parking.
- 2. Parking Reductions:** Shared parking areas satisfying parking requirements may contain a reduced number of individual required parking spaces if peak demands do not occur at the same time periods.

## **L. Fractions**

When the sum of the required vehicle and bicycle parking spaces is a fraction of a space (0.5 or more of a space) a full space shall be required.

## **M. Maximum Parking Allowed**

No site shall be permitted to provide more than 30 percent in excess of the minimum off-street vehicle parking required by Section 16.14.070.

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

1. Parking areas for other than single-family and two-family dwellings shall be served by a service driveway so that no backing movements or other maneuvering within a street other than an alley shall be required.
2. No motor vehicle or bicycle parked off-street shall be permitted to park in a manner that extends into or across a public street.
3. No motor vehicle or bicycle shall be permitted to park in a manner that blocks a public sidewalk or pathway.
4. No motor vehicle or bicycle shall be permitted to park in a manner that extends into or across a public sidewalk or pathway.

### **16.14.030 EARNED PARKING REDUCTIONS**

- A.** The amount of vehicle parking may be reduced by one space for every 8 bicycle parking spaces, not to exceed 10 percent of required vehicle parking spaces.
- B.** The amount of vehicle parking may be reduced by one space for each 4 additional covered bicycle parking spaces provided over the minimum requirement, not to exceed 10 percent of required vehicle parking spaces.
- C.** Both of the above parking reductions may be used on a single development, provided the total reduction does not exceed 15 percent of required vehicle parking spaces.

### **16.14.040 LOCATION STANDARDS FOR PARKING LOTS**

#### **A. Vehicles**

- 1. Off-street parking shall be provided on the development site for all Z-RL, Z-RM, Z-RH, Z-NCM, Z-HCM, Z-MU, Z-NMU, Z-PU and Z-IND Zones.
- 2. Off-street parking areas for commercial and industrial development may be located in a required front or street side yard, if separated from the adjacent street by at least a five-foot landscaped buffer outside of the clear vision triangle (see Subsection 16.12.030.3.H).
- 3. Driveways may be used for off-street parking for single-family and two-family dwellings.
- 4. **Storage:**
  - a. Boats, trailers, detached campers, motorized dwellings, recreational vehicles (RVs), and similar recreational equipment may be stored, subject to the following:
    - (1) The above noted equipment may be stored on a lot as an accessory use to a dwelling provided that storage shall not be permitted in a required front or street side yard.
    - (2) Access to the above noted equipment shall be provided by an approved street access.
    - (3) All such storage shall be on an approved improved surface.
    - (4) The above noted equipment shall not be used for human habitation.
  - b. Required parking shall not be used for the storage of vehicles, boats, trailers, detached campers, motorized dwellings, recreational vehicles (RVs), and similar recreational equipment, or other materials.

#### **B. Bicycles**

Bicycle parking required for all use types in all Land Use Zones shall be provided on the development site in accordance with Section 16.14.070.



## **16.14.050 LANDSCAPING AND VISUAL BUFFERING DESIGN STANDARDS FOR PARKING LOTS**

Parking lots shall be provided with landscaping as provided in Chapter 16.15 and other suitable devices in order to divide the parking lot into sub-units to provide for pedestrian safety, traffic control, and to improve the appearance of the parking lot.

## **16.14.060 DESIGN AND IMPROVEMENT REQUIREMENTS FOR PARKING LOTS**

### ***A. Hard All-Weather Surface***

All parking areas and driveway approaches shall have a hard all-weather surface and shall meet the minimum City Standard Improvement requirements or an alternative approved by the City Engineer.

### ***B. Grading***

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

### ***C. Marking***

Service drives and parking spaces on surfaced parking lots shall be clearly and permanently marked, per adopted Public Works standards.

### ***D. Streets, Sidewalks and the Design of Parking Lots and Spaces***

1. Parking lots and spaces shall be designed such that motor vehicles or bicycles parked off-street are able to park in a manner that does not extend into or across a public street.
2. Parking lots and spaces shall be designed such that motor vehicles or bicycles are able to park in a manner that does not block a public sidewalk or pathway.
3. Parking lots and spaces shall be designed such that motor vehicles are able to park in a manner that does not extend into or across a public sidewalk or pathway.

### ***E. Turning Movements and Parking Lot Design***

Turning movements shall meet the minimum standards of AASHTO. Design for parking areas shall be reviewed and approved by the City Engineer (as per the City's Site Design Review Process).

### ***F. Driveway Widths***

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

### **G. Outer Boundaries of a Parking Area**

1. Parking spaces along the outer boundaries of a parking area shall include improvements such as a curb or bumper so placed to prevent a motor vehicle from extending over adjacent property or public right-of-way.
2. Those areas not paved shall be landscaped.

### **H. Service Driveways to Off-Street Parking Areas**

1. Service driveways to off-street parking areas shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress, and maximum safety of pedestrian and vehicular traffic on the site.
2. The number of service driveways shall be limited to the minimum that will allow the property to accommodate and service the traffic anticipated, as specified in Section 16.14.080 below.
3. Service driveways shall be located as far from an intersection as possible, unless otherwise approved by the City Engineer.

### **I. Off-Street Parking Areas Within or Abutting Residential Zones**

All off-street parking areas within or abutting residential zones shall be provided with both of the following:

1. Sight-obscuring fence, wall or hedge as approved by the Planning Official to minimize disturbances to adjacent residents. The minimum height for this fence, wall or hedge shall be five feet.
2. Five foot landscaped buffer in addition to the fence, hedge, or wall as required above.

### **J. Lighting of Off-Street Parking Facilities**

Per Section 16.19.050 (in Chapter 16.19), exterior lighting shall be designed, constructed, located, shielded, and directed in such a manner so as to not face directly, shine, or reflect glare onto an adjacent residences, streets, and other land uses. Also see Airport Overlay Zones (in Chapter 16.11) for additional lighting standards for that zone.

## 16.14.070 OFF-STREET PARKING REQUIREMENTS FOR MOTOR VEHICLES AND BICYCLES

The number of required parking spaces for each use category shall be determined by criteria appropriate for that usage as specified below, and then applied in Table 16.14.070-1, Subsection 16.14.070.B.

### A. *Criteria Used in Determining Parking Requirements*

The criteria used include the following:

#### 1. **Number of Dwelling Units**

#### 2. **Square Footage of a Facility or Building**

Unless otherwise noted, when square feet are specified, the area measured shall be the net floor area of the building's primary use, but shall exclude any space within a building used for off-street parking, loading, or service functions not primary to the use. For example, net floor area for a restaurant is limited to the dining area.

#### 3. **Capacity or Number of Persons**

When the requirements are based on the number of: **a. Employees** -- it shall be determined on the basis of the number of persons working on the premises during the largest shift at peak season; **b. Sleeping Facilities or Beds Provided** -- it shall be determined on the basis of the maximum number of persons to be accommodated or beds available.

#### 4. **Persons at Maximum Occupancy**

The number used shall be determined on the basis of the maximum occupancy for the facility allowed by the Fire Marshal.

#### 5. **Schools**

**a. Elementary, Middle or Junior High School, and High Schools:** For elementary, middle or junior high school, and high schools, the number used shall be that of the standard specified in the following table. The maximum "seating" capacity, if there is no fixed seating in the "auditorium" with the largest capacity (e.g., gymnasium or assembly room), shall be determined on the basis of the maximum occupancy for the facility allowed by the Fire Marshal. Capacity may be posted for at least three different configurations: tables and chairs, rows of chairs, and primarily open for events such as dances. It is noted that maximum capacity of such a facility with no fixed seating may be based on events that do not have seating (e.g., a dance rather than an assembly with chairs and tables). Likewise, a gymnasium may have benches that are "relatively fixed" but that can be rolled up to make the area available for an event such as a dance. Furthermore, even facilities with "fixed" or "relatively fixed" seating (benches, bleachers) may have additional chairs set up on the main "playing floor" as is often the case with a school gymnasium. In such cases, "maximum capacity" will be based on the configuration that is conducive to the highest number of persons allowed by the Fire Marshal.

**b.** For Colleges or commercial schools for adults, the number used shall be based on the number of classrooms in the facility.

**B. Space Requirements for Off-Street Parking (Table 16.14.070-1)**

Space requirements for off-street parking shall be as listed in this section in **Table 16.14.070-1**.

<b>Table 16.14.070-1: Off-Street Parking Requirements for Motor Vehicles and Bicycles by Types of Uses</b>		
<b>Use</b>	<b>Vehicle Parking Spaces</b>	<b>Bicycle Parking Spaces</b>
<b>1. Residential</b>		
(a) One/two family dwellings	2 spaces per dwelling unit	None required
(b) Multiple Family Dwellings	2.25 spaces/unit <sup>1</sup>	0.5 spaces per unit
(c) Senior-Citizen apartments	1 space per bedroom	2 percent of required vehicle parking, or 4 spaces, whichever is greater
(d) Rooming or boarding house	Spaces equal to 80 percent of the number of guest accommodations plus one additional space for the owner or manager.	1 space for every 5 guest rooms, or 4 spaces, whichever is greater.
(e) Manufactured Home Park	2 spaces per dwelling, plus 1 visitor space for each 10 dwelling spaces	None required
<b>2. Commercial Residential</b>		
(a) Hotels and Motels	1 space per guest room or suite, plus 1 additional space for every 2 employees.	1 space for every 20 units, or 4 spaces, whichever is greater.
(b) Bed and Breakfasts	1 space for every 2 bedrooms	None required
<b>3. Institutional/Group Care/Group Residential</b>		
(a) Correctional institutions	1 space for each 6 persons for whom sleeping facilities are provided	1 space for every 3 employees, or 4 spaces, whichever is greater.
(b) Group Care Facilities, such as convalescent hospitals, nursing homes, and sanitariums	1 space for each 3 persons for whom sleeping facilities are provided	1 space for every 20 persons for whom sleeping facilities are provided, or 4 spaces, whichever is greater.
(c) Group residential facilities such as retirement homes, and intermediate care & assisted living facilities	Same as Group Care Facilities.	Same as Group Care Facilities.
(d) Hospitals	2 spaces per bed.	Same as Group Care Facilities.

<sup>1</sup> Includes 1 visitor space for every 4 units.

<b>4. Civic Use and Places of Public Assembly</b>		
<b>Use</b>	<b>Vehicle Parking Spaces</b>	<b>Bicycle Parking Spaces</b>
(a) Religious Assembly (See Glossary)	1 space per 4 seats or 8 feet of bench length in the main auditorium, or 1 space for each 35 sq. ft. of floor area of main "auditorium" not containing fixed seats, whichever is greater.	1 space for every 40 persons at maximum occupancy or 4 spaces, whichever is greater.
<b>Schools, Libraries, Museums, Art Galleries:</b>		
(b) Library, Reading Room, Museum, Art Gallery	1 space per 200 sq. ft of net floor area	20 percent of required vehicle parking or 8 spaces, whichever is less
(c) Pre-school, nursery, kindergarten, Childcare	2 spaces per classroom	10 percent of required vehicle parking
(d) Elementary school	2 spaces per classroom, or 1 space per 4 seats or 8 ft. of bench length (or maximum seating capacity if no fixed seating) in the "auditorium" with the largest capacity (e.g., gymnasium), whichever is greater.	4 spaces per classroom
(e) Middle, or junior high school	3 spaces per classroom, or 1 space per 4 seats or 8 ft. of bench length (or maximum seating capacity if no fixed seating) in the "auditorium" with the largest capacity (e.g., gymnasium), whichever is greater.	4 spaces per classroom
(f) High school	6 spaces per classroom, or 1 space per 4 seats or 8 ft. of bench length (or maximum seating capacity if no fixed seating) in the "auditorium" with the largest capacity (e.g., gymnasium), whichever is greater.	2 spaces per classroom
(g) College, Vocational, or commercial school for adults	6 spaces per classroom	2 spaces per classroom
<b>Other:</b>		
(h) Lodge, Fraternal, and Civic Assembly, and other public assembly or meeting rooms	For that area without eating or drinking facilities - 1 space for each 4 fixed seats (18 lineal inches of bench shall be considered 1 seat). For that area with eating or drinking facilities - 1 space per 4 fixed seats or stools and one space for each 50 sq. ft of dining or drinking area where there are no fixed seats. <b>[See Section 16.14.2.9]</b>	1 space for every 20 persons at maximum occupancy, or 4 spaces, whichever is greater.
(i) Civic Uses, including such Governmental functions as Administrative Services (e.g., City Hall), and Public Safety Services (e.g., Police, Fire)	1 space per 400 sq. ft. of office floor area, and 1 space per each sleeping accommodation for Public Safety Services staff. <b>[See Section 16.14.2.9]</b>	1 space for every 10 employees, or 4 spaces, whichever is greater.
(j) Civic Uses/ Governmental functions including Court Rooms and other assembly areas (e.g., City Council, Planning Commission meeting rooms)	1 space per 4 seats or 8 ft. of bench length in the main auditorium, whichever is greater.	10 percent of required vehicle parking, or 4 spaces, whichever is greater.
(k) Public Parks with recreational facilities and equipment (e.g., ball fields & courts, skate parks, children's playground equipment, etc.). No parking required for passive parks, unless otherwise specified in the adopted Parks Master Plan.	Unless otherwise defined by the adopted Parks Master Plan, 1 space per 500 sq. ft. of the largest net developed area (baseball field, basketball court, tennis courts, skate park, children's playground equipment area, etc.) in the park.	20 percent of required vehicle parking or 8 spaces, whichever is less

<b>5. Commercial Entertainment</b>		
<b>Use</b>	<b>Vehicle Parking Spaces</b>	<b>Bicycle Parking Spaces</b>
(a) Stadium, arena, theater	1 space per 4 seats or 8 feet of bench length.	1 space for every 40 persons at maximum occupancy, or 4 spaces, whichever is greater.
(b) Bowling alley	5 spaces per lane plus 1 space per two employees.	10 percent of required vehicle parking, or 4 spaces, whichever is greater
(c) Skating Rink, Sport or Fitness Center, Swimming Facility, Dance Hall	4 spaces per 1000 sq. ft. of net recreation area	10 percent of required vehicle parking, or 4 spaces, whichever is greater
<b>6. Commercial</b>		
(a) Retail stores (except supermarkets and stores selling bulky merchandise) and grocery stores	4 spaces per 1000 sq. ft. of net floor area	5 percent of required vehicle parking, or 4 spaces, whichever is greater
(b) Supermarkets	1 space per 400 sq. ft. of net floor area	5 percent of required vehicle parking, or 4 spaces, whichever is greater
(c) Service or repair shops	3 spaces per 1000 sq. ft. of net floor area	5 percent of required vehicle parking, or 4 spaces, whichever is greater
(d) Retail stores and outlets selling furniture, automobiles, or other bulky merchandise, when shown that bulky merchandise occupies 51% or more of the net floor area	1.5 spaces per 1000 sq. ft. of net floor area	2.5 percent of required vehicle parking, or 4 spaces, whichever is greater
(e) Office or other commercial flex space (except medical and dental)	3 spaces per 1000 sq. ft. of net floor area	2 percent of required vehicle parking, or 4 spaces, whichever is greater
(f) Bank or other financial institutions	4 spaces per 1000 sq. ft. of net floor area	2 percent of required vehicle parking, or 4 spaces, whichever is greater
(g) Medical and dental office or clinic area	4 spaces per 1000 sq. ft. of net floor area	2 percent of required vehicle parking, or 4 spaces, whichever is greater
(h) Eating or drinking establishments (e.g., sit-down and carry-out restaurants, lounges, nightclubs, taverns, bars)	1 space per 4 fixed seats or stools (18 lineal inches of bench shall be considered one seat) and 1 space for each 50 sq. ft. of dining or drinking area where there are no fixed seats	5 percent of required vehicle parking, or 4 spaces, whichever is greater
(i) Eating or drinking establishments with drive-thru facilities (Fast Food)	10 spaces per 1000 sq. ft. of net floor area	5 percent of required vehicle parking, or 4 spaces, whichever is greater
(j) Mortuaries, Crematory and Undertaking [Interring and Cemeteries are exempt]	1 space/4 seats or 8 ft of bench length in chapels	Minimum of 4 spaces

<b>7. Industrial</b>		
<b>Use</b>	<b>Vehicle Parking Spaces</b>	<b>Bicycle Parking Spaces</b>
(a) Limited Manufacturing (See Glossary)	1 space per 400 sq. ft of net floor area, or 1 space per employee on the largest shift, whichever is greater.	5 percent of required vehicle parking, or 4 spaces, whichever is greater
(b) Technological Production, General Industrial, Intensive Industrial	1 space per 800 sq. ft of net floor area, or 1 space per employee on the largest shift, whichever is greater.	5 percent of required vehicle parking, or 4 spaces, whichever is greater
(c) Storage warehouse Wholesale Establishment, Rail or Trucking Freight Terminal.	1 space per 1000 sq. ft of net floor area, or 1 space per employee on the largest shift, whichever is greater.	5 percent of required vehicle parking, or 4 spaces, whichever is greater
<b>8. Parking Requirements for Uses not Specified</b>		
Any use not specifically listed in this section shall have vehicle and bicycle parking requirements determined by the Planning Official, based on the parking space requirements for comparable uses listed in this section. The decision of the Planning Official may be appealed to the Planning Commission, using procedures provided in this Code.		
<b>9. Parking Lots and Bicycle Parking Spaces</b>		
All public parking lots and parking structures shall provide a minimum of one bicycle parking space for every 10 motor vehicle parking spaces.		
<b>10. Downtown Parking</b>		
<b>Bicycle Parking:</b> Within the Central Business Commercial Zone (Z-CCM), bicycle parking for customers shall be provided as per the provisions of the most current Lebanon Downtown Plan.		
<b>Vehicular Parking:</b> There shall be no required parking for retail commercial uses in the downtown area [the Z-CCM Zone].		

## **16.14.080 STANDARDS FOR MANEUVERING AND ACCESS FROM OFF-STREET PARKING**

### **A. Introduction**

1. All off-street parking facilities, vehicular maneuvering areas, driveways, loading facilities, accessways, and private streets shall conform to the standards set forth in this Section.
2. These facilities shall be designed and constructed in accordance with the standards established by the City Engineer.
3. Additional Access Standards are contained in Chapter 16.12 of this code, and should be also consulted for applicability for each development proposal.
4. An approved engineered site plan and the relevant permits are required to construct parking, loading, and access facilities, except for single detached, duplexes, single attached, attached duplexes, and manufactured dwellings on individual lots.

### **B. Vehicular Access to City Streets and Alleys**

#### **1. Turnaround Areas**

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

#### **2. Access Location and Design**

- a. Location and design of all accesses to and/or from City streets are subject to review and approval by the City Engineer.
- b. Access spacing on collector and arterial streets, and at controlled intersections, shall be determined based on the policies and standards in the *City's Transportation System Plan, City Public Improvement standards, as well as Manual for Uniform Traffic Control Devices*.
- c. Exceptions may be granted by the City Engineer.
- d. Evaluations of exceptions shall consider posted speed of the street on which access is proposed, constraints due to lot patterns, and effects on safety and capacity of the adjacent public street, bicycle and pedestrian facilities.

#### **3. Access Points**

See Chapter 16.12.

#### **4. Redevelopment and Re-evaluation of Access Points**

- a. When developed property is to be expanded or altered in a manner that significantly<sup>2</sup> affects on-site parking or circulation, both existing and proposed accesses shall be reviewed under the standards in Subsections "2" and "3" above.
- b. As a part of an expansion or alteration approval, the City may require relocation and/or reconstruction of existing accesses not meeting those standards.

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<sup>2</sup> Significant in this context means (a) a need for greater parking, and/or (b) increased traffic flows.



### **C. Vision Clearance at Access**

The standards for the clear vision area are set forth in Chapter 16.12, Subsection 16.12.030.H.

## **16.14.090 SPECIAL PARKING REQUIREMENTS**

### **A. Group Care Facilities and Other Similar Facilities**

The number of spaces required may be modified for uses such as group care facilities where it can be demonstrated that automobile use or ownership is significantly lower than the standards listed above. Reductions may be granted by the review authority if the site design provides a correspondingly sized area reserved for parking expansion (e.g., as open space) should the reduced number of parking spaces prove inadequate in actual practice.

### **B. Other Parking Reductions**

An applicant for Industrial, Commercial and Multi-Family developments may request a reduction in required parking spaces if the applicant can demonstrate that in another location within the City of Lebanon or in another city similar demographically to Lebanon such a facility has lower parking demands than the standards listed above. Reductions may be granted by the review authority if the site design provides a correspondingly sized area reserved for parking expansion (e.g., as open space) should the reduced number of parking spaces prove inadequate in actual practice. Such open space reserves for parking may not also be part of the minimum required Open Space for the development.

## **16.14.100 PARKING SPACE SIZES**

### **A. Variations in Parking Lot Design**

Parking space sizes vary as a function of parking lot design. The City Parking standards contain the details of requirements for size of spaces, and address variations based on the details and geometry of parking lot design (available from the City Engineer).

### **B. Standard Parking Space**

A standard parking space is generally a minimum of 9 feet wide and 19 feet deep (see City Parking standards for design requirements for different configurations).

### **C. Compact Car Parking Space**

1. A standard compact car parking space is generally a minimum of 8.5 feet wide and 17 feet long (see City Parking standards for design requirements for different configurations).
2. Up to 20% percent of the required parking spaces may be reduced in size for the accommodation of compact cars.
3. Compact car spaces should be located near the entrance to any lot or aisle. Compact sized parking spaces shall be signed and clustered.

### **16.14.110 STANDARDS FOR OFF-STREET LOADING FACILITIES**

Proposed Commercial Entertainment, Commercial, Public Facilities, and Industrial development (listed in **Table 16.14.070-1**) must demonstrate the adequacy of on-site loading and unloading facilities, including all maneuvering areas. Dedicated loading/unloading facilities shall be screened as per the provisions of this Code. Off-street loading space shall be provided as listed below:

#### **A. Commercial Office Buildings**

Commercial office buildings shall require a minimum loading space size of 12 feet wide, 20 feet long and 14 feet high in the following amounts:

1. For buildings over 5,000 square feet of net floor area, 1 space.
2. For each additional 40,000 square feet of net floor area, or any portion thereof, 1 space.

#### **B. Other Commercial or Industrial Buildings**

All other commercial or industrial buildings shall require a minimum loading space of 12 feet wide, 30 feet long, and 14 feet high in the following amount:

1. For buildings containing over 5,000 square feet of net floor area, 1 space.
2. For each additional 40,000 square feet of net floor area, or any portion thereof, 1 space.

### **16.14.120 STANDARDS FOR BICYCLE ACCESS AND PARKING**

#### **A. Introduction**

1. All bicycle parking facilities required in conjunction with development shall conform to the standards set forth in this section.
2. Bicycle parking shall be located on site with safe, convenient access to the public right-of-way.
3. Bicycle parking shall be located in a manner that is consistent with the requirements of both the adopted Building Code and Oregon Fire Code.

#### **B. Location**

1. Safe, well-lit and convenient pedestrian access shall connect the bicycle parking area to the main entrance of the principle use of the site.
2. If the bicycle parking area is located within the vehicle parking area, the bicycle facilities shall be separated from vehicular maneuvering areas by curbing or other barrier to prevent damage to parked bicycles.
3. Curb cuts shall be installed to provide safe, convenient access to bicycle parking areas.
4. Where bicycle parking facilities are not directly visible and apparent from the public right-of-way, entry and directional signs shall be used to direct bicyclists to the bicycle parking facility.
5. Bicycle parking facilities shall be placed within 50 feet of the main entrance of a building, or not farther than 50 feet from an entrance if several entrances exist.

6. For security and convenience purposes, bicycle-parking facilities shall be located in well-lit areas visible to the adjacent sidewalks and/or vehicle parking areas within the site.
7. If the bicycle parking facility is in a public right-of-way, a clear passageway of at least 5 feet in width for pedestrians shall be included.

### **C. Dimensions**

1. Bicycle parking spaces shall be a minimum of 6 feet in length and 2 feet in width.
2. Overhead clearance in covered areas shall be at least 7 feet.
3. A minimum 5-foot wide aisle shall be provided beside or between each row of bicycle parking.

### **D. Rack/Enclosure Standards**

1. Bicycle parking facilities shall consist of either a lockable enclosure (locker) in which the bicycle is stored or a stationary object (rack) to which the bicycle may be locked.
2. Lockers and racks shall be securely anchored to the pavement or a structure.
3. Racks requiring user-supplied locks shall accommodate both cable and U-shaped locks. Racks shall be designed and installed to permit the frame and both wheels to be secured.
4. Bicycle racks shall be designed to hold bicycles securely by means of the frame, in a manner that will not cause damage to the wheels.

### **E. Covering (Roofing)**

1. All required bicycle parking must be covered, unless more than 8 spaces are required, in which case half of the total may be uncovered as long as a minimum of 8 spaces are covered.
2. Covering for bicycle parking facilities shall be permanent and shall provide protection from weather.
3. Covering may be provided by an independent outdoor structure, a parking garage, a wide roof overhang, or a wide awning, or other suitable protective covering. Bicycle parking facilities may also be located within buildings in secure, well lit and accessible spaces, provided the other requirements of this section are met.

### **F. Lighting**

1. For security and convenience purposes, lighting shall be provided in bicycle parking areas such that all facilities are thoroughly illuminated and visible from adjacent sidewalks and/or vehicle parking areas during all hours of use.
2. As noted in Section 16.19.050 (Chapter 16.19), exterior lighting shall be designed, constructed, located, shielded, and directed in such a manner so as to not face directly, shine, or reflect glare onto an adjacent residences, streets, and other land uses. Also see Airport Overlay Zones (in Chapter 16.11) for additional lighting standards for that zone.

***Title 16: City of Lebanon  
Development Code***

ARTICLE THREE  
COMMUNITY DEVELOPMENT AND USE  
STANDARDS

**Chapter 16.15:  
Landscaping, Street Trees, Fences  
& Walls**

**Adopted by City Council on  
December 10, 2008**

**Chapter 16.15:**  
**Landscaping, Street Trees, Fences & Walls**

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# Chapter 16.15: Landscaping, Street Trees, Fences & Walls

## 16.15.010 INTRODUCTION

Natural vegetation, landscaping, street trees, fences, and walls, together, these elements of the natural and built environment contribute to the visual quality, environmental health, and character of the community. Trees provide climate control through shading during summer months and wind screening during winter. Trees and other plants can also buffer pedestrians from traffic. Walls, fences, trees, and other landscape materials also provide vital screening and buffering between land uses. Landscaped areas help to control surface water drainage and can improve water quality, as compared to paved or built surfaces. A well landscaped and maintained yard or property promotes a sense of community wellbeing.

## 16.15.020 LANDSCAPING AND SCREENING

### A. *Applicability and Purpose*

#### 1. Applicability

- a. Unless otherwise noted in a Subsection, all **new development** and **significant redevelopment** on sites containing landscaped areas shall comply with the Landscaping and Screening standards of this Chapter.
- b. For purposes of this Chapter, **significant redevelopment** shall include those developments requiring an Administrative Review or a Quasi-Judicial Review.

#### 2. Purpose

The purpose of this Chapter is to promote community health, safety, and welfare by establishing landscaping and screening standards and regulations for use throughout the City. The regulations address materials, placement, layout, and timing of installation. The City recognizes the ecological and economic value of landscaping and requires the use of landscaping and other screening or buffering to:

- a. Promote the re-establishment of vegetation for aesthetic, health, erosion control, flood control and wildlife habitat reasons.
- b. Restore native plant communities and conserve irrigation water through establishment, or re-establishment, of native, drought-tolerant plants.
- c. Mitigate for loss of native vegetation.
- d. Establish and enhance a pleasant visual character which recognizes aesthetics and safety issues.
- e. Promote compatibility between land uses by reducing the visual, noise, and lighting impacts of specific development on users of the site and abutting sites or uses.
- f. Unify development and enhance and define public and private spaces.
- g. Promote the retention and use of existing vegetation.
- h. Aid in energy conservation by providing shade from the sun and shelter from the wind.



- i. Screen from public view the storage of materials that would otherwise be considered unsightly.
- j. Create proper sight distance clearance, maintain existing viewscape and promote other safety factors by effective landscaping and screening.
- k. Encourage the installation of landscaping materials that minimize the need for excessive use of fertilizers, herbicides and pesticides, irrigation, pruning, and mowing to conserve and protect natural resources, wildlife habitats, and watersheds.

## **B. Landscape Conservation**

### **1. Applicability**

The Landscape Conservation standards of this Section (16.15.020) shall apply to all new development and significant redevelopment on sites containing landscaped areas and existing significant vegetation, as defined below. The purpose of this Section is to incorporate significant native vegetation into the landscapes of development and protect existing significant vegetation. The use of mature, native vegetation within developments is a preferred alternative to removal of vegetation and re-planting. Mature landscaping and established ground cover provide summer shade and wind breaks, controls erosion, and allows for water conservation due to larger plants having established root systems.

### **2. Significant Vegetation**

“Significant vegetation” means individual trees that have a minimum caliper of 12 inches for deciduous trees, and 18 inches for evergreens (at 4 1/2 feet above grade), except that protection shall not be required for plants listed as non-native, invasive plants by the Oregon State University (OSU) Extension Service in the applicable OSU bulletins for Linn County, and plants listed by the City as noxious weeds, invasive plants (Lebanon Municipal Code --LMC --Chapter 8.13), and prohibited street trees and landscape plants.

### **3. Mapping and Protection Required**

As required by the Planning Official, significant vegetation shall be mapped on site plans of properties that are subject to development application and review. Significant trees shall be mapped individually and identified by species and diameter or caliper at 4 1/2 feet above grade. A “protection” area shall be defined generally as the area around the edge of all branches (drip-line) of each tree, or the root zone when deemed appropriate. Drip lines may overlap between trees. The City also may require an inventory, survey, or assessment prepared by a certified arborist or certified landscape professional when necessary to determine construction boundaries, building setbacks, and other protection or mitigation requirements. The City may require the tree inventory to include existing elevation data for the development site and each significant tree.

#### **4. Protection Standards**

Significant trees identified as meeting the criteria in Subsection 16.15.020.B.2 above, should be retained to the extent practicable on sites with new development and significant redevelopment to minimize risks, such as erosion, landslide, and stormwater runoff. Where protection is impracticable because it would prevent reasonable development of public streets, utilities, or land uses (including off-street parking) permitted by the applicable land use zone, the City may allow removal of significant vegetation from the development site. Where other areas must be disturbed to install streets or utilities, the applicant may be required to restore such areas after construction with landscaping or other means to prevent erosion and to protect the public health, safety, and welfare. With the owner's consent, the City may accept a land dedication or become a party to a conservation easement on private property to preserve significant vegetation.

#### **5. Construction**

All significant on-site vegetation that has not otherwise been designated and approved by the City for removal shall be protected prior to, during, and after construction in accordance with a limit-of-clearing and grading plan approved by the City. The City may limit grading activities and operation of vehicles and heavy equipment in and around significant vegetation areas to prevent erosion, pollution, or landslide hazards.

#### **6. Exemptions**

The protection standards in Subsections 16.15.020.B.4 and 16.15.020.B.5 shall not apply to:

- a. Non-Significant Vegetation: Non-significant vegetation may be removed at will by property owners.
- b. Dead or Diseased Significant Vegetation: Dead or diseased significant vegetation as designated by a certified arborist may be removed.
- c. Hazardous Vegetation and Other Emergencies: Significant vegetation may be removed when the vegetation poses an immediate threat to life, safety or property, or the vegetation must be removed for other reasons of emergency (e.g., fallen over road or power line, blocked drainage way, or similar circumstance).
- d. Utility Clearance. As per provisions of the City and in accordance with agreements between the City and utility providers.
- e. Invasive Weeds/Vegetation: All invasive species of plants as described in LMC 8.13.

#### **7. Priority of Other Lebanon Municipal Code Sections**

Nothing in this Chapter is intended to supersede or void the requirements of LMC Chapter 8.12 Tall Weeds and Grass, or other chapters governing height, placement, or other relevant processes concerning type of landscaping, screening or fencing.

#### **8. Placement of Landscape Features and Public Fire Hydrants**

Trees and large shrubs may not be planted within ten (10') feet of an existing public fire hydrant. Other landscaping features may not be placed closer than three (3') of an existing public fire hydrant.

## **C. Landscaping and Screening Standards.**

### **1. Overview**

The subsections listed below list the different landscaping and screening standards to be applied throughout the City. The locations where the landscaping and screening are required as well as the required dimensions of landscaping and screening are noted in this Section and in various other places in the Code.

### **2. Applicability**

#### **a. General Provisions**

- (1)** All landscaping and screening required by this Code must comply with all of the provisions of this Section, unless specifically waived or granted a Variance as otherwise provided in the Code.
- (2)** The landscaping standards are minimum requirements; higher standards are encouraged as long as fence and vegetation height limitations are met. Where the standards set a minimum based on square footage or linear footage, they shall be interpreted as applying to each complete or partial increment of area or length (e.g., a landscaped area of between 800 and 1600 square feet shall have two trees if the standard calls for one tree per 800 square feet).
- (3)** Provisions for landscaping, screening and maintenance are a continuing obligation of the property owner.
  - (a)** All areas of a development site, including street abutting front and side yards (to structure) and parking lots, as well as the designated open space of all multi-family dwellings (exclusive of walks, drives, parking areas and buildings) shall be landscaped and permanently maintained.
  - (b)** All land surface areas of a development site shall be either in **(i)** buildings, walkways, paved parking, or in **(ii)** landscaped areas which may include lawns.

#### **b. Landscape Areas**

- (1)** The required front and street side yards of single family residential lots shall be landscaped. For industrial, commercial and multi-family housing, the site area, excluding building foot prints and, impervious surfaces, shall be landscaped.
- (2)** Parking Lots: Parking lots shall have landscaped islands (that include trees) at the ends of parking rows at a minimum to facilitate movement of traffic and to break large areas of parking surface. Open parking areas should include landscaping and trees distributed throughout, and long rows (30 or more spaces) of parking spaces shall be interrupted by landscape breaks.
- (3)** Planting areas shall be encouraged adjacent to structures.
- (4)** Landscaping should be used to define, soften or screen the appearance of buildings and off-street parking areas.
- (5)** The installation of native plant materials shall be used whenever practicable.

**c. Site Plans Indicating Landscape Improvements**

Site plans indicating landscape improvements shall be included with the plans submitted to the Planning Official or Planning Commission for approval.

**d. Significant Existing Vegetation**

Significant existing trees and special site features shall be considered for preservation within a project site to the fullest extent practical.

**e. Completion of Landscape Installation**

Issuance of a building permit includes these required improvements. The improvements shall be completed before issuance of a certificate of occupancy, or other arrangements have been made and approved by the City (e.g., executed landscape plan and contract).

**f. Buffering and Screening Required for Parking Lots and Service Areas**

Buffering and screening are required under the following conditions, except for single family dwellings:

**(1) Parking/Maneuvering Area Adjacent to Buildings**

- (a)** Where a parking or maneuvering area, or driveway, is adjacent to a building, the area shall be separated from the building by a curb or landscaped strip and a raised walkway, plaza, landscaped buffer not less than 5 feet in width, or other approved structure or feature.
- (b)** Raised curbs or landscaped strips, bollards, wheel stops, or other design features shall be used to protect pedestrians, landscaping, and buildings from being damaged by vehicles.
- (c)** At a minimum, where parking areas are located adjacent to residential ground-floor living space, a 4-foot wide landscape buffer with a curb, or other approved structure or feature.
- (d)** Parking lots shall be screened from abutting residential land uses by fencing, walls, landscaping, or a combination thereof adequate to provide privacy and separation for the abutting land use.
- (e)** Where parking areas project into required yards, the remaining yard shall be landscaped to provide screening of the parking area.

**(2) Screening of Mechanical Equipment, Outdoor Storage, Service and Delivery Areas, and Other Screening When Required**

For commercial, industrial, and multi-family development, all ground level mechanical equipment, outdoor storage and manufacturing, and service and delivery areas, shall be screened from view from all public streets and adjacent residential properties.

## 16.15.030 LANDSCAPING AND SCREENING DESIGN OPTIONS

Unless the review authority stipulates one of the following options as a condition of approval, **applicants may select one of the following landscape options** (Subsections 16.15.030.A thru 16.15.030.G). The review authority may amend the following options during the review process (e.g., PD, CU, AR) without going through a variance process.

### A. General Landscaping Standard

#### 1. Intent

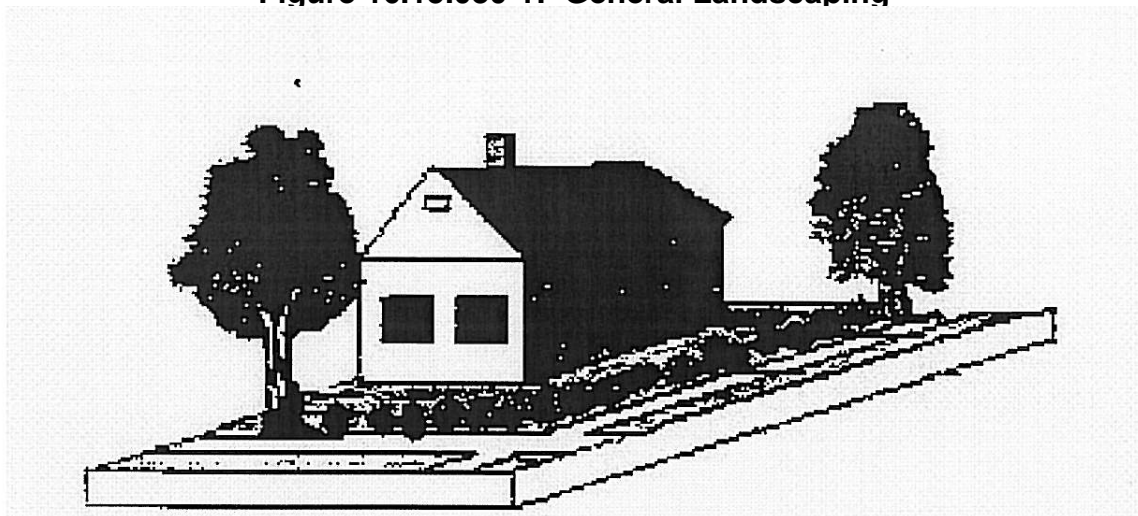
The General Landscaping Standard is a landscape treatment for areas that are generally open. It is intended to be applied in situations where distance is used as the principal means of separating uses or developments and landscaping is required to enhance the intervening space. Landscaping may include a mixture of ground cover, evergreen and deciduous shrubs, and coniferous and deciduous trees.

#### 2. Required Materials

Shrubs and trees, other than street trees, may be grouped. Ground cover plants must fully cover the remainder of the landscaped area (see **Figure 16.15.030-1: General Landscaping**). The General Landscaping Standard has two different requirements for trees and shrubs:

- a. Where the landscaped area is less than 30 feet deep, one tree is required for every 30 linear feet.
- b. Where the landscaped area is 30 feet deep or greater, one tree is required for every 800 square feet and two high shrubs or three low shrubs are required for every 400 square feet.

**Figure 16.15.030-1: General Landscaping**



## **B. Low Screen Landscaping Standard**

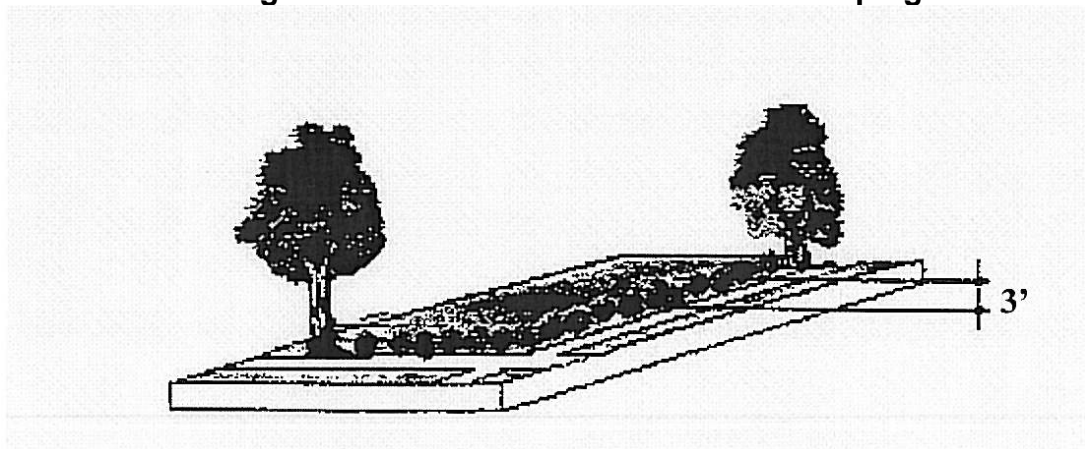
### **1. Intent**

The Low Screen Landscaping Standard is a landscape treatment that uses a combination of distance and low screening (36" in height) to separate uses or developments. It is intended to be applied in situations where low screening is adequate to soften the impact of one use or development on another, or where visibility between areas is more important than a total visual screen. The Low Screen Landscaping Standard is usually applied along street lot lines or in the area separating parking lots from street rights-of-way. A Low Screen landscaped buffer may not be less than 5 feet in width.

### **2. Required Materials**

- a. The Low Screen Landscaping Standard requires sufficient low shrubs to form a continuous screen three (3) feet high and sight-obscuring, year-round.
- b. In addition, one tree is required for every **30** linear feet of landscaped area, or as otherwise required to provide a tree canopy over the landscaped area. Ground cover plants or other approved landscaping treatments must fully cover the remainder of the landscaped area.
- c. A three (**3**) foot high masonry wall or a berm may be substituted for the shrubs, but the trees and ground cover plants are still required.
- d. When applied along street lot lines, the screen or wall is to be placed along the interior side of the landscaped area. (See **Figure 16.15.030-2: Low Screen Landscaping**).

**Figure 16.15.030-2: Low Screen Landscaping**



## C. High Screen Landscaping Standard

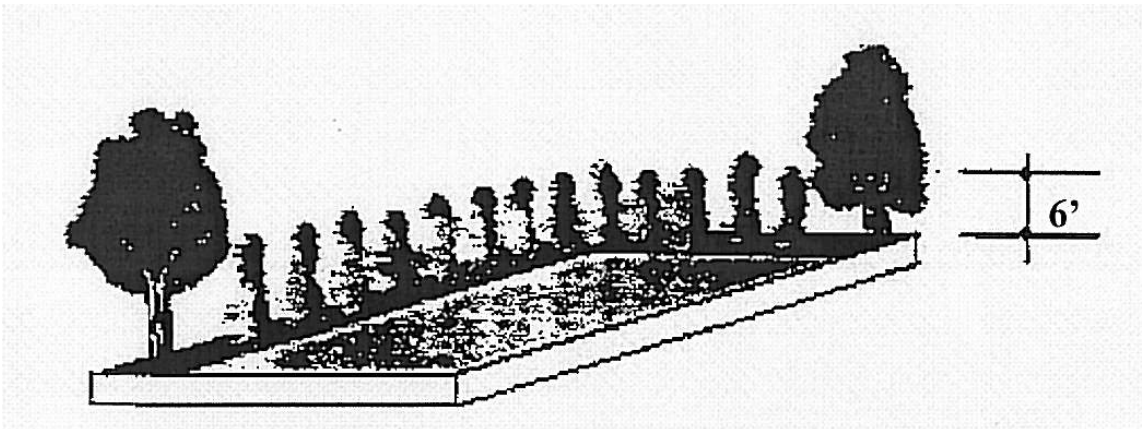
### 1. Intent

The High Screen Landscaping Standard is a landscape treatment that relies primarily on screening to separate uses or developments. It is intended to be applied in situations where visual separation is required. High screen treatments are at least 6 feet in height. A High Screen landscaped buffer may not be less than 5 feet in width.

### 2. Required Materials

- a. The High Screen Landscaping Standard requires sufficient high shrubs to form a continuous screen at least six (6) feet high and sight-obscuring, year-round.
- b. Ground cover plants or other approved landscaping treatments must fully cover the landscaped area.
- c. A six (6) foot high masonry wall or a berm may be substituted for the shrubs, but the trees and ground cover plants are still required.
- d. When applied along street lot lines, the screen or wall is to be placed along the interior side of the landscaped area. (See **Figure 16.15.030-3: High Screen Landscaping**).

**Figure 16.15.030-3: High Screen Landscaping**



## **D. High Wall Standard**

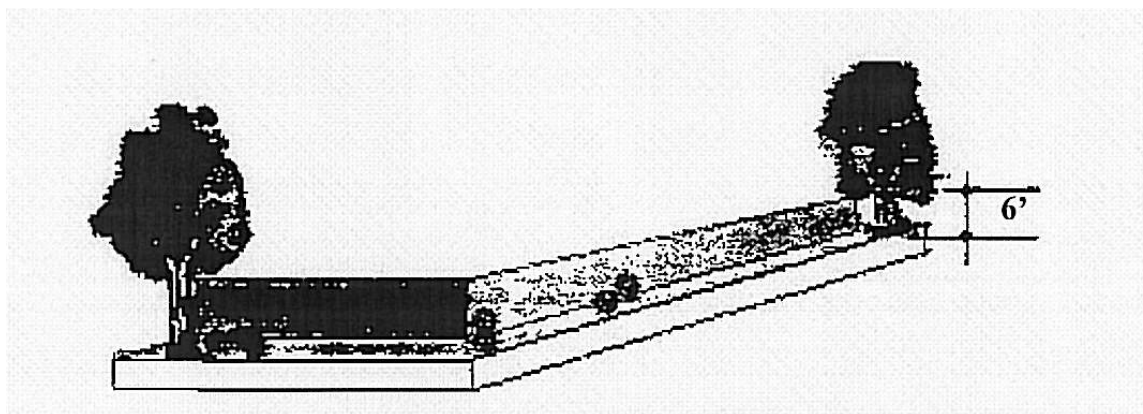
### **1. Intent**

The High Wall Standard is intended to be applied in situations where extensive screening to reduce both visual and noise impacts is needed to protect abutting uses or developments from one-another. This screening is most important where either, or both, of the abutting uses or developments can be expected to be particularly sensitive to noise or visual impacts, or where there is little space for physical separation.

### **2. Required Materials**

- a. The High Wall Standard requires a masonry wall at least six (6), but not more than eight (8), feet high along the interior side of the landscaped area (see **Figure 16.15.030-4: High Wall Landscaping**).
- b. In addition, one tree is required for every **30** linear feet of wall. Ground cover plants or other approved landscaping treatments must fully cover the remainder of the landscaped area.

**Figure 16.15.030-4: High Wall Landscaping**





## **E. High Berm Standard**

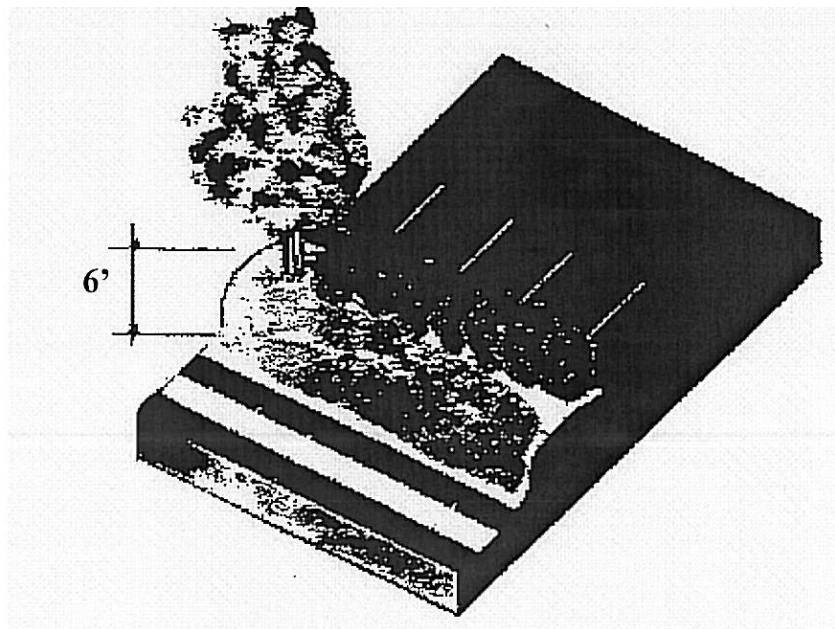
### **1. Intent**

The High Berm Standard is intended to be applied in situations where extensive screening to reduce both visual and noise impacts is needed to protect abutting uses or developments from one-another, and where it is desirable and practical to provide separation by both distance and sight-obscuring materials. This screening is most important where either, or both, of the abutting uses or developments can be expected to be particularly sensitive to noise or visual impacts.

### **2. Required Materials**

- a. The High Berm Standard requires a berm at least four (4) feet high along the interior side of the landscaped area (see **Figure 16.15.030-5: High Berm Landscaping**).
- b. If the berm is less than six (6) feet high, low shrubs meeting the Low Screen Landscaping Standard, above, are to be planted along the top of the berm, assuring that the screen is at least six (6) feet in height.
- c. In addition, one tree planted on the top of the berm is required for every 30 linear feet of berm. Ground cover plants or other approved landscaping treatments must fully cover the remainder of the landscaped area.

**Figure 16.15.030-5: High Berm Landscaping**



## **F. Partially Sight-Obscuring Fence Standard**

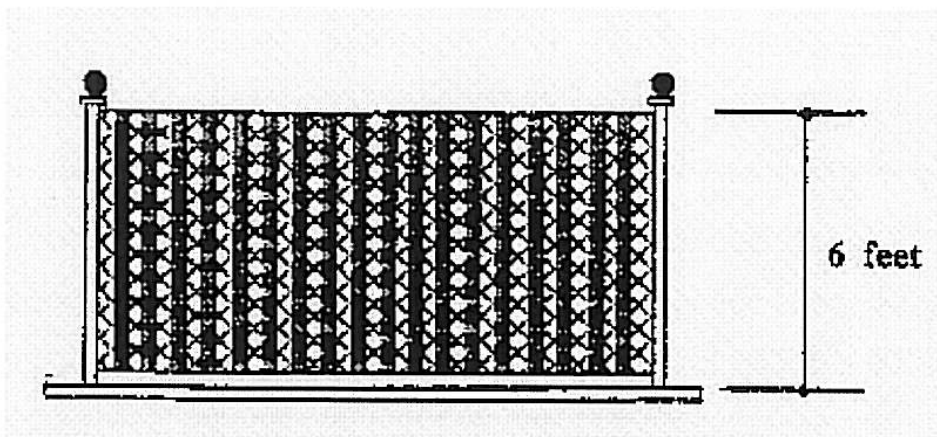
### **1. Intent**

The Partially Sight-Obscuring Fence Standard is intended to provide a tall, but not totally blocked, visual separation. The standard is applied where a low level of screening is adequate to soften the impact of one use or development on another, and where some visibility between abutting areas is preferred over a total visual screen. It can be applied in conjunction with landscape plantings or applied in areas where landscape plantings are not necessary and where nonresidential uses are involved.

### **2. Required Materials**

- a. Partially Sight-Obscuring Fence Standards are to be at least six (6) feet high and at least 50% sight-obscuring.
- b. Fences may be made of wood (other than plywood or particle-board), metal, bricks, masonry or other permanent materials (see **Figure 16.15.030-6: Partially Sight-Obscuring Fence**).

**Figure 16.15.030-6: Partially Sight-Obscuring Fence**



## **G. Fully Sight-Obscuring Fence Standard**

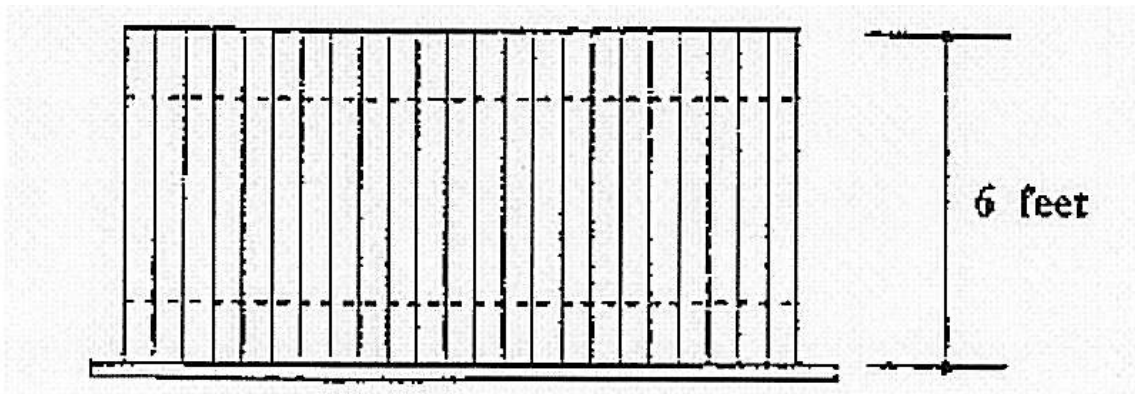
### **1. Intent**

The Fully Sight-Obscuring Fence Standard is intended to provide a totally blocked visual separation. The standard is applied where full visual screening is needed to reduce the impact of one use or development on another. It can be applied in conjunction with landscape plantings or applied in areas where landscape plantings are not necessary.

### **2. Required Materials**

- a. Fully sight-obscuring fences are to be at least six (6) feet high and 100% sight-obscuring.
- b. Fences may be made of wood (other than plywood or particle-board), metal, bricks, masonry or other permanent materials (see **Figure 16.15.030-7: Totally Sight-Obscuring Fence**).

**Figure 16.15.030-7: Totally Sight-Obscuring Fence**



## **H. Occupancy and Obscuring Fencing or Buffering**

1. The use for which a sight-obscuring fence or planting is required shall not begin operation until the fence or planting is erected or in place and approved by the City.
2. A temporary occupancy permit may be issued upon a posting of a bond or other security equal to one hundred and twenty-five percent (125%) of the cost of such fence or planting and its installation.

## 16.15.040 COMPOSITION AND MAINTENANCE OF LANDSCAPING AND SCREENING

### A. Plant Materials

#### 1. Shrubs and Ground Cover

Non-horticultural plastic sheeting or other impermeable surface shall not be placed under mulch. Areas exhibiting only surface mulch, compost or barkdust are not to be used as substitutes for plant areas.

##### a. Shrubs

All shrubs shall be well branched and typical of their type as described in current American Association of Nurserymen (**AAN**) Standards and shall be equal to or better than 2- gallon containers and 10" to 12" spread.

##### b. Ground Cover

(1) Shall be equal to or better than the following depending on the type of plant materials used: gallon containers spaced at 4 feet on center minimum, 4" pot spaced 2 feet on center minimum, 2.25" pots spaced at 18 inch on center minimum.

(2) No bare root planting shall be permitted.

(3) Where wildflower seeds are designated for use as a ground cover, the City may require annual reseeding as necessary.

#### 2. Non-Street Trees

All non-street trees should be well-branched and typical of their type as described in current American Association of Nurserymen (AAN) Standards and preferably be balled and burlapped. Non-street trees may be categorized as follows:

a. **Primary Trees:** Primary trees that define, outline or enclose major spaces, such as Oak, Maple, Linden, and Seedless Ash, shall be a minimum of 2" caliper.

b. **Secondary Trees:** Secondary trees that define, outline or enclose interior areas, such as Columnar Red Maple, Flowering Pear, Flame Ash, and Honeylocust, shall be a minimum of 1.75" to 2" caliper.

c. **Accent Trees:** Accent trees are used to add color, variation and accent to architectural features, such as Flowering- Pear and Kousa Dogwood, shall be 1.75" minimum caliper.

d. **Large Conifers:** Large conifer trees such as Douglas-Fir, Deodar Cedar, Shore Pine, Western Red Cedar, or Mountain Hemlock shall be installed at a minimum height of six (6) feet.

#### 3. Street Trees

For references to the City's policies and standards regarding street trees, please see the following Section in this Chapter (16.15.050: Street Trees).

**4. Tree Credits (Reduction in Required New Trees)**

- a. Existing trees in required landscaped areas that are in good health, as certified by an arborist at the end of construction, may count for landscaping tree credit as follows in **Table 16.15.040-1** (measured at four and one-half feet above grade and rounded to the nearest inch):

<b>Table 16.15.040-1: Tree Credits</b>	
<b>Existing Trunk Diameter</b>	<b>Number of Tree Credits</b>
18-19 inches in diameter	3 tree credits
20 to 25 inches in diameter	4 tree credits
26 inches or greater	5 tree credits
<b>1 Tree Credit = 1 Tree</b> Reduction in the Required Number of New Trees to be Planted	

- b. It is the responsibility of the owner to use reasonable care to maintain preserved trees. Trees preserved under this section may only be removed if approved by the Planning Official. Required mitigation for removal shall be replacement with the number of trees credited to the preserved and removed tree.

**6. Compliance with Standards**

The burden of proof is on the applicant to show that proposed landscaping materials will comply with the purposes and standards of this Chapter. Landscape materials that exceed the minimum standards of this Section are encouraged, provided that height and vision clearance requirements are met.

**B. Installation and Maintenance**

**1. Installation**

Plant materials shall be installed to current industry standards and shall be properly staked to assure survival. Support devices (guy wires, etc.) may not interfere with normal pedestrian or vehicular movement.

**2. Maintenance**

Maintenance of landscaped areas is the on-going responsibility of the property owner. Any landscaping installed to meet the requirements of this Code, or any condition of approval established by a City decision-making body acting on an application, shall be continuously maintained in a healthy, vital and acceptable manner. Required landscaping that dies is to be replaced in kind, within one growing season, unless appropriate substitute species are approved by the City. Failure to maintain landscaping as required in this Chapter constitutes a violation of this Code for which appropriate legal remedies, including the revocation of any applicable land development permits, may result (see Chapter 16.02, Section 16.02.030: Enforcement).

### **3. Irrigation**

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

- a. A permanent, built-in, irrigation system with an automatic controller. Either a spray or drip irrigation system, or a combination of the two, may be specified.
- b. A permanent or temporary system designed by a licensed professional in the field of landscape architecture or irrigation system design, sufficient to assure that the plants will become established and drought-tolerant.
- c. Other irrigation system approved by the Planning Official.

### **C. Protection of Landscaped Areas**

All required landscape areas, including all trees and shrubs, shall be protected from potential damage by conflicting uses or activities including vehicle parking and the storage of materials.

### **D. Landscaping on Corner Lots**

All landscaping on corner lots shall meet the vision clearance standards of Subsection 16.12.030.H in Chapter 16.12 (Transportation Access, Access Management, and Circulation). If high screening would ordinarily be required by this Code, low screening shall be substituted within vision clearance areas. Taller screening may be required outside of the vision clearance area to mitigate for the reduced height within it.

### **E. Landscape Plans**

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

### **F. Completion of Landscaping**

1. The installation of plant materials may be deferred for a period of time specified by the review authority acting on an application, in order to avoid hot summer or cold winter periods, or in response to water shortages.
2. Except for single family dwelling on a single lot (but not excluding subdivisions), a final Certificate of Occupancy shall not be granted until either landscaping is completed or an adequate bond or other security is posted for the completion of the landscaping, and the City is given written authorization to enter the property.

### **G. Street Trees Not Typically Part of Site Landscaping**

Street trees are not subject to the requirements of this Section and are not counted toward the required standards of this Section. However, the review authority may, by granting a waiver or variance, allow for special landscaping within the right-of-way to compensate for a lack of appropriate on-site locations for landscaping.

### **16.15.050 STREET TREES**

For the City's provisions regarding Street trees, please refer to the following:

- A.** LEBANON MUNICIPAL CODE CHAPTER 12.16: STREET TREES.
- B.** City of Lebanon (Public Works Department):
  - 1.** STREET TREE POLICY AND POTENTIAL STREET TREE GUIDE.
  - 2.** ACCEPTABLE STREET TREE LIST, INCLUDING: TREES FOR USE UNDER POWER LINES, and PRUNING GUIDE.

## **16.15.060 FENCES AND WALLS**

### **A. General Standards**

Construction of fences and walls shall conform to all of the following requirements:

#### **1. General Requirements**

All fences, walls, and boundary landscaping shall comply with the height limitations of the respective land use zones (Chapters 16.05 thru 16.10) and the standards of this Section. The City may require installation of walls and/or fences as a condition of development in a land use approval. When so conditioned by a land use action, no further land use review is required for the fence or wall. For fences or walls greater than 6 feet in height, a building permit is also required. (See also, Section 16.15.020 of this Chapter for additional landscape screening wall requirements.)

#### **2. Dimensions**

- a. Except as provided under subsections “b.” and “c.” and **Table 16.15.060-1**, below, the height of fences and walls within a required front yard or street side yard setback shall not exceed 3 feet as measured from the grade closest to the street right-of-way.
- b. One arbor, gate, or similar garden structures not exceeding 8 feet in height and 4 feet in width is allowed within the front yard, provided that it is not within a clear vision triangle. Such structures in Excess of 8 feet in height require a review of the site plan.
- c. Walls and fences to be built for required buffers shall comply with Subsection 16.15.020.C.
- d. Fences, walls, and boundary vegetation shall comply with the vision clearance standards of Section 16.13.030.H in Chapter 16.13 (Access, Access Management, and Circulation).

#### **3. Maintenance**

For safety and for compliance with the purpose of this Chapter, walls and fences required as a condition of development approval shall be maintained in good condition, or otherwise replaced by the property owner.

#### **4. Materials**

- a. Permitted fence and wall materials: wood; metal; chain-link; bricks, concrete blocks stone; stucco, or similar masonry, and non-prohibited evergreen plants.
- b. Prohibited fence and wall materials, except where explicitly allowed under other provisions of the Lebanon Municipal Code: straw bales; barbed or razor wire; and scrap materials.
- c. Prohibited fence and wall materials: hedges over 8 feet in required yards.
- d. Fences or walls constructed of brick or masonry exceeding 4 feet in height shall be subject to review and approval by the City Engineer. Those that are taller than 6 feet also require a building permit.



**B. Specific Standards**

Fences and walls are considered accessory uses. An accessory use shall comply with all requirements for a principal use, except where specifically modified by this section. As accessory uses, fences, walls, and landscaping shall comply with the following standards:

**1. Height Requirements for Fences, Walls and Hedges in Residential Zones**

<b>Table 16.15.060-1:                      Height Requirements for Fences, Walls and Hedges in Required Yards                      in Residential Zones</b>			
<b>Required Yard</b>	<b>Z-RL</b>	<b>Z-RM</b>	<b>Z-RH</b>
Front Yard	3 ft	3 ft	3 ft
Interior Side	8 ft	8 ft	8 ft
Rear Yard	8 ft	8 ft	8 ft
Street Side	3 ft	3 ft	3 ft
Reverse Frontage Lot (rear)	3 ft, or up to 8 ft with 5 ft landscape buffer	3 ft, or up to 8 ft with 5 ft landscape buffer	3 ft, or up to 8 ft with 5 ft landscape buffer

Where allowed, hedges and other landscaping (excluding trees) shall not exceed six feet (6') unless set back ½ foot from the property line for every foot in excess of six feet (6').

Where allowed, fences may be eight foot (8') high, but any height over six foot (6') requires a building permit and a set back of one foot (1') from the property line.

**2. Fences and Walls in Other Land Use Zones**

Fences and Walls in other Land Use Zones are subject to the standards, if any, found in Chapters 16.05 – 16.10.

**3. Placement of Fences, Walls and Public Fire Hydrants**

Fences and walls may not be placed closer than three (3') of an existing public fire hydrant.

***Title 16: City of Lebanon  
Development Code***

ARTICLE THREE  
COMMUNITY DEVELOPMENT AND USE  
STANDARDS

**Chapter 16.16:  
Public and Private Facilities**

**Adopted by City Council on  
December 10, 2008**

# Chapter 16.16: Public and Private Facilities

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# Chapter 16.16: Public and Private Facilities

## 16.16.010 INTRODUCTION

This Chapter provides facility standards and general procedures for the review of public improvement plans (excluding transportation issues covered in previous Chapters). This Chapter implements and cross-references the City's public facility master plans (e.g., water, sanitary sewer, storm drainage, parks), and engineering design criteria and standards.

### **A. Purpose**

The purpose of this Chapter is to provide planning and design standards for public and private utilities.

### **B. When Standards Apply**

1. Unless otherwise provided, the standard specifications for construction, reconstruction, or repair of utilities, and other public improvements within the City shall be in accordance with the standards of this Chapter.
2. No development shall occur unless the facilities related to development comply with the requirements established in this Chapter, and adopted documents and guidelines designed to assure conformance of facilities to the City's standards.

### **C. Engineering Design Criteria, Standard Specifications and Details**

1. The design criteria, standard construction specifications and details maintained by the City Engineer, shall supplement the general design standards of this Development Code.
2. Accordingly, the City's specifications, standards, and details (e.g., the City's Public Improvement Standards, the City's Adopted Standards and Specifications for Construction, and relevant sections of the Lebanon Municipal Code) shall supplement the general design standards of this Development Code.

### **D. Conditions of Development Approval**

1. No development may occur unless required public and/or private facilities are in place or guaranteed, in conformance with the provisions of this Code, and/or supplemental standards as per Subsection "C" above.
2. Improvements required as a condition of development approval that involve the dedication of an interest in real property shall be roughly proportional to the impact of the development.
3. The findings in the development approval shall describe how the required improvements are related to the development and roughly proportional to the impact of the development.

## **16.16.020 DEDICATION OF PUBLIC USE AREAS**

- A.** Where a proposed park, playground, or other public use or facility shown in a Facility or Special Area Plan adopted by the City is located in a site or area proposed for a subdivision or other land use action, the City may require the dedication or reservation of an area to implement the Plan and to mitigate the impact of the proposed development.
- B.** The City may purchase or accept dedication or reservation of land within a proposed subdivision or other land use that are suitable for the development of parks, public facilities, and other public uses as noted above. However, the City is under no obligation to accept such areas offered for dedication or sale, and will determine the suitability of the proposed dedication in its sole discretion.
- C.** Adequacy of utility and infrastructure facilities is based on the standards established in the City's adopted Master Facility Plans (e.g., Storm Water and Drainage, Parks, Wastewater).

## **16.16.030 SANITARY SEWER AND WATER SERVICE IMPROVEMENTS**

### ***A. Sewers and Water Mains Required***

- 1.** Adequate sanitary sewers and water infrastructure and service shall be made available to serve each new development or redevelopment. The facilities and services must comply with the City's Sanitary Sewer Facility Plan and Water System Facility Plan, and shall comply with applicable construction specifications.
- 2.** When streets are required to be stubbed to the edge of a development, sewer and water system improvements shall also be extended with those streets.

### ***B. Over-Sizing***

The City may require as a condition of development approval that sewer, water, and other infrastructure improvements serving new development be appropriately sized to serve neighboring properties or the designated service area according to the applicable Facility Plans. Consistent with the provisions of the City's SDC ordinance, the City may partially reimburse the developer for incremental costs incurred in construction of improvements greater in capacity than required to serve the proposed development (oversizing).

### ***C. Inadequate Facilities***

Development permits and land use approval may be restricted by the City where a deficiency exists in the existing water or sewer system that cannot be rectified by proposed infrastructure enhancements and that, if not rectified, will result in a threat to public health or safety.

## **16.16.040 STORM DRAINAGE IMPROVEMENTS**

### **A. General Provisions**

The City may grant land use approval and issue a development permit when adequate provisions for storm water and flood water runoff are or will be made available in compliance with the City's Storm Drainage Master Plan and all applicable local, state and federal standards.

### **B. Accommodation of Upstream Drainage**

Culverts and other drainage facilities shall be large enough to accommodate existing and potential future runoff from the entire upstream drainage area, whether inside or outside the development. Such facilities shall be subject to review and approval by the City Engineer.

### **C. Effect on Downstream Drainage**

Where there exists a known or suspected downstream drainage deficiency and the applicant cannot demonstrate that the additional runoff resulting from the development is within the capacity of an existing drainage facility, the City shall withhold approval of the development until provisions have been made for the mitigation of the deficient condition caused by the development in accordance with City standards.

### **D. Over-Sizing**

The City may require as a condition of development approval that storm drainage systems serving new development be sized to accommodate future development within the area as projected by the applicable Storm Drainage Master Plan or Special Area Plan. Consistent with the provisions of the City's SDC ordinance, the City may partially reimburse the developer for incremental costs involved in oversizing.

### **E. Existing Watercourse**

1. Where a proposed development is traversed by a watercourse, drainage way, channel, or stream that is proposed or required to remain in its current condition and/or function, there shall be provided to the City a storm water easement or drainage right-of-way (ROW). The easement or ROW shall include provisions for access and maintenance.
2. The easement or ROW shall conform substantially with the lines of the watercourse and additional width adequate for storm water conveyance and maintenance of the storm water conveyance to protect the public health and safety, and adjacent properties, as determined by the City Engineer.

### **F. Storm Water Release Rate**

All new site development shall maintain pre-development peak historic storm water discharge rates as per City standards. The applicant for a development proposal shall demonstrate through calculations acceptable to the City Engineer that this standard will be met by the proposed development.

## **G. Impacts of Site Development**

Site development may not adversely impact historic surface drainage patterns of surrounding properties. The City may require, as conditions of approval, specific mitigation measures and/or performance guarantees to ensure compliance with this provision.

### **16.16.050 UTILITIES**

#### **A. Placement and Installation of Utilities**

##### **1. Underground Placement**

Unless otherwise exempted by Section 16.16.050.B, all new utility lines including, but not limited to, those required for natural gas, electric, communication, lighting, and cable television services and related facilities shall be placed underground, except for surface mounted transformers, surface mounted connection boxes and meter cabinets (which may be placed above ground). Temporary utility service facilities, during construction, may also be placed above ground.

##### **2. Installation**

The following additional standards apply to all new utility installation, in order to facilitate underground placement of utilities.

- a. The developer shall coordinate site improvements with the serving utility to provide the underground services. Above ground utility service facilities and equipment shall not obstruct vision clearance areas for vehicular traffic (See Section 16.12.030.H in Chapter 16.12 of this Code).
- b. All underground utilities, including sanitary sewers, storm drains and water lines installed in streets by the developer, shall be constructed prior to the surfacing of the streets.
- c. Stubs for service connections shall be long enough to avoid disturbing the street improvements when service connections are made.

##### **3. City Approval for any Surface-Mounted Utility Support Facilities**

The City reserves the right to approve the location of all surface-mounted utility support facilities, subject to Department of Public Works permit.

#### **B. Exception to Underground Placement Requirement**

1. An exception to the underground placement requirement may be granted by the City Engineer due to physical constraints, such as steep topography, or existing development conditions.
2. High capacity electrical transmission lines that are infeasible to site underground are exempted from the underground placement requirement.



### **C. Provision of Utility Services to All New Residential Subdivisions**

All lots in residential subdivisions shall be provided with access to natural gas, electrical power, cable TV, and land line phone facilities provided such utilities can reasonably be made available to the site, in addition to the public utilities provided for in this Chapter.

#### **16.16.060 EASEMENTS**

##### **A. Provision**

1. The developer or applicant shall make arrangements with the City, the applicable service district, and each utility service provider for the granting and/or dedication of utility easements and/or ROWs necessary to provide full utility services to the development.
2. The City's standard width for public utility easements shall be determined by the City Engineer, considering utility line size, depth and access among other factors.

##### **B. Recordation on Plat**

As determined by the City Engineer and approved by the Linn County Surveyor, all easements for sewers, storm drainage and water quality facilities, water mains, electric lines, or other public utilities associated with a subdivision or partition shall be recorded on the final plat. See Chapters 16.21 through 16.23 of this Code for related provisions, especially *Chapter 16.22: Land Divisions (Subdivisions, Partitions), Property Line Adjustments, and Vacations*.

#### **16.16.070 CONSTRUCTION PLAN APPROVAL AND ASSURANCES**

##### **A. Prior Plan Approval and Permit Issuance**

No public improvements, including but not limited to sanitary sewers, water lines, storm sewers, streets, sidewalks, curbs, lighting, parks, or other requirements shall be undertaken until the plans have been approved by the City, permit fees paid, and a permit issued.

##### **B. Performance Guarantee**

The City may require the developer or subdivider to provide bonding or other performance guarantees to ensure completion of required public improvements. See Chapters 16.21 through 16.24 of this Code for related provisions, especially *Chapter 16.22: Land Divisions (Subdivisions, Partitions), Property Line Adjustments, and Vacations*.

## **C. Bonding and Assurances**

### **1. Performance Bonds for Public Improvements**

On all projects where public improvements are required, the City shall require a bond in an amount not less than 125% or other adequate assurances as a condition of plat approval in order to guarantee the public improvements.

### **2. Release of Performance Bonds**

The bond or assurance shall be released when the City Engineer finds the completed project conforms to the conditions of approval and applicable standards, and approves the release in writing.

### **3. Improvements and Bonding**

- a. Improvements:** Before approval is certified on Final Plats or prior to issuance of a public improvement permit within existing right-of-way, the subdivider or developer shall either install required improvements and repair existing streets and other public facilities damaged in the development of the subdivision; or execute and file with the City an agreement between the City and the subdivider/developer specifying the period of time within which required improvements and repairs shall be completed.
- b. Bonding:** The subdivider shall file with the City a bond or an assurance agreement in a form approved by the City Attorney to assure installation of the necessary improvements. The agreement shall provide that if the work is not completed within the period specified, the City may complete the work and recover the full cost and expense thereof from the subdivider. The agreement may provide for the construction of the improvements in units and for an extension of time under specified conditions. The amount shall be for a sum determined by the City Engineer as sufficient to cover the cost of the improvements and repairs, including related City expenses. The financial instrument shall include one of the following:
  - (1)** A surety bond executed by a surety company authorized to transact business in the state of Oregon.
  - (2)** An agreement in a form approved by the City Attorney together with evidence of financial responsibility and resources of those signing the agreement sufficient to provide reasonable assurance of ability to proceed in accordance with the agreement.
- c. Liability:** If the subdivider fails to carry out provisions of the agreement and the City has un-reimbursed costs or expenses resulting from such failure, the City is authorized to call on the bond or agreement for reimbursement. If the amount of the bond or agreement exceeds the cost and expenses incurred by the City, the City shall authorize release of the remainder. If the amount of the bond is less than the cost and expense incurred by the City, the subdivider shall be liable to the City for the difference.

## **16.16.080 INFRASTRUCTURE INSTALLATION**

### **A. Conformance Required**

Public and private infrastructure and site improvements installed by the developer, either as a requirement of land use approval, City regulations or at his/her own option, shall conform to the requirements of this Chapter, approved construction plans, and to the City's specifications, and standards (e.g., the City's Public Improvement Standards, the City's Adopted Standards and Specifications for Construction, and relevant sections of the Lebanon Municipal Code).

### **B. Commencement of Work**

Work on public facilities shall not begin until the City has issued a construction permit.

### **C. City Inspection**

1. Public improvements shall be constructed under the inspection of the developer's engineer and observation of the City to the established specifications and standards of the City, and to the satisfaction of the City.
2. The City may require changes in typical sections and details if unusual conditions arising during construction warrant such changes. Modifications to the approved public improvements design requested by the developer may be subject to review under Chapter 16.24: *Modifications to Approved Plans and Conditions of Approval*, in the discretion of the City Engineer.
3. Any monuments that are disturbed before all improvements are completed by the subdivider shall be replaced prior to final acceptance of the improvements.

### **D. Engineer's Certification and Record Drawings**

1. A registered civil engineer shall provide written certification in a form approved by the City that all Public improvements, workmanship, and materials comply with current and standard engineering and construction practices, conform to approved plans and conditions of approval prior to City acceptance of the public improvements, or any portion thereof, for operation and maintenance.
2. The developer shall provide required record drawings to the City as per the City's specified format(s) and number of copies.

***Title 16: City of Lebanon  
Development Code***

ARTICLE THREE  
COMMUNITY DEVELOPMENT AND USE  
STANDARDS

**Chapter 16.17:  
Wireless Communication Facilities**

**Adopted by City Council on  
December 10, 2008**

**Chapter 16.17:**  
**Wireless Communication Facilities**  
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# Chapter 16.17: Wireless Communication Facilities

## 16.17.010 INTRODUCTION

### **A. *Wireless Communication Facilities (WCFs)***

This Chapter provides the standards and regulations for Wireless Communication Facilities (WCFs), including antennas and all the structures associated with the receiving or capturing of incoming and/or transmitting outgoing communications transmitted from, or to be received by, other antennas. Wireless Communications Facilities will often be referred to as “WCFs” and/or “facilities” within this Chapter.

### **B. *Antennas to which this Chapter has No Application***

The provisions of this chapter do not apply to radio or television reception antennas, satellite or microwave parabolic antennas not used by wireless communications service providers, to any antenna support structure or antenna lawfully in existence within the City on the effective date of this chapter, receiving antennas for Direct Broadcast Service (DBS) thirty-nine inches or less in diameter, or commercial radio or television broadcasting facilities.

## 16.17.020 PURPOSE

The purposes of this Chapter include the following:

- A.** To establish standards that regulate the placement, appearance and impact of wireless communication facilities (WCFs), while providing residents with the ability to access and adequately utilize the services that these facilities support. Because of the physical characteristics of wireless communication facilities, the impact imposed by these facilities may affect not only the neighboring residents, but the community as a whole. The standards are intended to ensure that the visual and aesthetic impacts of wireless communication facilities are mitigated to the greatest extent possible, especially in or near sensitive areas and environments, including residential areas.
- B.** To minimize potential adverse health, safety, public welfare, or visual impacts of WCFs, through careful design, siting, construction, landscaping, and innovative visual compatibility techniques.
- C.** To encourage shared use/co-location of WCFs as a primary option rather than construction of additional single-use towers.
- D.** To encourage utilization of technology and business practices that will either eliminate or reduce the need for construction of new tower facilities.
- E. E.** To protect the health, safety, public welfare, and property of the community, by ensuring that WCFs are sound and carefully designed, constructed, modified, maintained, and removed when no longer used or are determined to be structurally unsound.

- F. To protect the public interest and existing public and private investment in infrastructure for Wireless Communications services. For example, the introduction of new non-regulated WCFs may not adversely affect (e.g., interfere with signal transmitted by) a previously existing use.
- G. To promote investment in new WCFs and technology that will benefit local end users (consumers) of Wireless Communications services.

### **16.17.030 TECHNICAL DEFINITIONS AND TERMINOLOGY FOR WIRELESS COMMUNICATIONS**

#### **A. Antenna**

“Antenna” for Wireless Communications means a specific device used to receive or capture incoming and/or to transmit outgoing communications transmitted from, or to be received by, other antennas. Antennas regulated by this chapter include omni-directional (or “whip”) antennas, directional (or “panel”) antennas, parabolic (or “dish”) antennas, and any other devices designed for the reception and/or transmission of radio-frequency (RF) signals or other communication technologies, except as otherwise limited in this Chapter.

#### **B. Attached Wireless Communications Facility**

“Attached Wireless Communications Facility” means a wireless communications facility that is affixed to an existing structure, other than a Wireless Communications Tower.

#### **C. Co-Location**

“Co-Location” means a wireless communications facility comprised of a single communications tower or building supporting one or more antennas, dishes, or similar devices owned or used by more than one provider.

#### **D. Lattice Tower**

“Lattice Tower” means a support structure constructed of vertical metal struts and cross braces forming a triangular or square structure which often tapers from the foundation to the top.

#### **E. Monopole**

“Monopole” means a support structure constructed of a single, self-supporting hollow tube securely anchored to a foundation.

#### **F. Provider**

“Provider” means a company, which may or may not hold a Federal Communications Commission (FCC) license, that is in business to provide wireless communications services.

#### **G. Wireless Communications**

“Wireless Communications” means the transmission, via radio frequency electromagnetic waves, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received.

## **H. Wireless Communications Accessory Structure/Equipment**

“Wireless Communications Accessory Structure/Equipment” means equipment shelters or radio equipment necessary for the operation of wireless communications in addition to the antenna and tower.

## **I. Wireless Communications Facility (WCF)**

“Wireless Communications Facility (WCF)” means a facility consisting of the equipment and structures involved in receiving and or transmitting communications or radio signals.

## **J. Wireless Communications Equipment Shelter**

“Wireless Communications Equipment Shelter” means the structure in which the electronic radio equipment, electronic equipment, relay equipment and other supporting equipment for a wireless communications facility is housed.

## **K. Wireless Communications Tower (WCT) / Support Facility**

“Wireless Communications Tower (WCT)”/“Support Facility” means a structure intended to support equipment used to transmit and/or receive communications signals including monopoles, guyed and lattice towers, but not excluding any other approved structure.

## **L. Visual Compatibility Characteristics**

“Visual Compatibility Characteristics” means characteristics that minimize the visual impact of a tower or antennas.



### 16.17.040 REVIEW PROCEDURES: USE PERMITS AND REVIEW PROCESSES

As noted in Table 16.17.040-1, Wireless Communications Facilities are permitted by a variety of Use Permits and Review Processes, depending on the type or scope of development activity.

<b>Table 16.17.040-1: Types of Use Permits and Review Process(es) Required for WCFs According to Type or Scope of Development Activity</b>	
<b>Type of Use Permit and and Review Process</b>	<b>Type or Scope of Development Activity</b>
<b>Outright Permitted (OP)</b>	<ul style="list-style-type: none"> <li>• Co-Location on an existing WCF</li> </ul>
<b>Administrative Review (AR)</b>	<ul style="list-style-type: none"> <li>• Attachment to an existing structure within the parameters of the zone requirements</li> <li>• Modification to existing WCF accessory structure or equipment within the parameters of the zone requirements</li> </ul>
<b>Conditional Use (CU)</b>	<ul style="list-style-type: none"> <li>• New WCF</li> <li>• Modification of an existing WCF that exceeds the standards of the zone</li> </ul>
<b>Conditional use (CU) and a Variance (VAR)</b>	<ul style="list-style-type: none"> <li>• New WCF or Modification of an existing WCF that exceeds the height standard of a zone</li> </ul>
<p>Notes:</p> <ul style="list-style-type: none"> <li>• Height standards for zones can be found in Chapters 16.05 – 16.10.</li> <li>• The maximum permissible height (even through the variance process) is 150 feet for a WCF in any zone.</li> <li>• In the Industrial Zone (Z-IND), the maximum permissible height for a WCF is 150 feet, and does not require a variance.</li> <li>• Use Permits: Wireless Communications Facilities shall be permitted as per the requirements of the “Other Land Use” Tables in the Land Use Chapters (16.05 – 16.10): Tables 16.05-5, 16.06-5, 16.07-5, 16.08-5, 16.09-5, 16.10-5.</li> </ul>	
<b><u>Review Processes</u></b>	
<ol style="list-style-type: none"> <li><b>1. Outright Permitted Uses with Site Review and Building Permit:</b> “OP” means the use is permitted outright and a <b>Building Permit</b> is issued after a <b>site review</b> determines that all setbacks and other lot and building site requirements are satisfied.</li> <li><b>2. Permitted with Administrative Review:</b> “AR” means the use is permitted through an Administrative Review process that takes into account all applicable requirements (see Chapter 16.20).</li> <li><b>3. Permitted with Conditional Use Approval:</b> “CU” means the use is permitted with a Conditional Use approval (Chapter 21).</li> <li><b>4. Site Reviews:</b> The processing of a variety of land use applications may also include detailed site reviews. These requirements are addressed in LDC Chapters 16.20 – 16.23 (Article Four).</li> </ol>	

### **16.17.050 SITING PREFERENCES**

WCFs shall be sited in accordance with the following priorities, in order of their preference. If the applicant proposes a facility of lower priority, the applicant shall demonstrate that each of the higher priorities has been considered and found to be not feasible.

- A. Priority #1:** Co-location on an existing WCF.
- B. Priority #2:** Use of an Attached WCF.
- C. Priority #3:** Siting of a new Wireless Communications Tower (WCT), in a visually obscure location, using design techniques maximizing “Visual Compatibility Characteristics.”
- D. Priority #4:** Siting of a new WCT in a visually prominent location (e.g., along arterials and collectors, on hills and ridges), using design techniques maximizing “Visual Compatibility Characteristics.”
- E. Priority #5:** Siting of a tower in a visually prominent location (e.g., along arterials and collectors, on hills and ridges), not employing design techniques maximizing “Visual Compatibility Characteristics.”
- F. Exemptions:** Wireless communications facilities for emergency services (police, fire, and emergency management) are exempt from the above requirements if the siting agency can demonstrate the need for an exemption based on public safety and welfare issues. The review authority may also exempt local, state, and federal facilities, as well as facilities owned and operated by federally-licensed amateur radio station operators (i.e., “ham” radio operations).

### **16.17.060 STANDARDS AND REQUIREMENTS**

- A. Code Compliance Requirements:** All WCFs shall meet all requirements established by the provisions of this Code, the LMC, and other applicable City codes, and other applicable standards.
- B. State and Federal Requirements:** All WCFs shall comply with all applicable federal (e.g., Federal Communication Commission and Federal Aviation Administration) and state standards.
- C. Height:**
  - 1. A WCF may not exceed the height standards of a zone, except where permitted through the variance process.
  - 2. Except in the Industrial Zone (Z-Ind), the maximum permissible height (even through the variance process) is 150 feet for a WCF in any zone.
  - 3. In the Industrial Zone (Z-IND), the maximum permissible height for a WCF is 150 feet, and does not require a variance.
  - 4. The Height of a WCF shall be measured as per building code standard procedures from the center of the base of the proposed facility to the topmost portion of the WCF (e.g., the tip of the highest antenna or other transmission or reception device).
  - 5. Airport Overlay Zones: All lands within the airport overlay zones (e.g., Approach Surface, Transitional Zone) shall be subject to additional height restrictions and development standards (see Chapter 16.12).

#### **D. Co-Location:**

1. New WCFs, if technically feasible, will be designed and constructed for at least three antennas/providers to co-locate on the facility and to allow antennas mounted at varying heights. At a minimum, WCFs up to 120 ft in height shall accommodate at least two facilities/providers.
2. A facility may be attached to any existing structure as long as the height of that structure is not increased by more than 10' and so long as it meets all relevant requirements of this Chapter, consistent with applicable Building Codes.
3. A freestanding WCF shall be approved only if the applicant demonstrates that it is not feasible to site the facility on an existing structure. The application shall contain documentation that alternative sites within a radius of least 2,000 ft have been considered and are technologically unfeasible or unavailable. The application also must document why co-location is impractical on existing structures for one or more of the following reasons: structural support limitations; safety considerations; lack of available space; failure to meet service coverage area needs; or unreasonable economic constraints.

#### **E. Construction:**

1. All facilities must meet the requirements of the Uniform Building Code (UBC), the International Building Code (IBC) and/or the Oregon Structural Specialty Code, and all other relevant and applicable building codes.
2. Noise-generating equipment shall be sound-buffered by means of baffling, barriers or other suitable means to reduce the sound level measured at the property line to no more than 30 dBA above the level of ambient background noise when adjacent to residential uses and 45 dBA above the level of ambient background noise in other areas.
3. It is prohibited to attach any communications facility or portion thereof to a tree.
4. WCFs shall be set back at least twenty-five percent (25%) of the tower height from all property lines or shall meet the setbacks of the underlying zone, which ever is greater.

#### **F. Design:** Where possible new facilities will be located in such a manner that they blend in with the background around them, using techniques to ensure visual compatibility characteristics.

1. All new WCF towers shall be a monopole or lattice tower structure constructed out of metal or other nonflammable material. The height and mass of the structure shall not exceed that which is essential for its intended use and public safety.
2. All accessory structures (i.e., vaults, equipment rooms, utilities, and equipment enclosures) shall be concealed, buffered or screened with mature vegetation and/or sight obscuring fencing (see Chapter 16.15), shall be consistent with the underlying zone, or may be placed underground. Underground placement of equipment shelters is encouraged and should be considered in each case.
3. WCFs shall be painted in a non-reflective color to match the existing or attached structure and/or to blend into the surrounding environment to the greatest extent possible as seen from abutting uses, roadways or other public ways. Alternative colors or treatments of the external surfaces of any and all components of a WCF may be approved by the Review Authority to minimize the visual impact of the facilities, and such approved alternatives shall become part of the conditions of approval.

- G. Landscaping/Screening:** All ground-level facilities associated with a WCF shall be landscaped and/or screened in accordance with the provisions of Chapter 16.15 of this Code. The facilities must be fully screened before operations can begin.
- H. Lighting:** No lighting shall be permitted on a WCF except as required for security and as required by the Federal Aviation Administration. (See Section 16.19.050, Exterior Lighting, in Chapter 16.19.)
- I. Location:** No communications facility shall be installed on an exposed ridge line unless it blends with the surrounding existing natural and man-made environment in such a manner as to be visually compatible with the environment.
- J. Signs:** Signs shall comply with the requirements set forth in this Code.
- K. Twenty-four Hour Emergency Contact Information:** As part of the submittal requirements, all owners of WCFs shall provide 24 hour contact information to the City so as to facilitate emergency response. Such information must be kept current and on file with the City (Police Chief) and the Lebanon Fire District.
- L. Facilities on City-owned property:** When a proposed WCF would be sited on property owned by the City of Lebanon, the City shall exercise its zoning authority under this Code independently from and without regard to the terms and conditions of any agreement allowing the facility.

### **16.17.070 ATTACHED COMMUNICATIONS FACILITIES**

All attached facilities shall be located and designed to appear an integral part of the structure.

- A. Roof mounted antennas and all building mounted accessory equipment shall be located no closer to the nearest edge of the roof than the height of the antenna or accessory equipment, whichever is greater.
- B. Wall mounted antennas shall be architecturally integrated into the building.
- C. Wall mounted antennas shall protrude no more than four feet (4') from the face of the wall.
- D. Accessory structures for attached facilities, such as equipment shelters, cabinets or other enclosed structures containing electronic equipment, shall be camouflaged or otherwise constructed using visual compatibility techniques, as defined in this Chapter to the greatest extent possible.
- E. All proposals shall demonstrate adequate structural strength to support the additional weight and stress of a proposed antenna attachment in compliance with all applicable building code provisions.

### **16.17.080 ABANDONMENT OF FACILITIES**

- A. When a WCF ceases to operate, the owner or service provider shall provide notice to the City within thirty (30) days. Failure to notify the City within 30 days, may result in removal of such a facility 90 days following the cessation of operations or thereafter.
- B. An antenna support structure that has not had an antenna or antenna array mounted upon it for a period of 170 successive days, or if the antenna or antenna array mounted thereon are not operated for a period of 170 successive days, shall be considered abandoned, and the owner thereof shall remove such structure and any accompanying equipment enclosure to a depth of four feet below the surface of the ground within 90 days from the date of written notice from the City. During this 90-day period, the owner may apply, and, for good reason, be granted an extension of time on such terms as the City Planner or Building Official shall determine.
- C. If such structure and equipment enclosure are not so removed, the City may seek and obtain a court order directing such removal and imposing a lien upon the real property upon which the structure(s) are situated in an amount equal to the City's cost of removal.
- D. The City may also declare such an abandoned facility a nuisance and pursue enforcement and all available remedies under the appropriate provisions of the LMC (see Chapter 16.08).

## **16.17.090 APPLICATION**

### **A. Application Requirements**

The applicable submittal requirements for the type of land use review process that is necessitated by the specific proposal submitted, and the requirements of the zone of the subject property, apply to applications for the siting of communications facilities.

### **B. Development Plan Required**

All applications shall be accompanied by a Development Plan drawn to scale showing the following:

1. Use or uses,
2. Location of the proposed facility and relevant dimensions.
3. Height of the proposed facility
4. Setbacks for the proposed facility.
5. A photo simulation of the proposed WCF for the maximum number of providers.
6. Dimensions and location of areas to be reserved for vehicular and pedestrian access and circulation.
7. A landscaping plan that indicates how the facility will be screened from adjoining uses.
8. A fencing plan that indicates the location, height and design of any proposed fencing.
9. A lighting plan that indicates the type and location of any proposed lighting.
10. A sign plan that indicates the size, location, and design of any proposed signage.
11. Drawings demonstrating the materials, color and design of the proposed facility.
12. A map showing all existing wireless communication facility sites operated by the provider within two miles of the Lebanon boundary, or the top of the nearby ridges, whichever is greater, including a description of the facility at each location.
13. A propagation study indicting proposed facility and the adjacent hand-off sites.
14. If provider proposes to construct a new facility (tower), the application shall include findings that demonstrate that it is not legally or technically feasible to co-locate.

### **C. Additional Documentation**

1. Documentation of the efforts that have been made to co-locate on existing or previously approved towers, as required by the siting standards in Section 16.17.060 above.
2. Each provider shall make a good faith effort to contact the owner(s) of all existing or approved towers and shall provide a list of all owners contacted in the area, including the date, form of contact and the result of contact.
3. Documentation as to why co-locating on an existing or proposed tower or attachment to existing structures within 2000 feet of the proposed site is not feasible.

#### **D. Narrative Required**

A written statement shall include the following information:

1. The name and contact information for the provider;
2. Twenty-four Hour Emergency Contact Information (during construction, and after the WCF becomes operational) to facilitate emergency response
3. A description of the character of the proposed facility;
4. Analysis of how the application meets the review criteria;
5. Applicants/providers shall provide evidence of legal access to the proposed WCF.
6. The applicant/provider shall provide evidence that legal access to the facility site will be maintained for the duration of the facility's operation.
7. Where a proposed WCF is located on a property not owned by the provider, the applicant/provider shall present documentation that the owner of the property has granted an easement or entered into a lease or other authorization for the proposed facility and that vehicular access is provided to the facility.
8. For new free standing towers, the applicant shall provide evidence that describes the WCF's structural capacity to carry the antennas of at least three Wireless Communications providers.
9. The applicant shall provide evidence of steps the provider will take to avoid interference with normal radio and television reception in the surrounding area, with other communications service providers' signals, and communications of any public safety agency or organization, per FCC requirements.
10. The applicant shall demonstrate that the WCF will provide service within the City.
11. If the applicant/provider proposes a new tower or co-located facility, the applicant shall provide evidence that the facility's height is the lowest height at which the gap in coverage can be filled.
12. All applications shall include evidence that at least one provider will use the proposed facility to provide wireless communications service to City residents immediately upon construction completion of the facility.
13. All applications shall include a statement recognizing the Grounds for Denial of Permits and Removal of Facilities listed below:
  - a. Applications shall include a written agreement that Wireless Communications Facilities owned by the provider, that do not have operating antennas for a period of six (6) months, shall be considered abandoned and shall be removed by the operator within 60 days thereafter.
  - b. Applications shall include a written agreement from the property owner that if the provider fails to remove an abandoned WCF, the property owner has full legal and fiscal responsibility for the WCF removal.

***Title 16: City of Lebanon  
Development Code***

ARTICLE THREE  
COMMUNITY DEVELOPMENT AND USE  
STANDARDS

**Chapter 16.18:  
Signage**

**Adopted by City Council on  
December 10, 2008**



**Chapter 16.18:**  
**Signage**  
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# Chapter 16.18: Signage

## 16.18.010 INTRODUCTION

### A. Purpose

The City of Lebanon regulates the construction, installation, maintenance, electrification, illumination, type, size, number, and location of signs in order to:

1. Protect the health, safety, property, and welfare of the public.
2. Maintain and enhance the neat, clean, orderly and attractive appearance of the City.
3. Provide for the safe installation and maintenance of signs.
4. Preserve the safe flow of traffic in Lebanon.
5. Preserve and enhance the unique scenic beauty of Lebanon.

### B. Definitions

The following words and phrases, where used in this Chapter shall, for the purposes of this Ordinance, have the meanings given of them in this section.

1. **“Area”** or **“area of a sign”** means the area to and within an established sign edge, frame, or perimeter which encloses the limits of any writing, representation, emblem, figure or character. The area of a sign having no such perimeter, or the area of a sign having an irregular shape, shall be computed by enclosing the surface area within a polygon. Where a sign is of a three-dimensional or round or irregular shape, the largest cross section shall be used, as though it were a flat surface, to determine sign area.
2. **“Awning or Canopy”** means either a permanent or retractable structural extension off or of a building, sometimes intended for the purpose of pedestrian cover.
3. **“Building Official”** is the officer or other designated authority charged with the administration and enforcement of this code or his/her duly authorized representative.
4. **“Building Face”** means the single wall surface of a building facing a given direction.
5. **“Clearance”** is measured from the highest point of the grade below the sign to the lowermost point of the sign.
6. **“Commercial zones”** means the Z-CCM, Z-HCM and Z-NCM zones, as defined in this Code (see LDC Chapter 16.08).
7. **“Display surface”** means the area made available by the sign structure for the purpose of displaying the message.
8. **“Flag”** means any fabric, banner or bunting containing distinctive colors, patterns, or symbols, used as a symbol.
9. **“Frontage”** means the length of the property line of any one premise along each public street it borders. Each portion of the premises abutting a separate street shall be considered as a separate frontage.
10. **“Height”** is measured from the highest point of the grade below the sign to the topmost point of the sign.

11. **“Historical Markers”** are signs installed or maintained by public authority or by a recognized historical society or organization identifying sites, buildings, districts, or structures of recognized historical value.
12. **“Industrial zone”** is the Z-IND zone as defined in this Code (see LDC Chapter 16.09).
13. **“Install”** means to build, construct, attach, place, suspend, or affix and shall also include the painting of wall signs.
14. **“Maintain”** means to allow a sign, sign structure, or part thereof to continue; or to repair or refurbish a sign, sign structure, or part thereof.
15. **“Marquee”** means a permanent roof-like structure attached to and supported by a building and projected there from.
16. **“Mixed Use Zone”** means the Z-MU Zone that possess potential for several types of land use or combinations of different land uses. The intent of this designation is to achieve an environment in which different land uses can co-exist. Mixed Development lands are open to all types of development including residential, commercial, and light (Class I and II Impacts) industrial land uses (see LDC Chapter 16.06).
17. **“Murals”** are coverings of the surface area of a wall with paint or other artistic medium, that creates a pictorial or abstract design and usually without advertising or commercial symbolism - such as logos or trademarks - or any representation of a product or business, except to identify the artist.
18. **“Parapet or parapet wall”** means that part of any exterior wall which extends above the eave of the roof.
19. **“Permittee”** means a person who has applied for a City of Lebanon Sign Application to allow placement or installation of a sign covered by this ordinance.
20. **“Premises”** means a tract of land occupied, by a building or unit or group of buildings and its accessory buildings. If more than one business activity is located on the tract of land, each separate business shall be considered as separate premises.
21. **“Projection”** means the distance by which a sign extends from its supporting structure.
22. **“Residential zones”** means the Z-RL, Z-RM, and Z-RH residential zones as defined in this Code (see LDC Chapter 16.05).
23. **“Roof line”** means either the eave of the roof or the top of the parapet, at the exterior wall. In the event that the structure lacks a parapet or cave, the “roof line” shall mean a profile of the roof of the structure.
24. **“Sign”** means any device or medium affixed to the property (including its structure, lighting, materials, and component parts) which by reason of its form, color, wording, logo, design, and/or illumination visually communicates, identifies, advertises, informs, announces, or attracts attention to the subject thereof (i.e., advertises or promotes any specific business, interest or cause). For the purposes of this code, street address information shall not be considered a sign.
25. **“Sign, Awning, Canopy, or Marquee sign”** means a sign which is painted onto, attached, or affixed to the surface of an awning or Marquee, or is suspended underneath an awning or Marquee. For purposes of calculating sign area, the entire exposed face of the canopy or awning or Marquee shall be designated the sign area. Canopy, awning and Marquee signs shall be considered to be wall signs for purposes of determining size allowances.

26. **“Sign, Banner”** means a sign of lightweight fabric or similar material that can be mounted both on a permanent or temporary basis. National flag, state or municipal flags, or the official flag of any institution shall not be considered banners.
27. **“Sign, Changing (automatic)”** means an electronically or electrically controlled sign such as; public service, time, temperature and date sign, message center, or reader board, where different copy changes are shown on the same lamp bank.
28. **“Sign, Daily Display”** (known also as Sandwich board) means a non-permanent sign normally associated with business activity which is placed out-of-doors during business hours for display and returned indoors off-hours. Daily display signs may be constructed in a sandwich board (A-frame) style, mounted on a single pedestal or other similar construction, and are intended to be unlit and easily moved. These signs are not lighted.
29. **“Sign, Externally Illuminated”** means a sign illuminated by an exterior light source or luminous tubing which is primarily designed to illuminate only the sign.
30. **“Sign, Fence”** means a sign attached or painted to the side of a fence on a permanent basis.
31. **“Sign, Fin”** means a sign which is supported by a pole or poles and partly by a building.
32. **“Sign, Flashing”** means any sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation, or an externally mounted intermittent light source. Automatic changing signs such as public service, time, temperature, and date signs or electronically controlled message centers are classed as “changing signs”, not “flashing signs”.
33. **“Sign, Free-standing”** means a sign wholly supported by a sign structure in the ground. Free-standing signs include pole signs and monument signs.
34. **“Sign, Internally illuminated”** means a sign which is wholly or partially illuminated by an internal light source from which source light passes through the display surface to the exterior of the sign.
35. **“Sign, Monument”** means a low profile freestanding sign which has a solid base at ground level that is equal to or greater than the width of the sign face, and which has no separation between the base and the sign.
36. **“Sign, Nonconforming”** means a sign in existence or under construction on the effective date of the Ordinance which does not conform to the provisions of the Ordinance, but which was or is being constructed, installed, or maintained in compliance with regulations in effect at the time the sign was constructed or installed.
37. **“Sign, Notice”** means a sign posted by either a public agency or private individuals intended to convey information of a legal nature pertaining to specific properties. Examples of notice signs include building permits, no trespassing notices, public hearing notices, and similar signs.
38. **“Sign, Pennant”** means a shaped, lightweight sign, made of plastic, fabric, or other material (whether or not containing a message of any kind) suspended from a rope, wire, or string, usually in a series, and designed to move in the wind.
39. **“Sign, Pole”** means a free standing sign connected to the ground by one or more supports, where any portion of the lower edge of the sign device is separated vertically from the ground by air.

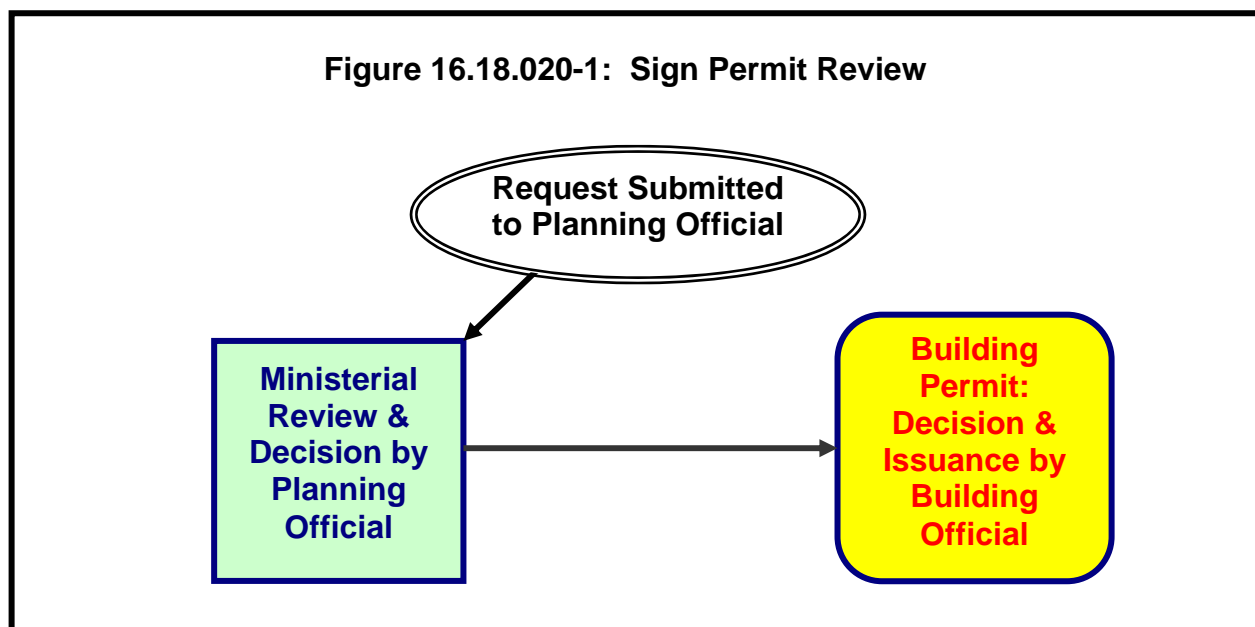
40. “**Sign, Portable**” means a sign which is not permanently attached to the ground or other permanent structure and is intended to be transported to a site for purposes of display. A portable sign may or may not be mounted on wheels and may or may not include flashing or moving lights and removable lettering or display surface. Portable signs are not daily display signs.
41. “**Sign, Projecting**” means and includes any sign which is attached to a building and extends more than 12 inches beyond the line of the building or more than 12 inches beyond the surface of that portion of the building to which it is attached.
42. “**Sign, Roof**” means a sign or any portion of which is displayed above the roof line.
43. “**Sign, Temporary**” means any sign, regardless of construction materials, which is not permanently mounted and is intended to be displayed on an irregular basis for a limited period of time and does not require a building permit to be placed or installed.
44. “**Sign, Time, Date and Temperature**” means a sign providing only time, date and/or temperature information. May be a component of a larger sign.
45. “**Sign, Under-marquee**” means a sign which is installed or maintained under, and supported or partially supported by, a marquee.
46. “**Sign, Unsafe**” means any sign determined to be a safety hazard to the public by the Building Official or duly authorized representative.
47. “**Sign, Wall-Mounted**” means any sign, attached to, or installed against the wall of a building. Wall-mounted signs may not project more than 12 inches from the wall to which they are attached.
48. “**Sign, Wall-Painted**” means a sign painted directly onto a wall of a building which is located in a commercial or industrial zone.
49. “**Sign, Window**” means a sign, pictures, symbols, neon tubing, or combination thereof, designed to communicate information that is placed on or within a window and directed towards the outside of the window.
50. “**Structural alteration**” means any change in a sign or sign structure other than advertising message or normal maintenance.
51. “**Temporary**” means for a limited duration of time usually not to exceed 90 days, unless otherwise modified by provisions of this Chapter.
52. “**Wall Sign**” means a sign attached to, erected against or painted on a wall of a building or structure, with the exposed face of the sign in a plane approximately parallel to the face of said wall and not projecting more than 12 inches. Wall signs can be a *wall-mounted sign* or a *wall-painted sign*.
53. “**Written message**” means the lettering, wording, numbers, and/or other symbols on a sign intended to convey a message. Written message does not include notation of the sign identity the sign installer or artist, provided such identification is less than one (1) square foot in area.

## 16.18.020 ADMINISTRATION PROCEDURE AND ENFORCEMENT

### A. Permit Required

All signs installed after the effective date of this Code, other than exempt signs, shall require a sign permit. All applications for sign permits shall be submitted to, and in such form as may be required by, the Planning and/or Building Department.

1. Planning review and building permit issuance for signage are a combined procedure. A decision on the sign permit shall be issued first, followed by issuance of the building permit.
2. A sign permit application shall be made available by the Planning Official. Sign permit applications that are incomplete or do not provide the required information may be deemed incomplete by the Planning Official and returned to the applicant for the addition of the missing required information.
3. An application fee as established by resolution of the City Council shall be paid to the City of Lebanon upon filing of an application. The application fee is not refundable.
4. The sign permit shall be approved, approved with conditions, or denied by the Planning Official.



### B. Interpretation

The provisions of this Chapter supersede any provision dealing with signs in any previously adopted ordinance, resolution, or regulation, except any regulations required under the City adopted Building Code and the Oregon Fire Code.

### C. Authority

The Planning Official shall have the power and duty to interpret and enforce the provisions of this Chapter. The Building Official shall have the power and duty to enforce the Building Code provisions of this Ordinance.

## **D. Permit Expiration**

Every sign permit issued under the provisions of this Ordinance shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced with one (1) year from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days. Before such work can be recommenced, a new permit shall be first obtained, and the fee shall be one-half of the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans specifications for such work and, further, that such suspension or abandonment has not exceeded one (1) year.

## **E. Permit Suspension or Revocation**

The Planning Official and/or Building Official may, in writing, suspend or revoke a permit issued under provisions of this Chapter whenever the permit is issued on the basis of incorrect information supplied, or is in violation of any applicable ordinance or regulation or any of the provisions of this Chapter.

## **F. Pre-Existing Signs**

Signs legally constructed or placed prior to the adoption of these Chapter provisions and do not conform to these provisions shall be considered non-conforming. If the sign is to be relocated or replaced, the replacement or relocated sign shall comply with the provisions of this Chapter.

## **16.18.030 SIGNS EXEMPTED OR PROHIBITED, AND NONCONFORMING SIGNS**

### **A. Exempted Signs**

The following signs do not require a sign permit but shall conform to all other applicable provisions of this Code and shall be permitted in all zones, except as otherwise noted.

1. Signs not exceeding a total of three (3) square feet in area, non-illuminated, and not exceeding three (3) feet in height if ground-mounted (or 30 inches in required front and street side yards).
2. Temporary signs which are non-illuminated, have an overall face area not exceeding 32 square feet in a residential , commercial, or industrial zone, are not permanently installed, and are intended to be located on property for short durations of time (not to exceed 180 days). Such signs typically include, but are not limited to, real estate lease and sales, political signs, construction signs, and garage sale, open house, special event, and similar signs. Such signs shall only be posted for the duration of the activity. No sign shall be extended into or extend over a street right-of-way.
3. Temporary display of lights or other decorations associated with holidays.
4. Banners, lights, and pennants not exceeding a total display area of 40 square feet per face used on premises in conjunction with temporary events and not in place longer than a period of 30 days.

5. Signs placed for purposes of public direction and safety. Such signs typically include, but are not limited to, traffic and municipal signs, directional signs for emergency services (such as hospitals, police stations and fire stations), legal notices, railroad crossing signs, danger signals, and similar signs. Such signs may be placed within the public right-of-way subject to right-of way permit requirements.
6. Flags on free standing pole.
7. Signs carved into a building or which are a part of materials which are an integral part of the building such as cornerstones, building names, and similar signs.
8. Signs of public or legal notice.
9. Window signs in commercial and industrial zones, provided materials subject to Subsection 16.18.040.B.1 below are not used.
10. Promotional displays and temporary signage for special commercial and other events, provided such displays shall be in place for a period not to exceed 30 days. This includes limited temporary event signage (e.g., Strawberry Festival, Music in the Park, National Holidays).
11. Fence signs which are located on the inside of a fence and are used in conjunction with athletic events.
12. Historical site plaques or markers.
13. Signs with display surfaces that are not visible from the public right-of-way (e.g., are located in an interior court yard).
14. Murals for commercial and industrial uses. Murals shall be allowed provided that the entire mural regardless of content shall be included in the sign area calculation for a wall sign. The calculation shall be in accordance with provisions in the "sign area" definition.

## **B. Prohibited Signs**

It is unlawful for any person to install, display or maintain, and a permit shall not be issued for the installation, display, or maintenance of, any sign or advertising structure falling within any of the following descriptions.

1. Moving signs or flashing signs, or any sign or sign structure that has any visible moving part or visible mechanical movement of any description or other apparent visible movement achieved by any means; including intermittent (or sequential) electrical pulsations, illuminated signs using stroboscopic or comparable means for animation, and action by means of normal wind currents.
2. Signs installed within the right-of-way of any street, along any driveway, or in any other location which do not meet the requirements of Section or by reason of the location, shape, color, animation, or message are likely to be confused with any traffic control device; or create a distracting or hazardous condition for motorists.
3. Temporary Signs without a permit.
4. Fin signs.
5. Roof signs.



6. A sign, or any portion thereof, may not be placed so that it obstructs any fire escape, stairway, or standpipe; interferes with human exit through any window or any room located above the first floor of the building; obstructs any door or required exit from any building; or obstructs any required light or ventilation.
7. Portable signs, except as defined in 16.18.030.A.2.
8. Fence signs, except internal fence signs as described in Section 16.18.030.A.11.
9. Signs affixed to power, utility, or traffic control poles other than City-approved traffic control signs and pole identification placards.
10. Signs affixed to or painted on natural features, such as rocks or trees.

### **C. Nonconforming Signs**

Notwithstanding provisions found elsewhere in this Code, pre-existing, nonconforming uses may replace existing signs with signs that conform to the requirements of the applicable zone. For example, a commercial building in a residential zone may install signs that comply with provisions in Section 16.18.050.B.

### **D. Placement of Signs and Public Fire Hydrants**

Free Standing Monument Signs, and Free Standing Pole Signs may not be placed within ten (10') feet of an existing public fire hydrant.

## 16.18.040 SIGN DISTRICTS

### A. Signage in Residential Zones and Residential Development in the Mixed Use Zone

No sign shall be installed or maintained in an Z-RL, Z-RM, and Z-RH or Z-MU zone, except as allowed under this section, or as otherwise noted in this section.

**Table 16.18.040-1: Permitted Uses that may have Signage under the Standards of this Code in Residential Zones and Residential Development in the Mixed Use Zone**

Zones: Residential Low Density (Z-RL); Residential Mixed Density (Z-RM); Residential High Density (Z-RH); Mixed Use (Z-MU)

#### Types of Permitted Uses

- 1. Residential Uses** (See Table 16.05-2 in Chapter 16.05, and Table 16.06-1 in Chapter 16.06):
  - a. With Class I Impacts such as, Bed & Breakfasts, Home Occupations, Hospice Facilities
  - b. With Class II Impacts such as Multi-Family Housing, Nursing and Convalescent Homes, Retirement Center Apartments
  - c. With Class III Impacts such as State Regulated Special Residential Units, Manufactured Home Parks
- 2. Commercial Uses** (See Table 16.05-3 in Chapter 16.05):
  - a. Offices with Class I Impacts and a floor area less than 1,000 sqft
  - b. Commercial Uses with Class I Impacts such as Stores (15,000 square feet or less) Selling Groceries, Pharmaceuticals, Printed Material, Stationery, & Videos, Hair, Tanning, and Personal Care Services, and Laundromats
  - c. Other Commercial Uses with Class I Impacts and a floor area less than 2,000 sqft, such as Parcel Service Stores, Photocopy and Blueprint Services, Photographic Studios, Restaurants, Cafes, Delicatessens, Tailors and Seamstresses
  - d. Commercial Uses with Class II Impacts and a floor area less than 2,000 sqft per use such as Educational, Arts and Training Facilities
  - e. Other Commercial Uses with Class II Impacts such as, Entertainment, Indoor Continuous Activities like Theaters, Health Clubs, Gyms, Membership Clubs, Bowling Alleys, and so on
- 3. Public Uses / Civic or Institutional**(See Table 16.05-5 in Chapter 16.05):
  - a. With Class I Impacts: City offices and Facilities; Community Development Center; and Utility Offices.
  - b. With Class II Impacts such as Community Centers, Colleges, Universities, Community Colleges, and Adult Education Facilities Municipal Courts; Museums, Nursery Schools, Preschools Public Safety Facilities, Including Fire/Emergency Medical Services and Police Stations, and Emergency Communication Broadcast Facilities; Public Squares, Plazas, Senior Centers, Social Service Facilities, Soup Kitchens, Vocational Training for the Physically or Mentally Challenged, Utility Substations, Youth Club facilities, Boat Launching Areas, City Maintenance Shops; Hospitals and Large Medical Complexes Publicly Owned Swimming Pools, Recreational Trails,; Transit Centers, and so on
  - c. Other Public Uses with Class II Impacts such as Schools, Religious Meeting Facilities or Related Facilities, Daycare, adult or child day care (12 or fewer children), and so on
  - d. With Class III Impacts such as Shelters for Short Term or Emergency Housing (e.g., Homeless Shelters) when operated by a Public or Non-profit Agency, Cemeteries, Parks, Open Space, and so on
- 4. Individual Single Family Homes** (including duplexes) in any zone may have personalized signs that do not exceed a total of three (3) square feet in area, are not illuminated, and do not exceed three (3) feet in height if ground-mounted. Such signs may include names of occupants or premises, and similar messages. Such signs are not regulated by any of the other signage standards in this Code.

**Table 16.18.040-2: Signage Standards for Residential Zones and Residential Uses in the Mixed Use Zone (Z-RL, Z-RM, and Z-RH or Z-MU zones)**

Types of Signage	Standards (Permitted as follows)
1. Free Standing Monument Sign	<p><b>a. Number:</b> A maximum of one (1) per parcel is allowed.</p> <p><b>b. Location:</b> Where a building fronts on two or more streets, such sign shall be located on or in front of the principal side of the building.</p> <p><b>c. Size:</b> Shall not be higher than 8 feet and not exceed 48 square feet in total sign area. No more than two sides.</p>
2. Wall Mounted & Wall Painted Sign	<p><b>a. Number:</b> In addition to the monument sign permitted above in this Table, each building on the site is permitted one wall sign, provided that the building has no less than 2000 square feet of gross floor area. This limit shall not apply to Free Standing Monument Signs.</p> <p><b>b. Location/Size:</b> One wall sign on the main building shall be no more than 16 square feet. Wall signs on all other buildings shall be no more than eight (8) square feet.</p> <p><b>c. Public Schools and Hospitals:</b> Wall signs are permitted on each building, and shall be no more than 75 square feet, except one wall sign on the principal face of the main building that shall not exceed 300 square feet.</p>
3. Free Standing Pole Sign	<p><b>a. Number:</b> One pole sign in lieu of the monument sign.</p> <p><b>b. Location:</b> No free-standing sign, or any portion thereof, shall be located on or be projected over the property line or within 25 feet of any property line within a residential zone.</p> <p><b>c. Size (Height &amp; Area):</b> Sign shall not be higher than 8 feet and not exceed more than 32 square feet in total sign area.</p>
4. Projecting Sign	No sign shall project into the street right-of-way or into a vision clearance area.
5. Awning, Canopy or Marquee Sign	Not Permitted in a residential zone or for a residential use in the MU Zone
6. Under Awning, Canopy or Marquee Sign	Not Permitted in a residential zone or for a residential use in the MU Zone
7. Daily Display Sign	Not Permitted in a residential zone or for a residential use in the MU Zone
8. Illuminated Sign	<p><b>a.</b> Signs in residential zones may have external or internal illumination.</p> <p><b>b.</b> Par spot or reflective type bulbs may be used for indirect illumination of the display surface if properly shielded from direct glare onto streets.</p> <p><b>c.</b> Sign illumination shall be directed away from, and not be reflected upon, adjacent premises.</p>
9. Home Occupation Sign	<p><b>a. Number:</b> One single name plate.</p> <p><b>b. Location:</b> Sign shall be inside the dwelling or located flat against the dwelling.</p> <p><b>c. Size:</b> Not to exceed 6 square feet in area.</p>

**Table 16.18.040-2, Continued**

**10. Notes and Exceptions**

- a.** Proposed signage in Residential Zones and for Residential Uses in the Mixed Use Zone adjacent to and facing non-residential uses may request to use the sign standards applicable to such signage in other land use zones (see Table 16.18.040-3), and would be subject to the Administrative Review process.
- b.** Proposed signage in Residential Zones and for Residential Uses in the Mixed Use Zone adjacent to and facing an arterial street or designated highway may request to use the sign standards applicable to such signage in other land use zones (see Table 16.18.040-3), and would be subject to the Administrative Review process.
- c.** Proposed signage in Residential Zones and for Residential Uses in the Mixed Use Zone adjacent to and facing mixed uses (residential and non-residential), if at least 50% of the mixed uses are non-residential, may request to use the sign standards applicable to such signage in other land use zones (see Table 16.18.040-3), and would be subject to the Administrative Review process.

## B. Signage in Commercial, Mixed Use, Industrial, and Public Use Zones

No sign shall be installed or maintained in the Z-CCM, Z-HCM, Z-NCM, Z-MU, Z-IND, Z-PU zones, except as allowed under Subsection 16.18.030.A., Chapter 16.24 (Planned Development), or as otherwise noted in this section. See Chapters 16.06 – 16.10 in this Code for the permitted uses in these zones.

<b>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</b>	
<b>Types of Signage</b>	<b>Standards (Permitted as follows)</b>
<b>1. Free Standing Monument Sign</b>	<p><b>a. Number:</b> A maximum of one (1) per parcel is allowed.</p> <p><b>b. Area:</b> 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><b>c. Height:</b> 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><b>d. Location:</b> Signs shall not be placed in clear vision areas, or within 25 feet of a residentially zoned property.</p>
<b>2. Wall Mounted &amp; Wall Painted Sign</b>	<p><b>a. Area:</b> 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>b. Height:</b> No wall-mounted sign shall extend above the roof line at the wall or the top of the parapet wall, whichever is higher.</p>
<b>3. Free Standing Pole Sign</b>	<p><b>a. Number:</b> A maximum of one (1) sign per parcel is allowed.</p> <p><b>b. Area:</b> 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><b>c. Height and Clearance:</b> 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><b>d. Location:</b> 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>
<b>4. Projecting Sign</b>	<p><b>a. Number:</b> A maximum of one (1) projecting sign per parcel is allowed.</p> <p><b>b. Area:</b> 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><b>c. Height:</b> No projecting sign shall extend above the roof line at the wall or top of a parapet wall, whichever is higher.</p> <p><b>d. Clearance:</b> 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>

**Table 16.18.040-3, Continued**

<p><b>5. Awning, Canopy or Marquee Sign</b></p>	<p><b>a. Number:</b> A maximum of one (1) awning, canopy, or marquee sign per parcel is allowed.  <b>b. Area:</b> The maximum permitted display surface of an awning or canopy sign which is painted onto, attached to, or affixed to, the surface of an awning or canopy, is 50 per cent of the face of the building to which the awning or canopy is attached.  <b>c. Height:</b> An awning or canopy sign may not extend higher than the roof line.</p>
<p><b>6. Under Awning, Canopy or Marquee Sign</b></p>	<p><b>a. Number:</b> One (1) sign per premise is permitted.  <b>b. Area:</b> These signs shall not exceed four (4) square feet per sign.  <b>c. Clearance:</b> These signs must have a minimum of seven (7) feet of clearance below the lowest portion of the sign and the ground below. If sign has less than eight (8) feet of clearance, it must be free-swinging.  <b>d. Location:</b> Signs shall not project within two (2) feet of the curb.</p>
<p><b>7. Daily Display Sign</b></p>	<p><b>a. Number:</b> One (1) daily display sign per business is permitted.  <b>b. Area:</b> The maximum permitted area of a daily display sign shall be 12 square feet per display surface, with a maximum height limit of four (4) feet above ground level.  <b>c. Display Time:</b> Such signs may only be displayed during business hours.  <b>d. Location:</b> A daily display sign must be located on the private property with which it is associated and must meet clear vision requirements as required by this Code, or, if located on public property, must be done so in accordance with the City permit requirements and not interfere with the full and appropriate public use of the public property on which the daily display sign is placed.</p>
<p><b>8. Illuminated Sign</b></p>	<p><b>a.</b> Signs in these zones may be illuminated internally.  <b>b.</b> Lights used to indirectly illuminate signs shall be placed, shielded, and deflected so as not to shine directly into any adjacent residential dwelling unit or to impair the vision of the driver of any vehicle.</p>
<p><b>9. Temporary Sign</b></p>	<p><b>a. Number:</b> Two (2) Temporary Signs per business are permitted.  <b>b. Area:</b> The maximum permitted area of a Temporary Sign shall be 32 square feet per display surface, with a maximum height limit of four (4) feet.  <b>c. Location:</b>            <b>(1)</b> A Temporary Sign must be located on the private property with which it is associated and must meet clear vision requirements as required by this Code, and must otherwise not conflict with the public health, welfare, and safety, and            <b>(2)</b> Shall not be attached to any other sign or appurtenance thereof.  <b>d. Planning Approval:</b> Requires Planning approval prior to installation.  <b>e. Time Limits:</b> Must be placed for a minimum period of 30 days, and are restricted to a maximum of a 90-day use period.</p>

## **16.18.050 SIGNS IN PUBLIC RIGHTS-OF-WAY**

### **A. Signs Prohibited**

Signs are prohibited within public rights-of-way, except as allowed below.

- 1. Directional Signs.** Signs for purposes of public direction and safety may be allowed within the public right-of-way, subject to right-of-way permit requirements and the following standards. Requests for placement of directional signs within the public right-of-way shall apply to the Director of Public Works.
- 2. Daily Display Signs.** In sign districts that permit display signs, a daily display sign may be allowed within the public right-of-way only adjacent to and in front of the premises with which it is associated, provided all of the following conditions are met:
  - a.** A City right-of-way permit is required. The applicant shall identify the specific location, size, construction materials, and anchoring method of the sign. A daily display sign must conform to the conditions of the permit.
  - b.** The sign is to be set back behind the curb so as not to interfere with on-street parking, or a minimum of ten (10) feet from the edge of the nearest Street travel lane where curbs are not in place.
  - c.** The sign is to be placed so as to allow at least five (5) feet of unimpeded pedestrian sidewalk maneuvering space.
  - d.** The sign is to meet the clear vision requirements of Subsection 16.12.030.H of this Code.
  - e.** The sign is properly maintained as per requirements of Section 16.18.060.
  - f.** The applicant shall be responsible for any physical or property damage injury caused by the sign located upon the right-of-way adjacent to the applicant's property. The City may require as a part of the sign permit that the applicant furnish the City with proof of adequate liability insurance in amounts to be determined by the City, and with a provision naming the City as an additional insured.
  - g.** Sign dimension shall not exceed a maximum width of two (2) feet, and a maximum above-ground level height of three (3) feet, with a maximum span of two (2) feet at the base.
  - h.** No more than one (1) sign per business is allowed.
  - i.** A daily display sign may be displayed on the public right-of-way as described above only during business hours.
  - j.** Failure to comply with these standards may result in the removal of the sign by the City and revocation of the sign permit. If the removed sign is not claimed by its owner within ten (10) business days, it shall be deemed abandoned property and thereafter disposed of consistent with state law.

### **B. Gateway or City Entrance Signs**

- 1.** City Entrance Signs in public ROWs may be permitted by the City Manager, Planning Official, and/or Public Works Director, provided the signs do not cause a visual impairment or otherwise conflict with the public health, safety, and welfare. Otherwise there are no restrictions to height, sign area, and location.
- 2.** The placement of such signage along state highways must also comply with the regulations and requirements of ODOT, Highway Division.

## **16.18.060 SIGN CONSTRUCTION AND MAINTENANCE**

### **A. Construction Requirements**

Except as otherwise provided in the Sign Code, the construction of all signs or sign structures shall conform to applicable provisions of the Uniform Sign Code, State of Oregon Building Code, Fire Code, Electrical Code, and all other applicable City codes.

### **B. Maintenance Requirements**

All signs, conforming and nonconforming, together with their supports, braces, guys, and anchors, shall be constructed of materials that are durable and weather resistant.

1. The sign owner shall be responsible for regularly maintaining all signs so that they exist at all times in a state of good repair as determined by the building official.
2. All primary residential and commercial structures and business locations shall display, to be easily legible from the street, the correct and current address (as issued by the City).

### **C. Replacement or Repair of Nonconforming Signs**

Upon obtaining a building permit, a nonconforming sign may be removed, repaired, upgraded or replaced with different materials, provided that the repaired or replaced sign is not any more nonconforming than the original sign and the sign is replaced within 60 days from the date of the issuance of the permit.

## **16.18.070 REMOVAL OF SIGNS IN VIOLATION**

### **A. Unsafe Sign**

1. **Time Limit:** The Building Official may cause any sign and/or sign support structure which is determined to be a hazard to persons or property - by reason of it or its support structure being or becoming of unsound and unsafe; i.e. weakened or broken support, broken parts, including tubing, wiring, plastic, etc. - to be evaluated by an Oregon licensed structural engineer for repair, replacement or removal. The cost of the evaluation shall be the responsibility of the sign owner.
2. **Notice Given:** Notice shall be given to the sign owner or owner of the property on which the sign is located, at the discretion of the Building Official, except notice is not required if a determination is made that the sign and/or sign support structure poses an immediate health, safety, or welfare risk to persons or property. If the sign or property owner fails to respond to a notice of an unsafe sign within any time limit specified in the notice, the City may remove the sign at the property owner's expense.

### **B. Removal and Remediation**

1. **Removal:** Unless otherwise specified, signs found to be in violation of this code will be given a 30-day removal notice. The violating sign may be removed by the City at cost to the property owner after time limit of notice to remove sign has expired.
2. **Remediation:** In the case of removal by the City, no occupancy or building permit will be issued for the property involved until all fines and fees due the City are paid in full.



### **16.18.080 SIGN VARIANCES**

Signs may exceed the limits imposed by this Chapter through application for and approval of a variance as per the provisions of Chapter 16.29 (Variances). The Sign Variance process shall conform to provisions in Chapter 16.29, except that the decision shall be subject to the following criteria:

- A.** There are unique circumstances of conditions of the lot, building or traffic pattern such that the existing sign regulations create an undue hardship.
- B.** The requested variance is consistent with the purpose of this Chapter as stated in Section 16.18.
- C.** The granting of the variance compensates for those circumstances in a manner equitable with other property owners and is thus not a special privilege to any particular business. The variance requested shall be the minimum necessary to compensate for those conditions and achieve the purpose of this Chapter.
- D.** The granting of the variance shall not decrease traffic safety nor detrimentally affect any other identified items of public welfare.
- E.** The desire to match standard sign sizes (for example, chain store signs) is not considered a valid reason for a variance.
- F.** The variance request shall not be the result of a self-imposed condition or hardship.

### **16.18.090 APPEALS**

Appeals from a ruling of the Planning Official or from the Planning Commission shall be taken and administered pursuant to the provisions of Chapter 16.20 of this Code.

***Title 16: City of Lebanon  
Development Code***

ARTICLE THREE:  
COMMUNITY DEVELOPMENT AND USE  
STANDARDS

**Chapter 16.19:  
Other Community Development  
and Use Standards**

**Adopted by City Council on  
December 10, 2008**

**Chapter 16.19:**  
**Other Community Development and Use Standards**  
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# **Chapter 16.19: Other Community Development and Use Standards**

## **16.19.010 GENERAL PROVISIONS REGARDING ACCESSORY USES**

An accessory use shall comply with all requirements for a principal use, except where specifically modified by this section. The standards for accessory dwellings are found in Chapter 16.05. Accessory structures shall not be used for human habitation or prohibited accessory uses except as specified in this section. Accessory uses shall comply with the following standards:

- A.** An accessory structure is not to be used for human habitation.
- B.** An accessory structure and use are subordinate to the primary use. Accessory structures and uses are not permitted without an established primary structure and use (e.g., a dwelling in a residential zone). Accessory structures and uses are subject to the development standards of the zone in which they are located (Chapters 16.05 – 16.10).
- C.** Placement and construction of an accessory structure shall comply with all applicable building standards and site development standards.
- D.** Garages (detached) are accessory structures.
- E.** Boats, trailers, detached campers, motorized dwellings, recreational vehicles (RVs), and similar recreation equipment may be stored, but not used for human habitation, on a lot as an accessory use to a dwelling provided that storage is not permitted in a front or street side yard, and further provided that street access is approved, and the vehicles are stored on an approved improved surface.

## **16.19.020 DISTANCE FROM PROPERTY LINE**

In commercial or industrial zones where a side or rear yard is not required and a structure is not to be erected at the property line, an accessory use shall be set back at least 3 feet from the property line.

## **16.19.030 USE OF RESIDENTIAL STRUCTURES IN COMMERCIAL AND INDUSTRIAL ZONES**

In commercial and industrial zones, pre-existing residential structures may be occupied by uses permitted in the zone provided the structure meets minimum building and safety standards as outlined in the applicable building code, fire and life safety codes, and provided further that required planning applications have been submitted and approved, including a development plan for vehicular, pedestrian and ADA access, parking, as well as landscaping, signing, and exterior lighting if applicable.

### **16.19.040 MANUFACTURED HOME PLACEMENT STANDARDS**

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

- A. Be multi-sectional (double-wide or wider) and enclose a floor area of not less than 1,000 square feet.
- B. Unless located within a designated flood hazard area, have backfill style foundations or skirting of pressure treated wood, masonry or continuous concrete footing wall construction complying with the minimum set-up standards of the adopted state Administrative Rules for Manufactured Dwellings, such that the manufactured home is located not more than 12 inches above original overall lot grade.
- C. Have a roof with a nominal pitch of 3 feet in height for each 12 feet in width.
- D. Not have bare metal siding or roofing, the siding shall be painted, and roofing and siding shall be in good serviceable condition without portions missing, damaged, cracked or otherwise defective.
- E. Be certified by the manufacturer to have exterior thermal envelopes meeting the performance standards specified by state law for single family dwellings constructed under the state building code.
- F. Have a garage or carport with exterior materials matching the residential unit.
- G. Be subject to all other applicable Zoning Ordinance and Municipal Code requirements that apply to single-family dwellings in residential zones.

### **16.19.050 EXTERIOR LIGHTING**

Exterior lighting shall be designed, constructed, located, shielded, and directed in such a manner so as to not face directly, shine, reflect, or glare onto an adjacent residences, streets, and other land uses (i.e., lumens should not exceed 0.1 at all property lines). Also see Airport Overlay Zones (in Chapter 16.11) for additional lighting standards for that zone.

### **16.19.060 GENERAL PROVISIONS REGARDING HOME OCCUPATIONS**

A home occupation, when conducted in a residential zone, shall be subject to the following standards:

- A. The home occupation shall be secondary to the main use of the dwelling as a residence.
- B. All aspects of the home occupation shall be contained and conducted within a completely enclosed building.
- C. The home occupation shall be limited to either a pre-existing garage or accessory structure, or not over 25 percent of the floor area of the main floor of a dwelling. If located within an accessory structure or a garage, the home occupation shall not utilize over 500 square feet of floor area.

- D. No structural alteration, including the provision of an additional entrance, shall be permitted to accommodate the home occupation, except when otherwise required by law. Such structural alterations shall not detract from the outward appearance of the property as a residential use.
- E. No persons other than those residing within the dwelling shall be engaged in the home occupation.
- F. No window display and no sample commodities displayed outside the dwelling are allowed.
- G. No materials or mechanical equipment shall be used which are detrimental to the residential use of the dwelling or any nearby dwellings because of vibration, noise, dust, smoke, odor, interference with radio or television reception, or any other factor.
- H. No parking of customers' vehicles in a manner or frequency so as to cause disturbance or inconvenience to nearby residents or so as to necessitate off-street parking shall be allowed. A maximum of two customers' vehicles shall be permitted at one time.
- I. No sign shall be permitted except for a single name plate not to exceed six (6) square feet in area, located inside the dwelling or flat against the exterior of the building (see Chapter 16.18, Table 16.18.040-2, Subsection 9).
- J. See Table 16.05-2 (Chapter 16.05) for review and permitting requirements.

**16.19.070 EXCEPTIONS TO YARD REQUIREMENTS ON ARTERIAL AND COLLECTOR STREETS**

In order to protect arterial and collector streets and to permit the eventual widening of these streets, every yard abutting a portion of a street hereinafter named shall be increased over the required yard dimension specified in the zone so that the minimum distance from the center line of the right-of-way to the front of any structure shall be as listed below in residential zones. Other zones allowing for a lesser setback than required in a residential zone may reduce the required setback of the Section by the difference between the required setback in the residential zone and the zone in which the building is to be located.

<b>Table 16.19.070-1: Exceptions to Yard Requirements on Arterial and Collector Streets</b>	
<u>Street Name</u>	<u>Setback from Center Line of R.O.W</u>
Airport Road	55' and Garages 60'
Vaughn Lane	45' and Garages 50'
Airway Road, between Oak Street/Airport Road	45' and Garages 50'
Twelfth Street, between Vine/Tangent Streets	45' and Garages 50'
Seventh Street, between Tangent/Grant Streets to Airport Road	45' and Garages 50'
Franklin Street, between Oak Street/Russell Drive	45' and Garages 50'
Milton Street, between Highway 19/Franklin Street	45' and Garages 50'
Walker Road, between Stoltz Hill/South Main Road	45' and Garages 50'
Lebanon Parkway as described in the 2007 Lebanon TSP	80' and Garages 85'

## **16.19.080 EXCEPTIONS TO BUILDING HEIGHT LIMITATIONS**

Vertical projections such as chimneys, spires, domes, elevator shaft housing, tower aerials, flag poles, solar system apparatus and similar objects not used for human occupancy shall not exceed the building height by more than 10 feet providing that the abutting properties' solar access will not be impaired. The applicant proposing the vertical projection is required to submit a shadow projection demonstrating that solar access will be protected. Vertical projections that cast a shadow of less than 3 feet in width and are less than 10 feet in height do not require a shadow projection.

## **16.19.090 PROJECTIONS FROM BUILDINGS**

### ***A. Front Yard Projections***

The following features, when not more than one story high, may project into the front yard setback area, provided the projection shall be no closer than 10 feet from the property line: planter boxes, chimneys and flues, steps, cornices, eaves, gutters, belt courses, leaders, sills, pilasters, lintels, and other ornamental features, uncovered porches, covered but unenclosed porches.

### ***B. Side Yard Projections***

1. Cornices, eaves, gutters and fire escapes may project into a required side yard not more than one-third of the width of the side yard, with a maximum projection of four-feet.
2. Chimneys, flues, belt courses, leaders, sills, pilasters, lintels and ornamental features may project not more than 1.5 feet into a required side yard, provided the chimneys and flues shall not exceed 6 feet in width.
3. Uncovered decks and patios attached to the main building, and no more than 3-feet in height when measured directly beneath the outside edge of the deck or patio, may be extended to the side yard property line.

### ***C. Rear Yard Projections***

1. Chimneys, flues, belt courses, leaders, sills, pilasters, lintels, gutters and other ornamental features, may project not more than 1.5 feet into a required rear yard, provided the chimneys and flues shall not exceed 6 feet in width.
2. A fire escape, balcony, outside stairway, cornice or other unenclosed, unroofed projections may project not more than 5 feet into a required rear yard, provided it is set back at least 6 feet from any property line.
3. The following features, when not more than one story high, may project into the rear yard setback area: planter boxes, chimneys and flues, steps, cornices, eaves, gutters, belt courses, leaders, sills, pilasters, lintels, and other ornamental features, uncovered porches, covered but unenclosed porches.
4. No permitted projection into a required rear yard shall extend within 10-feet of the center line of an alley or within 5-feet of a rear lot line if no alley exists.



## **16.19.100 SOLAR ENERGY USE**

The use of solar energy systems, both active and passive, including solar collectors, storage facilities, and other necessary components for space heating and cooling, swimming pool heating, and water heating is a permitted use in accordance with the provisions of each zone.

## **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 limited to Commercial zones, except that sales may occur on those properties containing public or semi-public uses, such as schools or churches, regardless of the underlying zone.
- b. Unless otherwise exempted by provisions in this Section, the sales activity shall be subject to provisions in Chapter 16.08 of this Code.

#### **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, temporary structure or a vacant building.
- b. The activity is located on the same lot for no more than 90 days in any calendar year.
- c. The required parking for the primary uses on the same lot is not reduced below Ordinance requirements.
- d. The use does not block driveways, driveway entrances or parking aisles.
- e. The activity conforms to all signage requirements in Chapter 18 of this Code.
- f. The activity conforms to all setback requirements applicable to the lot and zone.
- g. The operator of a temporary use shall provide the required information, pay the applicable fee, obtain and display the required temporary business permit.
- h. The operator of a temporary use shall obtain all permits required by other agencies including those required for food handling and sales, and the sale of fireworks.
- i. Temporary uses located within Residential zones shall not operate beyond 9:00 PM.

### **3. 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.

### **4. 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.

### **5. 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.

## ***C. Temporary Use Permit***

### **1. Permit Required**

With the exception of temporary construction facilities, yard sales and auctions, each temporary use allowed under this Section of the Code shall be required to obtain a permit from City Hall to operate within the City.

### **2. Procedure**

#### **a. Requests**

- (1) Requests for a Temporary Use shall be made in writing to the Planning Official.
- (2) Decisions on Temporary Use requests shall be made utilizing a Ministerial Review process (see Section 16.20.030 in Chapter 16.20 of this Code).
- (3) Applicants may request that their Ministerial Review be heard by the Planning Commission.
- (4) Mailed notices shall include summary of Temporary Use ruling.

#### **b. Decision to Approve a Temporary Use**

- (1) The Planning Official shall have the authority to Decisions on Temporary Use requests using the Ministerial Review process, or
- (2) Refer the Ministerial Review request to the Planning Commission for its interpretation in a public hearing.
- (3) The review process, either by the Planning Official or on referral to the Planning Commission, shall follow all the applicable provisions of Chapter 16.20 of this Code.

#### **c. Appeal**

A decision by the Planning Official may be appealed to the Planning Commission.

### **3. Application Requirements**

A request for a temporary use permit shall submit the following information:

- a. A signed statement from the property owner or lessee of the primary use on said property: (1) granting permission for the property to be used by the permit applicant, (2) copy of a property deed, ground lease or similar evidence of ownership for subject property, (3) specifying the day(s) for which permission is granted, (4) containing the name, mailing address and telephone number of the owner or lessee, and (5) acknowledging responsibility to ensure all litter, trash and materials on the property associated with the temporary use are removed within two days after the temporary use ceases.
- b. A signed statement from the permit applicant: (1) specifying the permit applicant's name, permanent home or business address (not P.O. Box), home or business telephone number, (2) specifying the type of use proposed by the applicant, (3) attaching proof that any applicable state or federal licenses or other requirements to engage in the temporary use proposed by the applicant have been granted by the appropriate governmental agencies, (4) acknowledging responsibility to ensure that all litter, trash and materials on the property associated with the temporary use are removed within two days after the temporary use ceases.
- c. Each application shall be accompanied by a site plan to demonstrate compliance with these provisions. The site plan shall be to an approximate scale, preferably on an 8½" x 11" sheet of paper. The site plan shall include the following: (1) locations of all existing structures, (2) proposed location of temporary use, (3) parking spaces and aisles within the parking lot, (4) driveways, and (5) streets.

### **4. Decision Criteria**

The decision criteria are established in this Section of the Code in conjunction with any applicable criteria from the land use zone in which the temporary use is proposed.

### **5. Issuance of Permit**

After approval by the Decision Making Authority, the permit shall be issued by the City, upon payment of the applicable fee, and evidence the intended use conforms to the applicable requirements set forth in this Section of the Code.

### **6. Length of Operation**

In determining the length of operation of a temporary use, the use will be deemed continuous from the first day that the permit was issued. The use will be deemed discontinued upon cessation of the temporary use, restoration of the premises as set forth herein, and surrender of the permit to the City, whichever occurs last. The applicant may apply and be granted approval up to six months in advance of the effective issuance of the permit.

### **7. Revocation**

The temporary business permit may be revoked in the event that the operating business does not conform to the requirements specified in this Section of the Code, or if any of the information in the above noted application is false.

***Title 16: City of Lebanon  
Development Code***

ARTICLE FOUR:  
LAND USE AND DEVELOPMENT REVIEWS,  
DECISION  
REQUIREMENTS AND PROCEDURES

**Chapter 16.20:  
REVIEW AND  
DECISION-MAKING PROCEDURES,  
AND OTHER ADMINISTRATION  
ISSUES**

**Adopted by City Council on  
December 10, 2008**

# Chapter 16.20: Review And Decision-Making Procedures, and Other Administration Issues Table of Contents

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# **CHAPTER 16.20: REVIEW AND DECISION-MAKING PROCEDURES, AND OTHER ADMINISTRATION ISSUES**

## **16.20.010 INTRODUCTION**

### ***A. Background***

This Chapter provides the decision-making requirements and procedures for obtaining land use approvals required by this Code. For any particular type of land use application, please refer to **Table 16.20.020-1** in this Chapter (page 6) to see which land use reviews and procedures are required, and which decision-making body will be utilized. The following procedures are established for the various types of decision making procedures where such procedures are required by the provisions of this Code. In the event that this Code and a specific provision of State law address the same subject, then the requirement of State law shall be fulfilled in lieu of the procedure provided by this Code.

### ***B. Purposes***

The purposes of this Chapter are to:

1. Establish standard decision-making procedures that will enable the City, the applicant, and the public to reasonably review applications and participate in the local decision-making process in a timely and effective way.
2. Describe rules of conduct, notice requirements, order of proceedings, and action required for the various types of decision making procedures; and
3. Provide clear and consistent rules for land use decision making.

### ***C. Exemptions***

Land use applications, reviews and approvals are not required for changes in use within existing buildings. For example, in an already approved shopping center or mall, or downtown commercial building, businesses may come and go without seeking planning or land use approval. Therefore, an existing building or store occupied by a business selling sporting goods, could be replaced by a business selling books, electronics, a coffee shop, a restaurant, or an arcade. Such transitions may well involve fire, life and safety reviews and permits, the issuance of building permits, engineering approval for site work, or County health certification. However, the planning process would generally only be triggered in these types of situations when the change in uses involve expansions to the buildings.

### ***D. Completeness, Acceptance and Review of Applications***

Except as otherwise noted, the City shall take final action on an application for a permit, limited land use decision or zone change, including resolution of all local appeals, within 120 days after the application is deemed complete.



## **1. Review and Written Findings**

The Planning Official shall review applications as soon as possible after they are filed to verify their completeness. Within 30 days of the original filing, each application shall be formally accepted as complete or rejected as being incomplete. The applicant shall be notified in writing<sup>1</sup> of the acceptance or rejection of the application. If the application is rejected, the applicant shall be advised what information is needed to make the application complete.

## **2. Incomplete Applications**

If an application for a permit, limited land use decision or zone change is incomplete, the City Council or its designee shall notify the applicant in writing of exactly what information is missing within 30 days of receipt of the application and allow the applicant to submit the missing information. The application shall be deemed complete for the purpose of Subsection "1" (immediately preceding) upon receipt by the governing body or its designee of:

- a. All of the missing information;
- b. Some of the missing information and written notice from the applicant that no other information will be provided; or
- c. Written notice from the applicant that none of the missing information will be provided.

## **3. Failure to Comply with Submittal Requirements**

On the 181st day after first being submitted, the application is void if the applicant has been notified of the missing information as required immediately above and has not submitted:

- a. All of the missing information;
- b. Some of the missing information and written notice that no other information will be provided; or
- c. Written notice that none of the missing information will be provided.

## **4. Applicable Decision Criteria and Standards**

- a. If the application was complete when first submitted or the applicant submits the requested additional information within 180 days of the date the application was first submitted, approval or denial of the application shall be based upon the standards and decision criteria that were applicable at the time the application was first submitted.
- b. If the application is for industrial or trade sector development of a site identified under applicable State Law, and proposes an amendment to the Comprehensive Plan, approval or denial of the application must be based upon the standards and decision criteria that were applicable at the time the application was first submitted, provided the application complies with Subsection 16.20.010.D.2 above.

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<sup>1</sup> Completeness Notifications may be made electronically.

## 5. One Hundred and Twenty Day Rule

- a. The 120-day period set in Section 16.20.010.D may be extended for a specified period of time at the written request of the applicant. The total of all extensions may not exceed 245 days.
- b. The 120-day period set in Section 16.20.010.D applies:
  - (1) Only to decisions wholly within the authority and control of the governing body of the City; and
  - (2) Unless the parties have agreed to mediation as described in applicable State Law.
- c. The 120-day period described in Section 16.20.010.D above does **not** apply to an amendment to an acknowledged Comprehensive Plan or land use regulation, or adoption of a new land use regulation, that was forwarded to the Director of the Department of Land Conservation and Development.
- d. Except when an applicant requests an extension under Subsection 16.20.010.D.5.a above, if the City Council or its designee does not take final action on an application for a permit, limited land use decision or zone change within 120 days after the application is deemed complete, the City shall refund to the applicant, subject to the provisions of Subsection 16.20.010.D.6 of this Code, either the unexpended portion of any application fees or deposits previously paid or 50 percent of the total amount of such fees or deposits, whichever is greater. The applicant is not liable for additional governmental fees incurred subsequent to the payment of such fees or deposits. However, the applicant is responsible for the costs of providing sufficient additional information to address relevant issues identified in the consideration of the application.
- e. The City may not compel an applicant to waive the 120-day period set in subsection (1) of this section or to waive the provisions of subsection (8) of this section as a condition for taking any action on an application for a permit, limited land use decision or zone change except when such applications are filed concurrently and considered jointly with a Comprehensive Plan Map Amendment.

## **16.20.020 OVERVIEW OF TYPES OF APPLICATIONS, REVIEWS AND DECISION MAKING PROCEDURES**

### **A. Description of Land Use Decision-Making Procedures**

All land use applications and reviews shall be decided by using the procedures contained in this Chapter. General procedures for all reviews and reviews are contained in this Chapter. Specific procedures for certain types of land use reviews are contained in the remainder of Article Four (Chapters 16.21 – 16.29) of this Code. The procedure “type” assigned to each type of land use application governs the decision-making process for that application. There are four types of land use reviews and decision-making procedures: Ministerial, Administrative, Quasi-Judicial and Legislative. These procedures are summarized in Subsections below.

#### **1. Ministerial Procedure**

- a. A routine governmental action or decision that involves little or no discretion. Ministerial decisions are not land use decisions.
- b. Ministerial decisions are made by the Planning Official (or designee) without public notice and without a public hearing. The Ministerial procedure is used when there are clear and objective review criteria, and applying City standards and criteria requires no use of discretion.

#### **2. Administrative Procedure**

- a. An Administrative decisions is a discretionary action or permit decision made without a public hearing, but requiring public notification and an opportunity for appeal. Such decisions include limited land use decisions.
- b. Administrative decisions are made by the Planning Official [or the Planning Commission by referral or appeal] with public notice but without a public hearing. The Planning Official may refer the application to the Planning Commission for a public hearing, or the applicant may request referral to the Planning Commission for a public hearing. The appeal of an Administrative decision by the Planning Official is heard by the Planning Commission, and an appeal of a decision by the Planning Commission is heard by the City Council.

#### **3. Quasi-Judicial Procedure**

- a. A decision by the Planning Commission or City Council that requires notice and a public hearing and requires the City to apply specific criteria in the development code and the comprehensive plan to a land use application. A quasi-judicial decision must be based on substantial evidence in the record.
- b. Quasi-Judicial decisions are made by the Planning Commission after a public hearing. Quasi-Judicial decisions generally include the use of discretionary criteria applied to specific lands identified in an application. A decision by the Planning Commission decisions may be appealed to the City Council. At the appeal hearing before the City Council, no new evidence may be submitted into the Planning Commission record. The City Council’s decision shall be based solely upon a review of the record before the Planning Commission. The City Council may affirm, reverse or amend the Planning Commission’s decision or remand the decision back to the Planning Commission for additional information or process.

#### **4. Legislative Procedure**

- a.** A decision made by City elected officials based on policy considerations and the official's perception of the best course of action. No evidence must be present in the record to support the decision and specific findings of fact based on the record are not required. Legislative decisions typically occur when the City is adopting an ordinance or resolution, or establishing a basic principle or policies, such as during adoption of a Comprehensive Plan.
- b.** Legislative procedures apply to legislative matters. Legislative matters involve the creation, revision, or large-scale implementation of public policy (e.g., annexations, adoption of land use regulations, Zoning Map amendments, and Comprehensive Plan Text and Map amendments). Land use legislative matters are considered initially by the Planning Commission which makes recommendations for action by the City Council. Final decisions are made by the City Council.

#### ***B. Summary of Development Decisions and Land Use by Type of Decision-Making Procedure***

**Table 16.20.020-1** (page 6) lists all of the City's land use and development applications and their required land use decision procedure(s).

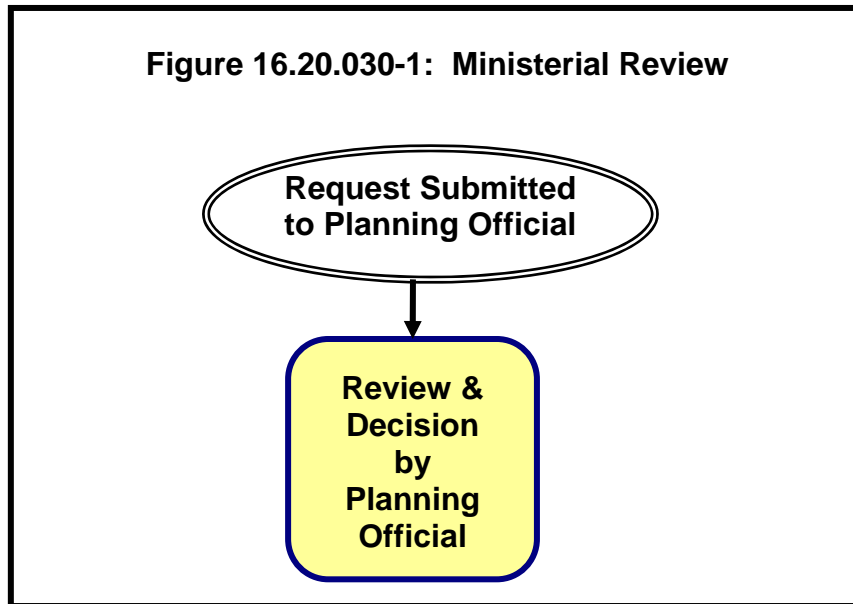
**Table 16.20.020-1: Summary of Development Decisions and Procedures**

<b>Land Use &amp; Development Decisions</b>	<b>Decision-Making Procedure</b>	<b>Decision Authority <sup>[a]</sup></b>	<b>Local <sup>[b]</sup> Appeal is Heard By</b>	<b>References <sup>[c]</sup></b>
Annexation	Legislative	City Council [CC]	xxx	Comp Plan & LDC Chapter 16.26.
Appeals	Administrative / Quasi-Judicial	Planning Official / Planning Commission [PC]	PC CC	LDC Chapter 16.20
Code Interpretation	Administrative	Planning Official / PC	PC	LDC Chapter 16.25
Comprehensive Plan and Zoning Map Amendments	Legislative	City Council	xxx	Comp Plan & LDC Chapter 16.27
Conditional Use	Quasi-Judicial	Planning Comm.	CC	LDC Chapter 16.21
Development Code (LDC), and Comprehensive Plan Text Amendments	Legislative	City Council	xxx	LDC Chapter 16.28
Historic Preservation Reviews and Register Updates	Administrative Quasi-Judicial Legislative	Planning Official Planning Comm. City Council	PC CC xxx	LDC Chapter 16.31
Home Occupations	Ministerial	Planning Official	PC	LDC Chs. 16.05, 16.19, 16.20
Land Partition	Administrative	Planning Official	PC	LDC Chapter 16.22
Modification to Approved Plans and Conditions of Approval	Ministerial Administrative Quasi-Judicial	Planning Official Planning Official Planning Comm.	PC PC CC	LDC Chapter 16.24
Non-Conforming Uses and Developments	Administrative	Planning Official	PC	LDC Chapter 16.30
Planned Development - Preliminary	Quasi-Judicial	Planning Comm.	CC	LDC Chapter 16.23
Planned Development - Final	Ministerial Administrative Quasi-Judicial	Planning Official Planning Official Planning Comm.	PC PC CC	LDC Chapter 16.23
Property Line Adjustment	Administrative	Planning Official	PC	LDC Chapter 16.22
Sign Permit (Planning Review)	Ministerial	Planning Official	PC	LDC Chapter 16.18
Subdivision	Administrative Quasi-Judicial	Planning Official Planning Comm.	PC CC	LDC Chapter 16.22
Temporary Uses	Ministerial	Planning Official	PC	LDC Chapter 16.19
Tree Felling Permit (Steep Slopes)	Administrative	Planning Official	PC	LDC Chapter 16.11
Urban Growth Boundary Amendments	Legislative	City Council	xxx	Comp Plan & LDC Chapter 16.27.
Vacating Public Lands and Plats	Legislative	City Council	xxx	Chapter 16.22
Variations (Adjustments) <ul style="list-style-type: none"> <li>• Class 1 (Minor Adjustment)</li> <li>• Class 2 (Adjustment)</li> <li>• Class 3 (Variance)</li> </ul>	Ministerial Administrative Quasi-Judicial	Planning Official Planning Official Planning Comm.	PC PC CC	Chapter 16.29 Chapter 16.29 Chapter 16.29
<p><b>a.</b> Legislative Items are first reviewed by the Planning Commission, which makes a recommendation to the City Council, the Final Decision Authority.</p> <p><b>b.</b> City Council decisions may be appealed to the Oregon Land Use Board of Appeals (LUBA).</p> <p><b>c.</b> The LDC Chapters referenced above in the right-hand column describe the types of land uses and development activity that require land use reviews under each type of decision-making procedure.</p>				
<p><i>An applicant may be required to obtain approvals from other agencies, such as a road authority for some types of reviews. The City notifies agencies of applications that may affect their facilities or services.</i></p>				

## 16.20.030 MINISTERIAL DECISION MAKING PROCEDURE

### A. Introduction

1. With one exception, Ministerial decisions are made by the Planning Official (or designee) without public notice and without a public hearing.
2. The Ministerial procedure is used when there are clear and objective review criteria, and applying City standards and criteria requires no use of discretion.



### B. Pre-Application Conference

A pre-application conference is not required for Ministerial applications, but is recommended. The applicant may request additional meetings after an initial pre-application conference (fees may be assessed for these additional meetings).

### C. Application Requirements

1. **Application Forms:** Ministerial applications shall be made on forms provided by the Planning Official or designee.
2. **Application Requirements.** Ministerial applications shall:
  - a. Include the information requested on the application form.
  - b. Address the criteria in sufficient detail for review and action.
  - c. Be filed with the required fee.

#### **D. Ministerial Decision Requirements**

The Planning Official's (or designee's) decision shall address all of the relevant decision criteria. Based on the criteria and the facts contained within the record, the Planning Official shall approve, approve with conditions, or deny the requested land use decision or action. A written record of the decision shall be provided to the applicant and kept on file in the City's Community Development office.

#### **E. Final Decision and Appeals**

1. A Ministerial decision shall be final on the date it is mailed or otherwise provided to the applicant, whichever occurs first.
2. With one exception (noted below in Subsection 4), a Ministerial decision is the final decision of the City, and cannot be appealed to other City officials, the Planning Commission, or the City Council.
3. Ministerial Decisions may be appealed to the Oregon Land Use Board of Appeals (LUBA). An appeal of a Ministerial decision for a land use to LUBA must be filed within 21 days the decision date.
4. As noted in Chapter 16.29 (Section 29-3.3 Class 1 Fence Variances), a decision by the Planning Official may be appealed to the Planning Commission.

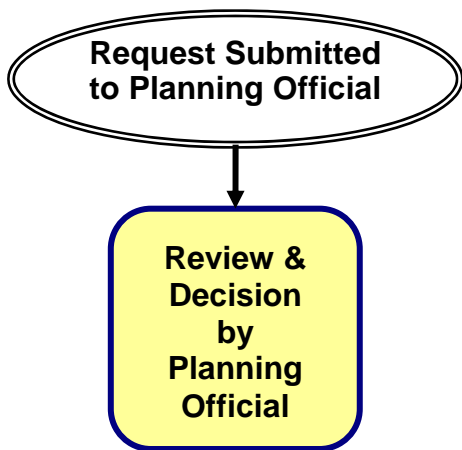
#### **F. Effective Date**

The decision is effective the day it is issued in writing.

## 16.20.040 ADMINISTRATIVE DECISION MAKING PROCEDURE

Administrative decisions are made by the Planning Official [or the Planning Commission by referral from the Planning Official or appeal by a person with standing] with public notice. The Planning Official may refer an Administrative Review application to the Planning Commission for a public hearing, or the applicant may request referral to the Planning Commission for a public hearing. The appeal of an Administrative decision by the Planning Official is heard by the Planning Commission, and an appeal of a decision by the Planning Commission is heard by the City Council.

**Figure 16.20.04-1: Administrative Review**



### **A. Pre-Application Conference**

A pre-application conference is not required for Administrative applications, but is recommended. The applicant may request additional meetings after an initial pre-application conference (fees may be assessed for these additional meetings).

### **B. Application Requirements**

**1. Application Forms.** Administrative applications shall be made on forms provided by the Planning Official or designee.

**2. Submittal Information.** The application shall:

- a. Include the information requested on the application form.
- b. Be filed with six (6) hard copies and one (1) electronic copy (in a form specified by the City) of a narrative statement that explains how the application satisfies each and all of the relevant criteria and standards in sufficient detail for review and decision-making. Note: additional information may be required under the specific application requirements for each decision, (e.g., Land Use Review, Land Divisions, Modifications, Code Interpretations, and so on).
- c. Be accompanied by the required fee.

### **C. Notice of Application for Administrative Decision**

1. Before making an Administrative Decision, the Planning Official shall mail notice to:
  - a. All owners of record of real property within one hundred feet of the subject site.
  - b. All City-recognized neighborhood groups or associations whose boundaries include the site.
  - c. Any person who submits a written request to receive a notice.
  - d. Any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the City, or required by State statute.



- e. The City shall notify the road authority, owners of airports and rail authority and owner of all applications for administrative decisions.
  - f. Other affected agencies, as appropriate, for review of the application.
2. The purpose of the notice is to give nearby property owners and other interested people the opportunity to submit written comments about the application, before the Administrative Decision is made. The goal of this notice is to invite people to participate early in the decision-making process.
3. Notice of a pending Administrative Decision shall:
- a. Provide a 14-day period for submitting written comments before a decision is made on the land use application.
  - b. Identify the specific land use decisions or decisions requested.
  - c. Describe the street address or other easily understandable reference to the location of the site.
  - d. List the relevant decision criteria by name and number of Code Sections and Subsections.
  - e. State the place, date and time the comments are due, and the person to whom the comments should be addressed.
  - f. Include the name and telephone number of a contact person regarding the Administrative Decision.
  - g. State that if any person fails to address the relevant decision criteria with enough detail, they may not be able to appeal to the Land Use Board of Appeals or Circuit Court on that issue. Only comments on the relevant decision criteria are considered relevant evidence.
  - h. State that all evidence relied upon by the Planning Official (or Planning Commission) to make this decision is in the public record, available for public review. Copies of this evidence can be obtained at a reasonable cost from the City.
  - i. State that after the comment period closes, the Planning Official shall issue an Administrative Decision. The decision shall be mailed to the applicant and to anyone else who submitted written comments or who is otherwise legally entitled to notice.

#### ***D. Administrative Decision Requirements***

The Planning Official [and as applicable the Planning Commission] shall make Administrative written decisions addressing all of the relevant decision criteria and standards. Based upon the criteria and standards, and the facts contained within the record, the Planning Official [and as applicable the Planning Commission] shall approve, approve with conditions, or deny the requested land use decision application or action.

## **E. Notice of Decision**

1. Within five working days after the Planning Official signs the decision, a Notice of Decision shall be sent by mail to:
  - a. The applicant and all owners or contract purchasers of record of the site that is the subject of the application.
  - b. Any person who submits a written request to receive notice, or provides comments during the application review period.
  - c. Any City-recognized neighborhood group or association whose boundaries include the site.
  - d. Any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the City, and other agencies that were notified or provided comments during the application review period.
2. The Planning Official shall cause an affidavit of mailing and posting of the notice to be prepared and made a part of the file. The affidavit shall show the date the notice was mailed and posted, and shall demonstrate that the notice was mailed to the people and within the time required by law.
3. The Administrative (Notice) of Decision shall contain:
  - a. A description of the applicant's proposal and the City's decision on the proposal.
  - b. The address or other geographic description of the property proposed for development.
  - c. A statement of where the City's case file and record can be reviewed.
  - d. The date the decision shall become final, unless appealed.
  - e. A statement briefly explaining how a participant in the process can file an appeal based on their testimony, the deadline for filing an appeal, and where further information can be obtained concerning the appeal process.
  - f. A statement that unless appellant (the person who files the appeal) is the applicant, the hearing on the appeal shall be limited to the specific issues identified in the written comments submitted during the comment period.
  - g. The applicant shall provide the following notice to the mortgagee, lien holder, vendor, or seller: "The City of Lebanon Development Code requires that if you receive this notice of decision it shall be promptly forwarded to the purchaser."

## **F. Final Decision and Effective Date**

An Administrative Decision is final for purposes of appeal, when it is mailed by the City. An Administrative Decision is effective on the day after the appeal period expires (14 days after the date the Notice of Decision was mailed) if there is no appeal. If an appeal is filed, the decision is effective when the appeal is decided.

## **G. Appeal**

An Administrative decision may be appealed to the Planning Commission as follows:

### **1. Who May Appeal**

The following people have legal standing to appeal an Administrative decision:

- a. The applicant.
- b. A person who participated in the proceeding by submitting written comments or who requested a copy of the decision.

### **2. Notice of Appeal**

A person described in Subsection 16.20.040.G.1, above, may appeal an Administrative Decision by filing a Notice of Appeal according to the following procedures;

- a. Time for filing. A Notice of Appeal shall be filed with the Planning Official within 14 days of the date the Notice of Decision was mailed;
- b. Content of notice of appeal. The Notice of Appeal shall contain:
  - (1) An identification of the decision being appealed, including the date of the decision.
  - (2) A statement demonstrating the person filing the Notice of Appeal has standing to appeal.
  - (3) A statement explaining the specific criteria the person believes the Planning Official applied incorrectly or failed to apply.
  - (4) Filing fee.

### **3. Scope of Appeal**

The appeal of an Administrative Decision by a person with standing shall be a hearing *de novo* before the Planning Commission. The appeal shall not be limited to the application materials, evidence and other documentation, and specific issues raised in the Administrative review. The Planning Commission may allow additional evidence, testimony or argument concerning any relevant standard, criterion, condition, or issue.

### **4. Appeal Procedures**

If appealed to the Planning Commission, Quasi-Judicial notice, hearing procedures and decision-making process shall also be used for all Administrative Appeals. All such appeals shall be reviewed under the provisions, requirements and procedures of Section 16.20.050.

## 5. Further Appeal to City Council

- a. The decision of the Planning Commission regarding an appeal of an Administrative Decision is the final decision of the City unless appealed to City Council.
- b. An appeal to City Council shall follow the same notification procedures as for the Planning Commission hearing. **The City Council Hearing shall be conducted based on the record compiled by the Planning Commission and is limited to those issues raised before the Planning Commission.**
- c. The decision of the City Council on an appeal is final and effective on the date it is mailed by the City.
- d. The City Council's decision may be appealed to the State Land Use Board of Appeals (LUBA) pursuant to the provisions of applicable State Law.

## 16.20.050 QUASI-JUDICIAL DECISION MAKING PROCEDURE

Quasi-Judicial decisions are made by the Planning Commission after a public hearing, with appeals reviewed by the City Council. Quasi-Judicial decisions generally use discretionary decision criteria.

Figure 16.20.050-1: Quasi-Judicial Review



### A. Pre-Application Conference

A pre-application conference with Planning staff and/or the City's Development Review Team (DRT) is **required** for all Quasi-Judicial applications. The applicant may request additional meetings after an initial pre-application conference (fees may be assessed for these additional meetings).

### B. Application Requirements

1. **Application forms.** Quasi-Judicial applications shall be made on forms provided by the City Planning Official or designee. If an Administrative application is referred to a Quasi-Judicial hearing, either voluntarily by the applicant or staff, or upon appeal, no new application is required.

2. **Submittal Information.** The Quasi-Judicial application shall:

- a. Include the information requested on the application form.
- b. Be filed with six (6) hard copies and one (1) electronic copy (in a form specified by the City) of a narrative statement that explains how the application satisfies each and all of the relevant criteria and standards in sufficient detail for review and decision-making. Note: additional information may be required under the specific application requirements for each decision, (e.g., Land Use Review, Land Divisions, Modifications, Code Interpretations).
- c. Be accompanied by the required fee.

### C. Notice of Hearing

#### 1. Mailed Notice

The City shall mail the notice of the Quasi-Judicial action. The records of the Linn County Assessor's Office are the official records for determining ownership. Notice of a Quasi-Judicial application hearing or Administrative appeal hearing shall be given by the City Planning Official or designee in the following manner:

- a. At least 20 days before the hearing date, notice shall be mailed to:
  - (1) The applicant and all owners or contract purchasers of record of the property that is the subject of the application.

- (2) All property owners of record within two hundred and fifty (250) feet of the site.
  - (3) Any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the City. The City may notify other affected agencies.
  - (4) The City shall notify the road authority, owners of airports, and rail authority and owner, when there is a proposed development abutting or affecting their transportation facility.
  - (5) Any neighborhood or community organization recognized by the City Council and whose boundaries include the property proposed for development.
  - (6) Any person who submits a written request to receive notice.
  - (7) For appeals of Administrative Reviews, the appellant and all persons who were entitled to receive notice.
  - (8) For a Land Use Zoning Map change affecting a manufactured home or mobile home park, all mailing addresses within the park, in accordance with the provisions of applicable State Law.
- b. The City Planning Official or designee shall have an affidavit of notice prepared and made a part of the file. The affidavit shall state the date that the notice was mailed to the persons who must receive notice.

## **2. Publication**

At least 14 business days before the hearing, notice of the hearing shall be printed in a newspaper of general circulation in the City. The newspaper's affidavit of publication of the notice shall be made part of the administrative record.

## **3. Content of Notice for Quasi-Judicial Hearing**

Notice of appeal of an Administrative decision or notice of a Quasi-Judicial hearing to be mailed and published per Subsection 16.20.050.C.1 above shall contain the following information:

- a. The nature of the application and the proposed land use or uses that could be authorized for the property.
- b. The applicable criteria and standards from the development Code(s) that apply to the application.
- c. The street address or other easily understood geographical reference to the subject property.
- d. The date, time, and location of the public hearing.
- e. A statement that the failure to raise an issue in person, or by letter at the hearing, or failure to provide statements or evidence sufficient to afford the decision-maker an opportunity to respond to the issue, means that an appeal based on that issue cannot be filed with the State Land Use Board of Appeals.

- f. The name of a City representative to contact and the telephone number where additional information on the application may be obtained.
- g. A statement that a copy of the application, all documents and evidence submitted by or for the applicant, and the applicable criteria and standards can be reviewed at City of Lebanon Community Development Office at no cost and that copies shall be provided at a reasonable cost.
- h. A statement that a copy of the City's staff report and recommendation to the hearings body shall be available for review at no cost at least seven days before the hearing, and that a copy shall be provided on request at a reasonable cost.
- i. A general explanation of the requirements to submit testimony, and the procedure for conducting public hearings.
- j. The applicant shall provide the following notice to the mortgagee, lien holder, vendor, or seller: "The City of Lebanon Development Code requires that if you receive this notice of decision it shall be promptly forwarded to the purchaser."

#### **4. Notification of Transportation Authorities and Owners**

The City shall notify the road authority, owners of airports and rail authority and owner of all land use applications that require public hearings, all subdivision and partition applications, and other applications which affect private access to roads. Owners of airports also shall be notified of any application within airport noise corridors and imaginary surfaces.

#### ***D. Conduct of the Public Hearing***

1. At the commencement of the hearing, the hearings body shall state to those in attendance:
  - a. The applicable decision criteria and standards that apply to the application or appeal.
  - b. A statement that testimony and evidence shall concern the decision criteria described in the staff report, or other criteria in the land use regulations that a person testifying believes to apply to the decision.
  - c. A statement that failure to raise an issue with sufficient detail to give the hearings body and the parties an opportunity to respond to the issue, means that no appeal may be made to City Council, the State Land Use Board of Appeals or the circuit court on that issue.
  - d. A statement to the applicant that the failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow the local government or its designee to respond to the issue precludes an action for damages in circuit court.
  - e. Before the conclusion of the initial evidentiary hearing, any participant may ask the Planning Commission for an opportunity to present additional relevant evidence or testimony that is within the scope of the hearing. The hearings body shall grant the request by scheduling a date to finish the hearing (a "continuance") per Subsection 16.20.050.D.2 below, or by leaving the record open for additional written evidence/testimony per Subsection 16.20.050.D.3 below.

2. If the Planning Commission grants a continuance, the completion of the hearing shall be continued to a date, time, and place at least seven days after the date of the first evidentiary hearing. An opportunity shall be provided at the continued hearing for persons to present and respond to new written evidence and verbal testimony. If new written evidence is submitted at the continued hearing, any person may request, before the conclusion of the continued hearing, that the record be left open for at least seven days, so that they can submit additional written evidence/testimony in response to the new written evidence.
3. If the Planning Commission leaves the record open for additional written evidence/testimony, the record shall be left open for at least seven days after the hearing. The Planning Commission shall leave a record open only after the Public Testimony portion of the hearing as been closed. During the Public Testimony portion of the hearing any participant may ask the City verbally or in writing to leave the record open to submit new written testimony. If such a request is filed, the Planning Commission shall leave the record open for at least seven days, and an equivalent amount of time for the submittal of a written rebuttal by the other side.
4. Unless waived by the applicant, the City shall allow the applicant at least seven days after the record is closed to all other persons to submit final written arguments in support of the application, unless the applicant expressly waives this right. The applicant's final submittal shall be part of the record but shall not include any new evidence.
5. In making its decision, the hearings body may take notice of facts not in the hearing record (e.g., local, state, or federal regulations; previous City decisions; case law; staff reports). The review authority must announce its intention to take notice of such facts in its deliberations, and allow persons who previously participated in the hearing to request the hearing record be reopened, if necessary, to present evidence concerning the noticed facts.

#### ***E. The Record***

1. The record shall contain all testimony and evidence that is submitted to the City and the hearings body.
2. The review authority shall retain custody of the record according to State mandated public record retention laws.

#### ***F. Order of Proceedings***

1. The presiding officer will state the case and call the public hearing to order, informing those present that testimony and evidence is to be directed towards the applicable criteria for the case and making all other introductory statements required by law. The presiding officer may establish the time allowed for the presentation of information.
2. Any objections to the notice and on jurisdictional grounds shall be noted in the record.



3. Any abstentions or disqualifications shall be determined. Members shall announce all bias, conflicts of interest and shall disclose the time, place, and nature of any *ex parte* contacts they have had. Parties to the case shall have the opportunity to rebut any information contained in the *ex parte* contact.
4. A staff report shall be presented including a list of the criteria applying to the case. City staff may also present additional information whenever allowed by the presiding officer during the proceedings.
5. The hearing authority may view the subject property for purposes of evaluating the proposal, but shall state in the record the place, time, manner, and circumstances of such viewing, including any evidence not otherwise included in the record that was obtained during the site visit.
6. **During the public testimony portion of the hearing**, the applicant or those persons representing the applicant may present information.
7. **During the public testimony portion of the hearing**, those persons who support the proposal may present evidence or make inquiries. If additional documents or evidence are provided in support of an application at the initial evidentiary hearing, any party shall, upon request, be entitled to a continuance of the hearing to allow for adequate preparation of rebuttal.
8. **During the Public Testimony portion of the hearing**, those persons who oppose the proposal may present evidence or offer inquiries.
9. **During the Public Testimony portion of the hearing**, those persons who do not necessarily support or oppose the proposal may present evidence or offer inquiries.
10. **During the Public Testimony portion of the hearing**, rebuttal testimony may be presented by persons who have testified supporting the proposal. The scope of material presented during rebuttal shall be limited to matters raised during the course of the hearing.
11. At the **end of the Public Testimony portion of the hearing** (including the presentation of information, rebuttal, and written argument):
  - a. **Closing Public Testimony:** the presiding officer shall declare that the Public Testimony portion of the hearing is closed.
  - b. **Motion to Continue:** However, **the Public Testimony portion of the hearing** may be continued if there is a **motion to continue** the Public Testimony portion of the hearing.
  - c. **Leaving the Record Open:** If the public hearing is the initial evidentiary hearing and **the Public Testimony portion of the hearing** is not to be continued, any participant may request that the record remain open for submittal of additional written testimony. If such a request is made, the Planning Commission shall leave the record open for at least seven days, and an equivalent amount of time for the submittal of a written rebuttal by the other side. The record may be left open longer than seven days at the discretion of the hearing authority. If an opponent of the proposal requests that the record be left open, the applicant shall have an equal amount of time to respond in writing to materials submitted by the opponent. Likewise, if the applicant of the proposal requests that the record be left open, the opponent(s) shall have an equal amount of time to respond in writing to materials submitted by the applicant.

12. Once the **Public Testimony portion** of a hearing has been closed, no further evidence shall be received, unless the **Public Testimony portion** of a hearing is re-opened by the Planning Commission. If so, persons who do not necessarily support or oppose the proposal may comment on any new evidence submitted by the applicant, and rebuttal testimony may be presented by the applicant or persons who have testified supporting the proposal.
13. The Quasi-Judicial Public Hearing Process is summarized in **Table 16.20.050-1** following.

**TABLE 16.20.050-1: SUMMARY OF QUASI-JUDICIAL PUBLIC HEARING PROCESS**

(for Planning Commission or City Council)

**Step 1.** Open Public Hearing, including legal statements

**Step 2.** Disclosure (Ex Parte, Conflict of Interest)

**Step 3.** Staff Report

**Step 4.** Questions of Staff

**Step 5. Open Public Testimony Portion of Hearing**

**Step 5.1** Public Testimony In Favor – must address identified criteria or criteria speaker believes apply.

**Step 5.2** Public Testimony in Opposition – must address identified criteria or criteria speaker believes apply.

**Step 5.3.** Rebuttal by Applicant

**Step 6. Close Public Testimony Portion of Hearing**

**Step 7.** Hearings Body Discussion (questions may be asked of staff)

**Step 8.** Hearings Body Decision

**Step 9.** Conclude Public Hearing

## **G. Impartial Review Authority and Ex Parte Communications**

Participants in the appeal of an Administrative decision or participants in a Quasi-Judicial hearing are entitled to an impartial review authority as free from bias, conflicts of interest and *ex parte* contacts (see below) as reasonably possible. Furthermore, the public has a countervailing right of free access to public officials. Therefore:

1. At the beginning of the public hearing, hearings body members shall disclose the substance of any *ex parte* contacts (as defined in Subsection 16.20.050.G.6 below) concerning the application or appeal. He or she shall state whether the contact has impaired their impartiality or their ability to vote on the matter and shall participate or abstain accordingly.
2. A member of the hearings body shall not participate in any proceeding in which the member or a relative of the member, as defined in ORS 244.020, has a direct or substantial financial interest. Any actual or potential interest shall be disclosed at the hearing where the action is being taken.
3. Disqualification of a member of the hearings body due to bias, *ex parte* contacts or conflict of interest may be ordered by a majority of the members present and voting. The person who is the subject of the motion may not vote on the motion to disqualify.
4. If enough members of the Planning Commission abstain or are disqualified such that there is not a quorum, the City Council shall be the hearing body. If all members of the City Council abstain or are disqualified, a quorum of those members present who declare their reasons for abstention or disqualification shall be re-qualified to make a decision.
5. Any member of the public may raise bias or conflict of interest issues at the public hearing, to which the member of the hearings body shall respond in accordance with this Section.
6. Ex Parte Communications
  - a. Members of the hearings body shall not:
    - (1) Communicate directly or indirectly with any applicant, appellant, other party to the proceedings, or representative of a party about any issue involved in a hearing without giving notice as noted above in the preceding Subsections.
    - (2) Make use of any communication, report, or other materials outside the record prepared by the proponents or opponents in connection with the particular case, unless all participants are given the opportunity to respond to the noticed materials.
  - b. A decision or action of the hearings body is not invalid due to *ex parte* contacts if the person receiving contact:
    - (1) Places in the record the substance of any written or verbal *ex parte* communications concerning the decision or action; and
    - (2) Makes a public announcement of the content of the communication and of all participants' right to dispute the substance of the communication made. This announcement shall be made at the first hearing following the communication during which action shall be considered or taken on the subject of the communication.
  - c. A communication between City staff and the hearings body is not considered an *ex parte* contact.

## **H. Presenting and Receiving Evidence**

1. The hearings body may set reasonable time limits for presentations and may limit or exclude cumulative, repetitious, irrelevant or personally derogatory testimony or evidence.
2. No verbal testimony shall be accepted after the close of the public hearing. Written testimony may be received after the close of the public hearing only as provided in when the record is left open.
3. Members of the hearings body may visit the property and the surrounding area, and may use information obtained during the site visit to support their decision, if the information relied upon is disclosed at the beginning of the hearing and an opportunity is provided to dispute the evidence.

## **I. The Decision Process and Appeals**

### **1. Basis for Decision**

Approval or denial of an appeal of an Administrative decision or of a Quasi-Judicial application shall be based on standards and criteria in the Development Code. The standards and criteria shall relate approval or denial of a discretionary development permit application to the applicable development regulations and, when appropriate, to any neighborhood refinement plan for the area in which the development would occur and to the development regulations for the City as a whole.

### **2. Findings and Conclusions**

Approval or denial shall be based upon the criteria and standards considered relevant to the decision. The written decision shall explain the relevant criteria and standards, state the facts relied upon in rendering the decision, and justify the decision according to the criteria, standards, and facts.

### **3. Form of Decision**

The Planning Commission shall issue a final written order containing the findings and conclusions stated in Subsection 16.20.050.1.2 above, which either approves, denies, or approves with specific conditions. The Planning Commission may also issue appropriate intermediate rulings when more than one permit or decision is required.

## **J. Decision-Making Time Limits**

The City Planning Official or designee shall prepare an order for the signature of the Planning Commission Chair within ten business days after the Commission's decision. This order shall reflect the decision, criteria and findings made by the Planning Commission, and shall constitute the final written order as set forth in Subsection 16.20.050.1.3 above.

## **K. Notice of Decision**

1. Written notice of an Administrative Appeal decision or a Quasi-Judicial decision shall be mailed to the applicant and to all participants of record within ten business days after the hearings body decision. For purposes of appeal, the decision is effective on the date that the final written order, as defined in Subsection 16.20.050.I.3 above, is mailed to the applicant and to all participants of record. The mailing shall be made by regular mail, with sufficient postage affixed and addressed to the last known address of the parties as reflected by the record of the proceedings. The Planning Official shall cause an affidavit of mailing and posting of the notice to be prepared and made a part of the file. The affidavit shall show the date the notice was mailed and posted, and shall demonstrate that the notice was mailed to the people and within the time required by law.
2. Failure of any person to receive mailed notice shall not invalidate the decision or extend the appeal period for any decision or final written order.
3. An affidavit of mailing shall be made and placed in the official case file for the land use action.

## **L. Final Decision, Effective Date, and Appeals**

1. If an appeal is not filed within 15 days following the date the Planning Commission's final written decision is mailed, the decision of the Commission shall be final.
2. A Decision of the Planning Commission may be appealed to the City Council by filing a written appeal notice with the City Recorder during the 15 day appeal period after the Planning Commission's final written decision was mailed as provided in Subsection 16.20.050.K.1 above.
3. The written appeal notice shall be on a form required by the City, accompanied by a required filing fee that shall be set by the City.
4. If an appeal is filed, the Council shall receive record of the proceedings from the Planning Commission and a public hearing shall be held on the appeal pursuant to the procedures set forth in this Chapter.
5. If an appeal is filed, the decision becomes effective on the day after the appeal is decided by the City Council.
6. The notification and hearings procedures for Quasi-Judicial applications on appeal to the City Council shall be the same as for the initial hearing.
7. An appeal of a land use decision to the State Land Use Board of Appeals (LUBA) must be filed within 21 days of the City Council's written decision.

## **M. City Council Actions on Issues First Reviewed by the Planning Commission**

### **1. Overview**

With the exception of Legislative Actions, a City Council public hearing on a land use application first heard by the Planning Commission shall be based on the record established before the Planning Commission. In such cases, the City Council's decision shall be based solely upon a review of the Planning Commission record and the testimony and other evidence in that record.

## **2. Scope of Review**

- a. Upon appeal, the City Council shall not re-examine issues of fact and shall limit its review to determining whether there is substantial evidence to support the findings of the Planning Commission, or to determine if errors in law were committed by the Planning Commission.
- b. Review shall in any event be limited to those issues set forth in the notice of appeal.
- c. The appellant is also precluded from raising an issue on appeal to the council if the appellant could have raised the issue before the Planning Commission but failed to do so.
- d. Review shall be based on the record of the initial proceedings. The record shall consist of the application and all materials submitted with it; documentary evidence, exhibits and materials submitted at the initial hearing; recorded testimony; the decision of the approving authority, including the findings and conclusions; and the notice of appeal.
- e. Only the appellant and other parties who appeared in person or who submitted evidence in the initial proceedings may participate in the appeal hearing.
- f. Appellant shall make the initial presentation and shall be allowed rebuttal.
- g. Each participant in the appeal hearing shall present to the council those portions of the record which the participant deems relevant to the appeal.
- h. If a party wishes the Council to review recorded testimony, the party shall present a written summary or transcript of such testimony to be read by the council in lieu of actually listening to the recording.
- i. If the City Council determines that additional evidence is necessary in order to make a decision, it shall remand the decision back to the Planning Commission for further proceedings.

## **3. Council Options**

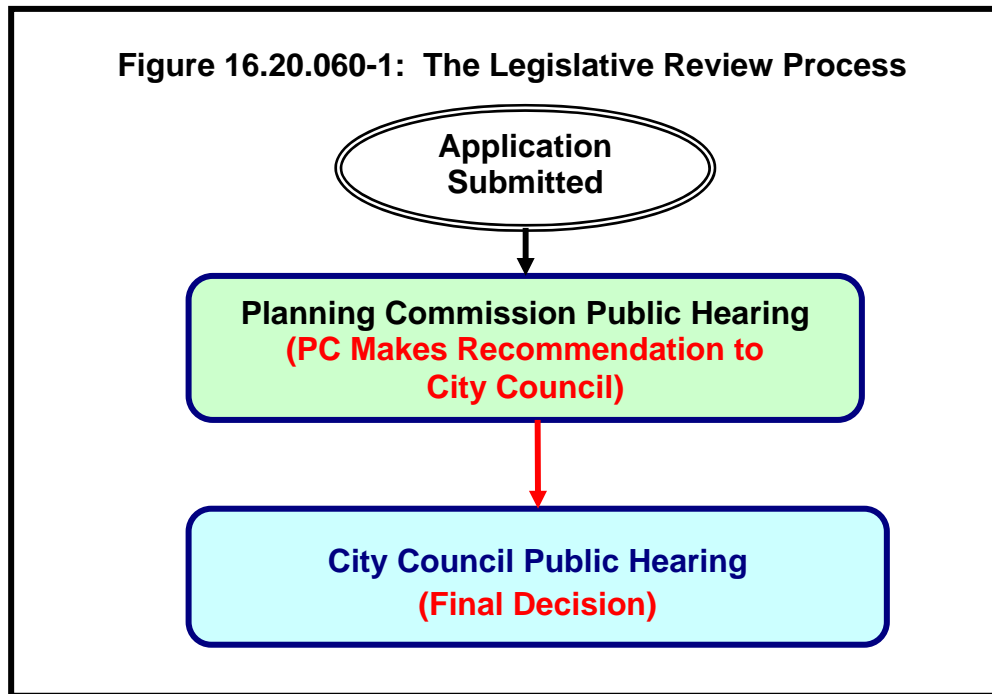
- a. The Council may, in its decision on the appeal, amend, rescind, or affirm the action appealed from, or may remand the matter for further proceedings or fact finding by the Planning Commission.
- b. The Council shall not be bound by any finding, conclusion or other ruling of the Planning Commission.

## ***N. Continuation of the Public Hearing***

The Planning Commission or the City Council may continue any hearing, and no additional notice of hearing is required if the matter is continued to a specified place, date, and time.

## 16.20.060 LEGISLATIVE DECISION MAKING PROCEDURE

Legislative procedures apply to legislative matters. Legislative matters involve the creation, revision, or large-scale implementation of public policy (e.g., annexations, adoption of land use regulations, Zoning Map amendments, and Comprehensive Plan Text and Map amendments). Such legislative matters are considered initially by the Planning Commission which makes “recommendations” for action by the City Council. Final decisions are made by the City Council.



### A. Pre-Application Conference

A pre-application conference is required for all Legislative applications initiated by a party other than the City. The applicant may request additional meetings after an initial pre-application conference (fees may be assessed for these additional meetings).

### B. De Novo Hearings

City Council public hearings on legislative matters, including those first heard by the Planning Commission shall be de novo hearings. In other words, the City Council shall admit new verbal and written evidence into the record. In such cases, the City Council decision shall be based upon the new evidence and the Planning Commission record, including the testimony and other evidence in that record.

## **C. Application Requirements**

### **1. Application forms**

Legislative applications shall be made on forms provided by the City Planning Official or designee.

### **2. Submittal Information**

The application shall contain:

- a. The information requested on the application form.
- b. A map and/or plan addressing the appropriate criteria and standards in sufficient detail for review and decision (as applicable).
- c. The required fee.
- d. One copy of a letter or narrative statement that explains how the application satisfies each and all of the relevant decision criteria and standards.

## **D. Notice of Hearing**

### **1. Required Hearings**

A minimum of two hearings, one before the Planning Commission and one before the City Council, are required for all Legislative applications.

### **2. Notification Requirements**

Notice of public hearings for the request shall be given by the City Planning Official or designee in the following manner:

- a. At least 20 days, but not more than 40 days, before the date of the first hearing on an ordinance that proposes to amend the Comprehensive Plan or any element thereof, or to adopt an ordinance that proposes to rezone property, a notice shall be prepared in conformance with the provisions of applicable State Law and mailed to:
  - (1) Each owner whose property would be rezoned in order to implement the ordinance (including owners of property subject to a Comprehensive Plan Amendment shall be notified if a zone change would be required to implement the proposed Comprehensive Plan amendment).
  - (2) Any affected governmental agency.
  - (3) Any person who requests notice in writing.
  - (4) For a zone change affecting a manufactured home or mobile home park, all mailing addresses within the park.
  - (5) Owners of airports shall be notified of a proposed zone change in accordance with the applicable provisions of Chapter 16.11 of this Development Code.



- b. At least 10 days before the scheduled Planning Commission public hearing date, and 14 days before the City Council hearing date, public notice shall be published in a newspaper of general circulation in the City.
- c. The City Planning Official or designee shall:
  - (1) For each mailing of notice, file an affidavit of mailing in the record as provided by Subsection 16.20.060.D.2.a above.
  - (2) For each published notice, file in the record the affidavit of publication in a newspaper that is required in subsection 16.20.060.D.2.b above.
- d. The Oregon Department of Land Conservation and Development (DLCD) shall be notified in writing of proposed comprehensive plan and Development Code amendments as per the provisions of State requirements. The notice to DLCD shall include a DLCD Certificate of Mailing.
- e. Notifications for annexation shall follow the provisions of this Chapter.

### **3. Content of Notices**

The mailed and published notices shall include the following information:

- a. The number and title of the file containing the application, and the address and telephone number of the City Planning Official or designee's office where additional information about the application can be obtained.
- b. The proposed site location.
- c. A description of the proposed site and the proposal in enough detail for people to determine what change is proposed, and the place where all relevant materials and information may be obtained or reviewed.
- d. The time(s), place(s), and date(s) of the public hearing(s); a statement that public verbal or written testimony is invited; and a statement that the hearing will be held under this title and rules of procedure adopted by the Council and available at City Hall.
- e. The applicant shall provide the following notice to the mortgagee, lien holder, vendor, or seller: "The City of Lebanon Development Code requires that if you receive this notice of decision it shall be promptly forwarded to the purchaser."

### **4. Failure to Receive Notice**

The failure of any person to receive notice shall not invalidate the action, providing:

- a. Personal notice is deemed given where the notice is deposited with the United States Postal Service.
- b. Published notice is deemed given on the date it is published.

### **5. Affidavit of Mailing**

An affidavit of mailing shall be made and placed in the official case file for the land use action.

## **E. Hearing Process and Procedure**

Same as for Quasi-Judicial hearings (see Section 16.20.050 above).

## **F. Continuation of the Public Hearing**

The Planning Commission or the City Council may continue any hearing, and no additional notice of hearing shall be required if the matter is continued to a specified place, date, and time.

## **G. Decision Process and Authority**

### **1. The Planning Commission**

- a. After notice and a public hearing, the Planning Commission shall vote on and prepare a recommendation to the City Council to approve, approve with modifications, approve with conditions, deny the proposed change, or adopt an alternative.
  - b. Within 14 business days of determining a recommendation, the presiding officer shall sign the written recommendation, and it shall be filed with the City Planning Official or designee.
2. If the Planning Commission fails to adopt a recommendation to approve, approve with modifications, approve with conditions, deny the proposed change, or adopt an alternative proposal within 60 days of its first public hearing on the proposed change, the City Planning Official or designee shall:
- a. Report the failure together with the proposed change to the City Council.
  - b. Provide notice and put the matter on the City Council's agenda for the City Council to hold a public hearing make a decision. No further action shall be taken by the Commission.

### **3. The City Council**

After notice and a public hearing,

- a. The City Council shall consider the recommendation of the Planning Commission. However, the City Council is not bound by the Commission's recommendation.
- b. The City Council shall approve, approve with modifications, deny, or adopt an alternative to an application for legislative change, or remand the application to the Planning Commission for rehearing and reconsideration on all or part of the application.
- c. The City Council shall act by ordinance, that shall be signed by the Mayor after the Council's adoption of the ordinance.

## **H. Vote Required for a Legislative Change**

1. A vote by a majority of the qualified voting members of the Planning Commission present is required for a recommendation for decision, decision with conditions, denial or adoption of an alternative.
2. A vote by a majority of the qualified members of the City Council present is required to decide any motion made on the proposal.

***I. Notice of Decision***

Notice of a Legislative decision shall be mailed to the applicant, all participants of record, and the Department of Land Conservation and Development (as per the provisions of State requirements), within five business days after the City Council decision is filed with the City Planning Official or designee. The City shall also provide notice to all persons as required by other applicable laws.

***J. Final Decision, Effective Date and Appeals***

A Legislative decision, if approved, shall take effect and shall become final as specified in the enacting ordinance, or if not approved, upon mailing of the notice of decision to the applicant.

## 16.20.070 GENERAL PROVISIONS

### **A. Hearing Process and Procedure for Planning Commission and City Council**

1. Unless otherwise provided in the rules of procedure adopted by the review body:
  - a. The presiding officer of the Planning Commission and of the City Council shall have the authority to:
    - (1) Regulate the course, sequence, and decorum of the hearing;
    - (2) Direct procedural requirements or similar matters; and
    - (3) Impose reasonable time limits for verbal presentations.
  - b. A person may not address the Commission or the Council without:
    - (1) Receiving recognition from the presiding officer; and
    - (2) Stating their full name and address.
  - c. Disruptive conduct such as applause, cheering, or display of signs shall be cause for expulsion of a person or persons from the hearing, termination or continuation of the hearing, or other appropriate action determined by the presiding officer.
2. Unless otherwise provided in the rules of procedures adopted by the Council, the presiding officer of the Commission and of the Council shall conduct the hearing as follows:
  - a. The presiding officer shall begin the hearing with a statement of the nature of the matter before the body, a general summary of the procedures, a summary of the standards for decision-making, and whether the decision which will be made is a recommendation to the City Council or the final decision of the Council.
  - b. The City Planning Official or designee's report and other applicable staff reports shall be presented.
  - c. The public shall be invited to testify.
  - d. The public hearing may be continued to allow additional testimony or it may be closed.
  - e. The body's deliberation may include questions to the staff, comments from the staff, and inquiries directed to any person present.

### **B. Burden of Proof and Demonstration of Compliance**

It is the responsibility of an applicant to demonstrate compliance or the ability to comply with Decision Criteria. In short, the burden of proof is upon the applicant.

### **C. Time Computation**

In computing any period of time prescribed or allowed by this Chapter, the day of the act or event from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, Sunday or legal holiday, in which event, the period runs until the end of the following business day.

## ***D. Pre-Application Conferences***

- 1. Participants.** When a pre-application conference is required, the applicant shall meet with the City Planning Official or his/her designee(s) and other parties as appropriate.
- 2. Additional Meetings and Fees:** The applicant may request additional meetings after an initial pre-application conference (fees may be assessed for these additional meetings).
- 3. Information Provided:** At such conference, the City Planning Official or designee shall:
  - a. Cite the comprehensive plan policies and map designations applicable to the proposal;
  - b. Cite the ordinance provisions, including substantive and procedural requirements applicable to the proposal;
  - c. Provide available technical data and assistance that will aid the applicant;
  - d. Identify other governmental policies and regulations that relate to the application; and
  - e. Reasonably identify other opportunities or constraints concerning the application.
- 4. Disclaimer:** Failure of the City Planning Official or his/her designee to provide any of the information required by this Section shall not constitute a waiver of any of the standards, criteria or requirements for the application;
- 5. Changes in the Law:** Due to possible changes in federal, state, regional, and local law, the applicant is responsible for ensuring that the application complies with all applicable laws on the day the application is deemed complete.
- 6. Not Public Meetings:** Pre-application conferences are not public meetings, and are not open to the public.
- 7. Confidentiality:** To the extent allowable by State law, pre-application conferences will remain confidential.

## ***F. Acceptance and Review of Applications***

### **1. Initiation of Applications**

- a. Applications for decision under this Chapter may be initiated by (and qualified by provisions in other Chapters in Article Four of this Development Code):
  - (1) Order of City Council.
  - (2) Resolution of the Planning Commission.
  - (3) The City Planning Official or designee.
  - (4) A record owner of property [person(s) whose name is on the most recently recorded deed], or contract purchaser with written permission from the record owner.
- b. A person authorized to submit an application under this section may be represented by an agent authorized in writing to make the application on the person's behalf.

## **2. Consolidation of Proceedings**

When an applicant applies for more than one type of land use or development permit (e.g., Administrative and Quasi-Judicial) for the same one or more parcels of land, the proceedings may be consolidated for review and decision.

- a.** If more than one decision authority would be required to decide on the applications if submitted separately, then the decision may be made by the decision authority having original jurisdiction over one of the applications in the following order of preference: the Council, the Commission, or the City Planning Official or designee.
- b.** When proceedings are consolidated:
  - (1)** The notice may identify each application to be decided.
  - (2)** The decision on a plan map amendment may precede the decision on a proposed land use district change and other decisions on a proposed development. Similarly, the decision on a zone map amendment may precede the decision on a proposed development and other actions.
  - (3)** Separate findings and decisions may be made on each application.

## **3. Coordinated Review**

The City may also submit the application for review and comment to the City Engineer, road authority, and other applicable County, State, and federal review agencies.

## **4. Changes or Additions to the Application During the Review Period**

### **a. Process**

Once an application is deemed complete:

- (1)** All documents and other evidence relied upon by the applicant shall be submitted to the City Planning Official or designee at least seven days before the notice of action or hearing is mailed, if possible. Documents or other evidence submitted after that date shall be received by City Planning Official or designee, and transmitted to the hearings body, but may be too late to include with the staff report and evaluation.
- (2)** When documents or other evidence are submitted by the applicant during the review period but after the application is deemed complete, the assigned review person or body shall determine whether or not the new documents or other evidence submitted by the applicant significantly change the application.

### **b. Determination of Significant Change**

- (1)** If the assigned reviewer determines that the new documents or other evidence significantly change the application, the reviewer shall include a written determination that a significant change in the application has occurred as part of the decision. In the alternative, the reviewer may inform the applicant either in writing, or verbally at a public hearing, that such changes may constitute a significant change, and allow the applicant to withdraw the new materials submitted, in order to avoid a determination of significant change.

- (2) If the applicant's new materials are determined to constitute a significant change in an application that was previously deemed complete, the City shall take one of the following actions:
  - (a) Suspend the existing application and allow the applicant to submit a new application with the proposed significant changes. Before the existing application can be suspended, the applicant must consent in writing to waive the 120-day rule on the existing application. If the applicant does not consent, the City may not select this option.
  - (b) Reject the new documents or other evidence that has been determined to constitute a significant change, and continue to process the existing application without considering the materials that would constitute a significant change. The City will complete its decision-making process without considering the new evidence.

### c. New Application

If a new application is submitted by the applicant, that application shall be subject to a separate check for acceptance and completeness and will be subject to the standards and criteria in effect at the time the new application is accepted.

## 5. Acceptance of Only One Development Proposal Package at a Time for the Same Property

Requests for different development proposals for the same property shall not be considered by any review authority of the City (Planning Official, Planning Commission, City Council) at the same time. If an application has been filed and accepted by the City for a given property, additional different development applications for that same property cannot be accepted, until a final determination was made on the original proposal or the original proposal was withdrawn. **This limitation does not prevent an applicant from submitting and the City accepting and acting simultaneously upon multiple applications for the same development on the same property** (e.g., a Planned Development or Conditional Use application that might also involve a Subdivision, a Variance, or a Zone Amendment).

## G. Record of the Public Hearing

1. A verbatim record of the proceeding shall be made by stenographic, mechanical, or electronic means. It is not necessary to transcribe an electronic record. The minutes and other evidence presented as a part of the hearing shall be part of the record.
2. All exhibits received and displayed shall be marked to provide identification and shall be part of the record.
3. The official record shall include:
  - a. All materials considered by the hearings body.
  - b. All materials submitted by the City Planning Official or designee to the hearings body regarding the application.
  - c. The verbatim record made by the stenographic, mechanical, or electronic means; the minutes of the hearing; and other documents considered.
  - d. The final ordinance.
  - e. All correspondence.
  - f. A copy of the notices that were given as required by this Chapter.

## **H. City Planning Official's Duties**

The City Planning Official or designee shall:

1. Prepare application forms based on the criteria and standards in applicable state law, the City's comprehensive plan, and implementing ordinance provisions.
2. Accept all development applications that comply with application requirements.
3. Prepare a staff report that summarizes the application(s) and applicable decision criteria, and provides findings of conformance and/or non-conformance with the criteria. The staff report may also provide a recommended decision of: decision; denial; or decision with specific conditions that ensure conformance with the decision criteria.
4. Prepare a notice of the proposal decision:
  - a. In the case of an application subject to a Ministerial or Administrative review process, the City Planning Official or designee shall make the staff report and all case-file materials available at the time that the notice of the decision is issued.
  - b. In the case of an application subject to a Quasi-Judicial or Legislative hearing, the City Planning Official or designee shall make the staff report available to the public at least seven days prior to the scheduled hearing date, and make the case-file materials available when notice of the hearing is mailed, as provided by the previous Subsections of this Chapter.
5. Administer the hearings process.
6. File notice of the final decision in the City's records and mail a copy of the notice of the final decision to the applicant; all persons who provided comments or testimony; persons who requested copies of the notice; and any other persons entitled to notice by law.
7. Maintain and preserve the file for each application for the time period required by law. The file shall include, as applicable, a list of persons required to be given notice and a copy of the notice given; the affidavits of notice; the application and all supporting information; the staff report; the final decision including the findings, conclusions and conditions, if any; all correspondence; minutes of any meeting at which the application was considered; and any other exhibit, information or documentation which was considered by the decision-maker(s) on the application.
8. Administer the appeals and review process.

## **I. Amended Decision Process**

1. The purpose of an amended decision process is to allow the City Planning Official or designee to correct typographical errors, rectify inadvertent omissions and/or make other minor changes that do not materially alter the decision.
2. The City Planning Official or designee may issue an amended decision after the notice of final decision has been issued but before the appeal period has expired. If such a decision is amended, the decision shall be issued within 14 business days after the original decision would have become final, but in no event beyond the period for a final decision allowed by state law. A new 14-day appeal period shall begin on the day the amended decision is issued.
3. Notice of an amended decision shall be given using the same mailing and distribution list as for the original decision notice.
4. Modifications to approved plans or conditions of decision requested by the applicant shall follow the procedures in Chapter 16.24. All other changes to decisions that are not modifications under Chapter 16.24 follow the appeal process.



## **J. Expiration of Planning Approval and Re-Application**

Unless the decision authority otherwise stipulates, Planning Approval for all types of land use applications, except for subdivisions, are valid for two years. Subdivision approvals are valid for three years. Expiration of land use approval occurs when applicants do NOT “exercise” their land use approval (see Section 16.20.080 immediately below) within the approved time period<sup>2</sup>. Preliminary Plats for subdivisions must be recorded within the approved time period. The City shall NOT grant a renewal or extension if planning approval has expired. Applicants must resubmit if their approval has expired.

### **16.20.080 EXERCISING A LAND USE APPROVAL**

Unless otherwise specifically stated, exercising a land use decision shall be subject to the following regulations.

#### **A. When Building Permits are Required as Part of an Approved Land Use**

1. Except for manufactured home parks, when a building permit is required as part of an approved land use, the decision shall be considered exercised with the first placement or permanent construction of a structure on a site. This may include the pouring of slabs or footings, any work beyond the stage of excavation, including the first permanent framing or assembly of the structure or any part thereof on its piling or foundation.
2. Permanent construction does not include land preparation, such as clearing, grading, and filling; the installation of driveways or walkways; the excavation for a basement, footings, piers or foundations or the erection of temporary forms; the construction of accessory buildings, such as garages or sheds not occupied as dwelling units or not used as part of the main structure.

#### **B. Approval of Manufactured Home Parks**

The decision shall be considered exercised with the beginning of construction of facilities for servicing the site on which the manufactured homes are to be placed. This shall include, at a minimum, the construction of streets with final site grading or the pouring of concrete pads, or the extension or installation of utilities.

#### **C. When Building Permits are Not Required as Part of an Approved Land Use**

If the approval does not require a building permit, the decision shall be considered exercised if the use or activity which was approved is in operation within the approved time frame.

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<sup>2</sup> Pursuant to the provisions of other Chapters in this Code, the decision authority may grant approval of a land use request that has a time frame greater than the above noted two or three year period of time.

## **16.20.090 EXPEDITED LAND DIVISIONS**

An Expedited Land Division (“ELD”) shall be defined and may be used as provided under the provisions of applicable State Law.

### **A. Selection**

An applicant who wishes to use an ELD procedure for a partition, subdivision or planned development instead of the regular procedure type assigned to it, must request the use of the ELD in writing at the time the application is filed, or forfeit his/her right to use it.

### **B. Review Procedure**

All applications for Expedited Land Divisions shall comply with the provisions of applicable State Law and the City’s Comprehensive Plan. The provisions of applicable State Law detail the criteria, application and notice requirements, and action and appeal procedures for expedited land divisions.

### **C. Appeal Procedure**

An appeal of an ELD shall follow the procedures in the provisions of applicable State Law. Where the City has not otherwise appointed a hearings officer (referee) for such appeals, and the City Attorney is a Contractor (not a city employee), the City Attorney shall serve as the referee for ELD appeals.

## **16.20.100 NEIGHBORHOOD MEETINGS**

Applicants are *encouraged* to meet with adjacent property owners and neighborhood representatives prior to submitting their application to the City in order to solicit input and exchange information about the proposed development.

## 16.20.110 TRAFFIC IMPACT STUDIES

### **A. Introduction**

The purpose of this Section of the Code is to assist in determining which road authorities participate in land use decisions, and to implement the State's Transportation Planning Rule that requires the City to adopt a process to apply conditions to development proposals in order to minimize impacts and protect transportation facilities. This Section establishes the standards for when a proposal must be reviewed for potential traffic impacts; when a Traffic Impact Study must be submitted with a development application in order to determine whether conditions are needed to minimize impacts to and protect transportation facilities; what must be in a Traffic Impact Study; and who is qualified to prepare the Study.

### **B. When a Traffic Impact Study Is Required**

The City or other road authority with jurisdiction may require a Traffic Impact Study (TIS) as part of an application for development, a change in use, or a change in access. A TIS may be required when a land use application involves one or more of the following actions:

1. A change in zoning or a plan amendment designation.
2. Any proposed development or land use action that a road authority states may have operational or safety concerns along its facility(ies).
3. An increase in site traffic volume generation by 300 Average Daily Trips (ADT) or more.
4. An increase in peak hour volume of a particular movement to and from the State highway by Twenty (20) percent or more.
5. An increase in use of adjacent streets by vehicles exceeding the 20,000 pound gross vehicle weights by 10 vehicles or more per day.
6. The location of the access driveway does not meet minimum sight distance requirements, or is located where vehicles entering or leaving the property are restricted, or such vehicles queue or hesitate on the State highway, creating a safety hazard.
7. A change in internal traffic patterns that may cause safety problems, such as back up onto a street or greater potential for traffic accidents.

### **C. Traffic Impact Study Preparation**

A Traffic Impact Study shall be prepared by an Oregon licensed professional engineer in accordance with the requirements of the road authority. If the road authority is the Oregon Department of Transportation (ODOT), the study shall conform to ODOT's regulations.

(See Subsection 16.12.010.B of Chapter 16.12 for further details on traffic studies.)

***Title 16: City of Lebanon  
Development Code,***

ARTICLE FOUR:  
LAND USE AND DEVELOPMENT REVIEWS,  
DECISION  
REQUIREMENTS AND PROCEDURES

**Chapter 16.21:  
Conditional Use**

**Adopted by City Council on  
December 10, 2008**

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# CHAPTER 16.21: Conditional Use

## 16.21.010 INTRODUCTION

The Conditional Use review process, as set forth in this Chapter, can result in the approval of a “land use” and/or “site plan,” and attach a wide range of conditions of approval to either or both.

### **A. Conditional Use Review**

A Conditional Use review is a Quasi-Judicial Review conducted by the Planning Commission with a public hearing (See Chapter 16.20 for review procedure). It applies to all development in the City, as identified for such review in this Code. A Conditional Use review ensures compliance with the land use and development standards in Chapters 16.05 – 16.11 (e.g., lot area, building setbacks and orientation, lot coverage, maximum building height), and the development standards and public improvement requirements in Chapters 16.12 – 16.19 (Community Development Standards).

### **B. Background**

1. There are certain uses which, due to the nature of their potential impacts on surrounding land uses and public facilities, require a public hearing and decision process. These are identified as “Conditional Uses” in LDC Chapters 16.05 – 16.11. A Conditional Use is a use of land or a structure that is normally appropriate in the district where it is permitted, but due to the specifics of the use could cause a potential nuisance, health, or safety problem.
2. This Chapter provides the framework to assure that proposed development of land is in conformance with applicable land use requirements, and is designed in a manner to provide an appropriate level of architectural design and environmental quality, and which will not be detrimental to the public health, safety and general welfare, or detrimental to adjacent properties.
3. The Planning Commission must approve a site plan for each new building, structure, open land use or addition to an existing development prior to issuance of a building permit in all instances where a Conditional Use approval is required.
4. This Chapter provides standards and procedures under which a Conditional Use may be permitted, enlarged or altered if the site is appropriate and if other appropriate conditions of approval can be met (see Chapter 16.20 for decision criteria and procedures).

## **C. Purposes**

The purposes of this Chapter are to:

1. Provide standards and procedures so that uses that are classified as conditional uses can fit into a particular zone in a manner so that the best interests of surrounding property, the neighborhood, and the City are safeguarded.
2. Provide rules, regulations and standards for efficient and effective administration of land use and Conditional Use approval.
3. Implement the City's Comprehensive Plan goals and policies.
4. Promote the public health, safety and general welfare.
5. Provide adequate light and air, prevent overcrowding of land, and provide for adequate transportation, water supply, sewage, fire protection, pollution control, surface water management, and protection against natural hazards.
6. Encourage the conservation of energy resources.
7. Encourage efficient use of land resources, full utilization of urban services, mixed uses, transportation options, and detailed, human-scaled design.

## **16.21.020 APPLICATION PROCESS**

### **A. Initial Application**

An application for a Conditional Use approval shall be processed as a Quasi-judicial procedure. The application shall meet submittal requirements and the decision criteria noted below (also see Chapter 16.20).

### **B. Modification of an Approved or Existing Conditional Use Approval**

Modifications to an approved or existing Conditional Use Approval shall be processed in accordance with Chapter 16.24 (Modifications).

### **C. Concurrent Variance Application(s)**

Approval of a Conditional Use Approval shall not grant variances to regulations otherwise prescribed by this Development Code. A variance application(s) may be filed in conjunction with the Conditional Use application, and both applications may be reviewed at the same hearing. See LDC Chapter 16.29 for variances.



## **16.21.030 APPLICABILITY**

### ***A. Basic Land Uses Requiring Conditional Use Approvals***

Conditional Use reviews are indicated as the required decision process for many types of land uses in the various tables in LDC Chapters 16.05 – 16.11. Such reviews are indicated in the tables by a “CU” indicating that a proposed development may be approved if it complies with the identified applicable decision criteria, as determined by the Planning Commission in a Quasi-judicial hearing (See Chapter 16.20).

### ***B. New Development, Redevelopment, and Changes in Use***

The Planning Commission must approve a site plan for each new building, structure, open land use or addition to an existing development prior to issuance of a building permit in all instances where Conditional Use approval is required.

### ***C. Natural Features and Cultural/Historical Resources***

The Planning Official shall require a Conditional Use Review in the following cases:

1. When the site contains a local, State or Federally inventoried or identified unique cultural, natural or historic resource, or has been included in a Statewide Planning Goal 5 natural or cultural resource inventory.
2. The site is located on a hillside area having a slope of greater than 15 percent.

### ***D. Other Site Characteristics***

The Planning Official may also require a Conditional Use Review in the following cases:

1. The site is traversed by a natural drainage way.
2. The site is located in a Riparian or Airport Overlay Zone.
3. The site is located in a natural hazard area, or a regulated floodplain or flood hazard area.

### ***E. Significant Impacts on Transportation Facilities***

Site Plans must be prepared and reviewed for all development, redevelopment, and changes in use when it is likely that review under this Chapter indicates the proposed actions will cause significant impacts or affects on transportation facilities as defined in the Glossary (Definitions) of this Code.

### ***F. Consistency with Transportation System Plan***

If review under this Chapter indicates that the use or activity is inconsistent with the Transportation System Plan, this Code, or any combination of the preceding, the procedures for Plan and Zoning amendments, as applicable, may be undertaken prior to or in conjunction with the Conditional Use hearing.

## 16.21.040 REVIEW PROCEDURES

### A. Filing of Conditional Use Application

The applicant for a Conditional Use Approval shall file an application with the City on a form provided by the Planning Division. The application shall then be referred to the Planning Official for appropriate action (See Chapter 16.20 for complete details.).

### B. Action by the Planning Official

Within 30 days following the filing of the application, the Planning Official shall make a determination of completeness regarding the application, and if deemed complete shall schedule a Planning Commission hearing. (See Chapter 16.20 for complete details.)

Figure 16.21-1: Conditional Use Review



## 16.21.050 APPLICATION SUBMITTAL REQUIREMENTS

All of the following information is, or may be, required for Conditional Use application submittal:

### A. General Submittal Requirements

An application for a Conditional Use Approval shall contain all of the information required for a Quasi-Judicial hearing as per the requirements of Chapter 16.20, and provide additional information as noted in the following Subsections.

#### 1. Public Facilities and Services Impact Study

The Public Facilities and Services Impact Study shall quantify and assess the effect of the development on public facilities and services. The applicant shall consult with the City regarding the scope of the study, including impacts to the transportation system, including pedestrian ways and bikeways, the drainage system, the parks system, the water system, and the sewer system. For each evaluated public facility system and type of impact, the study shall propose mitigation measures necessary to maintain City standards and to minimize the impact of the development on the public at large, public facilities systems, and affected private property.

#### 2. Traffic Impact Study

If required by the City Engineer, in consultation with the Planning Official and/or appropriate road authority, Traffic Impact Studies shall conform to the standards and procedures of this Code (Chapter 16.12, Subsection 16.12.010.B).

### **3. Dedication of Real Property**

In situations where this Code requires the dedication of real property to the City, the City's decision shall include written findings that the dedication is related to the nature of the development and is roughly proportional to the projected impacts of the development.

#### ***B. Specific Submittal Information Requirements for a Conditional Use Hearing***

In addition to the general submittal requirements noted above (16.21.050.A), an applicant for Conditional Use hearing shall provide the following additional information, as deemed applicable by the Planning Official. Redevelopment may trigger requirements similar to but proportional in scope to any and all of those listed below.

##### **1. Site Analysis Map (Existing Conditions)**

The professional quality scaled map shall contain at least the following:

- a. The subject property and the surrounding property to a distance (at least 300 feet) sufficient to determine the location of the development in the City, and the relationship between the subject property and adjacent properties and development. The subject property boundaries, dimensions and gross area shall be identified.
- b. Topographic contour lines at 2-foot intervals for slopes of less than 10 percent, and 5-foot intervals for steeper slopes.
- c. Identification of slopes greater than 15 percent.
- d. The location and width of all public utilities, public and private streets, drives, sidewalks, pathways, rights-of-way, and easements on the subject property and adjoining the subject property.
- e. Existing land uses.
- f. Identified or potential natural hazard areas, including any areas identified as subject to a 100-year flood, areas subject to high water table, ponding, unstable soils, and areas mapped by the City, County, or State as having a potential for geologic hazards.
- g. Mapped, identified, or known natural resource areas, including marsh and wetland areas, streams, designated and/or functioning riparian areas, and wildlife habitat identified by the City or any natural resource regulatory agencies as requiring protection.
- h. Site features, including existing structures, pavement, large rock outcroppings, canals and ditches.
- i. Locally, State or federally designated historic and cultural resources on the subject property and adjacent parcels or lots.
- j. The location, size and species of trees and other vegetation having a caliper (diameter) of 12 inches for deciduous trees, and 18 inches for evergreens or greater at four feet above existing grade.

- k. North arrow, scale, names and addresses of all persons listed as owners of record of the subject property.
- l. Name and address and professional certification (stamp) of project designer, engineer, surveyor, and/or planner, if applicable.
- m. Any other relevant and essential information or site details that support and enhance the decision making process of the review body.

## **2. Proposed Development Site Plan**

The site plan shall contain the following information:

- a. The proposed development site, including boundaries, dimensions, and gross area.
- b. Features identified on the existing site analysis maps that are proposed to remain on the site.
- c. Features identified on the existing site map, if any, which are proposed to be removed or modified by the development.
- d. The location and dimensions of all proposed public and private streets, drives, rights-of-way, and easements, including proposed fire lanes.
- e. The location and dimensions of all existing and proposed structures, utilities, pavement and other improvements on the site. Setback dimensions for all existing and proposed buildings shall be provided on the site plan.

### **f. Transportation Elements:**

- (1) Off-street parking facilities design for both motor vehicles and bicycles. Such required plans shall, include ingress and egress points, striping plan, number of spaces, and type of bicycle parking facilities, and proper drainage.
- (2) Internal circulation plans for motor vehicles, bicycles and pedestrians for new commercial, industrial, office, and multi-family residential developments. Such required plans shall include:
  - (a) Techniques for achieving efficient access and circulation such as the clustering of buildings, construction of hard surface walk and bike ways, landscaping, accessways, and/or similar techniques.
  - (b) Connections of the site's internal pedestrian and bicycle circulation system with those of existing or planned external pedestrian and bicycle circulation systems.
- (3) The location and dimensions of entrances and exits to the site for vehicular, pedestrian, and bicycle access.
- (4) The location and dimensions of all parking and vehicle circulation areas (show striping for parking stalls and wheel stops).
- (5) Locations and dimensions of all ADA accessible parking and circulation routes.
- (6) Pedestrian and bicycle circulation areas, including sidewalks, internal pathways, pathway connections to adjacent properties, and any bicycle lanes or trails.
- (7) Any vehicle access support facilities, such as reader boards, speakers, key entries, or other interactive points.

- g. Access to loading and service areas for waste disposal, recycling, loading and delivery.
- h. Outdoor recreation spaces, common areas, plazas, outdoor seating, street furniture, and similar improvements.
- i. Location, type, height, and illumination area (extent) of outdoor lighting.
- j. Location of mail boxes.
- k. Name and address of project designer, if applicable.
- l. Locations of bus stops and other public or private transportation facilities.
- m. Locations, sizes, and types of signs.
- n. Locations of existing and proposed fire hydrants.

### **3. Architectural Drawings**

Architectural drawings showing one or all of the following shall be required for new buildings and major remodels:

- a. Building elevations (as determined by the Planning Official) with building height and width dimensions.
- b. Roof pitches.
- c. Building materials, colors and type.
- d. Floor plans.
- e. The name of the architect or designer.

### **4. Preliminary Grading Plan**

- a. A preliminary grading plan prepared by an Oregon licensed engineer shall be required for development sites ½ acre or larger.
- b. The preliminary grading plan shall show the location and extent to which grading will take place, indicating general changes to contour lines, slope ratios, slope stabilization proposals, and location and height of retaining walls, if proposed.
- c. The development of a site is not permitted to adversely impact the historic surface drainage patterns of adjacent properties.
- d. Surface water detention and treatment plans may also be required, in accordance with Subsections 16.16.040.F and 16.16.040.G of this Code.

## **5. Landscape Plan**

A landscape plan shall be required and shall include at least the following:

- a. The location, size, and species of the existing and proposed plant materials (at time of planting and at time of maturity).
- b. The location and height of existing and proposed fences, buffering or screening materials.
- c. The location of existing and proposed terraces, retaining walls, decks, patios, shelters, and play-areas.
- d. Existing and proposed building and pavement outlines.
- e. Specifications for soil at time of planting, irrigation if plantings are not drought-tolerant (may be automatic or other approved method of irrigation) and anticipated planting schedule.
- f. An arborist's report may be required for sites with mature trees that are to be protected and retained under the provisions of Chapter 16.15 (Landscape, Street Trees, Fences and Walls) of this Code.
- g. Other information as deemed appropriate by the Planning Official.

## **6. Signage Detail Drawings**

Detailed signage drawings shall be required in conformance with the City's Sign standards (LDC Chapter 16.18), and shall include design features, methods of construction, as well as proposed illumination.

## **7. Deed and Use Restrictions and Other Encumbrances**

Copies of all existing and proposed restrictions or covenants, including those for access control.

## **8. Traffic Impact Analysis Study**

When required, shall be prepared in accordance with the provisions of this Code (Chapter 16.12, Subsection 16.12.010.B).

## **9. Narrative**

Letter or narrative report documenting compliance with the applicable decision criteria contained in Section 16.21.060 of this Chapter.

## **10. Phasing Plan**

A Phasing plan shall be submitted when development is proposed to take place in phases, and shall include appropriate staging plans.

## **11. Other information**

As determined by the Planning Official, the City may require studies or exhibits prepared by qualified professionals to address specific site features or project impacts (e.g., noise, environmental features, natural hazards, etc.), in conformance with this Code.

## **16.21.060 APPROVAL OF A CONDITIONAL USE REQUEST**

Uses listed in this Code as requiring Conditional Use Approval may be permitted, altered or expanded when in conformance with the standards and procedures set forth in this Chapter and other relevant Sections of this Code.

### **A. Decision Criteria**

The City shall approve, approve with conditions, or deny an application for a Conditional Use or to enlarge or alter a Conditional Use approval based on findings of fact with respect to each of the Decision Criteria (standards and use criteria) listed below.

#### **1. Use Criteria**

- a. The application complies with all of the applicable provisions of the underlying Land Use Zones (LDC Chapters 16.05 – 16.11), including: building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture, and other special standards as may be required for certain land uses.
- b. The site size, dimensions, location, topography and access are adequate for the needs of the proposed use, considering the proposed building mass, parking, traffic, noise, vibration, exhaust/emissions, light, glare, erosion, odor, dust, visibility, safety, and aesthetic considerations.
- c. The negative impacts of the proposed use on adjacent properties and on the public can be mitigated through application of other Code standards, or other reasonable conditions of approval.
- d. All required public facilities have adequate capacity to serve the proposal.
- e. Existing conditions of approval required as part of a prior land use decision shall be met.
- f. The applicant shall be required to upgrade any existing development that does not comply with the applicable land use district standards, in conformance with Chapter 16.30, Non-Conforming Uses and Development.
- g. **Existing Uses:** In the case of a use existing prior to the effective date of this ordinance and classified in this Code as requiring a Conditional Use Hearing, a change in use, or in lot area or an alteration or enlargement of a structure shall conform to the requirements for Conditional Use review.

#### **2. Community Development Standards**

The application complies with all of the Community Development Standards in LDC Chapters 16.12 – 16.19.

## **B. Conditions of Approval**

In approving a Conditional Use application, the Planning Commission may impose, in addition to those standards and requirements expressly specified by this Code, additional conditions that are determined to be necessary to assure that the proposed development meets the decision criteria established in Section 16.21.060.A, as well as the best interests of the surrounding properties, the neighborhood, and the City as a whole. These conditions may include, but are not limited, to the following:

1. Requiring larger setback areas, lot area, and/or lot depth or width.
2. Regulating time periods for the conduct of certain activities. Limiting the hours, days, place and/or manner of operation.
3. Limiting the building or structure height, size or lot coverage, and/or location on the site.
4. Regulating yard dimensions and the height of buildings to protect solar access.
5. Controlling the location and number of vehicle access points. Designating the size, number, location and/or design of vehicle access points or parking areas.
6. Requiring dedication of additional street right-of-way or increasing the street width. Requiring street right-of-way to be dedicated and street(s), sidewalks, curbs, planting strips, pathways, or trails to be improved.
7. Increasing the number of required off-street parking or off-street loading spaces.
8. Requiring landscaping, screening, drainage, water quality facilities, and/or improvement of parking and loading areas.
9. Requiring fencing, screening, landscaping or other facilities to protect adjacent or nearby property.
10. Requiring and designating the size, height, location and/or materials for fences.
11. Limiting the number, size, location and lighting of signs.
12. Limiting or setting standards for the location, design, and/or intensity of outdoor lighting.
13. Designating sites for open space or outdoor recreation areas.
14. Requiring ongoing maintenance of buildings and grounds, including the provision of an irrigation system.
15. Regulating noise, vibration, odors and similar factors that may have a substantial negative effect on the development of the surrounding area.
16. Requiring site, and architectural or building design features that minimize environmental impacts such as noise, vibration, exhaust/emissions, light, glare, erosion, odor and/or dust.
17. Providing internal property improvements such as utilities, drainage facilities, streets, curbs, gutters, walkways, parking areas, landscaping, fencing, screening, or recreation areas in order to enhance the area and to protect adjacent or nearby property.



18. Requiring berms, screening or landscaping and the establishment of standards for their installation and maintenance.
19. Requiring the protection and preservation of existing trees, soils, vegetation, riparian zones, watercourses, habitat areas, drainage areas, historic resources, cultural resources. [Site development incentives may be developed by the City to protect significant trees.]
20. Establishing a limited duration for which the Conditional Use is approved.
21. Requiring the providing of public improvements such as streets, sidewalks, public utility facilities, drainage facilities and other basic services that are directly benefiting the proposed development or, requiring participation in an improvement district to insure provision of basic services, parks, or streets and sidewalks directly benefiting the proposed development.
22. Requiring the staggering of units to avoid a barrack-like effect.
23. Requiring the placement of buildings in a manner, that would fully utilize the solar potential of the site or protect the solar access of an adjacent site.
24. Requiring the installation of fire and intrusive alarm systems.
25. Requiring the dedication or granting of an easement (maintenance and access) adjacent to any drainage ways and over existing or proposed public utilities.
26. Requiring the dedication of sufficient land to the public, and/or construction of pedestrian/bicycle pathways in accordance with the adopted plans, or requiring the recording of a local improvement district non-remonstrance agreement for the same.

### **C. Additional Transportation Access-Related Issues**

If applicable, proposed Conditional Use development impacting transportation facilities, requires that the applicant shall address the following access criteria:

1. **Access Placement Criteria:** Access shall be properly placed in relation to sight distance, driveway spacing, and other related considerations, including opportunities for joint and cross access.
2. **Road/Street System and Building Access:** The road/street system shall provide adequate access to the buildings for the appropriate users, such as residents, visitors, patrons, employees, service and delivery vehicles, and emergency vehicles.
3. **Pedestrian and Bicycle Facilities:** An internal system of sidewalks and/or pathways for pedestrians and bicyclists shall provide connections to both motor vehicle and bicycle parking areas, and entrances to the development and its buildings, as well as open space, recreational and other community facilities associated with the development. Streets shall have sidewalks on both sides, unless other configurations have been approved. Pedestrian and bicycle linkages shall be provided to the peripheral street system.
4. **Consistency with Transportation System Plan:** All access shall be consistent with the access management standards of this Code (see Chapter 16.12), which are in turn consistent with those of the City's Transportation System Plan.

### **16.21.070 BUILDING PERMITS FOR APPROVED CONDITIONAL USE REQUESTS**

Building permits for all or any portion of a Conditional Use shall be issued only on the basis of the approved Conditional Use. A building permit may not be issued until the applicant has signed a form stating that they are aware of any and all conditions placed upon the proposed development.

### **16.21.080 DEVELOPMENT IN ACCORDANCE WITH PERMIT APPROVAL**

- A.** Construction of public improvements shall not commence until the City has approved all required public improvement plans and issued public improvement permits (e.g., utilities, streets, public land dedication, etc.).
- B.** Development shall not commence until the applicant has received all of the appropriate land use and development approvals (i.e., Conditional Use approval), building permits, and other agency approvals.
- C.** The City may require the applicant to enter into a development agreement (e.g., for phased developments and developments with required off-site public improvements), and may require bonding or other assurances for improvements, in accordance with the provisions of this Code (see Chapter 16.16).

### **16.21.090 MODIFICATIONS TO APPROVED PLANS AND DEVELOPMENTS**

Minor modifications of an approved plan or existing development, as defined in Chapter 16.24, shall be processed as an Administrative Review procedure. Major modifications, as defined in Chapter 16.24, shall be processed as an Administrative or Quasi-Judicial Review procedure and shall require a Conditional Use Hearing (see Chapter 16.20 for details regarding Review Procedures). For Modification decision criteria, please refer to Chapter 16.24.

### **16.21.100 EXPIRATION OF AN APPROVED CONDITIONAL USE**

See Subsection 16.20.07O.J (Chapter 16.20).

### **16.21.110 PHASED DEVELOPMENT**

Conditional Use approval may also include approval of Phasing for a development, subject to the following standards and procedures:

A phasing plan shall be submitted with the Conditional Use application.

- A.** The Planning Commission may approve a time schedule for developing a site in phases, but in no case shall the total time period for all phases be greater than 5 years without reapplying for Conditional Use approval.
- B.** Approval of a phased Conditional Use requires that the public facilities required to serve each phase are constructed in conjunction with or prior to each phase.
- C.** An application for phasing may be approved after Conditional Use approval as a modification to the approved plan, in accordance with the procedures for modifications (Chapter 16.24).

### **16.21.120 TERMINATION OF A CONDITIONAL USE APPROVAL**

A Conditional Use Approval may be revoked or modified by the Planning Commission, after a public hearing initiated by the City, on any one or more of the following grounds:

- A.** Approval of the Conditional Use was obtained by fraud or misrepresentation.
- B.** The use for which approval was granted has ceased to exist.
- C.** The use does not meet the conditions specifically established in the Conditional Use Approval.
- D.** The use is in violation of any provision of this Code or of any other applicable statute, ordinance, or regulation.

***Title 16: City of Lebanon  
Development Code,***

ARTICLE FOUR:  
LAND USE AND DEVELOPMENT REVIEWS,  
DECISION  
REQUIREMENTS AND PROCEDURES

**Chapter 16.22:**

**Land Divisions (Subdivisions,  
Partitions), Property Line  
Adjustments, and Vacations**

**Adopted by City Council on  
December 10, 2008**

Chapter 16.22: Land Divisions (Subdivisions, Partitions),  
Property Line Adjustments, and Vacations  
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# **CHAPTER 16.22:**

## **Land Divisions (Subdivisions, Partitions), Property Line Adjustments, and Vacations**

### **16.22.010 INTRODUCTION**

- A.** This Chapter establishes standards and procedures for the division and development of land within the jurisdiction of the City of Lebanon. These regulations are necessary in order to provide uniform procedures and standards for the division and development of land; to provide for the proper width and arrangement of streets and blocks; to provide for utilities and other public facilities; to avoid undue congestion of population; to assure adequate sanitation and water supply; to provide for the protection, conservation, and proper use of land; to protect solar access; and in general to protect the public health, safety and welfare.
- B.** As used throughout this Chapter and the whole LDC:
  - 1. Subdivisions are the creation of four or more lots from one parent lot, parcel or tract, within one calendar year.
  - 2. Partitions are the creation of two or three parcels within one calendar year.
  - 3. Property line adjustments are modifications to lot lines or parcel boundaries that do not result in the creation of new lots or parcels.
  - 4. Property line adjustments can also result in the consolidation of existing lots or parcels through the elimination of a boundary.
- C.** The creation of a lot or parcel through the subdivision, partitioning, or property line adjustment process may be processed as part of a Planned Development review.
- D.** The creation of a lot or parcel through the subdivision, partitioning, or property line adjustment process is an outright permitted action in any land use zone, subject to the provisions of this Chapter and any other applicable requirements in this Code (e.g., Community Development Standards, Chapters 16.12 – 16.19).
- E.** The creation of a lot or parcel through the subdivision or partitioning process may be approved only after it is demonstrated that the proposed lot or parcel is buildable under the applicable standards noted in this Code.

### **16.22.020 PURPOSE**

The purpose of this Chapter is to:

- A.** Provide rules, regulations and standards governing the approval of subdivisions, partitions and lot line adjustments.
- B.** Implement the City's development goals as envisioned by the Comprehensive Plan.
- C.** Encourage efficient use of land resources and full utilization of urban services, infrastructure, and transportation options.
- D.** Promote the public health, safety and general welfare through orderly and efficient urbanization.
- E.** Provide adequate light and air, prevent overcrowding of land, and provide for adequate transportation, water supply, sewage, fire protection, pollution control, surface water management, and protection against natural hazards.
- F.** Encourage the conservation of energy resources.

## **16.22.030 GENERAL REQUIREMENTS FOR PARTITIONS AND SUBDIVISIONS**

### **A. Partition and Subdivision Review Through Two-Step Process**

Applications for subdivisions or partitions shall be processed by means of a preliminary plat evaluation and a final plat evaluation, according to the following two steps:

1. The preliminary plat must be approved before the final plat can be submitted for review.
2. The final plat must include and/or satisfy all conditions of approval of the preliminary plat.

### **B. Compliance With Other Regulations**

In addition to the regulations contained herein, all land divisions within the City shall comply with the following regulations:

1. The City's Public Improvement Standards, the City's Adopted Standards and Specifications for Construction, and relevant Sections of the Lebanon Municipal Code,
2. Chapter 92 of the Oregon Revised Statutes. (ORS 92)
3. Official Maps or Development Plans.
4. Development Code.
5. Recording requirements of Linn County.
6. Oregon State Fire Code as adopted by the Lebanon Fire District.
7. All other applicable regulations provided by law.

### **C. Future Residential Re-Division Plan**

When subdividing or partitioning tracts in a residential zone into large lots (i.e., greater than four times or 400 percent the minimum lot size allowed by the underlying land use zone), the City may require that the lots be of such size, shape, and orientation as to facilitate future re-division in accordance with the requirements of the land use district and this Code. A re-division plan shall be submitted for large lots identifying:

1. Potential future lot division(s), consistent with the density and lot size standards of LDC Chapters 16.5 – 16.11.
2. Potential street right-of-way alignments to serve future development of the property and connect to adjacent properties, including existing or planned rights-of-way.
3. It will include an acknowledgement that the plan is a conceptual plan intended to show potential future urban density development. It may not be binding on the City or property owners, except as may be required through conditions of approval to achieve future urban density. For example, the granting of easements and/or dedication and improvement of rights-of-way within the future plan area may be required at initial land division to provide needed secondary access and circulation.



#### **D. Lot Size Averaging**

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

#### **E. Flood Plain Overlay Zone Requirements**

All land development by partition and subdivision (including those that are included in a Planned Development) within a flood plain shall comply with all flood protection regulations (see Section 16.11.070 in Chapter 16.11).

### **16.22.040 PRE-APPLICATION CONFERENCE FOR PARTITIONS AND SUBDIVISIONS**

Prior to the acceptance of a partition or subdivision application, the applicant may request a pre-application conference with the Planning Official and representatives of the City and other affected public and private agencies to further clarify the submittal requirements necessary for the acceptance of the application and tentative plan. The applicant may request additional meetings with affected agencies either jointly or individually as may be necessary to clarify evaluation criteria, regulations, and policies that may affect the proposed land division. (Fees may be assessed for these additional meetings.)

### **16.22.050 SPECIAL TRANSPORTATION PROVISIONS AND DECISION CRITERIA FOR PARTITIONS AND SUBDIVISIONS**

#### **A. Referral to Oregon Department of Transportation (ODOT)**

Notice, including copies of all site plans, shall be given to ODOT of all proposed subdivisions and partitions likely to have significant impacts or effects on the use of or access to State Highways within the Lebanon City limits. ODOT has permitting authority in all situations involving access to State highway facilities.

#### **B. Additional Transportation Access-Related Decision Criteria**

Approval of plans for subdivisions and partitions shall address the following access related decision criteria:

- 1. Driveway Access Placement:** Driveway access shall be properly placed in relation to sight distance, driveway spacing, and other related considerations, including opportunities for joint and cross access.
- 2. Road/Street System and Building Access:** The road/street system shall provide adequate access to the buildings for the appropriate users, such as residents, visitors, patrons, employees, service and delivery vehicles, and emergency vehicles.
- 3. Pedestrian and Bicycle Facilities:** An internal system of sidewalks and/or pathways for pedestrians and bicyclists shall provide connections to both motor vehicle and bicycle parking areas, and entrances to the development and its buildings, as well as open space, recreational and other community facilities associated with the development. Streets shall have sidewalks on both sides, unless other configurations have been approved. Pedestrian and bicycle linkages shall connect to the peripheral street system.

- 4. Consistency with Transportation System Plan:** All access shall be consistent with the access management standards of this Code, the City's Transportation System Plan, and the Lebanon/Linn County Urban Growth Management Agreement.
- 5. Conditions of Approval to Mitigate Significant Impacts or Effects on Transportation Facilities:** In situations in which proposed land use actions may cause a significant negative impact or effect on a transportation facility, the Planning Commission may impose additional conditions for approval, such as:
- a. A Traffic Impact Analysis (or other traffic studies) if the City Engineer finds that the proposed development will have a significant negative impact or effect on the surrounding transportation network. (See Chapter 16.12, Subsection 16.12.010.B).
  - b. The operator of the affected transportation facility shall receive notice of the proposed land use. Such operators may include, but are not limited to, the City, Linn County, the State (e.g., ODOT, Oregon Department of Aviation), and rail road companies. This notice shall include the applicant's full site plan submitted to the City and any traffic impact study or traffic counts, as well as the information noted in paragraph "a" immediately above.
  - c. The determination of transportation impacts or effects and the scope of any impact study shall be coordinated with the Planning Official, the City Engineer and the operator of the affected transportation facility.
  - d. Dedication of land for streets, transit facilities, sidewalks, bikeways, paths, or accessways where the existing transportation system will be impacted by or is inadequate to handle the additional burden caused by the proposed land use.
  - e. Transportation-related improvements where the existing transportation system may be burdened by the proposed land use.

#### **16.22.060 SUBMITTAL PROCEDURE FOR PARTITIONS AND SUBDIVISIONS**

Following preliminary consultation and a pre-application conference, where applicable, the applicant shall prepare an application and a tentative plan with other supplementary data required to describe the general program and objectives of the proposed land division. The form of application shall be as prescribed by the City and shall be submitted to the Planning Official who shall coordinate the process of review and action. The submittal and informational requirements and review procedures shall be as specified for each land division classification contained in this Code.

## **16.22.070 PRELIMINARY PLAT REVIEW PROCESS FOR PARTITIONS AND SUBDIVISIONS**

### ***A. Review of Preliminary Plat***

1. Review of a preliminary plat with 2 or 3 parcels (partition) shall be processed with an Administrative Review procedure, under the provisions of Chapter 16.20 (see Section 16.20.040).
2. Preliminary plats with 4 or more lots (subdivision) shall be processed with a Quasi-Judicial procedure under the provisions of Chapter 16.20 (see Section 16.20.050).
3. An application for a subdivision may be reviewed concurrently with an application for a Planned Development<sup>1</sup> under the provisions of Chapter 16.23.

### ***B. Review of Final Plat***

Review of a final plat for a subdivision or partition shall be processed as a Ministerial procedure under provisions of Chapter 16.20 (see Sections 16.20.030 and 16.20.030) using the decision criteria in Section 16.22.110 below.

### ***C. Preliminary Plat Approval Period***

Preliminary plat approval shall be effective for a period of three (3) years from the date of approval. The preliminary plat approval shall expire if a final plat has not been submitted within the 3-year period.

### ***D. Phased Development***

1. The City may approve a time schedule for developing a subdivision in phases, but in no case shall the final plat for the final phase be recorded more than 10 years from the date of initial approval.
2. All subdivision phases must comply with all applicable City requirements and conditions of approval.

### ***E. Expiration of Preliminary Plat Approval***

See Subsection 16.20.070.J (Chapter 16.20).

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<sup>1</sup> Planned Development applications and reviews are required for specific types of development proposals, including Subdivisions. See Subsection 16.23.010.E in Chapter 16.23 (Planned Developments), and the following in LDC Chapters 16.05 – 16.10: Table 16.05-1, Table 16.06-1, Table 16.07-1, Table 16.08-1, Table 16.09-1, and Table 16.10-1.

## **F. Modifications**

The applicant may request minor changes to the approved preliminary plat (see Chapter 16.24).

1. Such proposed modifications do not change or modify the adopted findings and/or conditions of approval.
2. The proposed changes may not increase the number of lots or represent a net increase or impact on supporting infrastructure;
3. Any changes to the preliminary plat follow the procedures in Chapter 16.24.

## **16.22.080 PRELIMINARY PLAT SUBMITTAL REQUIREMENTS FOR PARTITIONS AND SUBDIVISIONS**

### **A. General Submittal Requirements**

For all partitions the application shall contain all of the information required for an Administrative Review procedure (see Section 16.20.040, Chapter 16.20). For all subdivisions the application shall contain all of the information required for a Quasi-Judicial procedure (see Section 16.20.050, Chapter 16.20), and the information in Subsections 1-3, below:

1. **Public Facilities and Services Impact Study.** The Public Facilities and Services Impact Study shall quantify and assess the effect of the development on public facilities and services. The City shall advise as to the scope of the study during the pre-application conference (Section 16.22.040 above). The study shall address, at a minimum, the transportation system, including pedestrian ways and bikeways, the drainage system, the parks system, the water system, and the sewer system. For each public facility system and type of impact, the study shall propose improvements necessary to meet and maintain City standards as per the adopted facility plan, and to minimize the impact of the development on the public at large, public facilities systems, and affected private property users.
2. **Traffic Impact Studies**, if required by the road authority. Traffic Impact Studies shall conform to the standards and procedures in Chapter 16.12, Subsection 16.12.010.B.
3. **Additional Submittal Requirements** if applicable and warranted:
  - a. Correspondence from appropriate and applicable State and Federal Wetland regulatory agencies.
  - b. Correspondence from the County or ODOT if access is proposed to any facility (storm drainage, roads, etc.) under their jurisdiction.
  - c. Correspondence from Oregon Department of Aviation if the proposed development is within the approach or noise impact overlay zones of the Lebanon State Airport.
  - d. Documentation prepared by a licensed and qualified professional demonstrating that development proposed within a 100-year floodplain or floodway complies with appropriate FEMA, NFIP and City's Floodplain Regulations (see Section 16.11.070 in Chapter 16.11 of this Code).
  - e. Documentation showing compliance with applicable Special Area Plans.

- f. Documentation showing compliance with the all applicable codes and requirements of the Lebanon Fire District.
- g. Documentation showing that the proposed land division will not violate any existing property restrictions of record including easements.
- h. Documentation prepared by a licensed and qualified professional demonstrating that areas of soil cut and fill will comply with erosion control and building code requirements.
- i. Documentation prepared by a licensed and qualified professional demonstrating that areas of geologic and/or of soils instability can be developed according to applicable City, State and Federal Environmental Standards.
- j. Other information determined by the Planning Official and/or City Engineer. Upon the receipt or presentation of credible evidence, the City may require studies or exhibits prepared by qualified and/or licensed professionals to address specific site features or project impacts (e.g. noise, natural resources, environmental features, natural hazards, cultural/archeological, site stability, wetlands, hazmat assessments, etc.), in conformance with this Code, other State and/or Federal regulatory requirements.

## **B. Preliminary Plat Information**

In addition to the general information described in Subsection 16.22.080.A above, the preliminary plat application shall consist of 10 copies of scaled drawings and supplementary written material (i.e., on forms and/or in a written narrative) all of which shall be submitted in hard copies (including at least one photo-reproducible copy) and electronic format (specified by the City) in order to adequately provide the following information:

### **1. General Information**

- a. Name of subdivision (not required for partitions). This name must not duplicate the name of another subdivision in Linn County (please check with County Surveyor).
- b. Date, north arrow, and scale of drawing.
- c. Location of the development sufficient to define its location in the City, boundaries, and a legal description of the site.
- d. A title block including the names, addresses and telephone numbers of the owners of the subject property and, as applicable, the designer, and engineer and surveyor if any, and the date of the survey if submitted.
- e. Identification of the drawing as a "preliminary plat".

### **2. Existing Site Analysis Map**

- a. Streets: Location, name, site access, present width of all streets, alleys and rights-of-way on and abutting the site.
- b. Easements: Width, location and purpose of all existing easements of record on and abutting the site.
- c. Utilities: Location and identity of all utilities on and abutting the site. If water mains, fire hydrants, and sewers are not on or abutting the site, indicate the direction and distance to the nearest one and show how utilities will be brought to standards.

- d. For subdivisions, ground elevations of the entire subject property and the topographically influenced areas of adjacent properties shown by contour lines at 5-foot vertical intervals for ground slopes exceeding 10 percent and at 2-foot intervals for ground slopes of less than 10 percent or as required by the City. Such ground elevations shall be related to some established benchmark or other datum approved by the City Engineer.
- e. The location and elevation of the closest benchmark(s) within or adjacent to the site (i.e., for surveying purposes).
- f. Potential natural hazard areas, including any flood plains, areas subject to high water table, landslide areas, and areas having a high erosion potential.
- g. Wetland areas, streams, riparian areas, wildlife habitat, and other areas identified by the City or natural resource regulatory agencies as requiring protection. (See relevant portions of the Comprehensive Plan.).
- h. Site features, including existing structures, septic systems, wells, pavement, large rock outcroppings, and drainage ways, canals and ditches.
- i. Designated historic and cultural resources on the site and adjacent parcels or lots.
- j. The location, size and species of trees having a caliper (diameter) of 12 inches for deciduous trees, and 18 inches for evergreens or larger at 4.5 feet above grade in conformance with Chapter 16.15.
- k. Other information, as deemed appropriate by the City Engineer and/or Planning Official. The City may require studies or exhibits prepared by qualified professionals to address specific site features and code requirements.
- l. Areas of identified, known or suspected environmental constraints and/or encumbrances.

### **3. Proposed Site Improvements Plan (Including Drawings and Map)**

- a. Public and private streets, tracts, access to site, driveways, open space and park land; location, names (as approved by the City and Linn County 911 Dispatch), access to all lots and parcels especially corner lots and parcels, right-of-way dimensions, approximate radius of street curves; and approximate finished street center line grades (on grades of 10% or greater). All streets and tracts that are being held for private use and all reservations and restrictions relating to such private tracts shall be identified.
- b. Proposed grading plan.
- c. Easements: location, width and purpose of all proposed easements.
- d. Lots, parcels and private tracts (e.g., private open space, common area, or street): approximate dimensions, area calculation (e.g., in square feet), and identification numbers for all proposed lots and parcels, and identification letters for tracts.
- e. For flag lots, show the total area and the developable area (total area minus the driveway/access area – often referred to as the “flag pole” or “pan handle”).
- f. Proposed uses of the property, including all areas proposed to be dedicated to the public or reserved as open space for the purpose of surface water management, recreation, or other use; potential location of future buildings.

- g. Proposed improvements, as required by Part Three of this Code (Community Development and Use Standards), and timing of improvements (e.g., in the case of streets, sidewalks, street trees, utilities, etc.).
- h. For proposed lots and parcels with identified, known or suspected development constraints or encumbrances, demonstrate that those lots and parcels are buildable according to appropriate lot development standards, requirements and regulations.
- i. The proposed source of domestic water.
- j. The proposed method of sewage disposal.
- k. Proposed method of surface water drainage and treatment if required.
- l. The approximate location and identity of other utilities, including the locations of fire hydrants and street lighting fixtures.
- m. Proposed railroad crossing or modifications to an existing crossing, if any, and correspondence discussing the feasibility of the proposal from the affected railroad and the Oregon Department of Transportation Rail Division.
- n. Changes or modifications to intermittent or perennial streams, navigable streams, or other watercourses. Status of public access to these areas shall be shown on the preliminary plat, as applicable.
- o. **Development in Area of Special Flood Hazard and Locally Identified or Federally Regulated 100-Year flood Plain:** All land development by partition and subdivision (including those that are included in a Planned Development) within a flood plain shall comply with all flood protection regulations (see Section 16.11.070 in Chapter 16.11).
- p. Evidence of correspondence from the road authority for any development requiring access to facility(ies) under their authority.

## **16.22.090 DECISION CRITERIA: PRELIMINARY PLAT FOR PARTITIONS AND SUBDIVISIONS**

### ***A. General Decision Criteria***

The City may approve, approve with conditions or deny a preliminary plat based on the following decision criteria:

1. The proposed preliminary plat complies with the applicable Development Code Sections and adopted Master Plans. At a minimum, the provisions of this Chapter, and the applicable Chapters and Sections of Article Two (Land Use and Land Use/Development Zones) and Article Three (Community Development and Use Standards) of this Code shall apply. Where a variance is necessary to receive preliminary plat approval, the application shall also comply with the relevant Sections of Chapter 16.30.
2. The proposed plat name is not already recorded for another subdivision, and satisfies the provisions of ORS Chapter 92 and the County Surveyor.
3. The proposed streets, roads, sidewalks, bicycle lanes, pathways, utilities, and surface water management facilities are laid out so as to conform or transition to the plats of subdivisions and of partitions already approved for adjoining property as to width, general direction and in all other respects. All proposed public improvements and dedications are identified on the preliminary plat.

4. All proposed private common areas and improvements (e.g., homeowner association property) are identified on the preliminary plat.
5. Evidence that all City, County, State and Federal regulatory agency identified or mapped special management areas have been accurately and effectively identified on the appropriate maps and plans submitted to the City for review.
6. Evidence that improvements or conditions required by the City, road authority, Linn County, special districts, utilities, and/or other service providers, as applicable to the project, have been or can be met.
7. If any part of the site is located within a Special Area Plan or District, Overlay Zone, or previously approved Planned Development, it shall conform to the applicable regulations and/or conditions.

### **B. Layout and Design of Streets, Blocks and Lots**

All proposed blocks (i.e., one or more lots bound by public streets), lots and parcels conform to the specific requirements below:

1. All lots shall comply with the lot area, setback, and dimensional requirements of the applicable land use zone (Chapters 16.05 – 16.10), and the standards of Chapter 16.12 (Subsection 16.12.030.K, Street Connectivity and Formation of Blocks).
2. Setbacks shall be as required by the applicable land use zone (Chapters 16.05 – 16.10).
3. Each lot shall conform to the standards of Chapter 16.12 (Access and Circulation).
4. Landscape or other screening may be required to maintain privacy for abutting uses. See Chapters 16.05 – 16.10 (Land Use Zones), and Chapter 16.15 (Landscaping, Street Trees, etc.).
5. In conformance with the Oregon Fire Code, a 20-foot width fire apparatus access drive shall be provided to serve all portions of a building that are located more than 150 feet from a public or private road or approved access drive. See Chapter 16.12 (Access and Circulation).
6. Where a common drive is to be provided to serve more than one lot, a reciprocating access easement and maintenance agreement shall be recorded with the approved subdivision or partition plat.
7. All applicable engineering design standards for streets, utilities, surface water management, and easements shall be met.

### **C. Conditions of Decision**

The City may attach such conditions as are necessary to carry out provisions of this Code and other applicable ordinances and regulations and for the purpose of controlling access to adjoining undeveloped properties. Also, see Chapter 16.16 (Public Facilities).



## **16.22.100 VARIANCES AUTHORIZED FOR PARTITIONS AND SUBDIVISIONS**

Variances to the standards of this Chapter may be processed in accordance with Chapter 16.29 (Variances). Applications for variances shall be submitted at the same time an application for land division or lot line adjustment is submitted, and the applications may be reviewed together.

## **16.22.110 FINAL PLAT SUBMITTAL REQUIREMENTS AND DECISION CRITERIA FOR PARTITIONS AND SUBDIVISIONS**

### ***A. Submittal Requirements***

Final plats shall be reviewed and approved by the City prior to recording with Linn County. The applicant shall obtain City approval of the final plat within 3 years of the approval of the preliminary plat. Specific information about the format and size of the plat, number of copies and other detailed information must comply with the standards of the Linn County Surveyor's office and the City.

### ***B. Decision Criteria***

By means of a Ministerial Review procedure (see Chapter 16.20), the Planning Official and City Engineer shall review the final plat and may approve or deny the final plat based on findings regarding compliance with the following decision criteria:

1. The final plat is consistent in design (e.g., number, area, dimensions of lots, easements, tracts, right-of-way) with the approved preliminary plat, and all conditions of approval have been satisfied.
2. All public improvements required by the preliminary plat have been installed and approved and accepted by the City Engineer or appropriate service provider (e.g., road authority). Alternatively, the developer has provided a performance guarantee in accordance with Subsection 16.16.070.C (Chapter 16.16).
3. The streets and roads for public use are dedicated without reservation or restriction other than reversionary rights upon vacation of any such street or road and easements for public utilities.
4. The private streets and roads held for private uses have been approved by the City as conforming to the preliminary plat.
5. The plat and deed contain a dedication to the public of all public improvements, including but not limited to streets, public pathways and trails, parks, sewage disposal, storm drainage and water supply systems.
6. The applicant has provided copies of all recorded homeowners association Covenants, Conditions and Restrictions (CC&R's), deed restrictions, private easements and agreements (e.g., for access, common areas, parking, etc.), and other recorded documents pertaining to common improvements recorded and referenced on the plat.
7. Certification by the City, County or service district, as applicable, that water and sanitary sewer service is available to every lot depicted on the plat; or bond, contract or other assurance has been provided by the applicant to the City that such services will be installed in accordance with Chapter 16.16 (Public Facilities), and the bond requirements of Subsection 16.16.070.C (Chapter 16.16). The amount of the bond, contract or other assurance by the applicant shall be determined by a registered professional engineer, subject to review and approval by the City.

## **16.22.120 PUBLIC IMPROVEMENTS REQUIRED FOR PARTITIONS AND SUBDIVISIONS**

Before City approval is certified on the final plat, all required public improvements shall be installed, inspected, and approved, or the applicant shall provide a performance guarantee, in accordance with Subsection 16.16.070.B (Chapter 16.16 – Public Facilities), and Section 16.22.130 below.

## **16.22.130 PERFORMANCE GUARANTEE FOR PARTITIONS AND SUBDIVISIONS**

### ***A. Performance Guarantee Required***

1. The subdivider shall file a performance guarantee with the City to ensure installation of the required public improvements. The guarantee shall include a financial instrument sufficient to ensure performance. . The guarantee shall provide that if the work is not completed within the period specified, the City may complete the work and recover the full cost and expense thereof from the subdivider. The guarantee may provide for the construction of the improvements in units and for an extension of time under specified conditions. The amount shall be for a sum determined by the City Engineer as sufficient to cover the cost of the improvements and repairs, including related City expenses.
2. The financial instrument may include one of the following:
  - a. A surety bond executed by a surety company authorized to transact business in the state of Oregon in a form approved by the City Attorney.
  - b. An irrevocable standby letter of credit issued by a financial institution authorized to transact business in Oregon.
  - c. Such other instrument as may be approved by the City Manager and City Attorney.
3. All public improvements shall be installed and accepted by the City Engineer prior to the recording of the final plat. The City Engineer may allow the subdivider to defer minor improvements, or repairs to existing improvements, to after the final plat is recorded; provided, the improvements or repairs do not exceed 5% of the total construction costs of the subdivision as determined by the City Engineer. Bonding shall be required for these minor improvements and repairs in conformance with provisions in items “1.” and “2.” of this Subsection.

### ***B. Determination of Sum***

The assurance of performance shall be for a sum determined by the City as necessary to cover the cost of the improvements and repairs, including related engineering and administrative expenses such as City administrative and legal fees.

### ***C. Itemized Improvement Estimate***

The developer shall furnish to the City an itemized improvement estimate, certified by a registered civil engineer, to assist the City in calculating the amount of the performance assurance.

#### ***D. Public Improvement Agreement***

In the event public improvements are bonded but not completed before approval of the final plat, an agreement between the City and developer shall be recorded with the final plat. The agreement may be prepared by the City or prepared by the applicant as a letter. It shall not be valid until it is signed and dated by both the applicant and City Engineer. The agreement shall contain all of the following:

1. The period within which all required improvements and repairs shall be completed.
2. A provision that if work is not completed within the period specified, the City may complete the work and recover the full cost and expenses from the developer.
3. The improvement fees and deposits that are required.
4. A provision for the construction of the improvements in stages and for the extension of time under specific conditions stated in the contract.

#### ***E. When Subdivider Fails to Perform***

In the event the developer fails to carry out all provisions of the agreement and the City has un-reimbursed costs or expenses resulting from such failure, the City shall call on the bond, or letter of credit for reimbursement, and may exercise any other remedies provided by law.

#### ***F. Termination of Performance Guarantee***

The developer shall not cause termination of nor allow expiration of the guarantee without having first secured written authorization from the City.

### **16.22.140 FILING AND RECORDING FOR PARTITIONS AND SUBDIVISIONS**

#### ***A. Filing Plat with County***

Within 60 days of the City approval of the final plat, the applicant shall submit the final plat to Linn County for signatures of County officials as required by ORS Chapter 92.

#### ***B. Proof of Recording***

Upon final recording with Linn County, the applicant shall submit to the City evidence of the recorded final plat. This shall occur prior to the issuance of building permits for the newly created lots.

## **16.22.150 RE-PLATTING AND VACATION OF PLATS AND RIGHTS OF WAY**

- A. Re-platting and Vacations.** Any plat or portion thereof may be re-platted or vacated upon receiving an application signed by all of the owners as appearing on the deed.
- B. Procedure.** All applications for a re-plat or plat vacation shall be processed in accordance with the procedures and standards for a subdivision or partition (i.e., the same process used to create the plat shall be used to re-plat or vacate the plat). The same appeal rights provided through the subdivision and partition process shall be afforded to the plat vacation process (See Chapter 16.20). Any road authority(ies), utility companies or public agencies affected by the re-plat or plat vacation shall be notified of the application. All right of way vacations shall conform to the requirements of state law.
- C. Recording of Vacations.** All approved plat vacations shall be recorded in accordance with Section 16.22.140 above. The recording of a re-plat or plat vacation shall be submitted to Linn County concurrently with the recording of any necessary right of way vacations.
- D. Street Requirement.** Except as prohibited by law, in approving a vacation or re-plat, the City may require dedication of access ways, paths or trails as a condition of the vacation of any public easement or right-of-way, in order to establish or maintain a safe, convenient and direct pedestrian and bicycle circulation system. Such requirements shall be coordinated with the applicable road authority.

## **16.22.160 PROPERTY LINE ADJUSTMENTS**

A Property Line Adjustment is the relocation or elimination of a common property line between abutting properties. A property line adjustment shall not result in the creation of any new parcel(s). The application submittal and decision process is as follows:

### **A. Submittal Requirements**

All applications for Property Line Adjustment shall be made on forms provided by the City and shall include information required for Administrative review, as governed by the provisions of Chapter 16.20. The application shall include a preliminary map drawn to scale identifying all existing and proposed **(1)** lot lines and dimensions and resulting setbacks; **(2)** footprints and dimensions of existing structures (including accessory structures); **(3)** location and dimensions of driveways and public and private streets within or abutting the subject lots; **(4)** location of significant vegetation (see Chapter 16.15); **(5)** existing fences and walls; **(6)** public and private utility connections; **(7)** on site services (septic and well if any); **(8)** existing and proposed easements; and, **(9)** any other information deemed necessary by the Planning Official or designee for ensuring compliance with City codes.

## **B. Decision Process**

1. Decision-Making Process. Property line adjustments shall be reviewed by means of a Administrative procedure, as governed by the provisions of Chapter 16.20, using decision criteria contained in Subsection C below. The road authority(ies) shall be notified of lot line adjustments that may significantly affect property access or traffic volumes or operations of their facilities.
2. Lapsing of Preliminary Approval. The property line adjustment preliminary approval shall lapse if any of the following transpire:
  - a. The property line adjustment has not been recorded within one (1) year from the date of preliminary approval.
  - b. The property line adjustment has been improperly recorded with Linn County without the satisfactory completion of all conditions attached to the approval.
  - c. The final recording is a departure from the approved plan.

## **C. Decision Criteria**

The Planning Official or designee may approve or deny a request for a property line adjustment in writing based on all of the following decision criteria:

1. Parcel Creation. No additional parcel is created by the lot line adjustment.
2. Parcel and Lot standards. All parcels and lots conform to the applicable standards of the land use zone.
3. Access and Road authority Standards. All lots and parcels conform to the standards or requirements of Chapter 16.12 (Access and Circulation), and all applicable road authority requirements are met.
4. Nonconforming. If a lot or parcel is nonconforming to any City standard, it shall not be made less conforming by a property line adjustment.

## **D. Recording Property Line Adjustments**

1. Recording. Upon the City's approval of the proposed property line adjustment, the applicant shall record the property line adjustment with Linn County within 60 days of approval (or the decision expires).
2. Proof of Recording. Upon final recording with Linn County, the applicant shall submit to the City evidence of the recorded property line adjustment survey. This shall occur prior to the issuance of building permits for the reconfigured lot(s).

***Title 16: City of Lebanon  
Development Code,***

ARTICLE FOUR:  
LAND USE AND DEVELOPMENT REVIEWS,  
DECISION  
REQUIREMENTS AND PROCEDURES

**Chapter 16.23:  
Planned Developments**

**Adopted by City Council on  
December 10, 2008**

## Chapter 16.23: Planned Developments

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# CHAPTER 16.23: PLANNED DEVELOPMENTS

## 16.23.010 INTRODUCTION TO PLANNED DEVELOPMENTS

### ***A. Purpose of the Planned Development***

The purpose of the Planned Development (PD) is to provide opportunities to create more desirable environments through the application of flexible and diversified land development standards under a professionally prepared comprehensive development plan (overall site design, maps and drawings) and program (narrative and explanatory documents). The purpose of the Planned Development process is to:

1. Encourage the application of new techniques, new technology, and development that will result in sustainable living or development arrangements.
2. Achieve efficiency in land development, maintenance, street systems and utility net works while providing building groupings for privacy, useable and attractive open spaces, safe circulation and the general well being of the inhabitants.
3. Implement the Comprehensive Plan and applicable Land Use Zone(s) by providing a means for planning large development sites.
4. Encourage innovative planning that results in projects that benefit the community.
5. Encourage developments that recognize the relationship between buildings, their use, open space, and transportation options, providing varied opportunities for innovative and diversified employment environments.
6. Facilitate the efficient use of land.
7. Promote an efficient arrangement of land use, buildings, circulation systems, open space, and utilities.
8. Preserve to the greatest extent possible the existing landscape features and natural features that may not otherwise be protected through conventional development.
9. Encourage energy conservation and improved air and water quality and.
10. Assist the City in planning infrastructure improvements.

### ***B. Establishment of a PD in Combination with a Base Zone***

A Planned Development may be established in combination with any underlying base zone. In cases of conflict between standards of the base zone and the PD, the standards of the PD may apply, provided the Planning Commission finds that an exception from the standard of the underlying zone is warranted by the design and amenity provisions in the Planned Development Design and Program, and there are no identified negative impacts to the surrounding neighborhood or the community as a whole after mitigation.

### ***C. Phased Development***

Phasing of development may be approved with the PD application, subject to the following standards and procedures.

A phasing plan shall be submitted with the PD application.

1. The Planning Commission may approve a time schedule for developing a site in phases, but in no case shall the total time period for all phases be greater than 10 years without reapplying for PD Approval.

2. Approval of a phased PD proposal requires that the public facilities required to serve each phase are constructed in conjunction with or prior to each phase.
3. An application for phasing may be approved after PD approval as a modification to the approved plan, in accordance with the procedures for modifications (Chapter 16.24).

#### **D. Expiration of an Approved Planned Development**

See Subsection 16.20.070.J (Chapter 16.20).

#### **E. Applicability**

A Planned Development may be approved in any of the City's Land Use Zones.

1. An applicant may elect to develop a project as a Planned Development in compliance with the requirements of this Chapter.
2. Planned Development applies to all development in the City identified for such review in this Code (see the following in LDC Chapters 16.05 – 16.10: Table 16.05-1, Table 16.06-1, Table 16.07-1, Table 16.08-1, Table 16.09-1, and Table 16.10-1).
3. In addition, the City may require that the following types of development be processed as Planned Developments using the provisions of this Chapter:
  - a. Mixed development, integrated either horizontally or vertically (e.g., a mix of land uses such as residential and commercial on one site).
  - b. Any development proposal that includes a site that had been subject to a Zoning Map Amendment in the two years prior to the submittal date of the development proposal application.
  - c. Any development proposal that requires an exception to or amendment of an Adopted Facility Master Plan, including the Transportation System Plan.
  - d. Any development proposal potentially causing adverse impacts to land in public ownership or developed for a public use that could result in the loss of public use, the loss of some public opportunity, or the conversion of a previous public facility.
  - e. Any development proposal of 1 acre or more in size that is in a 100 year flood plain or is on a steep slope (i.e., 15% or greater).

#### **F. Benefits, Advantages and Opportunities**

1. **Flexibility and Efficiency:** The Planned Development (PD) review provides a process that is flexible and responsive to development proposals that may be unique, innovative, and/or complex. The PD review is designed to be an extremely efficient review process even when projects may be unusually challenging in scope and vision.
2. **Modifications of Zoning Standards and Community Development and Use Standards:** Development standards (such as Lot Size and Width, Heights) in LDC Article Two (LDC Chapters 16.05 – 16.11) and the Community Development and Use Standards of Article Three (LDC Chapters 16.12 – 16.19) may be modified [up to 25% of the standard] through the Planned Development review process without the need for a Variance. However, Industrial and Commercial uses, if not otherwise allowed in a Residential Zone, shall not be allowed as part of a Planned Development in a Residential Zone.

**3. Reasons for Selecting the PD Process:** There are a number of reasons why the PD process may be desirable and applicable, such as: (1) the large area of the development; (2) sensitivity of the development area (e.g., steep slopes); (3) atypical ownership and/or management considerations; (4) magnitude of project impacts; (5) a need for greater procedural flexibility and diversity; and, (6) to permit development proposals not explicitly listed in this Code. A PD review can be voluntarily selected by an applicant, may be mandated by the provisions of this Code, or determined by the City as the most appropriate review process.

**4. A PD may occur in any zone.**

**5. Two Step Process:**

The PD process is a two step process, in which there are three options or alternative paths for the second step.

- a. The First Option or path includes an initial Public Hearing and a subsequent Ministerial Review. If sufficient detail and sophistication of design are included in the initial or Preliminary Design and Program, a PD application may be approved with a Public Hearing before the Planning Commission, followed by a Ministerial Review by the Planning Official of the Final Design and Program that checks for compliance with conditions of approval established by the Planning Commission.
- b. Second Option: Other PD applications that need further work and modification after the initial Public Hearing in order to meet the Planning Commission's conditions of approval may have their Final Design and Program reviewed for compliance by the Planning Official in an Administrative Review.
- c. Third Option: Some PD applications may need major or extensive additional work and modification after the initial Public Hearing in order to meet the Planning Commission's conditions of approval; the Final Design and Program of such applications may be reviewed for compliance in a second Public Hearing before the Planning Commission.

## **G. PD Terminology**

1. **Basic Land Use Request:** The essential elements of the development request, such as a subdivision layout, the siting of a large commercial or industrial building, or a complex of mixed development buildings (residential and commercial), or a multi-family complex.
2. **Planned Development Design:** The overall PD site design, maps and drawings.
3. **Planned Development Program:** The PD narratives, explanatory documents, technical studies, and mitigation plan.
4. **Preliminary Design and Program:** The initial PD proposal reviewed by the Planning Commission in a public hearing ("Step 1").
5. **Final Design and Program:** The revised or modified PD proposal submitted by the applicant to meet the Planning Commission's conditions of approval established in "Step 1."

6. **Adverse Project Impacts:** Adverse project impacts are effects that are detrimental to the health, safety, and general welfare of local residents, the neighborhood, the community and natural environment. Adverse project impacts may include, but are not limited to: operating and/or traffic noise, vibration, glare, heat, electromagnetic interference, smoke, waterborne contaminants, airborne particulates, or atmospheric contaminants (e.g., hazardous or toxic levels of airborne substances or chemicals). Determinations may be based on degradation of such measures as service levels, volumes/capacities (e.g., pre- versus post-development runoff rates) in City’s adopted Master Plans. (Also see Glossary for “Negative Impacts.”)
7. **Mitigation (or to Mitigate):** To avoid, rectify, repair, or compensate for negative impacts that result from other actions, such as land use development.
8. **Mitigation Plans (and Measures):** The plans and measures developed by an applicant to effectively and proportionately mitigate those adverse impacts (attributable to the Planned Development) experienced by surrounding properties and residents, the neighborhood, and in some cases the City as a whole.
9. **Preliminary Mitigation Plans (and Measures):** The mitigation plans and measures submitted as part of the Planned Development Preliminary Design and Program that are reviewed in “Step 1” of the process, a public hearing before the Planning Commission.
10. **Final Mitigation Plans (and Measures):** The mitigation plans and measures submitted as part of the Planned Development Final Design and Program that are reviewed in “Step 2” of the process, and that must address all applicable issues and concerns established as conditions of approval for the Planned Development by the Planning Commission in “Step 1.”

## **H. Overview of the Two Step Process**

As shown in **Figure 16.23-1**, a Planned Development review is a two step process. “**Step 1**” is a public hearing conducted by the Planning Commission that reviews the Preliminary PD Design and Program involved in the Basic Land Use request. The Preliminary PD Design and Program includes the Overall Design Elements and Mitigation Plan, as well as all narratives, explanatory documents, and technical studies. “**Step 2**” may result in the approval of the Final PD Design and Program (Overall Design Elements and Mitigation Plan, as well as all narratives, explanatory documents, and technical studies). This Second Step assesses compliance with the Conditions of Approval established by the Planning Commission in “Step 1.” An overview of this two step process follows below.

### **1. Step 1: Public Hearing -- Review of Preliminary PD Design and Program**

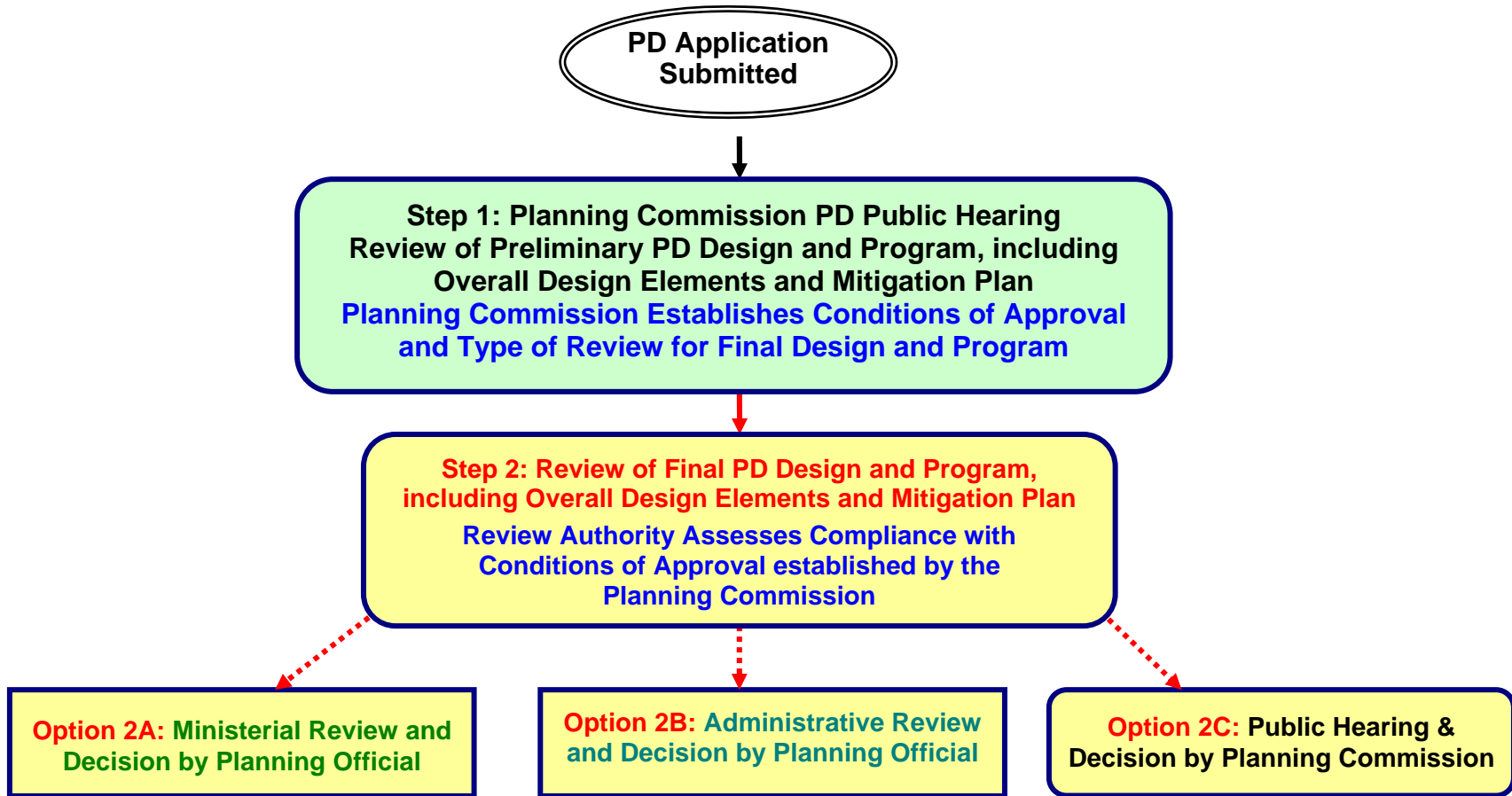
- a. The First Step in the Planned Development process begins with a quasi-judicial public hearing conducted by the Planning Commission. This Step reviews the Preliminary PD Design and Program, including the Overall Design Elements and Mitigation Plan, as well as all narratives, explanatory documents, and technical studies (See Chapter 16.20 for review procedure). An approval at this level establishes the general validity of the proposed Design and Program, and grants approval of the Basic Land Use request involved in the Planned Development application.

- b. During the review of the Preliminary PD Design and Program, the Planning Commission establishes the conditions of approval that the Final PD Design and Program must meet to merit final approval in Step 2., The Planning Commission may take the following actions regarding the Preliminary PD Design and Program:
  - (1) Accept and approve the Preliminary PD Design and Program as submitted, or with very minor refinements.
  - (2) Approve the Preliminary PD Design and Program with Modifications.
  - (3) Direct the applicant to revise the Preliminary PD Design and Program to satisfy the requirements of the Code.
  - (4) The Planning Commission may deny a PD application based on the decision criteria.
- c. The Planning Commission shall also determine the type of review in “**Step 2**” of the Final PD Design and Program, from the following options (see Chapter 16.20 for relevant review procedures):
  - (1) Review by the Planning Official as a Ministerial Review [Option 2A].
  - (2) Review by the Planning Official as an Administrative Review [Option 2B].
  - (3) Review by the Planning Commission in a subsequent public hearing [Option 2C].

**2. Step 2: Review of Final PD Design and Program – Three Options**

- a. After Planning Commission review and action on a Preliminary PD Design and Program (in Step 1), the applicant submits a Final Design and Program that is then reviewed by the designated review process and authority established by the Planning Commission in Step 1.
- b. “**Step 2**” may result in the approval of the Final PD Design and Program (Overall Design Elements and Mitigation Plan, as well as all narratives, explanatory documents, and technical studies). This Second Step assesses compliance with the Conditions of Approval established by the Planning Commission in “Step 1.” Successful compliance will result in approval of the PD application.
- c. The review of the applicant’s Final Design and Program requires a separate submittal, fee and process.
- d. The Review of the Final PD Design and Program shall follow the appropriate procedural provisions of Chapter 16.20. As noted previously, the designated review process and authority shall be one of the following:
  - (1) **Option 2A:** Review by the Planning Official as a Ministerial Review.
  - (2) **Option 2B:** Review by the Planning Official as an Administrative Review.
  - (3) **Option 2C:** Review by the Planning Commission in a subsequent Public Hearing.

Figure 16.23-1: The Planned Development (PD) Review Process



## **I. Overview of Mitigation Plans**

### **1. Introduction**

- a. Many, if not most, land development projects have some adverse impacts. The standards and requirements in this Code are intended to buffer and minimize the adverse impacts that can normally be expected to result from most development activity.
- b. Planned Developments may have adverse impacts that are not typically associated with activities routinely permitted in a Land Use Zone, or are extensive or unique, and/or exceed current facility specifications anticipated in City Facility Plans, and thus require a more rigorous review process and mitigation of the impacts.
- c. The Mitigation Review procedures in this Chapter are directed at these types of developments with unique, excessive and/or extensive adverse project impacts. Such adverse project impacts require correspondingly more rigorous and unique mitigation measures and strategies.

### **2. Purpose**

The Mitigation Review process, as an integral part of the Planned Development Review, has several key purposes:

- a. To assure that adverse impacts associated with a land use permitted by a Planned Development Review will be effectively addressed through the overall review process.
- b. Protecting the health, safety, and general welfare of the community and its natural environment.
- c. Providing a clear path for land use review that is not encumbered by unnecessary obstacles.
- d. Providing clear and ample opportunities for citizen participation.

### **3. Project Impacts**

- a. If the proposed land use can reasonably be expected to generate adverse project impacts, the applicant must demonstrate effective mitigation measures proposed to be implemented to mitigate or nullify the adverse project impacts and to achieve compliance with applicable local, State, or federal regulations, and specific conditions of land use approval.
- b. Adverse project impacts may include, but are not limited to, the following examples: operating and/or traffic noise, vibration, glare, heat, electromagnetic interference, smoke, waterborne contaminants, airborne particulates, or atmospheric contaminants (e.g., hazardous or toxic levels of airborne substances or chemicals).
- c. Such typical adverse project impacts represent nuisance characteristics or effects that might potentially be detrimental to the health, safety, and general welfare of local residents, the neighborhood, the community and natural environment.
- d. Effective and complete implementation of the approved mitigation measures, plans, and strategies is a fundamental condition of Basic Land Use approval.
- e. If the proposed land use can reasonably be expected to generate adverse project impacts, a Planned Development must have an approved Mitigation Plan in order to be approved.

### **4. When Mitigation is Not Required**

If in Step 1 the Planning Commission determines, after weighing all the evidence, materials, and testimony presented by staff, the applicant, and other interested parties), that a proposed PD can reasonably be expected to NOT generate adverse project impacts that need to be addressed by a formal mitigation plan, and the Planning Commission establishes as a condition of approval that the submittal of a formal mitigation plan is NOT required, the applicant need not submit such a plan as part of the Final Design and Program.

## 5. Requirements for Mitigation Measures and Plans

A fundamental part of the Planned Development Program is a mitigation plan or plans, in addition to narratives, explanatory documents, and technical studies. It may also be the case that certain elements of the overall proposed PD Design function as part of the mitigation strategy.

In order to achieve final approval of the proposed development, the applicant is required to submit Mitigation Measures and Plans that:

- a. Effectively address all applicable issues and concerns established as conditions of approval for the Planned Development by the Planning Commission.
- b. Effectively and proportionately mitigate those adverse impacts (attributable to the Planned Development) experienced by surrounding properties and residents, the neighborhood, and the City as a whole.
- c. Are prepared by and stamped by appropriate experts and/or licensed professionals in Oregon (e.g., traffic engineers, acoustical engineers, environmental engineers, geotechnical engineer, civil engineering geologist, wetland specialists, landscape architects).
- d. Demonstrate in detail that all applicable standards can be met by the proposed measures.
- e. Document efforts to achieve compliance with appropriate regulatory agency or agencies (e.g., the Oregon Departments of Transportation [ODOT], Aviation [DOA], Environmental Quality [DEQ] and State Lands [DSL] and Federal agencies such as the Army Corps of Engineers, Federal Emergency Management Agency [FEMA], Federal Aviation Administration [FAA], National Oceanic and Atmospheric Administration [NOAA], Environmental Protection Agency [EPA]; and the Lebanon Municipal Code provisions such as regulation of hours of operation and noise).

## J. Overview of the Decision Options During “Step 1”

Based on all applicable decision criteria, the Planning Commission may take the following actions regarding the Preliminary Planned Development Design and Program, and all of their components collectively or individually:

1. **Accept and Approve** the Preliminary Planned Development Design and Program as submitted, or with very minor refinements to satisfy the stipulated conditions of approval. The Approved Planned Development Design and Program then essentially become the Final PD Design and Program subsequently submitted for a final review by the Planning Official in a Ministerial Review (Step 2 -- Option 2A).
2. **Approve with Modifications** the Preliminary PD Design and Program so as to satisfy the stipulated conditions of approval. This approved modified PD Design and Program may become part of the Final PD Design and Program subsequently submitted for a final review by the Planning Official in an Administrative Review (Step 2 -- Option 2B).
3. **Approve with Revisions:** Direct the applicant to revise the Preliminary PD Design and Program to satisfy the stipulated conditions of approval. This revised PD Design and Program may then be submitted as the Final PD Design and Program subsequently submitted for a final review by the Planning Official in an Administrative Review (Step 2 -- Option 2B), or by the Planning Commission in a second Public Hearing.



4. **Denial:** The Planning Commission may deny a PD application based on the decision criteria.

## 16.23.020 STEP 1: REVIEW OF PRELIMINARY PLANNED DEVELOPMENT DESIGN AND PROGRAM

### A. General Submittal Requirements

SECTION 16.23.020  
IS PART OF STEP 1  
OF THE PD  
REVIEW PROCESS

PD Applications shall contain all of the general information required for a public hearing, as governed by the provisions of Chapter 16.20 (Section 16.20.050). Applicants for Planned Developments are required to have at least one pre-submittal conference with the Planning Official. Additional meetings may be necessary. The proposed Planned Development Design (overall site design, maps and drawings) and Program (narratives, explanatory documents, technical studies, and mitigation plan) must be prepared by two or more persons with professional qualifications in such design related fields as Architecture, Landscape Architecture, Urban Planning and Civil Engineering. The applicant shall submit the following:

1. A statement detailing the development proposal.
2. A development schedule indicating the approximate dates when construction of the Planned Development and its various phases are expected to be initiated and completed.
3. A statement of the applicant's intentions regarding the long-term ownership and management of the proposed development, including any potential future sale or lease of all or portions of the Planned Development.
4. Special studies prepared by qualified professionals necessary to determine potential adverse project impacts (e.g., traffic, geologic, noise, environmental, natural resource, etc.) and required mitigation. [See Preliminary Mitigation Plan.]
5. **Preliminary Mitigation Plan** that addresses all known, foreseen, and expected adverse project impacts (see Subsection 16.23.010.1.4 and 16.23.030 Section of this Chapter).
6. **Additional Detailed Information:** The applicant's submittal shall include all of the materials listed in Section 16.21.050 (Application Submittal Requirements) of Chapter 16.21 (Conditional Uses).
7. **Additional Design and Program Elements:** The PD submittal shall include (where determined applicable by the Planning Official) any or all of the additional materials listed below.
  - a. Additional Elements of the Plan
    - (1) Parks, playgrounds, recreational facilities, trails and open spaces.
    - (2) Proposed method of solid waste disposal.
    - (3) Proposed method for provisions of water and sewage disposal.
    - (4) Proposed method for the handling of surface water drainage.
    - (5) Proposed grading patterns.
    - (6) A shadow projection, for developers incorporating solar design features.

**b. Additional Elements of the Program (Narrative and Explanatory Documents)**

- (1) Proposed ownership patterns.
- (2) Operation and maintenance proposal, such as condominium, co-op, or Homeowners Association.
- (3) Commercial facilities such as shopping, community facilities such as schools or parks.
- (4) A statement regarding the energy impacts of the proposed development.
- (5) A statement regarding the noise impacts of the proposed development (and proposed mitigation as part of the Preliminary Mitigation Plan).
- (6) Tables showing the total number of acres and the percentage of the total area that is designated for each type of use including each dwelling type, off-street parking, streets, parks, playgrounds, schools, open spaces, and so on as shown on the proposed development plan.
- (7) Tables showing the overall density of the proposed residential development and showing density by dwelling types and any proposals for the limitation of density.
- (8) Drafts of appropriate restrictive covenants, including those regarding the maintenance of landscape and drafts of documents providing for the maintenance of any common open space, or required dedications or reservations of public open spaces and of any dedications of development rights.
- (9) A timetable indicating when utility and drainage facilities intended to serve the development are to be installed. If the development is to be constructed in stages, the timetable shall reflect this.
- (10) Time table of the development, including expected starting dates, projection of completion time and project phasing, if anticipated.
- (11) Method of public improvements financing, if any.

**B. *Special PD Development Standards***

**1. Minimum Site Size**

The minimum size for a Planned Development is one (1) acre.

**2. Compliance with Applicable Criteria**

The development plan (maps and drawings) and program (narrative and explanatory documents) shall present an organized arrangement of buildings, service facilities, open spaces and improvements such as recreation facilities and fencing to insure compliance with all applicable criteria (e.g., see requirements of underlying zone, and other applicable development requirements, such as parking and access from "Community Design Standards," Article Three of this Development Code).

**3. Depth of Periphery Yards**

Periphery yards of a PD shall be at least as deep as those required by the yard requirements of the underlying zone, unless the Planning Commission finds that specific features of the proposed development would mitigate as well as the specified yard requirements vis-à-vis identified "negative impacts" to the surrounding neighborhood and/or the community as a whole after mitigation.

#### **4. Lot Coverage and Building Height**

Lot coverage and building height shall be no greater than for the underlying zone unless the Planning Commission finds that an exception is warranted in terms of the design and amenities proposed in the total development, and there are no identified “negative impacts” to the surrounding neighborhood and/or the community as a whole after mitigation.

#### **5. Open Space**

Open space in a Planned Development means the land area to be used for scenic or open space recreational purposes within the development.

- a. Open space does not include street right-of-way, driveways, parking areas, required setbacks, or public service easements unless these areas have some special recreational design or purpose.
- b. Open space shall be adequately designed for the recreational and leisure use of the population occupying the Planned Development.
- c. Designated open space must be accessible and usable year-around.
- d. Before an area can be considered a designated open space it shall have the following required minimum dimensions and minimum area: (1) Length: 20 feet; (2) Width: 20 feet; and, (3) shall have a minimum Area of 400 square feet.
- e. To the maximum extent possible, the open space plan shall demonstrate that natural features of the open space are preserved and complimentary landscaping is provided.
- f. The ongoing provision and maintenance of designated and approved open space areas are a permanent obligation of the Basic Land Use approval of the Planned Development.

#### **6. Subdivision Lot Sizes**

The Planning Commission may approve a reduction in the minimum area, width, depth and frontage requirements for subdivision lots in a PD, if the overall design and amenities of the proposed project outweigh any adverse impacts that may result from reduction in the minimum area, width, depth and frontage requirements for the lots.

#### **7. Required Phasing**

- a. As noted in Subsection 16.23.010.C, the applicant may elect to develop the site in successive phases in a manner indicated in the Development Design and Program.
- b. In addition, the Planning Commission may require that development be done in stages if public facilities are not adequate to service the entire development initially.

## 16.23.030 STEP 1: REVIEW OF PRELIMINARY MITIGATION PLAN DURING THE PRELIMINARY PLANNED DEVELOPMENT HEARING

### A. Overview of the Process

1. Step 1 of the Planned Development review process, the public hearing conducted by the Planning Commission, establishes the general validity of the proposed Design and Program, and may grant approval of the Basic Land Use request involved in the Planned Development application<sup>2</sup>.
2. In this public hearing (Step 1), the Planning Commission also:
  - a. Reviews the proposed Preliminary Mitigation Plan and establishes conditions for the mitigation of any adverse project impacts resulting from the Planned Development – such conditions are also conditions of approval for the Basic Land Use itself.
  - b. Determines the venue of the subsequent mitigation review from the following options:
    - (1) **Option 2A:** Review by the Planning Official as a Ministerial Review.
    - (2) **Option 2B:** Review by the Planning Official as an Administrative Review.
    - (3) **Option 2C:** Review by the Planning Commission in a subsequent public hearing.

SECTION 16.23.030  
IS PART OF STEP 1  
OF THE PD  
REVIEW PROCESS

### B. Submittal Requirements

1. The original submittal package (see Subsection 16.23.020.A) for review of the Preliminary PD Design and Program involved in the Basic Land Use request must include a detailed initial narrative that explains all adverse project impacts that the proposed development can reasonably be expected to generate.
2. Applications must include their Preliminary Mitigation Plans along with their original submittal package for the review of the Preliminary PD Design and Program. Such Mitigation Plans must meet the requirements set forth in Subsection 16.23.010.I.4 and Section 16.23.030.
3. Applications may, at this stage of the review process, also include the proposed final detailed technical studies and/or plans (e.g., Traffic Impact Analysis, Wetland Mitigation Plan) that would be necessary for mitigating the adverse project impacts.
4. The initial narrative and Preliminary Mitigation Plan are not required to include final detailed technical studies and/or plans that would be necessary for a final Mitigation Review. However, in order to expedite the overall process, applicants may elect to include such detailed narratives, technical studies and/or plans along with their Preliminary Planned Development submittal package. Such materials may be approved (with or without modifications), or may need subsequent revision or additional elements after the Planned Development Review by the Planning Commission in Step 1 of the process.

<sup>2</sup> As noted in Section 16.23.010.J, the Planning Commission decision shall be to approve the application, with or without modifications and conditions, or deny it.

5. The proposed Mitigation Plans must include accurate accounts of quantitative and qualitative descriptions of the adverse project impacts that the proposed development can reasonably be expected to generate.
6. The Preliminary Mitigation Plan submittal package is not intended to duplicate the submittal requirement for review of the Preliminary PD Design and Program (see Section 16.23.020.A above).

### **C. Planning Commission Review and Decision**

During the public hearing review of the Preliminary PD Design and Program, the Planning Commission also reviews the Preliminary Mitigation Plan and establishes conditions of approval for the mitigation of adverse project impacts. Based on all applicable decision criteria, the Planning Commission may then take the following actions regarding the Preliminary Mitigation Plan:

1. **Accept and Approve** the Preliminary Mitigation Plan as submitted, or with very minor refinements to satisfy the stipulated conditions of approval.
2. **Approve with Modifications** the Preliminary Mitigation Plan to satisfy the conditions of approval.
3. **Approve with Revisions:** Direct the applicant to **revise** the Preliminary Mitigation Plan to satisfy the stipulated conditions of approval.
4. **Denial:** The Planning Commission may deny a Preliminary Mitigation Plan application based on the decision criteria.

### **D. Decision Criteria for Mitigation Plans for Planned Developments**

#### **1. Compliance with Conditions of Approval**

- a. Mitigation Plans for Planned Developments shall demonstrate compliance with the Conditions of Approval for the Planned Development Design and Program involved in the Basic Land Use request.
- b. Mitigation Plans must meet the requirements set forth in Section 16.23.010.I.5 and in this Section (16.23.030).

#### **2. Site Specific Conditions of Approval Set by the Planning Commission**

- a. In reviewing and approving Mitigation Plans for Planned Developments, the Planning Commission may impose, in addition to those conditions expressly authorized by this Chapter and this Code, additional conditions that it considers necessary to protect the appropriate development and best interest of the surrounding properties and residents, the neighborhood, and the City as a whole from the foreseen adverse impacts of the development.
- b. These conditions may include any of those listed in Subsection 16.21.060.B (Chapter 16.21).
- c. Such additional conditions shall be established as part of the conditions of approval for the Planned Development Design and Program involved in the Basic Land Use request.

### **3. Required Monitoring of Mitigation Measures**

- a. Effective implementation of the approved mitigation measures, plans, and strategies is an ongoing obligation of the basic land use approval.
- b. Conditions of approval may include ongoing monitoring programs approved by the City (at the owner/operator's expense) after a project is constructed and is operational.
- c. Monitoring may be required following full occupancy and operation of the approved Planned Development.

### **4. Additional Development Requirements**

In addition to the regulations contained in the Lebanon Development Code, and the established Conditions of Approval, Mitigation Measures and Plans for Planned Developments may be required to comply with other requirements, such as the following:

- a. The Lebanon Municipal Code.
- b. The City's Public Improvement Standards, Adopted Standards and Specifications for Construction.
- c. Oregon State Fire Code as adopted by the Lebanon Fire District.
- d. All other applicable regulations provided by law.

## **16.23.040 STEP 1: PRELIMINARY PD DECISION CRITERIA, FINDINGS AND CONDITIONS OF APPROVAL BY THE PLANNING COMMISSION,**

### **A. Decision Criteria and Findings**

The Planning Commission, after the public hearing on the proposed Planned Development Design and Program, shall either approve the application, with or without modifications and conditions, or deny it. A decision to approve a PD shall be based on findings to the following decision criteria.

SECTION 16.23.040 IS THE  
CONCLUSION OF STEP 1  
OF THE  
PD REVIEW PROCESS

1. The proposed Planned Development is in conformance with:
  - a. Basic decision criteria in this Chapter (e.g., Section 16.23.020.B).
  - b. Standards for development in the underlying zones noted Chapters 16.05 – 16.11, or as modified pursuant to the provisions Subsection 16.23.010.F.2.
  - c. Other applicable development requirements, such as parking, and access (see Community Design Standards, Article Three of this Development Code).
2. Exceptions from the standards of the underlying zone may be warranted by the design and amenities incorporated into the Development Design and Program, and provided there are no identified “negative impacts” or “hardships” to the surrounding neighborhood and/or the community as a whole after mitigation.
3. The proposed Planned Development, or a unit thereof, can be substantially completed within the approved timeline.
4. The streets are adequate to support the anticipated traffic and that the Planned Development will not overload the streets within or outside the Planned Development area. [See Mitigation Plan.]
5. The proposed utility and drainage facilities are adequate for the population densities and type of development proposed and will not create a drainage or pollution problem within or outside the Planned Development area. [See Mitigation Plan.]

### **B. Conditions of Approval**

The Planning Commission may require conditions of approval that may include, but are not limited to the following:

1. Increasing the required setbacks.
2. Limiting the height of buildings.
3. Controlling the location and number of vehicular access points.
4. Establishing new streets, increasing the right-of-way or roadway width of existing streets, requiring curbs and sidewalks, and, in general, improving the traffic circulation system.
5. Requiring additional improvements for utilities or storm drainage facilities.
6. Increasing the number of parking spaces and improving design standards for parking areas.
7. Limiting the number, size, location, and lighting of signs.
8. Designating sites for open space and recreation.

9. Requiring additional view obscuring screening or fencing.
10. Establishing any special time limits for completion of all or any portion of the project, including, but not limited to utilities, drainage facilities, streets, curbs, gutters, sidewalks, parking areas, landscaping, fencing, screening, recreation areas or community buildings.
11. Requiring assurance that the development of streets, sidewalks, drainage facilities, utilities, and other improvements to standards that are acceptable to the City.
12. Requiring the placement of building and roadways in such a manner that would provide for utilization of the solar potential of the site and protect the solar access of adjacent sites, and, would buffer and minimize any adverse noise impacts.
13. All conditions specified by the Planning Commission shall be incorporated into the Final PD Design and Program.
14. The Planning Commission may require additional conditions for approval, such as those listed in Subsection 16.21.060.B of LDC Chapter 16.21 (Conditional Uses).



## 16.23.050 STEP 2: REVIEW OF FINAL PD DESIGN AND PROGRAM, INCLUDING THE FINAL MITIGATION PLAN

- A. Subsequent to Planning Commission approval of the Planned Development request (“Step 1”), the applicant prepares and submits a Final PD Design and Program, including the Final Mitigation Plan.
- B. The review of the Final Design and Program and Mitigation Plan requires a separate submittal, fee and process.
- C. The review of the Final Design and Program (including the Final Mitigation Plan) is conducted by the designated authority established by the Planning Commission in Step 1. The Review of the Final PD Design and Program shall follow the appropriate procedural provisions of Chapter 16.20. As noted previously, the designated review process and authority shall be one of the following:
1. **Option 2A:** Review by the Planning Official as a Ministerial Review.
  2. **Option 2B:** Review by the Planning Official as an Administrative Review.
  3. **Option 2C:** Review by the Planning Commission in a subsequent public hearing.
- D. “Step 2” may result in the approval<sup>3</sup> of the Final PD Design and Program (including the Final Mitigation Plan).
- E. “Step 2” assesses **compliance with the Conditions of Approval established by the Planning Commission** in “Step 1.” Successful compliance will result in approval of the Final PD application.
- F. **Burden of Proof and Demonstration of Compliance:** Applicants must demonstrate compliance or the ability to comply with all applicable PD Decision Criteria from “Step 1” and Conditions of Approval established by the Planning Commission in “Step 1.”
- G. Approved Mitigation Plans, and their effective implementation, become fundamental conditions of approval for the basic land use involved in the Planned Development Design and Program.
- H. Administrative Review Decisions and Planning Commission Decisions may be appealed, as per the provisions of Chapter 16.20, Subsections 16.20.040.G and 16.20.050.I.

SECTION 16.23.050  
IS STEP 2  
OF THE  
PD REVIEW PROCESS

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<sup>3</sup> The decision of the review authority shall be to approve the application, with or without modifications and conditions, or deny it.

***Title 16: City of Lebanon  
Development Code,***

ARTICLE FOUR:  
LAND USE AND DEVELOPMENT REVIEWS,  
DECISION  
REQUIREMENTS AND PROCEDURES

**Chapter 16.24:  
Modifications to Approved Plans  
and Conditions of Approval**

**Adopted by City Council on  
December 10, 2008**

**Chapter 16.24:  
Modifications to Approved Plans and Conditions of Approval  
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## **Chapter 16.24: Modifications to Approved Plans and Conditions of Approval**

### **16.24.010 PURPOSE**

The purpose of this Chapter is to provide an efficient process for modifying land use decisions and approved development plans.

### **16.24.020 APPLICABILITY**

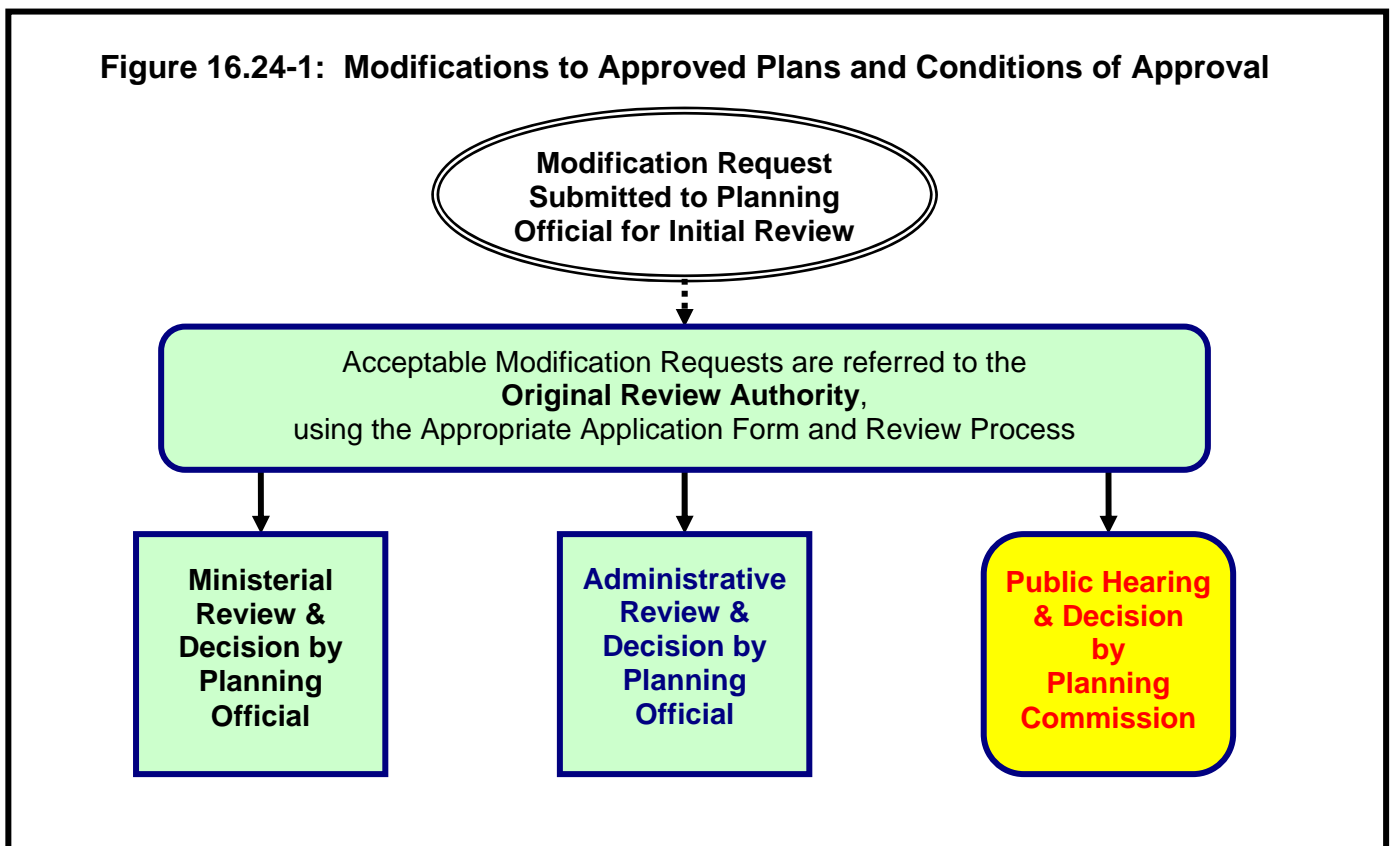
- A.** This Chapter applies to all development applications approved through the provisions of Chapters 16.21 – 16.23 and 16.31 of this Code, including: Conditional Uses; Subdivisions, Partitions, and Property Line Adjustments; Planned Developments; Historic Preservation Reviews, and Conditions of Approval on any of the above permit types, as well as applications approved by an “OP,” “MR” or “AR” review process (see Chapters 16.05 – 16.11, and 16.20).
- B.** This Chapter does not apply to Comprehensive Plan and/or Map Amendments, Zoning Map Amendments, Land Development Code Text Amendments, Annexations, Urban Growth Boundary Amendments, or other permits not listed in Subsection 16.24.020.A immediately above.

### **16.24.030 ACCEPTABLE MODIFICATION REQUESTS – INITIAL REVIEW**

- A.** The Planning Official reviews the initial Request for a Modification to an Approved Plan and/or and Condition of Approval, and using the criteria listed in Section 16.24.030.B immediately below, determines if it is an Acceptable Modification Request, or if it warrants a full re-application.
- B.** The Modifications to Approved Plans and Conditions of Approval process may be used only if the following threshold criteria are met:
  - 1. The proposed change is NOT a change in land use.
  - 2. The proposed change does NOT result in an increase in the overall impacts to adjacent properties, nor in an increase in the amount of operational activity on the subject property.
  - 3. The proposed change does NOT violate the applicable development standards in the land use zone (see LDC Chapters 16.05 – 16.11 and 16.12 – 16.19).
  - 4. The proposed change does not result in a change to lot or parcel boundary lines in an approved subdivision, partition, or property line adjustment.
- C.** Proposed changes that do not meet the above conditions require a resubmittal as an entirely new land use application under the applicable provisions of Chapters 16.20 – 16.24 and 16.29 – 16.31 of this Code.

## 16.24.040 MODIFICATION APPLICATIONS AND APPROVAL CRITERIA

- A. Following a determination by the Planning Official that the proposed modification is an Acceptable Modification Request (see Section 16.24.030), the applicant shall submit an appropriate application form, filing fee, narrative, and a site plan using the same plan format as in the original approval. The Request must clearly and unequivocally describe the proposed change or modification in its entirety. The Planning Official may require other relevant information, as necessary, to evaluate the Request.
- B. As shown in Figure 16.24-1, the Modification Application shall be subject to the same review procedure (Ministerial Review, Administrative Review or a Public Hearing), decision making authority, and approval criteria used for the initial project approval.
- C. The scope of review shall be limited to the specifics of the Modification Request. For example, a request to modify a parking lot shall require a review only of the proposed parking lot and any changes to associated access, circulation, pathways, lighting, trees, and landscaping, and so on.
- D. Notice and public testimony shall be provided in accordance with the provisions of Chapter 16.20.
- E. The decision making authority shall approve, deny, or approve with conditions an Application for a Modification based on written findings on the decision criteria and any additional information submitted by the applicant in support of the modification. Upon approval, the modified plan and/or conditions of approval immediately supersedes the previous approval.



***Title 16: City of Lebanon  
Development Code,***

ARTICLE FOUR:  
LAND USE AND DEVELOPMENT REVIEWS,  
DECISION  
REQUIREMENTS AND PROCEDURES

**Chapter 16.25:  
Code Interpretations**

**Adopted by City Council on  
December 10, 2008**

**Chapter 16.25:  
Code Interpretations  
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## Chapter 16.25: Code Interpretations

### 16.25.010 PURPOSE

- A. It is possible that occasionally property owners or applicants may disagree with the conventional or routine interpretations (i.e., understanding and implementation) of some terms and phrases in this Code. This Chapter provides an orderly process for documenting official interpretations of the Code text.
- B. Code Interpretations may involve clarification of language and terms, make determinations regarding similarities of use, and make decisions regarding applicability and range or scope of provisions.

Deviations from established measurable standards and requirements require a **Variance**. See Chapter 16.29 of this Code.

### 16.25.020 LIMITATIONS ON CODE INTERPRETATIONS

- A. Code Interpretations must be as narrow in reach as possible and must be text specific.
- B. Code Interpretations are restricted to the Lebanon Development Code (LDC), and in no way affect other jurisdictions' and agencies' rules and implementation.
- C. No Code Interpretation can be in conflict with or contrary to other provisions of the Lebanon Comprehensive Plan (LCP), the LDC, the Lebanon Municipal Code (LMC), or any other adopted plans or standards of the City.
- D. Code Interpretations do not apply to site specific development standards, and infrastructure requirements.
- E. Future applications shall be consistent with and reflect previous Code Interpretations, unless specific findings are adopted that identify substantial differences in the circumstances.
- F. Any and all Code Interpretations may be altered by future Code Interpretations, but such future revisions will not invalidate land use decisions made under previous interpretations.
- G. Any and all Code Interpretations may be altered by future LDC Text Amendments (see Chapter 16.28).

### 16.25.030 PROCEDURE

#### A. Requests

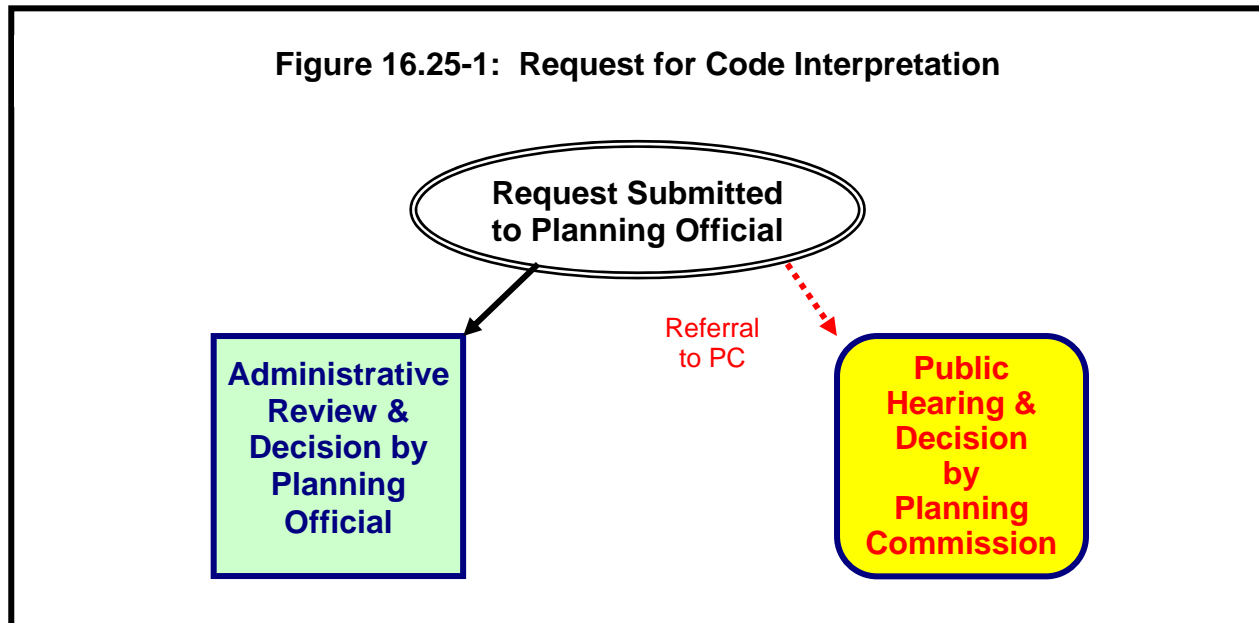
1. Requests for a Code Interpretation shall be made in writing to the Planning Official.
2. Code Interpretations shall be made utilizing the Administrative Review process (see Section 16.20.040 in Chapter 16.20 of this Code).
3. An applicant may request that the application be heard by the Planning Commission.
4. Mailed notices shall include a summary of the Code Interpretation ruling.

#### B. Decision to Issue Interpretation

1. As shown in Figure 16.25-1, The Planning Official shall have the authority to interpret the Code using the Administrative Review process, or
2. The Planning Official may refer the request to the Planning Commission for interpretation in a public hearing.
3. The review process, either by the Planning Official or on referral to the Planning Commission, shall follow all the applicable provisions of Chapter 16.20 of this Code.



**Figure 16.25-1: Request for Code Interpretation**



### **C. Written Interpretation**

1. The City's decision regarding the request for a Code Interpretation shall be issued in writing and shall be mailed or delivered to the person requesting the interpretation and any other person entitled to a copy, as per all applicable provisions of Chapter 16.20 of this Code.
2. The written interpretation, including supporting evidence or documentation, shall be issued as specified by the applicable provisions of Chapter 16.20 of this Code.
3. The decision shall become effective as specified by the applicable provisions of Chapter 16.20 of this Code, unless an appeal is filed in accordance with Section 16.25.040 below.

### **16.25.040 APPEALS**

- A. The applicant and any person who participated in the proceedings through the submittal of written or verbal testimony or evidence may appeal the decision as per the applicable provisions of Chapter 16.20 of this Code.
- B. A decision by the Planning Official may be appealed to the Planning Commission.
- C. The appeal must be filed as per the applicable provisions of Chapter 16.20 of this Code.
- D. Appeal shall be resolved as per the applicable provisions of Chapter 16.20 of this Code.

### **16.25.050 INTERPRETATIONS ON FILE**

The City shall keep on file and make available to the public a record of all Code Interpretations to the LDC.

***Title 16: City of Lebanon  
Development Code,***

ARTICLE FOUR:  
LAND USE AND DEVELOPMENT REVIEWS,  
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**Chapter 16.26:  
Annexations**

**Adopted by City Council on  
December 10, 2008**

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## Chapter 16.26: Annexations

### 16.26.010 PURPOSE

- A. Prior to annexation, land inside the Urban Growth Area (UGA) has a City of Lebanon Comprehensive Plan (LCP) Map designation, but is under Linn County's jurisdiction and has a County land use zone designation that is intended to facilitate the ultimate LCP Map designated urban zoning assignment.
- B. The act of annexation, in and of itself, has two primary purposes and two primary consequences, both of which occur simultaneously when the City approves an annexation. The first purpose/consequence is that jurisdiction over the annexation territory transfers from Linn County to the City of Lebanon. The second purpose/consequence is that a predetermined City of Lebanon Land Use Zoning Map designation that is consistent with the City's Comprehensive Plan Map designation is assigned for the first time to the annexation territory as it is incorporated into the City Limits.

### 16.26.020 ANNEXATION AND FIRST ASSIGNMENT OF CITY ZONING

- A. Unannexed property in the Urban Growth Area does not have a City Zoning Classification or designation, but does have a City Comprehensive Plan Map designation that indicates the long-term planned use for the property.
- B. The City's Comprehensive Plan and Comprehensive Plan Map direct all long range land use planning in the Urban Growth Area.
- C. All areas annexed to the City shall be **placed** in a City Zoning Classification in accordance with the adopted Comprehensive Plan. Accordingly, upon annexation, an annexation territory will automatically be assigned City Zoning Classifications in accordance with the adopted Comprehensive Plan Map, as shown in the City's Annexation Zoning Matrix (see **Table 16.26-1**).
- D. Upon approval of an annexation, the placement of a property in a City Zoning Classification in accordance with the adopted Comprehensive Plan Map is also formalized by an accompanying Zoning Map Amendment (adopted by City Council Ordinance). This process shall occur concurrently with an annexation hearing before the City Council. The only decision criterion in this process of first assignment of City Zoning is that the Zone Classification shall be consistent with the adopted Comprehensive Plan Map.
- E. Annexation of property **must** be accompanied by placement of that property in a City Zoning Classification in accordance with the adopted Comprehensive Plan Map. Property annexed into the City may **not** retain previous County designations.
- F. At the time of annexation, if an applicant requests a City Zoning Classification that is not consistent with the Comprehensive Plan Map, the zoning requested shall not be granted until the Comprehensive Plan Map is first appropriately amended to reflect concurrence. (See the Annexation Zoning Matrix, **Table 16.26-1**.) Such an amendment requires a separate application, hearing and decision; this process may occur concurrently with an annexation hearing.

### **16.26.030 ANNEXATIONS AND ZONING MAP AMENDMENTS**

- A.** Annexations involve the first application of City zoning to property that already has a City Comprehensive Plan Map designation, but has never had a City Zoning Map designation.
  - 1. When the City annexes property into the City limits it will assign the City Zoning map classification that corresponds to the Comprehensive Plan Map designation (see **TABLE 16.26-1: ANNEXATION ZONING MATRIX**).
  - 2. The City's Facility plans, including the 2007 Transportation System Plan (TSP), are based on the future site service demands according to the Comprehensive Plan Map designation and associated zoning assignment upon annexation.
- B.** The provisions of LDC Section 16.26.020 require the City to amend the Zoning Map in order to incorporate newly annexed properties.
- C.** Prior to annexation there is simply no City zone on a property to change or amend.
- D.** LDC Subsection 16.26.020.F requires a Comprehensive Plan Map amendment at the time of annexation if the territory annexed will be assigned a zoning classification that is not consistent with the comprehensive plan designation. (" . . . if an applicant requests a zoning designation that is not consistent with the Comprehensive Plan Map, the zoning requested shall not be granted until the Comprehensive Plan Map is first appropriately amended to reflect concurrence.")
- E.** Chapter 16.27 of this Code (Comprehensive Plan Map and Zoning Map Amendments) provides the parameters for amending the Zoning Map.

### **16.26.040 CITY FACILITY PLANS AND ANNEXATION**

- A.** Anticipated urban densities (according to the automatic City Zoning assignment/placement upon annexation) within the Urban Growth Area (UGA) are already accounted for in the City's Facilities Plans, including the Transportation System Plan.
- B.** The Comprehensive Plan and Comprehensive Plan Map designations are utilized as the basis for the City's facility planning in the UGA.
- C.** The City's facility planning is based on the understanding that the classifications of the Zoning Map will be consistent with the corresponding Comprehensive Plan Map designations and that Zoning Map classifications will be assigned when a property is annexed.
- D.** Annexation of the land in the UGA is already factored into the City's Facility Plans (including the Transportation System Plan), and no revisions of those Facility Plans are necessitated when, following annexation, an area is assigned the zoning classification that is in accordance with the adopted Comprehensive Plan Map designation as noted above (Sections 16.26.020 and 16.26.030).

**Table 16.26-1: Annexation Zoning Matrix –  
Determining the Proper Zone for Property Annexed into the City**

(Adapted from Annexation Zoning Matrix, Table 4-2 in LCP Chapter 4: Land Use)

<b>City of Lebanon Comprehensive Plan Designations</b>	<b>City of Lebanon Zoning Designations</b>
Residential Low Density (C-RL)	Residential Low Density Zone (Z-RL)
Residential Mixed Density (C-RM)	Residential Mixed Density Zone (Z-RM)
	* Residential High Density Zone (Z-RH)
Mixed Use (C-MU)	Mixed Use Zone (Z-MU)
Neighborhood Mixed Use (C-NMU)	Neighborhood Mixed Use Zone (Z-NMU)
Commercial (C-CM)	** Neighborhood Commercial Zone (Z-NCM)
	* Central Business Commercial Zone (Z-CCM)
	Highway Commercial Zone (Z-HCM)
Industrial (C-IND)	Industrial Zone (Z-IND)
Public Use (C-PU)	Public Use Zone (Z-PU)
<b>Key</b>	
*	<i>Based upon the description in this Development Code of these two zones (Z-RH &amp; Z-CCM), there are no un-annexed properties in the UGB eligible to be assigned to these zone designations.</i>
**	<i>Z-NCM is for small neighborhood shopping clusters in any residential zone. Such designations would require a zone change and an administrative review process.</i>

## 16.26.050 APPLICATION PROCESS AND SUBMITTAL REQUIREMENTS

### A. Legislative Procedure

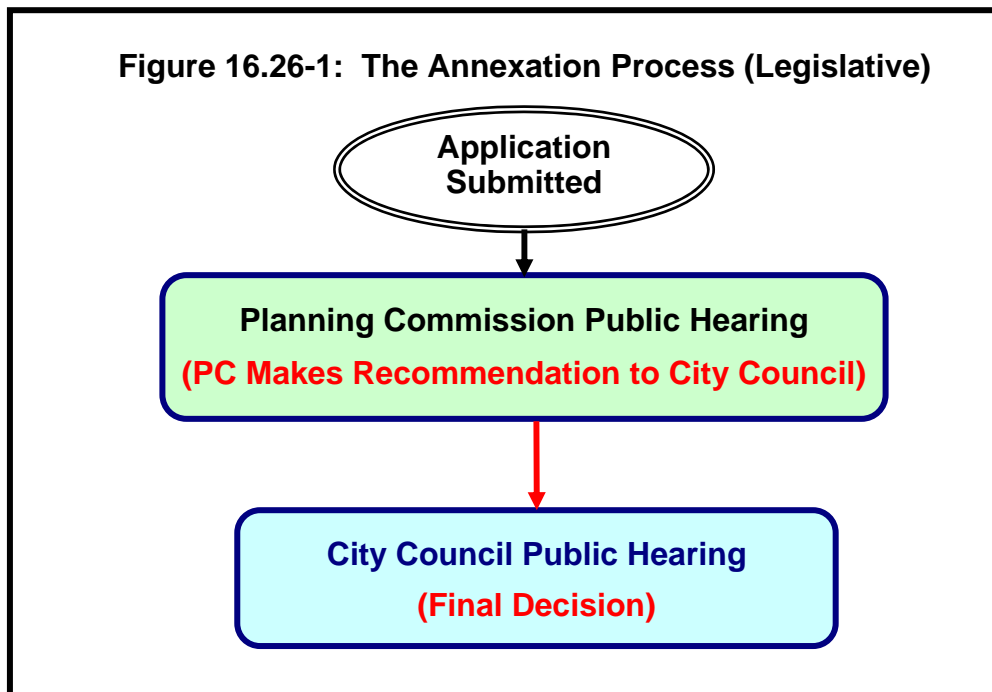
An application for an Annexation shall be processed as a Legislative decision (see Figure 16.26-1), as per the provisions of Section 16.20.060 in Chapter 16.20 of this Code.

1. Legislative land use decisions (including annexations) are considered initially in a public hearing by the Planning Commission with final decisions made by the City Council, also in a public hearing.
2. In the Legislative Process, the Planning Commission does not make final decisions, and may only make recommendations to the City Council.
3. City Council shall hold a public hearing, and in reaching a decision shall take into account the recommendations of the Planning Commission, and testimony provided in the public hearings on the annexation application (see Chapter 16.20 of this Code).

### B. Submittal Requirements

The application shall meet submittal requirements listed in Section 16.20.060 (Chapter 16.20) of this Code, as well as those listed below:

1. All Items required by the City of Lebanon's Petition for Annexation and Annexation Application;
2. A Narrative describing how the annexation proposal satisfies the provisions of the City's Annexation Ordinance as well as the Annexation Policies of the Lebanon Comprehensive Plan, and any other special site specific criteria identified by the City.



## **16.26.060 DECISION CRITERIA FOR AN ANNEXATION REQUEST**

The City shall approve an annexation request if it satisfies all of the relevant Basic Decision Criteria.

### **A. Basic Decision Criteria**

The basic Decision Criteria for all annexation requests are found in the following:

1. Annexation Ordinance.
2. Lebanon Comprehensive Plan, Chapter 3 Urbanization.

### **B. Abatement of Non-Conforming Uses or Structures**

The City may require the abatement of non-conforming uses and/or structures prior to hearing an annexation request. Other provisions of this Code and the Lebanon Municipal Code may require abatement of certain kinds of situations before an annexation request can be approved.

### **C. Site Specific Evaluation Criteria**

At the time it reviews an annexation request, the City may identify additional site specific evaluation criteria based on the Lebanon Comprehensive Plan, the provisions of this Code, and the Lebanon Municipal Code. Such site specific criteria could include, but not be limited to, the following issues:

1. Steep slopes.
2. Natural hazard areas (e.g., flood plains, landslides).
3. Riparian zones.
4. Wetlands.
5. Water bodies.
6. Aircraft or other Overlay Zones.
7. Proposals for specific infrastructure development in the City's Facility Plans, including the Transportation System Plan.
8. Existing nuisance and/or hazardous conditions.
9. Failing on site services (e.g., potable water and septic).

Such site specific criteria do not affect the eligibility of properties for annexation, but serve as an advisory to applicants of factors that may affect future development. The annexation process does **NOT** set conditions of approval for future development proposals and applications.



***Title 16: City of Lebanon  
Development Code,***

ARTICLE FOUR:  
LAND USE AND DEVELOPMENT REVIEWS,  
DECISION  
REQUIREMENTS AND PROCEDURES

**Chapter 16.27:**

**Comprehensive Plan Map and  
Zoning Map Amendments, and  
Urban Growth Boundary  
Amendments**

**Adopted by City Council on  
December 10, 2008**

# Chapter 16.27: Comprehensive Plan Map and Zoning Map Amendments, and Urban Growth Boundary Amendments

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# Chapter 16.27: Comprehensive Plan Map and Zoning Map Amendments, and Urban Growth Boundary Amendments

## 16.27.010 PURPOSE

The Lebanon Comprehensive Plan Map and the Lebanon Zoning Map may be amended whenever the public necessity, convenience, and general welfare require such amendment and where it conforms to the City of Lebanon’s Comprehensive Plan and Transportation System Plan, other adopted Facility Plans, as well as any other applicable and adopted policies plans, and studies. The City’s Urban Growth Boundary may be expanded or amended, according to State regulations to accommodate the City’s need for land within its urban area.

## 16.27.020 AUTHORIZATION TO INITIATE MAP AMENDMENTS

An amendment to the Lebanon Comprehensive Plan (LCP) Map, the City’s Zoning Map, or UGB Boundary may be initiated as follows:

<b>Table 16.27-1: Initiation of Map Amendments</b>			
	LCP Map	Zoning Map	UGB Boundary
City Council <sup>1</sup>	YES	YES	YES
Planning Commission <sup>1</sup>	YES	YES	YES
City Staff <sup>2</sup>	YES	YES	YES
Property Owner <sup>3</sup>	YES	YES	NO
<ol style="list-style-type: none"> <li>1. The City Council or Planning Commission may initiate Map amendments if a majority of the body endorses such a proceeding. A vote to proceed with such an application does not obligate the body to approve the final proposed map amendment. It is only an agreement that the matter is worth proceeding to formal application and a public hearing.</li> <li>2. City staff may initiate Map amendments if the City Manager agrees that the matter is worth proceeding to formal application and a public hearing.</li> <li>3. A property owner may initiate (submit an application) for Comprehensive Plan Map and/or Zoning Map amendments on property that they own. If more than one property or owner is involved, all of the property owners must demonstrate in writing that they support the application.</li> </ol>			

## 16.27.030 RECORD OF AMENDMENTS

The City Recorder shall maintain records of amendments to the text of this Code and to the Zoning Map.

## 16.27.040 LIMITATION

An application by a property owner for a map amendment shall not be considered by the Planning Commission within the one-year period immediately following a previous denial of such request, except the Planning Commission may permit a new application, if in the opinion of the Planning Commission, new evidence of a change of circumstances warrants it.

## 16.27.050 DECISION CRITERIA

### *A. Compliance with Comprehensive Plan and Facility Plans*

1. All proposed amendments to the Comprehensive Plan Map or to the Zoning Map shall be consistent with the City of Lebanon's adopted Comprehensive Plan and Facility Plans. The City's Facility plans, including the 2007 Transportation System Plan (TSP), are based on the future site service demands according to the Comprehensive Plan Map designation and associated zoning.
2. Facility plans need to be consistent with the Comprehensive Plan Map as well as the text, and changes to the Map may necessitate changes to a facility plan. For example, changing a Comprehensive Plan Map designation to a higher intensity use may require an amendment to the TSP, sanitary sewer or potable water master plans.
3. Applicants proposing amendments to the Zoning Map must request a City Zoning Classification that is consistent with the Comprehensive Plan Map designation for a subject property. If an applicant requests a City Zoning Classification that is **not** consistent with the Comprehensive Plan Map, the zoning requested shall not be granted until the Comprehensive Plan Map is first appropriately amended to reflect concurrence. (See the Annexation Zoning Matrix, **Table 16.26-1.**) Such an amendment requires a separate application, hearing and decision; this process may occur concurrently with the Zoning Map Amendment hearing.

### *B. Amending the Comprehensive Plan*

If proposed amendments to the Comprehensive Plan Map or Zoning Map do not comply with the Comprehensive Plan, the Comprehensive Plan must first be amended so that the proposed Map amendment will be consistent with and accurately implement the Comprehensive Plan.

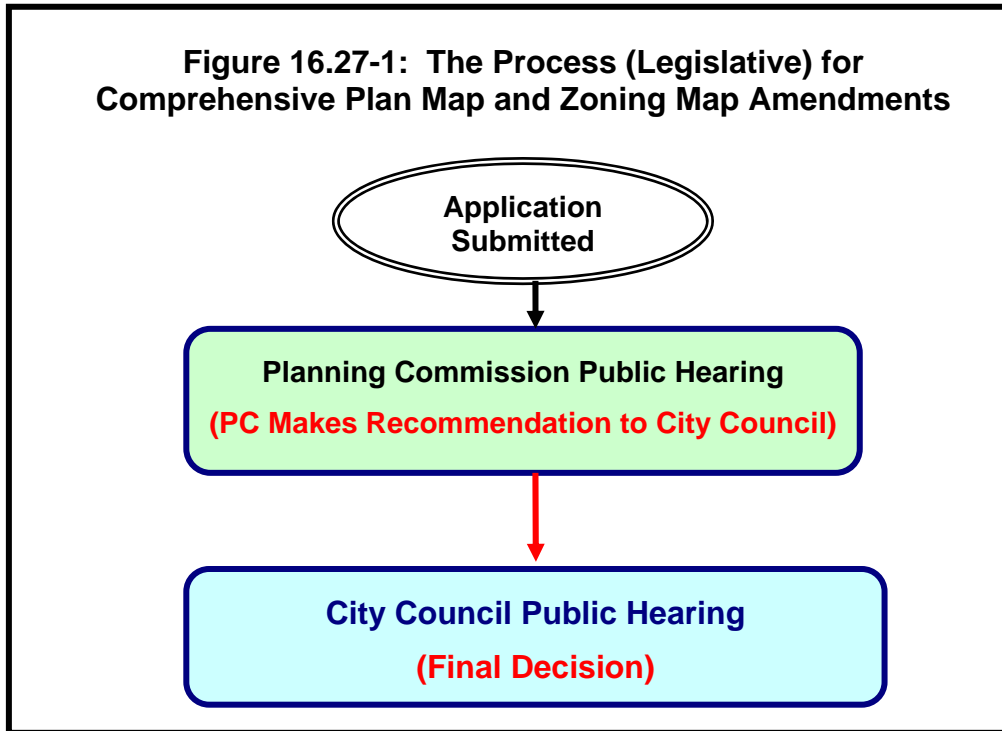
## 16.27.060 APPLICATION PROCESS AND SUBMITTAL REQUIREMENTS

### *A. Legislative Procedure*

An application for a Comprehensive Plan Map or Zoning Map Amendment shall be processed as a Legislative decision (see Figure 16.27-1), as per the provisions of Section 16.20.060 in Chapter 16.20 of this Code.

1. Land use legislative matters (including Comprehensive Plan Map or Zoning Map Amendment) are considered initially in a public hearing by the Planning Commission with final decisions made by the City Council, also in a public hearing.
2. In the Legislative Process, the Planning Commission does not make final decisions, and may only make recommendations to the City Council.
3. City Council shall hold a public hearing, and in reaching a decision shall take into account the recommendations of the Planning Commission, and testimony provided in the public hearings on the application (see Chapter 16.20 of this Code).

**Figure 16.27-1: The Process (Legislative) for Comprehensive Plan Map and Zoning Map Amendments**



### ***B. Submittal Requirements***

The application shall meet submittal requirements listed in Section 16.20.060 (Chapter 16.20) of this Code, as well as those listed below:

1. All Items required by the City of Comprehensive Plan Map or Zoning Map Amendment Application.
2. A Narrative describing how the proposal satisfies the provisions of the Lebanon Comprehensive Plan, and the Decision Criteria listed above in Section 16.27.050.
3. For amendments initiated by a property owner or a citizen, a filing fee in accordance with the provisions of City regulations shall accompany an application for an amendment.

### **16.27.080 APPROVAL OF A COMPREHENSIVE PLAN MAP OR ZONING MAP AMENDMENT REQUEST**

The City may approve a Comprehensive Plan Map or Zoning Map Amendment request if it satisfies all of the relevant Decision Criteria cited above in Section 16.27.050.

### **16.27.090 URBAN GROWTH BOUNDARY AMENDMENTS**

#### ***A. Purpose***

#### **1. Urban Growth Boundaries**

- a. Urban Growth Boundaries identify and separate urbanizable land from rural land. An Urban Growth Boundary (UGB) is a boundary line that encompasses the area surrounding a city that is intended for future urban development related to the City. An Urban Growth Boundary contains urbanizable lands that:

- (1) Are determined to be necessary and suitable for future urban uses.
  - (2) Can be served by urban services and facilities.
  - (3) Are needed for the expansion of an urban area.
- b. Lands outside the Urban Growth Boundary are reserved for rural uses including agriculture, forestry, open space or sparse, non-urban development such as rural home-sites or farms where few urban services are needed.

**2. Urban Growth Boundary Amendments**

In general, the establishment and change of urban growth boundaries are based on the following:

- a. Demonstrated need to accommodate long range urban population, consistent with a 20-year population forecast coordinated with affected local governments.
- b. Demonstrated need for housing, employment opportunities, livability or uses such as public facilities, streets and roads, schools, parks or open space, or any combination of these needs.

***B. Criteria for Determining the Need for Urban Growth Boundary Amendments and the Location of Boundaries***

Statewide Planning Goal 14 and local adopted goals and plans set the criteria for determining the need for Urban Growth Boundary Amendments.

***C. Authorization to Initiate UGB Map Amendments***

As shown in Table 16.27-1, an amendment to the Lebanon’s Urban Growth Boundary may be initiated as follows:

City Council <sup>1</sup>	YES
Planning Commission <sup>1</sup>	YES
City Staff <sup>2</sup>	YES
Property Owner <sup>3</sup>	YES
<p>1. The City Council or Planning Commission may initiate UGB amendments if a majority of the body endorses such a proceeding. A vote to proceed with such an application does not obligate the body to approve the final proposed UGB amendment.</p> <p>2. City staff may initiate UGB amendments if the City Manager agrees that the matter is worth proceeding to formal application and a public hearing.</p> <p>3. A property owner may submit an application for a UGB amendment on property that they own. If more than one property or owner is involved, all of the property owners must demonstrate in writing that they support the application. A UGB Amendment request not only has an application fee, but also includes the costs of studies (e.g., Buildable Lands Inventory) that must be conducted in order to comply with State regulations for a UGB Amendment. The property owner(s) who initiate the process are responsible for all costs of the process.</p>	

***D. Record of Amendments***

The City Recorder shall maintain records of amendments to the City of Lebanon’s Urban Growth Boundary.

### ***E. Consistency with Statewide Planning Goals***

All proposed amendments to Lebanon's Urban Growth Boundary shall be consistent with all applicable Statewide Planning Goals, including Goal 14.

### ***F. Consistency with City's Adopted Facility Plans***

All adopted Facility Plans, including the Transportation System Plan, must be consistent with the Text and Map of Lebanon's Comprehensive Plan, and Urban Growth Boundary. Amendments to the Urban Growth Boundary may necessitate corresponding changes in the City's adopted Facility Plans. Such changes to Facility Plans may be adopted concurrent with or prior to a UGB amendment.

### ***G. Consistency with City's Adopted City Goals and Special Plans***

All adopted City Goals and Special Plans, must be consistent with the Text and Map of Lebanon's Comprehensive Plan, and Urban Growth Boundary. Amendments to the Urban Growth Boundary may necessitate corresponding changes in the City's adopted Goals and Special Plans. Such changes to City Goals and Special Plans may be adopted concurrent with or prior to a UGB amendment.

### ***H. Application Process and Submittal Requirements***

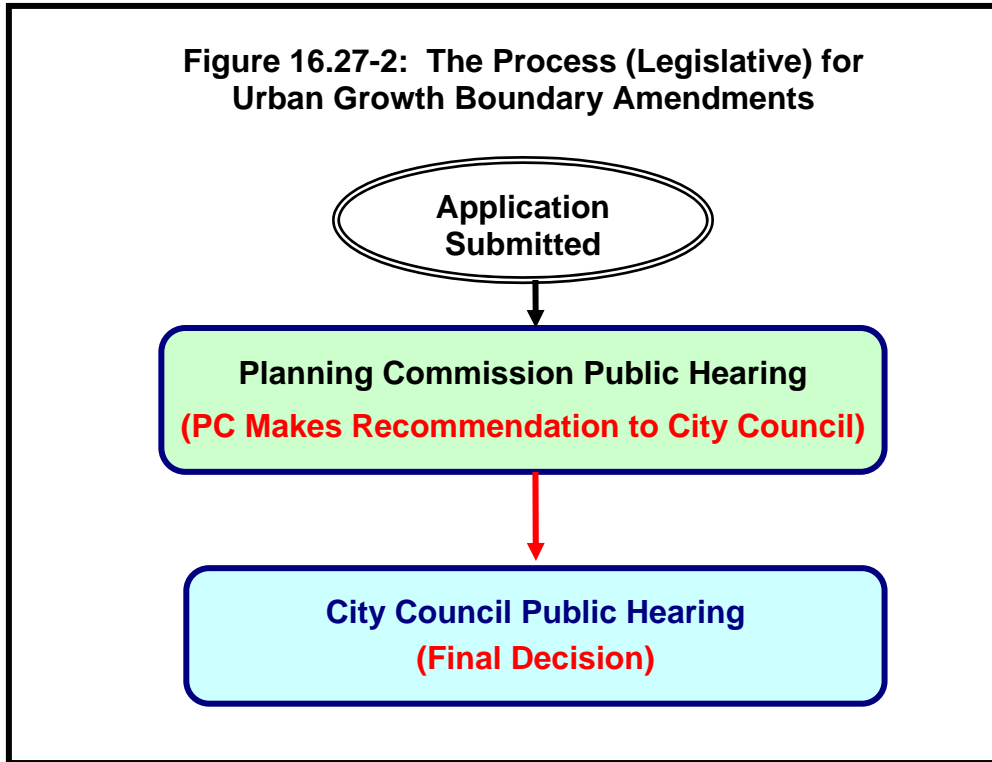
The application shall meet submittal requirements listed in Section 16.20.060 (Chapter 20) of this Code, as well as those listed below:

1. All Items required by the City of Lebanon's Urban Growth Boundary Amendment Application;
2. A Narrative describing how the proposal satisfies the applicable provisions of the Lebanon Comprehensive Plan and Oregon's Statewide Planning Goals, including Goal 14.

### ***I. Legislative Procedure***

1. An application for an Urban Growth Boundary Amendment shall be processed as a Legislative decision (see Figure 16.27-2), as per the provisions of Section 16.20.060 in Chapter 16.20 of this Code.
2. Land use legislative matters (including an Urban Growth Boundary Amendment) are considered initially in a public hearing by the Planning Commission with final decisions made by the City Council, also in a public hearing.
3. In the Legislative process, the Planning Commission makes a recommendation to the City Council.
4. City Council shall hold a public hearing, and in reaching a decision shall take into account the recommendations of the Planning Commission, and testimony provided in the public hearings (see Chapter 16.20 of this Code).

**Figure 16.27-2: The Process (Legislative) for Urban Growth Boundary Amendments**



***J Decision Criteria for an Urban Growth Boundary Amendment Request***

The City may approve an Urban Growth Boundary Amendment request if it satisfies the relevant Criteria: Oregon Department of Land Conservation and Development (DLCD) requirements, applicable Statewide Planning Goals (including Goal 14), and the applicable provisions of the Lebanon Comprehensive Plan as well as any other applicable and relevant facility or special area plans, specific projects or City-wide goals adopted by the City. An amendment request that has not evaluated the transportation impacts of the amendments as required by applicable provisions in OAR may not be rezoned until these requirements have been met.

***K. Effective Date of UGB Amendment***

A final decision by the City to amend the urban growth boundary does not become effective until a corresponding decision is adopted by Linn County that recognizes the new location of the boundary.



***Title 16: City of Lebanon  
Development Code,***

ARTICLE FOUR:  
LAND USE AND DEVELOPMENT REVIEWS,  
DECISION  
REQUIREMENTS AND PROCEDURES

**Chapter 16.28:  
Lebanon Comprehensive Plan  
And  
Development Code  
Text Amendments**

**Adopted by City Council on  
December 10, 2008**

# Chapter 16.28: Comprehensive Plan and Development Code Text Amendments Table of Contents

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# **Chapter 16.28: Comprehensive Plan and Development Code Text Amendments**

## **16.28.010 PURPOSE**

### **A. Comprehensive Plan**

The Comprehensive Plan is a fundamental part of the community's planning process. Ensuring that the Comprehensive Plan is a viable and user-friendly policy document is an ongoing and active responsibility of City government. The Comprehensive Plan needs to be updated occasionally for a variety of reasons, including the following:

1. To accurately reflect changes in the community.
2. To reflect changes in Statewide Planning Goals and Guidelines as well as changes in State statutes and rules.
3. To ensure integration with other policies, Development Codes, and other adopted plans.

### **B. Development Code**

The Development Code implements the Comprehensive Plan. It may be amended whenever the public necessity, convenience, and general welfare require such amendment and where it conforms to the City of Lebanon's Comprehensive Plan and Transportation System Plan, other adopted Facility Plans, as well as any other applicable and adopted policies plans, and studies. The Development Code will be amended as necessary to be consistent with the Comprehensive Plan as it is amended over time.

## **16.28.020 TYPES OF COMPREHENSIVE PLAN TEXT AMENDMENT PROCESSES**

### **A. Periodic Review**

State law requires the City to update the Comprehensive Plan through a process known as periodic review. The Department of Land Conservation and Development initiates Periodic Review to ensure that comprehensive plans and land use regulations remain in compliance with the State law. Periodic Review requires a cooperative process between the state, the local government, the citizens of Lebanon and other interested persons, agencies and organizations.

### **B. Post Acknowledgment Plan Amendment (PAPA)**

The Post Acknowledgment Plan Amendment process provides an alternative way (to periodic review) to change or update the Comprehensive Plan (and/or Map). Cities must comply with State law and Statewide Planning Goals when amending the Comprehensive Plan through the PAPA process.

### **C. Major Revisions and Minor Changes**

#### **1. Citizen Participation and Coordinating Land Use Planning**

- a. As noted in Statewide Planning Goal 2, the citizens in the planning area and any affected governmental unit should be given an opportunity to review and comment prior to any changes in the Comprehensive Plan and implementation ordinances. There should be at least 30 days notice of the public hearing on the proposed change.
- b. Statewide Planning Goal 2 also provides the framework to assure that the established land use process and decision making is informed by an adequate factual base for such decisions and actions, and for coordinating land use planning with other affected governmental units.

## 2. Major Revisions

- a. Major revisions include land use changes that have widespread and significant impact beyond the immediate area, such as quantitative changes producing large volumes of traffic; a qualitative change in the character of the land use itself, such as conversion of residential to industrial use; or a spatial change that affects large areas or many different ownerships.
- b. The Plan and implementation measures should be revised when public needs and desires change and when development occurs at a different rate than contemplated by the Plan. Areas experiencing rapid growth and development should provide for a frequent review so needed revisions can be made to keep the Plan up to date.
- c. Major revisions should not be made more frequently than every two years, if at all possible.

## 3. Minor Changes

- a. Minor changes do not have significant effect beyond the immediate area of the change.
- b. Such changes should be based on special studies or other information that will serve as the factual basis to support the change.
- c. The public need and justification for the particular change should be established.
- d. Minor changes should not be made more frequently than once a year, if at all possible.

### 16.28.030 AUTHORIZATION TO INITIATE TEXT AMENDMENTS

An amendment to the Lebanon’s Comprehensive Plan Text and/or Development Code Text may be initiated by the entities or individuals noted in Table 16.28-1.

<b>Table 16.28-1: Initiation of Text Amendments</b>		
	Comprehensive Plan	Development Code
City Council <sup>1</sup>	YES	YES
Planning Commission <sup>1</sup>	YES	YES
City Staff <sup>2</sup>	YES	YES
Property Owner <sup>3</sup>	YES (Via City Council, Planning Commission or City Staff)	YES (Via City Council, Planning Commission or City Staff)
<p>1. The City Council or Planning Commission may initiate a Comprehensive Plan Text and/or Development Code Text amendment if a majority of the body endorses such a proceeding. A vote to proceed with such an application does not obligate the body to approve the final proposed text amendment. It is only an agreement that the matter is worth proceeding to formal application and a public hearing.</p> <p>2. City staff may initiate Comprehensive Plan Text and/or Development Code Text amendments if the City Administrator agrees that the matter is worth proceeding to formal application and a public hearing.</p> <p>3. A property owner may request a Comprehensive Plan Text and/or Development Code Text amendment. Such requests may be made to the City Council, Planning Commission, or City Staff (see references #1 and #2 directly above).</p>		

## **16.28.040 RECORD OF AMENDMENTS**

The City Recorder shall maintain records of amendments to the City of Lebanon's Comprehensive Plan and Development Code.

## **16.28.050 CONSISTENCY WITH STATEWIDE PLANNING GOALS**

All proposed amendments to Lebanon's Comprehensive Plan Text shall be consistent with Oregon's Statewide Planning Goals.

## **16.28.060 CONSISTENCY WITH CITY'S ADOPTED FACILITY PLANS**

All adopted Facility Plans, including the Transportation System Plan, must be consistent with Lebanon's Comprehensive Plan. Amendments to the Comprehensive Plan may necessitate corresponding changes in the City's adopted Facility Plans.

## **16.28.070 CONSISTENCY WITH TRANSPORTATION SYSTEM PLAN**

### ***A. Transportation System Plan (TSP)***

All amendments to the Comprehensive Plan and Development Code shall be consistent with the City of Lebanon's adopted Transportation System Plan.

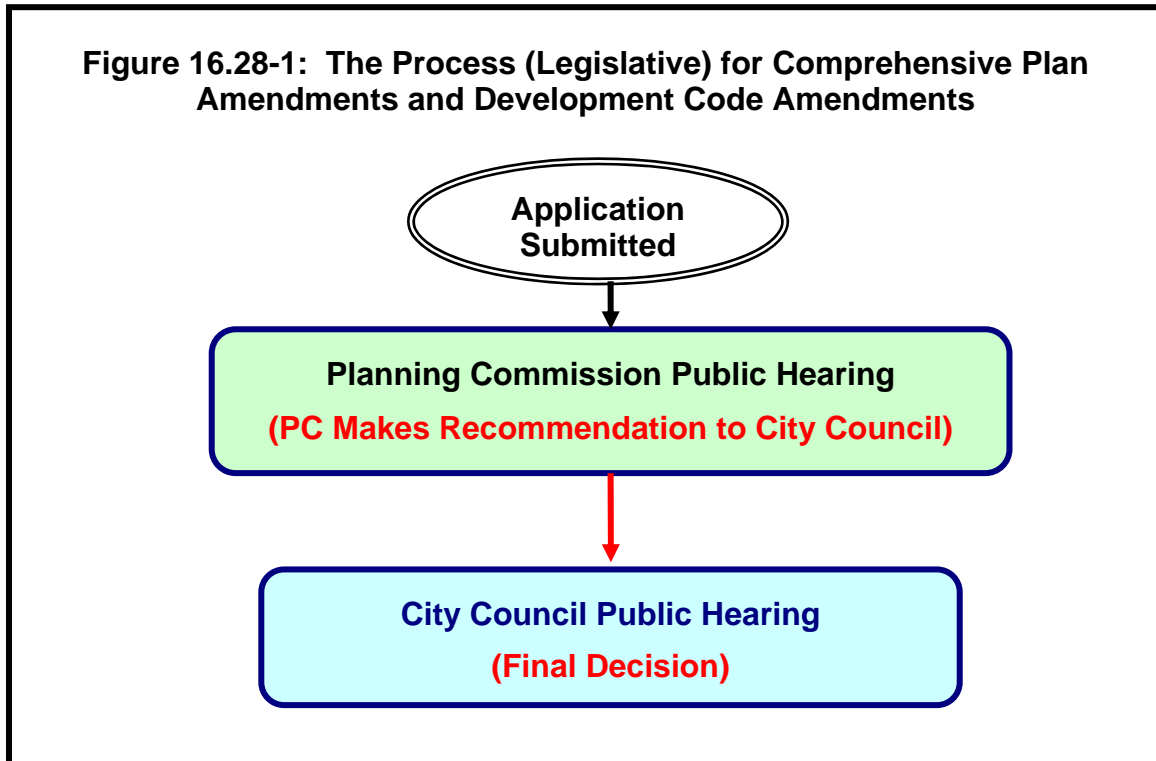
### ***B. Identified Function, Capacity, and Performance Standards of Transportation Facilities***

- 1. Applicability:** All amendments to the Comprehensive Plan and Development Code that significantly impact or affect a transportation facility shall demonstrate that the proposed and allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility.
  - a. Significant Impacts:** An amendment to the Comprehensive Plan and/or Development Code significantly affects a transportation facility if it:
    - (1)** Changes the functional classification of an existing or planned transportation facility.
    - (2)** Changes standards implementing a functional classification system.
    - (3)** Allows types or levels of land uses that would result in levels of travel or access that are inconsistent with the functional classification of a transportation facility.
    - (4)** Would reduce the performance standards of the facility below the minimum acceptable level identified in the TSP.
  - b. Achieving Consistency:** This shall be accomplished by any of the following actions:
    - (1)** Limiting allowed land uses to be consistent with the planned function, capacity, and performance standards of the transportation facility.
    - (2)** Amending the TSP to provide transportation facilities adequate to support the proposed land uses consistent with the requirements of this division.
    - (3)** Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes.
    - (4)** Amending the TSP to modify the planned function, capacity and performance standards, as needed, to accept greater motor vehicle congestion to promote mixed use, pedestrian friendly development where multimodal travel choices are provided.
- 2. Coordination:** Determinations under provisions listed immediately above shall be coordinated with affected transportation facility and service providers and other affected State, regional and local governments.

## 16.28.080 APPLICATION PROCESS AND SUBMITTAL REQUIREMENTS

### A. Legislative Procedure

1. An application for a Comprehensive Plan Amendment and/or Development Code Amendment shall be processed as a Legislative decision (see Figure 16.28-1), as per the provisions of Section 16.20.060 in Chapter 16.20 of this Code.
2. Land use legislative matters (including Comprehensive Plan and/or Development Code Amendments) are considered initially in a public hearing by the Planning Commission with final decisions made by the City Council, also in a public hearing.
3. In the Legislative Process, the Planning Commission does not make final decisions, and may only make recommendations to the City Council.
4. City Council shall hold a public hearing, and in reaching a decision shall take into account the recommendations of the Planning Commission, and testimony provided in the public hearings (see Chapter 16.20 of this Code).



## **B. Submittal Requirements**

The application shall meet submittal requirements listed in Section 16.20.060 (Chapter 16.20) of this Code, as well as those listed below:

1. All items required by the City of Lebanon's Comprehensive Plan and/or Development Code Amendment Application.
2. A narrative describing how the proposal satisfies the applicable provisions of the Lebanon Comprehensive Plan and Oregon's Statewide Planning Goals.
3. For an amendment initiated by a property owner, a filing fee in accordance with the provisions of City shall accompany an application for a LCP or LDC amendment.

### **16.28.090 DECISION CRITERIA FOR A COMPREHENSIVE PLAN TEXT AND/OR MAP AMENDMENT REQUEST**

The City may approve a Comprehensive Plan and/or Development Code Amendment application if it satisfies all of the relevant Decision Criteria: Oregon Department of Land Conservation and Development (DLCD) administrative rules, the applicable Statewide Planning Goals, the applicable provisions of the Lebanon Comprehensive Plan, and any other applicable and relevant facility or special area plans, specific projects or City-wide goals adopted by the City.

***Title 16: City of Lebanon  
Development Code,***

**ARTICLE FIVE:  
EXCEPTIONS TO CODE STANDARDS**

**Chapter 16.29:  
Variances and Adjustments**

**Adopted by City Council on  
December 10, 2008**



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# Chapter 16.29: Variances and Adjustments

## 16.29.010 PURPOSE

This Chapter provides standards and procedures for Variances and Adjustments, modifications to land use or development standards that are not otherwise permitted elsewhere in this Code. This Code cannot provide standards to fit every potential development situation. The City's varied geography, and complexities of land development, require flexibility. This Chapter provides that flexibility, while maintaining the purposes and intent of the Code. The City's Variance and Adjustment procedures provide relief from specific Code provisions when they have the unintended effect of preventing reasonable development in conformance with all other Codes. The Variance and Adjustment procedures are intended to provide flexibility while ensuring that the purpose of each development standard is met.

## 16.29.020 APPLICABILITY

### ***A. Exceptions and Modifications Versus Variances and Adjustments***

A Code standard or decision criterion (in a "Code Section" or "Subsection") may be modified without approval of an Adjustment or a Variance if the applicable Code Section expressly allows exceptions or modifications. If the Code Section does not expressly provide for exceptions or modifications, then a Variance or an Adjustment is required to modify that Code Section using the provisions of this Chapter.

### ***B. Variances and Adjustments Versus Permitted and Prohibited Uses***

An Adjustment or a Variance shall not be approved that would allow a new use to be established in a Land Use Zone.

### ***C. Combining Variances and Adjustments with Other Applications***

Adjustment or Variance requests may be combined with and reviewed concurrently by a City review authority with other land use and development applications.

### ***D. Three Types or Classes of Variances (and Adjustments)***

1. There are technically three types of Variances: Class 1, 2, or 3.
2. Two of the Variance procedures are referred to as "**Adjustments**" since they are designed to permit flexibility in situations not involving serious impacts nor hardship circumstances.
3. The type of process required depends on the extent of the request and the degree of discretion involved in the decision making process.
4. **Minor Adjustments** (Class 1) are granted using "clear and objective standards," and use a Ministerial Review procedure.
5. **Adjustments** (Class 2) require an Administrative Review.
6. **Variances** (Class 3) require a Quasi-Judicial procedure.

## **16.29.030 MINOR ADJUSTMENTS (CLASS 1)**

### **A. Review Process**

The following Minor Adjustments are reviewed using a Ministerial Review procedure, as governed by the applicable provisions of Chapter 16.20, using the Decision criteria in Subsection 16.29.030.C, below.

### **B. Applicability (Fence Variances)**

1. Minor Adjustments for height limitations and/or set back requirements for fences, walls, and hedges (as noted in Chapters 16.05 – 16.10 and Chapter 16.15) may be granted by the Planning Official when it can be demonstrated that the following circumstances are applicable (Decision Criteria in Subsection 16.29.030.C).
2. A decision of the Planning Official shall be final unless appealed to the Planning Commission as described in Chapter 16.20 of this Code.

### **C. Decision Criteria**

The City's Planning Official may grant a Minor Adjustment to height limitations and/or set back requirements on fences and walls, if such variations:

1. do not infringe upon the clear vision triangle requirements at intersections of streets or at the intersections of driveways and streets; and,
2. fences greater than 36" in height are not located within the required set back area of a street-abutting yard.

## **16.29.040 ADJUSTMENTS (CLASS 2)**

### **A. Review Process**

Adjustments shall be reviewed using an Administrative Review procedure, in accordance with the applicable provisions of Chapter 16.20.

### **B. Thresholds**

Adjustment requests must conform to the following thresholds:

1. The Adjustment standards apply to recorded lots or parcels only.
2. The Adjustment procedure shall not be used to modify a standard for lots or parcels yet to be created through a partition or subdivision process; such requests shall utilize the Class 3 Variance procedure.

## **C. Decision Criteria**

Adjustment requests apply to the types of requests meeting the Decision criteria listed below.

### **1. Adjustments to Vehicular Access and Circulation Standards (Chapter 16.12)**

Where vehicular access and circulation cannot be reasonably designed to conform to Code standards within a particular lot or parcel, shared access with an adjoining property shall be considered. If shared access in conjunction with another lot or parcel is not feasible, the City may grant an Adjustment to the access requirements after finding all of the following:

- a. There is not adequate physical space for shared public street access, or the owners of abutting properties do not agree to execute a joint access easement;
- b. There are no other alternative access points on the street in question or from another street.
- c. The access separation requirements cannot be met.
- d. The request is the minimum Adjustment required to provide adequate access.
- e. The approved access or access approved with conditions will result in a safe access.
- f. The visual clearance requirements of Subsection 16.12.030.H in Chapter 16.12 will be met.
- g. Adjustments for street access deviations shall be subject to review and approval by the roadway authority.
- h. Adjustments for access deviations on a County road right-of-way shall be subject to review and approval by Linn County.

### **2. Adjustments to Parking and Loading Standards (Chapter 16.14)**

- a. The City may approve Adjustments to the minimum or maximum standards for off-street parking (quantities and dimensions of parking spaces) in Chapter 16.14 upon finding all of the following:
  - (1) The individual characteristics of the use at that location require more or less parking than is generally required for a use of this type and intensity, or modified parking dimensions, as demonstrated by a parking analysis or other facts provided by the applicant.
  - (2) The need for additional parking cannot reasonably be met through provision of shared parking with adjacent or nearby uses.
  - (3) All other applicable Code standards are met.
- b. The City may reduce the number of required bicycle parking spaces, if the applicant can demonstrate that the proposed use by its nature would be reasonably anticipated to generate a lesser need for bicycle parking.
- c. The City may allow a reduction in the amount of vehicle stacking area required for drive-through facilities if such a reduction is deemed appropriate after analysis of the size and location of the development, functionality of the site, service availability, public safety, and impact on adjacent roadways and properties.

- d. The City may modify the loading area standards if such a reduction is deemed appropriate after analysis of the use, anticipated shipping or delivery traffic generated by the use and alternatives for loading/unloading, such as use of on- or off-street parking areas during non-business hours provided that traffic is not impeded.

**3. Adjustments to Minimum Yard Setbacks to Avoid or Reduce Impacts to Floodplains, Significant Trees, Wetlands, or Other Natural Features**

- a. The City may grant an Adjustment to the applicable setback requirements of this Code for the purpose of avoiding or reducing impact to floodplains, significant trees, wetlands, or other natural features.
- b. Modification of the standard shall not be more than is necessary for the preservation of the nature feature to be protected.

**4. Other Requirements Eligible for the Adjustment Process**

- a. The following standards may be modified by the Adjustment Process if the Criteria listed below in "Subsection b" are Met:

**(1) Front Yard Setbacks**

Up to a 15 percent change to the front yard setback standard in the land use district.

**(2) Interior Setbacks**

Up to a 15 percent reduction of the dimensional standards for the side and rear yard setbacks required in the Land Use Zones.

**(3) Site Coverage**

Up to a 15 percent increase of the maximum lot or parcel coverage allowed in the Land Use Zones.

**(3) Landscape Area**

Up to a 15 percent reduction in landscape area (overall area or interior parking lot landscape area).

**(4) Signage Dimensions**

See Signage regulations in Chapter 16.18.

**b. Decision Criteria**

In addition to specific criteria noted above, Adjustment requests (excluding Signage Dimensions) must meet the following Decision Criteria:

- (1)** The proposed Adjustment will not be materially detrimental to the purposes of this Code, to any other applicable policies and standards, or to other properties in the same land use zone or vicinity.
- (2)** The use proposed will be the same as permitted under this Code and City standards will be maintained to the greatest extent that is reasonably possible while permitting reasonable economic use of the land.
- (3)** Existing physical and natural systems, such as but not limited to traffic, drainage, natural resources, and parks will not be adversely affected any more than would occur if the development occurred as specified by the subject Code standard.

## **16.29.050 VARIANCES (CLASS 3)**

### **A. Applicability**

Variations shall be reviewed using a Quasi-Judicial procedure, in accordance with the applicable provisions of Chapter 16.20.

### **B. Thresholds**

Variance requests must conform to the following thresholds:

1. Variance requests are those that do not conform to the provisions of Minor Adjustments (Class 1) and Adjustments (Class 2) as noted above.
2. The Variance procedure may be used to modify a standard for any lot creation process, including lots yet to be created through a partition process.

### **C. Decision Process**

Variations (except Signage Dimensions) shall be processed using a Quasi-Judicial procedure, as governed by applicable provisions of Chapter 16.20, using the Decision criteria listed below (16.29.050.D).

### **D. Decision Criteria**

In addition to all other applicable criteria, a Variance request must meet the following Decision Criteria:

1. The proposed Variance will not be materially detrimental to the purposes of this Code, to any other applicable policies and standards, or to other properties in the same land use zone or vicinity.
2. A hardship to development exists that is peculiar to the lot size or shape, topography, or other similar circumstances related to the property over which the applicant has no control, and that are not applicable to other properties in the vicinity (e.g., the same Land Use Zone).
3. The use proposed will be the same as permitted under this Code and City standards will be maintained to the greatest extent that is reasonably possible while permitting reasonable economic use of the land.
4. Existing physical and natural systems, such as but not limited to traffic, drainage, natural resources, and parks will not be adversely affected any more than would occur if the development occurred as specified by the subject Code standard.
5. The hardship is not self-imposed.
6. The Variance requested is the minimum Variance that would alleviate the hardship.

## **16.29.060 ADJUSTMENT AND VARIANCE APPLICATIONS AND APPEALS**

### ***A. Application***

1. All Adjustment and Variance applications shall conform to the requirements for Ministerial Reviews, Administrative Reviews, or Quasi-Judicial Procedures (Chapter 16.20), as applicable.
2. In addition, the applicant shall provide a narrative or letter explaining the reason for his/her request, alternatives considered, and how the stated Decision Criteria are satisfied.

### ***B. Appeals***

Appeals of Adjustment or Variance decisions shall be processed in accordance with the applicable provisions of Chapter 16.20.

***Title 16: City of Lebanon  
Development Code,***

*ARTICLE FIVE:*  
EXCEPTIONS TO CODE STANDARDS

**Chapter 16.30**

**Non-Conforming Uses and  
Lots of Record**

**Adopted by City Council on  
December 10, 2008**



**Chapter 16.30:  
Non-Conforming Uses and Lots of Record  
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## Chapter 16.30: Non-Conforming Uses and Lots of Record

### 16.30.010 PURPOSE

It is the purpose of the provisions of this Chapter to permit pre-existing uses and structures that do not conform to the use or dimensional standards of this Development Code to continue under conditions specified herein<sup>1</sup>. However, the alteration or expansion of a non-conforming use or structure that would have an adverse effect on the immediate neighborhood or in the City as a whole, is not permitted except as outlined in this Chapter.

### 16.30.020 CONTINUATION OF A NONCONFORMING USE

- A. Subject to the provisions of this Chapter, a nonconforming use of a structure (including fences) or a nonconforming use may be continued and maintained , but shall not be altered or expanded except as provided herein.
- B. The extension of a nonconforming use to a portion of a structure that was approved for such a use at the time of the adoption of this Development Code is not an expansion of a nonconforming use.
- C. In any industrial or commercial zone, a pre-existing dwelling may be altered or expanded, provided that such alteration or expansion shall not exceed the yard, lot coverage, and building height requirements of the Residential Mixed Density (RM) Zone for the use of the property.
- D. Notwithstanding the provisions of Section 16.30.030, a nonconforming structure reasonably capable of use only for a nonconforming industrial or commercial use may be re-established, changed, altered, or expanded upon as a Conditional Use.

### 16.30.030 NONCONFORMING STRUCTURE

A structure (including fences) conforming as to use but nonconforming as to height, setback, lot coverage, or similar dimensional standard, may be altered or expanded if the alteration or expansion does not cause the structure to deviate further from the standards of this Development Code, and provided that such redevelopment meets all other applicable standards.

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<sup>1</sup> The continuance of non-conforming uses and/or structures does not apply to property that is being annexed into the City. The City may require the abatement of non-conforming uses and/or structures prior to hearing an annexation request (see Chapter 16.26). Other provisions of this Code and the Lebanon Municipal Code may require abatement of certain kinds of situations before an annexation request can be approved.

### **16.30.040 DISCONTINUANCE OR ABANDONMENT OF NONCONFORMING USES<sup>2</sup>**

- A. If a nonconforming use, whether or not it involves a structure, is discontinued from active use for a period of one (1) year or more, further use of the property shall be for a conforming use.
- B. For purposes of calculating the one-year period, a use is discontinued or abandoned upon the occurrence of the first of any of the following events:
  - 1. On the date when the use of land is physically vacated.
  - 2. On the date the use ceases to be actively involved in the sale of merchandise or the provision of services.
  - 3. On the date of termination of any lease or contract under which the nonconforming use has occupied the land.
  - 4. On the date a request for final reading of water and power meters is made to the applicable utility districts.

### **16.30.050 CHANGE OF A NONCONFORMING USE**

If a nonconforming use is changed, it shall be changed to a use conforming to the regulations of the zone in which it is located.

### **16.30.060 DESTRUCTION OF A NONCONFORMING USE OR STRUCTURE**

If more than 50% of the square footage of a nonconforming structure or a structure containing a nonconforming use is destroyed by any cause (excluding intentional demolition of an undamaged building), a future structure or use on the site shall comply with the provisions of the zone in which the property is located, or the property owner may apply for approval through a **Administrative Review process** to continue with the existing nonconforming use and/or to replace the nonconforming structure in its present location. Approval to replace the damaged structure shall not allow the replacement or repaired structure to be more non-conforming than it was originally. Such repairs or replacements must meet current building codes.

### **16.30.070 REPAIRS AND MAINTENANCE**

Any nonconforming structure or a structure containing a nonconforming use may be maintained or restored to conform with the standards of the building code, including repair or replacement of fixtures, wiring, or plumbing, provided the maintenance or restoration does not cause the structure to deviate further from the standards of this Development Code, and provided that such redevelopment meets all other applicable standards.

### **16.30.080 COMPLETION OF STRUCTURE**

Nothing contained in this Development Code shall require any change in the plans, construction, alteration, or designated use of a structure for which a building permit has been lawfully issued and construction has commenced prior to adoption of this Development Code, provided the structure, if nonconforming or intended for a nonconforming use, is substantially completed and in use.

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<sup>2</sup> The burden of proof is on the applicant.

## **16.30.090 NONCONFORMING LOT OF RECORD**

The purpose of this Section is to establish criteria and a process for determining when a lot of record exists. A "lot of record" is a lot or parcel that was lawfully created according to the standards in effect at the time it was created, as described in Section 16.30.090.B below.

### **A. Lot of Record**

In any Land Use Zone, notwithstanding limitations imposed by other provisions of this Code, permitted (by any listed decision/decision process) principal uses and structures, and accessory buildings may be erected on any single lots of record after the effective date of adoption of this Development Code. This provision shall apply even though such lot fails to meet the lot dimension requirements for the applicable Land Use Zone.

### **B. Decision Criteria**

In order to qualify as a nonconforming lot of record for purposes of this Code, the lot or parcel shall conform to all zoning requirements, partition or subdivision requirements, and Comprehensive Plan provisions, *if any*, in effect on the date when an approved plat was recorded or a recorded deed or contract creating the separate lot or parcel was signed by the parties to the deed or contract.

### **C. Procedure**

A lot of record determination shall be made by the Planning Official using the Administrative Review Procedure (see Chapter 16.20). It shall be the property owner's responsibility to demonstrate that the subject property meets the lot of record decision criteria listed in Subsection 16.30.090.B above.

### **D. Permitted Development**

A lot of record shall be entitled to a use identified in the underlying zone provided the use complies with the applicable development requirements, unless otherwise modified by variance approval. This provision does not waive compliance with land use review procedures.

## **16.30.100 DETERMINATION OF NONCONFORMING STATUS**

Determination of nonconforming status shall be processed as a Code Interpretation according to the provisions of Chapters 16.20 and 16.25 of this Code.

## **16.30.110 EXCEPTIONS FOR HISTORIC STRUCTURES AND LAND USES**

Historic uses, structures and sites shall be exempted from the above provisions (16.30.020 thru 16.30.100) of this Chapter if it is listed as a **Historic Resource of Statewide Significance**, is on the **National Register of Historic Places**, or is on The City of Lebanon's **Inventory of Historic Resources**. See Chapter 16.31 (Historic Preservation Standards and Requirements) of this Code for further details and explanations of how structures and sites may become listed as an historic resource.

***Title 16: City of Lebanon  
Development Code***

***ARTICLE SIX:  
HISTORIC PRESERVATION***

**CHAPTER 16.31:  
HISTORIC PRESERVATION  
STANDARDS AND REQUIREMENTS**

**Adopted by City Council on  
December 10, 2008**

**Chapter 16.31:**  
**HISTORIC PRESERVATION STANDARDS AND REQUIREMENTS**  
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# Chapter 16.31:

## HISTORIC PRESERVATION STANDARDS AND REQUIREMENTS

### 16.31.010 PURPOSE

The City of Lebanon recognizes that certain significant historic resources located within its boundaries contribute to the unique character of the community and are irreplaceable, and as such, merit preservation. The provisions of this chapter of the Lebanon Development Code establish: (1) an Historic Landmark Commission (the Planning Commission); (2) a program for the identification, evaluation, and designation of historic resources as landmarks; (3) public incentives for the preservation of Designated Landmarks; and, (4) land use regulations regarding the alteration, moving or demolition of Designated Landmarks and Historic Resources of Statewide Significance. This Chapter establishes the provisions for the City to effectively manage its responsibilities vis-à-vis historic resources as set forth in applicable Oregon Revised Statutes (ORS) and Administrative Rules (OARs), as amended, Statewide Planning Goal 5, and the City of Lebanon 2004 Comprehensive Plan.

### 16.31.020 HISTORIC PRESERVATION TERMINOLOGY AND DEFINITIONS

The following terminology and definitions apply to terms used in this Chapter. Terms not defined have their commonly construed meaning.

- A. Alteration:** An addition, removal, or reconfiguration that significantly changes the character of a historic resource, including new construction in historic districts.
- B. Demolition:** The razing, destruction, or dismantling of a resource to the degree that its historic character is substantially obliterated.
- C. Designated Landmark:** A property officially recognized by the City of Lebanon as important in its history. Such properties will be recorded in the *Lebanon Historic Register*.
- D. Extraordinary Historic Importance:** The quality of historic significance achieved outside the usual norms of age, association, or rarity.
- E. Historic Context Statement (City of Lebanon):** The *City of Lebanon Historic Context Statement* was created in 1994 by the City of Lebanon with assistance from a number of volunteers from the local community. The *Historic Context Statement* provides a thorough documentation of the various historic stages of development within the expanding City Limits of Lebanon. The contextual information in this document addresses the following:
  - 1. Identifying the historical themes, events, designs, and associated individuals that have played an important role in the development of the area;
  - 2. Describing the types and characteristics of historic buildings, structures, objects and districts associated with the identified themes, events, designs, and individuals;
  - 3. Discussing the potential distribution of these buildings, objects, structures, and districts on the landscape;

4. Establishing evaluation standards to use in determining how well existing buildings, structures, objects, and districts represent or illustrate the identified themes, events, designs, and individuals; and
  5. Identifying priorities and treatment strategies to help preserve those buildings, structures, objects, and districts evaluated as representing and/or illustrating community history.
- F. Historic Integrity:** The quality of wholeness of historic location, design, setting, materials, workmanship, feeling, and/or association of a resource, as opposed to its physical condition.
- G. Historic Resource:** A building, structure, object, site, or district that meets the significance and integrity criteria for designation as a landmark. Resource types are further described as:
1. **Building.** A construction made for purposes of shelter or habitation (e.g., house, barn, store, theater, train station, garage, school, etc.).
  2. **Structure.** A construction made for functions other than shelter or habitation (e.g., bridge, windmill, dam, highway, boat, kiln, etc.).
  3. **Object.** A construction that is primarily artistic or commemorative in nature and not normally movable or part of a building or structure (e.g., statue, fountain, milepost, monument, sign, etc).
  4. **Site.** The location of a significant event, use, or occupation that may include associated standing, ruined, or underground features (e.g., battlefield, shipwreck, campsite, cemetery, natural feature, garden, food-gathering area, etc.).
  5. **District.** A geographically defined area possessing a significant concentration of buildings, structures, objects, and/or sites that are unified historically by plan or physical development (e. g. downtown, residential neighborhood, military reservation, ranch complex, etc.).
- H. Historic Resources of Statewide Significance:** Buildings, structures, objects, sites, and districts that are listed on the National Register of Historic Places.
- I. Inventory of Historic Resources:** The record of information about resources potentially significant in the history of The City of Lebanon.
- J. Lebanon Historic Register:** The list of, and record of information about, properties officially recognized by The City of Lebanon as important in its history.
- K. Planning Official:** The City's Planning Official or designees.
- L. Relocation:** The removal of a resource from its historic context.



## **16.31.030 THE CITY OF LEBANON HISTORIC LANDMARK COMMISSION**

### **A. Authority Invested in the Planning Commission**

1. The City of Lebanon's Planning Commission is hereby designated as the City's Historic Landmark Commission, hereinafter the *Commission*.
2. Membership, appointment, occupation and residency, term of office, compensation, vacancies and removal of members of the *Commission* shall be according to the provisions of Chapter 2.24 (Planning Commission) of the Lebanon Municipal Code as amended.
3. A majority of the members of the *Commission* shall constitute a quorum to conduct official business, as per Section 2.24.090 of the Lebanon Municipal Code.
4. *Commission* Officers shall be determined as per the provisions of Section 2.24.070 of the Lebanon Municipal Code.

### **B. Separation of Duties and Responsibilities of the Planning Commission and the Historic Landmark Commission**

All land use deliberations and proceedings of the Planning Commission shall be conducted independently from those of the Historic Landmark Commission, subject to Section C.1 below.

### **C. Meetings**

#### **1. Regular Business Meetings**

The *Commission* shall meet at least once a year (annually), and as required, to conduct regular business in a timely fashion. Regular business conducted by the *Commission* may include hearings pursuant to periodic revisions of the Lebanon Historic Register by adding or deleting properties, and responding to requests for such revisions. Regular business meetings may be conducted before, after or during a regularly scheduled Planning Commission Meeting, or held at a separate time at the discretion of the *Commission*. Notice of the meetings shall be in accordance with state law. Minutes, applications, staff reports, findings, and decisions of the *Commission* shall be maintained as public records in accordance with state law.

## 2. Hearings

- a. Hearings (Quasi-Judicial Review process) to review and act upon applications for the alteration, relocation, or demolition of Designated Landmarks, or the major exterior alteration, relocation, or demolition of Historic Resources of Statewide Significance, shall be held as necessary in a timely fashion before, after, or during any regularly scheduled Planning Commission Meeting, or held at a separate time at the discretion of the *Commission*.
- b. If a historic preservation hearing and decision is related to a pending land use hearing and decision, the two hearings shall be separated. Staff shall determine the order of the proceedings based on the nature of the applications.
- c. Notice of the meetings shall be in accordance with the provisions of Chapter 16.20 of this Code. Minutes, applications, staff reports, findings, and decisions of the *Commission* shall be maintained as public records in accordance with state law. Hearings procedures shall be the same as those used by the Planning Commission for land use hearings in accordance with state law.

## 3. Staff

The Planning Official shall assign staff as appropriate to facilitate the work of the *Commission*.

### **16.31.040 POWERS AND DUTIES OF THE CITY OF LEBANON HISTORIC LANDMARK COMMISSION**

- A. The *Commission* may adopt and amend by-laws, subject to approval by the City Council, to regulate its internal operations.
- B. For purposes consistent with the provisions of this Chapter and subject to the approval of the City Council, the *Commission* may seek, accept, and expend public appropriations; seek, accept, and expend grant and gift funds; cooperate with public and private entities; and employ clerical and expert assistance<sup>1</sup>.
- C. The *Commission* may undertake to inform the citizens of, and visitors to the City of Lebanon, regarding the community's history and prehistory; promote research into its history and prehistory; collect and make available materials on the preservation of historic resources; provide information on state and federal preservation programs; document historic resources prior to their alteration, demolition, or relocation and archive that documentation; assist the owners of historic resources in securing funding for the preservation of their properties; and recommend public incentives and code amendments to the City Council<sup>1</sup>.

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<sup>1</sup> To assist in the achievement these goals, the *Commission*, at their discretion, may utilize the efforts of City staff and/or community volunteers, either individuals or groups with a demonstrated positive interest, knowledge, or competence in historic preservation.

- D. The *Commission* may develop and publish, or adopt, written and graphic guidelines and example materials to clarify the decision criteria in this Chapter and to assist applicants in developing complete and viable applications<sup>1</sup>.
- E. Employing the procedures and decision criteria in Section 16.31.050 of this Chapter, the *Commission* shall periodically survey, identify and evaluate the historic resources of the City of Lebanon and maintain an Inventory of Historic Resources<sup>1</sup>. Such periodic identification and evaluation of the historic resources shall occur at least every ten years. When surveys are being conducted, owners of the subject properties shall be notified and invited to provide comment and input.
- F. Employing the procedures and decision criteria in Section 16.31.060 of this Chapter, the *Commission* shall periodically make recommendations to the City Council to revise the Lebanon Historic Register by adding or deleting properties, and make recommendations to the City Council on requests to include a potential historic resource on, or remove a listed resource from the Lebanon Historic Register<sup>1</sup>. Such periodic revisions of the Lebanon Historic Register shall occur at least every ten years (beginning with the adoption of this Code).
- G. Employing the procedures and decision criteria in Sections 16.31.070 and 16.31.080 of this Chapter, the *Commission* shall review and act upon applications for the alteration, relocation, or demolition of Designated Landmarks, or the major exterior alteration, relocation, or demolition of Historic Resources of Statewide Significance.
  - 1. When such applications are received, the City shall send official notice to the State Office of Historical Preservation (SHPO) and local historical preservation groups that request such notification.
  - 2. The City shall invite and encourage SHPO and any local historical preservation groups to submit written testimony and present verbal testimony at the hearings. Such testimony shall be taken into account by the *Commission* in its decision making on these applications.
  - 3. Final decisions on demolitions shall be made by the City Council after conducting required public hearings.
- H. The *Commission* shall advise and make policy recommendations to the City Council or on matters relating to historic preservation<sup>1</sup>; and shall make an annual report, in writing, to the City Council on its activities and expenditures during the preceding twelve months, and its projected activities and expenditures for the following twelve months. At the request of the *Commission*, and with the approval of the Planning Official, City staff may assist as deemed appropriate in the keeping of the *Commission's* records, as well as preparation of the annual reports and presentations to City Council.

<sup>1</sup> To assist in the achievement these goals, the *Commission*, at their discretion, may utilize the efforts of City staff and/or community volunteers, either individuals or groups, with a demonstrated positive interest, knowledge, or competence in historic preservation.

## 16.31.050 THE INVENTORY OF HISTORIC RESOURCES

- A. The *Commission* shall determine and periodically (at least every ten years, beginning with the adoption of this Code as year “1”) revise priorities and decision criteria for the identification and evaluation of historic resources<sup>1</sup>.
- B. Unless the *Commission* finds extraordinary historic importance, only properties over fifty years of age shall be considered for inclusion in the Inventory of Historic Resources.
- C. The *Commission* shall develop or adopt a system, based on historic integrity and significance, for evaluating historic resources. The system shall rank surveyed historic resources as eligible, potentially eligible, or ineligible for listing on the Lebanon Historic Register. Owners of surveyed properties will be notified of these findings, and shall be notified at the outset of the evaluation process and invited to provide comment and input.
- D. Documentation of properties in the Inventory of Historic Resources shall be on forms compatible with the Statewide Inventory of Historic Properties, and upon completion, copies of the forms shall be supplied to the State Historic Preservation Office.
- E. Subject to Oregon Law, records concerning archaeological sites shall not be made available to the public.

<sup>1</sup> To assist in the achievement these goals, the *Commission*, at their discretion, may utilize the efforts of City staff and/or community volunteers, either individuals or groups, with a demonstrated positive interest, knowledge, or competence in historic preservation.

## 16.31.060 THE LEBANON HISTORIC REGISTER

- A. Properties listed on the National Register of Historic Places, including all properties within National Register Historic District boundaries, are eligible for automatic listing on the Lebanon Historic Register. As Historic Resources of Statewide Significance, all such properties are subject to the regulations in Sections 16.31.070 and 16.31.080 of this Chapter regardless of their listing on the Lebanon Historic Register, pursuant to applicable Oregon Administrative Rule(s). However, only properties listed on the Lebanon Historic Register shall be eligible for any public incentives and Code considerations pursuant to this Chapter (see Section 16.31.070).
- B. Any individual or group, including the *Commission* acting on its own initiative, may nominate a historic resource for inclusion on or removal from the Lebanon Historic Register by submitting a complete application to the *Commission*. The burden of proof lies with the applicant. No property shall be so designated or removed without the written consent of the owner or, in the case of multiple ownership, all of the owners.
- C. The Planning Official in consultation with the *Commission* shall establish standards for a complete application. Upon acceptance of a complete application the *Commission* shall schedule a public hearing, pursuant to applicable state laws, to review the request for inclusion of an historic resource on the Lebanon Historic Register, and shall make a recommendation to the City Council for a final decision.
- D. **Decision Criteria:** In order to be recommended for inclusion or to be maintained on the Lebanon Historic Register the *Commission* must find that the historic resource is over fifty years of age or of extraordinary historic importance, and possesses sufficient historic integrity, and:
1. is associated with events that have made a significant contribution to the broad patterns of local, state, or national history; or
  2. is associated with the lives of persons, or groups of people, significant in local, state, or national history; or
  3. embodies the distinctive characteristics of an architectural type, style, period, or method of construction or that represents the work of a master, or that possesses high artistic values, or that represents a significant and distinguishable entity whose components may lack individual distinction; or
  4. has yielded or is likely to yield information that is important in local, state, or national history.
- E. The *Commission* shall develop findings based on the decision criteria to support its decisions and recommendations to the City Council. These findings shall indicate those elements of a property, including interior, landscape, and archaeological features, that are included in the designation and subject to regulation under the provisions of this Chapter.

## 16.31.070 ALTERATIONS

- A. No exterior, interior, landscape, or archaeological element of a Designated Landmark that is specified as significant in its designation shall be altered without a permit issued pursuant to this Chapter.
- B. No major exterior alteration of a Historic Resource of Statewide Significance shall be allowed without a permit issued pursuant to this Chapter.
- C. Prior to submitting an application for a permit pursuant to this section, proponents are encouraged to request a pre-application conference or informal review with City Planning staff to review concepts and proposals.
- D. The Planning Official in consultation with the *Commission* shall establish standards for a complete application. Upon acceptance of a complete application the *Commission* shall schedule a public hearing pursuant to applicable state laws.
- E. The Planning Official and/or the *Commission* shall review all applications to alter or demolish any historic resource listed on the Lebanon Historic Register.
  - 1. **Planning Official Administrative Reviews:** The Planning Official shall evaluate and approve alteration requests if:
    - a. There is no change in historic character, appearance or material composition from the existing structure; or
    - b. If the proposed alteration materially duplicates the affected exterior building features as determined from an historic photograph, original building plans or other evidence of original building features. In addition, the Planning Official shall approve alterations to all compatible structures (including compatible commercial structures) when the proposed alteration causes the structure to more closely resemble its original appearance.
    - c. Planning Official reviews shall be conducted according to the procedures described in this Chapter and in Chapter 16.20 for Administrative Reviews.
    - d. In addition, when such applications are received, the City shall send official notice to the State Office of Historical Preservation (SHPO) and local historical preservation groups that request such notification. The City shall invite and encourage SHPO and any local historical preservation groups to submit written testimony for the review. Such testimony shall be taken into account by the Planning Official in the decision making process on these applications.
  - 2. **Commission Review.** All other alteration or demolition requests not within the scope of a Planning Official Review (above) and all demolition requests shall be reviewed by the *Commission* according to the procedures described in this Chapter and in Chapter 16.20 for public (Quasi-Judicial) hearings.

- F. In cases requiring a public hearing, the *Commission* shall review and act upon applications for the alteration of a Designated Landmark, or the major exterior alteration of a Historic Resource of Statewide Significance. The burden of proof lies with the applicant. Applications may be approved, approved with conditions, or denied. The City of Lebanon shall include any conditions imposed by the *Commission* in permits issued pursuant to this section. However, the *Commission* may not impose conditions certified by the Building Official as unsafe or contrary to the adopted Building Codes required for the public safety. Conditions may not conflict with rulings or conditions established by any state agency.
- G. **Decision Criteria:** In order to approve an application for the alteration of a historic resource listed on the Lebanon Historic Register, or the major alteration of a Historic Resource of Statewide Significance, the *Commission* must find that the proposal meets the following standards:
1. A property shall be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
  2. The historic character of a property shall be retained and preserved. The relocation of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property shall be avoided.
  3. A property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, shall not be undertaken.
  4. Changes to a property that have acquired historic significance in their own right shall be retained and preserved.
  5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
  6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and, where possible, materials. Replacement of missing features shall be substantiated by documentary and physical evidence.
  7. Chemical and physical treatments, if appropriate, shall be undertaken using the gentlest means possible. Treatments that cause damage to historic materials shall not be used.
  8. Archeological resources shall be protected and preserved in place. If such resources must be disturbed, mitigation measures shall be undertaken.

9. New additions, exterior alterations, or related new construction shall not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and shall be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.
10. New additions and adjacent or related new construction shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.
- H. The provisions of this Chapter shall not be construed to prevent the ordinary repair or maintenance of a Designated Landmark or Historic Resource of Statewide Significance, when such action does not involve a change in design, materials, or appearance.
- I. The provisions of this Chapter shall not be construed to prevent the alteration of a Designated Landmark or Historic Resource of Statewide Significance, when the Building Official certifies that such action is required for the public safety.

### **16.31.080 RELOCATIONS AND DEMOLITIONS**

- A. The exterior, interior, landscape, or archaeological elements of a Designated Landmark that is designated as significant shall not be removed, or demolished without a permit issued pursuant to this Chapter.
- B. Major exterior relocation or demolition of a Historic Resource of Statewide Significance is not allowed without a permit issued pursuant to this Chapter.
- C. Prior to submitting an application for a permit pursuant to this section, the applicant is encouraged to request a pre-application conference or informal review with City Planning staff to review concepts and proposals.
- D. The Planning Official shall establish standards for a complete application. Upon acceptance of a complete application the *Commission* shall schedule a public hearing pursuant to state law.
- E. In cases requiring a public hearing, the *Commission* shall review and prepare an advisory opinion to the City Council upon applications for the relocation or demolition of a Designated Landmark, or the major exterior alteration of a Historic Resource of Statewide Significance. The *Commission* may recommend to the City Council that applications may be approved, approved with conditions, or denied. The City of Lebanon may include any conditions recommended by the *Commission* in permits issued pursuant to this section. However, the *Commission* may not recommend conditions certified by the Building Official as unsafe or contrary to the adopted Building Codes required for the public safety. Conditions may not conflict with rulings or conditions established by any state agency.



- F. Decision Criteria:** In order to recommend approval of an application for the relocation or demolition of a Designated Landmark or Historic Resource of Statewide Significance, the *Commission* must find that:
1. No prudent and feasible alternative exists, or
  2. The designated property has deteriorated beyond repair, or
  3. The value to the community of the proposed use of the property outweighs the value of retaining the Designated Landmark or Historic Resource of Statewide Significance.
- G.** At the hearing on an application to relocate or demolish a Designated Landmark or Historic Resource of Statewide Significance the *Commission* may, in the interest of exploring reasonable alternatives, delay issuance of a permit for up to 120 days from the date of the hearing, with concurrence and waiver by the applicant. If, ten days prior to the expiration of the delay period the *Commission* finds that there are still reasonable alternatives to explore, it may apply to the City Council for permission to continue the delay for an additional period of up to 120 days.
- H.** In recommending approval of an application for the demolition of a Designated Landmark or Historic Resource of Statewide Significance, the *Commission* may impose the following conditions:
1. Photographic, video, or drawn recordation of the property to be demolished, and/or
  2. Salvage and curation of significant elements, and/or
  3. Other reasonable mitigation measures.
- I.** The provisions in this Chapter shall not be construed to prevent the demolition or relocation of a Designated Landmark or Historic Resource of Statewide Significance when the Building Official certifies that such action is required for the public safety.

### **16.31.090 APPEALS**

- A.** Decisions of the Planning Official are appealable to the *Commission*. Decisions of the *Commission* are appealable to the City Council. Decisions of the City Council pursuant to provisions of this Chapter are the City's final local decision.
- B.** Procedures for appeals to the *Commission* shall be the same as those for appeals to the Planning Commission of administrative reviews by the Planning Official for land use actions. Procedures for appeals to the City Council shall be the same as those for appeals of Planning Commission decisions.

### **16.31.100 OTHER PROVISIONS**

- A.** There is no fee for designation of a historic resource as a Designated Landmark. Fees for other applications shall be determined by the City Council based on the cost of processing the application.
- B.** The provisions of this Chapter shall not affect any citation, complaint, prosecution, or other proceeding pending at the time this Chapter of the Lebanon Development Code is adopted by the City Council.

### **16.31.110 PUBLIC INCENTIVES FOR HISTORIC PRESERVATION**

(Reserved for public incentives and code considerations recommended by the *Commission* and approved by the City Council for properties listed on the Lebanon Historic Register.)

***Title 16: City of Lebanon  
Development Code,***

***ARTICLE SEVEN:  
GLOSSARY***

**Chapter 32:**

**Glossary/Definitions**

**Adopted by City Council on  
December 10, 2008**

# Chapter 16.32: Glossary

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## **16.32.010 Meaning of Common Words**

- A.** All words used in the present tense include the future tense.
- B.** All words in the plural include the singular, and all words used in the singular include the plural unless the context clearly indicates to the contrary.
- C.** All words used in the masculine gender include the feminine gender.
- D.** The word "shall" is mandatory and the word "may" is permissive.
- E.** The word "structure" includes the word "building".
- F.** The phrase "used for" includes the phrases "arranged for ", "designed for", "intended for", and "occupied for".
- G.** The words "land", "property", "site", "lot", "parcel" and "premise" are used interchangeably unless the context clearly indicates to the contrary.
- H.** The words "proposal", "application", and "request" are used interchangeably unless the context clearly indicates to the contrary.
- I.** The word "lot" includes the word "parcel" unless the context clearly indicates to the contrary.
- J.** Where words are not defined in this Code, the following sources shall be consulted: State statute, and any dictionary of common usage, all of which shall be interpreted by context.
- K.** General definitions are contained in Section 16.32.020.
- L.** Special technical definitions, such as those used by the State department of Aviation or the Federal Emergency Management Agency (FEMA) are found in Sections 16.32.030 to 16.32.070.

## 16.32.020 Meaning of Specific Words and Terms

### A

**ABUT OR ABUTTING:** Contiguous or adjoining for a minimum of ten feet. It shall include the terms adjacent, adjoining and contiguous. For example, two lots with a common property line are considered to be abutting.

**ACCESS EASEMENT:** An easement recorded for the purpose of providing vehicle, bicycle, and/or pedestrian access from a public street to a parcel across intervening property under separate ownership from the parcel being provided access.

**ACCESS MANAGEMENT:** The control of street (or highway) access for the purpose of improving the efficiency, safety and/or operation of the roadway for vehicles; may include prohibiting, closing, or limiting direct vehicle access to a roadway from abutting properties, either with physical barriers (curbs, medians, etc.) or by land dedication or easement.

**ACCESS:** The way or means by which pedestrians, bicycles and motor vehicles enter (ingress) and leave (egress) property.

**ACCESSIBLE:** Approachable and useable by people with disabilities. Complies with the Americans With Disabilities Act.

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

**ACCESSORY STRUCTURE OR ACCESSORY USE:** A structure or use incidental, appropriate and subordinate to the main use of property and located on the same lot as the main use. In general, the primary use of the site is not carried on in an accessory structure. Accessory structures are generally detached from the primary structure. If accessory structures are attached to the primary structure, their structural framework is independent or semi-independent from the primary structure. For example, a porch, deck or stairs that have their own footings or foundation are accessory structures even though they may be attached to the primary structure. A balcony that is supported totally by the framework of the primary structure is not considered an accessory structure.

**ACCESSWAY:** Dedicated easement or right-of-way intended to allow pedestrians and bicyclists convenient linkages, where no public street access exists, to streets, residential areas, neighborhood activity centers, industrial or commercial centers, transit facilities, parks, schools, open space, or trails and paths. Accessways generally include a walkway and additional land on either side of the walkway, often in the form of an easement or right-of-way, to provide clearance and separation between the walkway and adjacent uses. Accessways through parking lots are generally physically separated from adjacent vehicle parking or parallel vehicle traffic by curbs or similar devices and include landscaping, trees and lighting. Where accessways cross driveways, they are generally raised, paved or marked in a manner that provides convenient access for pedestrians.

**ACKNOWLEDGEMENT:** An LCDC order that certifies that a comprehensive plan and land use regulations, land use regulation or plan or regulation amendment complies with the statewide planning goals.

**ACTIVE SOLAR ENERGY SYSTEM:** A solar energy system that requires external mechanical power to move the collected heat.

**ADEQUACY (OF UTILITY AND INFRASTRUCTURE FACILITIES):** Based on the standards established in the City's adopted Master Facility Plans (e.g., Storm Water and Drainage, Parks, Transportation System Plan).

**ADJACENT:** Abutting or located directly across a street right-of-way. To share a common lot/parcel/property line or zoning boundary that is separated by a street or alley.

**ADJUSTMENT:** A "minor" (Class 1 or 2) "Variance" (see Variance).

**ADMINISTRATIVE:** See Decision (Type of).

**ADULT ENTERTAINMENT (BUSINESS):** A term intended to cover a broad range of activities characterized by live, closed circuit, digital, or reproduced material which has an emphasis on nudity and/or sexual activity. Adult entertainment businesses limit their patrons to persons at least 18 years of age. The term "adult entertainment business" also includes the full range of adult motion picture or video theaters and related businesses, such as adult bookstores, adult theaters, adult massage parlors, adult lotion studios, adult arcades, adult cabarets, adult paraphernalia shops, and other establishments which make up a substantial or significant portion of the establishment's activities or merchandise and constitute a continuing course of conduct of exhibiting specified sexual activities and/or nudity in a manner which appeals to a prurient interest. The term "adult entertainment business" also includes other uses similar to the uses mentioned above, presenting material for patrons to view (live, closed circuit, or reproductions), providing massage or lotion studios for the purpose of fondling or other erotic touching of specified anatomical areas and/or purchase or rent of merchandise which emphasizes nudity and/or specified sexual activity in a manner which appeals to a prurient interest, and limiting entrance to patrons who are over 18 years of age. **Related terms include:** **(1) Nudity or Nude:** Being devoid of an opaque material covering the human genitals, pubic region, buttocks, and female breasts below a point immediately above the top of the areola and where such opaque material does not simulate the organ covered. **(2) Specified Sexual Activities:** Real or simulated acts of sexual intercourse, human/animal sexual intercourse, masturbation, sadomasochistic abuse, sodomy or the exhibition of human organs in a stimulated state, or the characterization thereof in a printed or visual form, or fondling or other erotic touching of human genitals, pubic region, buttocks, or female breasts. **(3) Substantial or Significant Portion:** More than 10 percent of the total cost of the inventory of merchandise for sale in the establishment, whether at wholesale or retail, or more than 10 percent of the establishment's gross sales per month, whether wholesale or retail, or more than 10 percent of a film or video or live performance.

**ADULT FOSTER HOME:** Any family home or facility in which residential care is provided for five or fewer adults who are not related to the provider by blood or marriage. "Residential Care" and "Provider" shall have the meaning for "residential home" provided in State law. All homes must be licensed by the State of Oregon.

**ADVERSE IMPACT:** Negative effect of development that can be measured (e.g., noise, air pollution, vibration, dust, etc.).

**ADVERSE PROJECT IMPACTS:** Adverse project impacts represent nuisance characteristics or effects that might potentially be detrimental to the health, safety, and general welfare of local residents, the neighborhood, the community and natural environment. Adverse project impacts might include, but not be limited to: operating and/or traffic noise, vibration, glare, heat, electromagnetic interference, smoke, waterborne contaminants, airborne particulates, or atmospheric contaminants (e.g., hazardous or toxic levels of airborne substances or chemicals). Determinations may be based on degradation of such measures as service levels, volumes/capacities (e.g., pre- versus post-development runoff rates) in City's adopted Master Plans. (Also see "Negative Impacts.")

**AFFECTED LOCAL GOVERNMENT:** A city, county or metropolitan service district that is directly affected by a proposed transportation facility or improvement.

**AFFORDABLE HOUSING:** Means housing affordable to a percentage of the population earning a specified level of income and spending no more than a certain percent of their income on housing expenses. As defined by the US Housing and Urban Development Department (HUD), a household should pay no more than 30% of its gross monthly income for housing. *Affordable Housing is* housing that requires no more than 30% of the monthly income of a household that has income at or below 80% of the area median. *Affordable Housing* thus means housing (including necessary and essential utilities) for which persons or families pay 30 % or less of their gross income.

**AGRICULTURE:** The cultivation of tree crops, plants, orchards, pasture, flower, berry and bush crops or the keeping, raising or breeding of livestock or poultry.

**ALLEY:** See Streets.

**ALTERATION:** Any change, addition or modification in construction or occupancy.

**ALTERNATIVE MODES:** Alternative methods of travel to the automobile, including public transportation (light rail, bus and other forms of public transportation), bicycles and walking.

**AMBIENT:** Something that surrounds, as in the level of light, dust or noise.

**ANIMAL CLINIC:** A business establishment in which veterinary services are provided to small domestic pets on an out patient basis with no over night boarding allowed.

**ANIMAL HOSPITAL:** A place where animals are given medical or surgical treatment and the boarding of animals is limited to short-term care incidental to the hospital use.

**ANNEX:** To incorporate a land area into an existing district or municipality, with a resulting change in the boundaries of the annexing jurisdiction.

**ANNEXATION:** The process by which cities extend their municipal services, regulations, voting privileges, and taxing authority to new territory.

**APPEAL:** A request for a review of a final decision by the Planning Official, Planning Commission or City Council in accordance with applicable procedures based on the standards of this Code and State law.

**APPLICANT:** A person submitting an application; the owner of affected property, or the owner's authorized representative. The City Attorney may require proof of the representative's authorization to act as applicant on the owner's behalf.

**APPROVAL AUTHORITY:** The individual or public body that has jurisdiction for making a determination under the provisions of this Code. (Also see Review Authority.)

**ARTERIAL STREETS:** See Streets.

**ASSISTED LIVING FACILITY (ALF):** A special combination of housing, supportive services, personalized assistance, and health care designed to respond to the individual needs of those who need help with activities of daily living. An ALF is a facility with a central or private kitchen, dining, recreational, and other facilities, with separate bedrooms or living quarters, where the emphasis of the facility remains residential.

**AUTOMOBILE WRECKING YARD:** An area used for the dismantling, and/or wrecking of used motor vehicles, machinery or trailers, or the storage or sale of dismantled, obsolete or wrecked motor vehicles, machinery or trailers, or their parts, or the storage of motor vehicles unable to be moved under the power of the vehicle.

## **B**

**BASE FLOW:** The portion of a stream flow that is not run-off and results from seepage of water from the ground into a channel. The primary source of running water in a stream during dry weather.

**BED AND BREAKFAST FACILITY:** A structure designed for and occupied as a single-family dwelling, in which travelers are lodged for sleeping purposes and a morning meal provided, and for which compensation of any kind is paid. A Bed and Breakfast Facility is not a hotel, motel, boarding house or rooming house.

**BERM:** A small rise, mound of earth, or hill in a landscape that is intended to deflect sound, buffer or visually screen certain developments, such as parking areas, or separate incompatible areas, or to provide aesthetic enhancement in site design.

**BICYCLE FACILITIES:** A general term denoting improvements and provisions made to accommodate or encourage bicycling, including parking facilities and all bikeways.

**BICYCLE OR BIKE LANE:** A portion of the roadway that had been designated by striping, signing and pavement markings for the preferential or exclusive use of bicycles.

**BICYCLE PARKING SPACE:** A space for one standard bicycle within a lighted and secure bicycle rack, placed in a paved area.

**BIKEWAY:** Any road, street, path or way that in some manner is specifically designated for bicycle travel, regardless of whether such facilities are designated for the exclusive use of bicycles or are to be shared with other transportation modes.



- BLOCK:** A parcel of land or group of lots bounded by intersecting streets, railroad rights of way and/or un-divided acreage.
- BOARDING HOUSE:** A building where lodging and meals are provided for compensation. This definition excludes bed and breakfast facilities
- BOLLARD:** A post of metal, wood or masonry that is used to separate or direct traffic (vehicles, pedestrians and/or bicycles). Bollards are usually decorative, and may contain sidewalk or pathway lighting.
- BOND, PERFORMANCE OR SECURITY:** Collateral security for the performance of a specific action or duty imposed by the City.
- BOULEVARD:** A street with broad open space areas; typically with planted medians.
- BUFFER, URBAN:** An area designed to provide attractive space or distance, obstruct undesirable views, serve as an acoustic barrier, or generally acts to soften or mitigate the effects of one land use on the other.
- BUILDING & CONSTRUCTION CODES:** The current State of Oregon, Building and Construction Codes and Standards, including provisions for Plumbing, Mechanical, and Electrical Specialty Codes and their referenced Standards, as well as other standards contained in the Lebanon Development Code and Lebanon Municipal Code.
- BUILDING:** Any structure used or intended for supporting or sheltering any use or occupancy.
- BUILDING ELEVATION:** A building face, or scaled drawing of the same, from grade to roof ridgeline.
- BUILDING ENVELOPE:** That portion of a lot or parcel in which the placement of structures can be established. The building envelope shall not include the area of any required setbacks, tree protection plans, conservation zones or other protected areas as authorized by a land use decision or limited land use decision.
- BUILDING FOOTPRINT:** The outline of a building, as measured around its foundation.
- BUILDING HEIGHT:** As per the International Building Code adopted by the State of Oregon, the height of a building is the vertical distance from grade plane to the average height of the highest roof surface. A grade plane is a reference plane representing the average of finished ground level adjoining the building at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than six feet from the building, between the building and a point six feet from the building.
- BUILDABLE LANDS:** Lands in the Urban Growth Boundary that are capable of supporting new development or redevelopment.
- BUILDING LINE:** A line on a plat or map indicating the limit beyond which buildings or structures may not be erected.
- BUILDING MASS:** The aggregate size of a building, or the total height, width, and depth of all its parts.
- BUILDING, MAXIMUM HEIGHT:** The highest allowable building height (see Building Height).
- BUILDING OFFICIAL:** The person who is responsible for the administration and enforcement of the Building and Construction Codes.
- BUILDING PAD:** A vacant building site on a lot with other building sites.
- BUILDING PERMIT:** Written permission issued by the Building Official that construction may commence in accordance with this Code and the Building Safety Codes.
- BUILDING SCALE:** The dimensional relationship of a building and its component parts to other buildings.
- BUILDABLE AREA OF A LOT:** The area of a lot enclosed within the setback boundaries, exclusive of easements.
- BUILD OUT:** Development of land to its full potential or theoretical capacity as permitted under current or proposed planning or zoning designations.

**BURDEN OF PROOF:** The duty of producing evidence or establishing a given proposition in order to establish that the party seeking affirmative relief or action is entitled to relief or action by the applicable Code provisions and statutes. For example, the burden of proof is on the applicant to demonstrate that the land use application meets the applicable criteria.

**BUS:** A motor vehicle designed for carrying 15 or more passengers, exclusive of the driver, and used for the transportation of persons.

## **C**

**CALENDAR DAY:** Any day of the year, including official City holidays and weekends.

**CAPACITY:** Maximum holding or service ability, as used for transportation, utilities, parks and other public facilities.

**CAPITAL IMPROVEMENT PROGRAM:** A City adopted schedule showing when permanent City infrastructure and facility improvements such as streets, sewers, water facilities, storm drainage, parks, or buildings will be constructed and how they will be financed. Usually lists projects five budget years in advance and is updated periodically.

**CAPITAL IMPROVEMENTS PROJECTS (IN CITY OF LEBANON):** “Capital Improvements Projects” are City initiated and funded City infrastructure extensions and enhancements, and/or improvements to facilities.

**CARPORT:** A roofed accessory structure providing parking space that is open on 2 or more sides.

**CENTERLINE RADIUS:** The radius of a centerline of a street right-of-way.

**CERTIFICATE OF OCCUPANCY:** A document issued by the Building Official allowing the occupancy or use of a structure and demonstrating that the structure or use has been constructed in compliance with all applicable City codes and ordinances.

**CHANGE OF USE:** A change from an existing permitted to another permitted use in the applicable land use zone.

**CHILD CARE CENTER, FAMILY CHILD CARE:** Facilities that provide care and supervision of minor children for periods of less than 24 hours. “Family child care providers” provide care for not more than 12 children in a home.

**CITY:** The City of Lebanon, Oregon.

**CITY COUNCIL:** The City Council of the City of Lebanon, Oregon.

**CITY ENGINEER:** An Oregon Registered Professional Engineer who is an officer of the City and is charged with the supervision and construction of public improvements and the enforcement of City Codes and ordinances as they relate to public improvements or a duly authorized representative.

**CITY STREET:** Any street located within the City or City and county, except a freeway, state highway, or county highway. Within Lebanon, City streets are those for which the City assumes responsibility for maintenance.

**CLEAN WATER ACT (CWA):** A federal law established in 1972 to restore and maintain the chemical, and physical and biological integrity of water, including lakes, river aquifers and coastal areas.

**CLEAR VISION AREA (VISION CLEARANCE AREA, CORNER VISION):** Normally a triangular-shaped area at an intersection of two streets or a street and a railroad, or alley, or driveway that shall contain no visual obstacles (e.g., trees, plants, fences, walls, structures) that would block vision of intersecting traffic for a safe distance.

**CLINIC:** Single or multiple offices for medical practitioners that may include a dispensary in each building to handle merchandise customarily prescribed by medical practitioners in connection with their practices, with patients not being lodged over night.

**CLUB:** A facility owned or operated for a social, educational, or recreational purpose, to which membership is required for participation and that is neither operated primarily for profit nor to render a service that is customarily carried on by a business.

- CLUSTER:** A grouping of development. Specifically, the locations of structures on a given site in one area leaving the remainder of the land in open space.
- COLLECTOR STREETS:** See Streets.
- COMMERCIAL USES:** Activities within land areas that are predominantly connected with the sale, rental and distribution of products or performance of services.
- COMMITTED TRANSPORTATION FACILITIES:** Those proposed transportation facilities and improvements that are consistent with the acknowledged Transportation System Plan (TSP) and have approved funding for construction in a public facilities plan or a State transportation plan.
- COMMON AREA:** Land commonly owned to include open space, landscaping or recreation facilities (e.g., land owned by a homeowners association).
- COMMUNITY CENTER:** A facility owned and operated by a governmental agency or a non-profit community organization that is open to any resident of the neighborhood in which the facility is located or to any resident of the City or surrounding area, provided that the primary purpose of the facility is for assembly, and provided further that no permanent or temporary commercial eating or drinking facilities are operated on the premises.
- COMMUNITY PARK:** A park that provides a variety of moderate density use recreation and/or cultural opportunities and is centrally located for citizens of the community and immediate outlying areas.
- COMPREHENSIVE PLAN MAP:** An acknowledged map that identifies all development opportunity designations or areas within the Urban Growth Boundary. The urban zoning assignments upon annexation correspond with and are identified by the Designated Comprehensive Plan Map districts.
- COMPREHENSIVE PLAN:** A document with general, coordinated text, policies, coordinated land use map and policy statements of the governing body of a local government that interrelates all functional and natural systems and activities relating to the use of lands, including but not limited to sewer and water systems, transportation systems, educational facilities, recreational facilities, and natural resources and air and water quality management programs.
- CONDITIONAL USE:** A Conditional Use is a use of land or a structure that is normally appropriate in the district where it is permitted, but due to the specifics of the use could cause a potential nuisance, health, or safety problem.
- CONDOMINIUMS:** Residential development utilizing zero lot lines, individual ownership of units and common ownership of open space and other facilities, and that are regulated in part, by state law.
- CONGREGATE CARE FACILITY:** A building serving more than 15 elderly or infirm persons where daily meals are provided outside of each individual dwelling unit, on-site nursing facilities are available and the majority of residents do not own automobiles.
- CONNECTIVITY:** The degree to which the transportation facilities for vehicles, bicycles, and pedestrians in a given area are interconnected.
- CONSERVATION EASEMENT:** An easement that limits or prohibits development in a specific area in order to protect identified special features and natural areas, such as wetlands, woodlands, significant trees, floodplains, wildlife habitat, and similar resources.
- CONTIGUOUS:** See abutting.
- CONVENIENCE STORE:** A small retail establishment, usually located within or associated with another use, that offers for sale convenience goods, such as prepackaged food items, tobacco, periodicals, and other household goods. A convenience store generally has less than 5,000 square feet of gross floor area. Such stores may have on-site service of food or drink for immediate consumption, carry for sale general food items as well as medicines, cosmetics, and limited beer and wine items. Hours of operation of such stores may also be extended over other types of food stores.
- CORNER RADIUS:** The radius of a street corner, as measured around the curb or edge of pavement.
- CORNICE:** The projecting horizontal element that tops a wall or flat roof.

**COTTAGE:** A small house that may be used as an accessory dwelling, or part of a cluster of similar sized homes.

**COURTYARD:** A court or enclosure adjacent to a building, that usually provides amenities such as gardens, planters, seating, or art.

**CRITERIA (PLURAL)/CRITERION (SINGULAR):** A standard or standards on which a judgment or decision regarding a land use application (for example) may be based. Such Criteria may also be referred to as Decision Criteria. Approval or denial of a land use application will include a brief statement (Findings) that explains the criteria considered relevant to the decision, states the facts relied upon in rendering the decision and explains the justification for the decision based on the criteria, standards and facts set forth. Also see Standards.

**CUL-DE-SAC:** A short local street that has one end open to traffic and is terminated by a vehicle turn around, the cul-de-sac bulb.

**CURB CUT:** The opening along the curb line (e.g., driveway opening) at which point vehicles may enter and/or leave the public street.

**CURB:** The raised concrete border along the edge of a roadway or paved area.

**CUT:** A portion of land surface from which earth is removed by excavation; the depth below the original ground surface or excavated surface.

## **D**

**DANCE HALL:** Any place of business whose primary function is dancing.

**DAY CARE CENTER:** A facility in which there are 13 or more children in which the operator of the Center may or may not reside at the residence.

**DAY CARE, GROUP HOME:** A facility in which there are 6 but no more than 12 children in which the operator of the Home resides at the residence

**DAY CARE, HOME:** A facility in which there are no more than 5 children in which the operator of the Home resides at the residence.

**DAY CARE:** A facility in which children, not of common parentage, between 6 weeks and 15 years of age, are given board, care or training apart from their parents or guardian with or without compensation within a 24 hour period.

**DAY NURSERY:** Any institution, establishment or place, including nursery schools or private kindergartens, in which are commonly received at one time for less than 24 hours per day, 6 or more non-resident children under the age 6 years for the purpose of being given care, supervision or training apart from a parent or legal guardian.

**dB (DECIBEL):** A sound measurement unit used to express the relative intensity of a sound.

**DBH:** The diameter of a tree trunk at a point 4 1/2 feet above the ground at the base of the tree.

**DE NOVO:** A hearing where new issues and evidence may be provided, distinguished from a hearing based solely on an existing record.

**DECISION CRITERIA:** See Criteria.

**DECISIONS, TYPES OF:**

- (1) **ADMINISTRATIVE:** A discretionary action or permit decision made without a public hearing, but requiring public notification and an opportunity for appeal. Includes limited land use decisions.
- (2) **DISCRETIONARY DECISION:** An action taken by a governmental agency that calls for the exercise of judgment in deciding whether to approve and/or how to carry out a project.
- (3) **LAND USE DECISION:**
  - (a) Includes: A final decision or determination made by a local government or special district that concerns the adoption, amendment or application of: (i) The statewide land use planning goals; (ii) A comprehensive plan provision; or (iii) A land use regulation.

(b) Does **not** include a City decision: (i) Made under land use standards that do not require interpretation or the exercise of policy or legal judgment; (ii) approves or denies a building permit according to clear and objective land use standards; (iii) Is a limited land use decision; or (iv) determines final engineering design, construction, operation, maintenance, repair or preservation of a transportation facility that is otherwise authorized by and consistent with the comprehensive plan and land use regulations; or (v) a decision by a school district to close a school.

(4) **LEGISLATIVE DECISION**: A decision made by City elected officials based on policy considerations and the official's perception of the best course of action. No evidence must be present in the record to support the decision and specific findings of fact based on the record are not required. Legislative decisions typically occur when the City is adopting an ordinance or resolution, or establishing a basic principle or policies, such as during adoption of a comprehensive plan.

(5) **LIMITED LAND USE DECISION**: A final decision or determination made by the City pertaining to a site within the urban growth boundary that concerns: (a) the approval or denial of a subdivision or partition, or (b) the approval or denial of an application based on discretionary standards designed to regulate the physical characteristics of a use permitted outright, including but not limited to site review and design review.

(6) **MINISTERIAL DECISION**: A routine governmental action or decision that involves little or no discretion. Ministerial decisions are not land use decisions.

(7) **QUASI-JUDICIAL DECISION**: A decision by the Planning Commission or City Council that requires notice and a public hearing and requires the City to apply specific criteria in the development code and the comprehensive plan to a land use application. A quasi-judicial decision must be based on substantial evidence in the record.

**DEDICATION**: The turning over by an owner or developer of an interest in private real property for public use, and the acceptance of land for such use by the governmental agency having jurisdiction over the public function for which it will be used.

**DEMAND MANAGEMENT (TRANSPORTATION)**: Actions that are designed to change travel behavior in order to improve performance of transportation facilities and to reduce need for additional road capacity. Methods may include but are not limited to the use of alternative modes, ride-sharing and vanpool programs, and trip-reduction ordinances.

**DENSITY BONUS**: The allocation of development rights that allow a parcel to accommodate additional square footage or additional residential units beyond the maximum for which the parcel is planned or zoned.

**DENSITY(IES)**: A measurement of the number of dwelling units in relationship to a specified amount of land. As used in this Code, density does not include land devoted to street right-of-way.

**DENSITY, GROSS**: Refers to the number of dwelling units for each acre of land, including areas devoted to streets, parks, sidewalks, and other public rights-of-way.

**DENSITY, NET**: The number of dwelling units per buildable area of land, excluding land used for public improvements.

**DEVELOP**: To bring about growth or availability; to construct or alter a structure, to conduct a mining operation, to make a physical change in the use or the appearance of land, to divide land into parcels, or to create or terminate rights to access.

**DEVELOPABLE**: Buildable land, as identified by the City's Comprehensive Plan. Includes both vacant land and land likely to be redeveloped.

**DEVELOPMENT AREA**: The area subject to any application required by this Code.

**DEVELOPMENT (ACTIVITY)**: The act, process or result of developing. Development includes such actions as the division of land, the installation of sewer and water lines, the construction of sidewalks and streets, the cutting of trees, the building of structures.

**DEVELOPMENT, PHASED:** A development project that is developed incrementally, each phase capable of functioning independently of the others.

**DEVELOPMENT (RESULTS):** All improvements on a site, including buildings, other structures, parking and loading areas, landscaping, paved or graveled areas, grading, and areas devoted to exterior display, storage, or activities. Development includes improved open areas such as plazas and walkways, but does not include natural geologic forms or landscapes.

**DEVELOPMENT REVIEW TEAM (DRT):** City staff (and other participating agency staff, e.g., Lebanon Fire District), representing each affected division and department of the City, and affected agencies that meet on a regular basis to review land use requests and development proposals.

**DISCRETIONARY:** Describes a permit action or decision that involves the use of judgment or discretion.

**DOWNTOWN:** An area of the City that includes the Central Business Commercial District, south of Rose Street, north of Oak Street, primarily east of or adjacent to 4<sup>th</sup> Street, and primarily west of or adjacent to Park Street.

**DRAINAGEWAY (or OPEN CHANNEL WATERWAYS or WATERWAY):** The bed and banks of a waterway used to discharge surface waters from a given area. It also includes adjacent areas necessary to preserve and maintain the drainage function. A drainageway may be a natural or constructed watercourse that has the specific function of transmitting stream water or storm run off water from a point of high elevation to a point of low elevation that convey significant seasonal concentrations of water over the surface of the land.

**DRIPLINE:** A roughly circular land area measured beneath a tree or shrub. The approximate center of the area is the trunk of the tree, and the radii are equal to the horizontal measures of the longest branches (canopy or leaf and branch spread).

**DRIVE LANE/TRAVEL LANE:** An improved (e.g., paved) driving surface for one-line of vehicles.

**DRIVEWAY:** Areas that provide vehicular access to a site, except for public and private streets.

**DRIVEWAY APRON/APPROACH:** The edge of a driveway where it abuts a public way; usually constructed of concrete.

**DRIVEWAY, CURB RETURN:** A driveway defined on both sides by a full height curb.

**DRIVEWAY, JOINT USE:** A driveway serving two or more properties.

**DRIVEWAY:** An access for vehicles.

**DROP-OFF SPACE:** A paved, clearly marked short-term (less than 20 minutes) parking space, generally within 50 feet of a main entrance, separated from required parking for staff and long-term visitors.

**DROUGHT-TOLERANT/DROUGHT-RESISTANT PLANTS:** In general, these plants have leaves which are small, thick, glossy, silver-grey or fuzzy - all characteristics that help them save water.

**DSL:** Department of State Lands.

**DUPLEX:** A two-family dwelling. A building with two attached housing units on one lot or parcel.

**DWELLING:** A building or portion thereof that is used exclusively for human habitation.

**DWELLING, ATTACHED SINGLE-FAMILY:** A dwelling that is designed or used exclusively for the occupancy of one family that is attached to one or more separately owned dwellings by common vertical walls. This definition includes but is not limited to townhouses and rowhouses.

**DWELLING, CONDOMINIUM:** A type of residential development offering individual ownership of dwellings and common ownership of open spaces and other facilities.

**DWELLING, SINGLE-FAMILY (DETACHED):** A detached building, or manufactured dwelling, other than a mobile home or trailer house, designed for and occupied by not more than one family, that is not attached to any other dwelling and is surrounded by open space and yards.

**DWELLING, MULTI-FAMILY:** A building or portion thereof designed for occupancy by 3 or more families living independently of each other, with the number of families in residence not exceeding the number of dwelling units provided.

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

**DWELLING UNIT:** A living facility (one or more habitable rooms) that includes provisions for sleeping, eating, cooking and sanitation, as required by the Uniform Building Code, for not more than one family, or a congregate residence for 10 or less persons

## **E**

**EASEMENT:** A right to use a specific area of real property for a particular use that is granted by the owner of the property to the public or to specific persons, firms, and corporations.

**EFFICIENT:** Urban land management and/or development activities that can be supported or accommodated by the land base and existing, and/or proposed facility and services currently or planned to serve the site.

**EFFLUENT:** Any waste discharge (air, water, sewage) resulting from industrial processing and or treatment.

**ELEVATION (OF A BUILDING):** A building face, or scaled drawing of the same, from grade to roof ridgeline.

**ELEVATION:** The term is based on context and is either: **(1)** A vertical distance above or below a fixed reference level; or **(2)** A flat scale drawing of the front, rear or side of a building.

**EMERGENCY SHELTER:** The use of a church, school, motel, hotel, or other approved structure for housing displaced persons due to a natural disaster or other reason on a short term basis.

**ENERGY EFFICIENCY:** Achieving the desired result (i.e., utilization of energy) with a minimum of effort, expense or waste.

**ENGINEER:** A Registered Professional Engineer, licensed by the State of Oregon to practice in a specific branch of engineering.

**ENVIRONMENTALLY SENSITIVE AREAS:** See "Sensitive Lands".

**ESTABLISHED RESIDENTIAL AREA:** An area within a residential zone that was platted prior to the effective date of this Code.

**EVIDENCE:** Application materials, plans, data, testimony and other factual information used to demonstrate compliance or non-compliance with a Code standard or criterion.

**EX PARTE, CONTACT OR COMMUNICATION:** A communication made to the decision maker at the instance of or for the benefit of one party without notice to, contest by, or at least without an opportunity to be heard being given to other parties who will be bound or directly affected by the communication.

**EXCAVATION:** The mechanical removal of earth material.

**EXTENSION OR PROJECTION, (ARCHITECTURAL):** Architectural appendages, including but not limited to, cornices, eave overhangs, porches and balconies extending beyond an exterior wall of a building (See also Accessory Structure).

**EXTENSION, FLOOR AREA:** An increase in the amount of floor area within an existing building.

**EYE-LEVEL:** A height of six feet above ground level.

## **F**

**FAMILY:** **(1)** Two or more persons related by birth, marriage or adoption. **(2)** Two or more persons related by blood, legal adoption, guardianship or marriage living together; or **(3)** Except as may be modified by the Federal Fair Housing Law as it relates to handicapped persons, a group of not more than 5 persons who need not be related (as above) living together in a dwelling unit.

**FAMILY DAY CARE:** See "Child Care Center".

**FCC:** The Federal Communications Commission; the federal agency that regulates interstate communications by radio, television, wire, satellite and cable.

**FELL:** To remove or cut a tree or the intentional use of any procedure, the natural result of which is to cause the death or substantial destruction of the tree. Felling does not include normal trimming, pruning or topping of trees.

**FEMA:** Federal Emergency Management Agency.

**FENCE:** An accessory structure that serves as an enclosure, barrier or screen that is not part of a building.

**FENCE, SIGHT-OBSCURING:** A fence that substantially screens an area or object including but not limited to solid wood or metal fences or wood slatted cyclone fences. Such a fence may be a continuous fence, wall, evergreen planting or combination thereof, constructed and/or planted so as to effectively screen the particular use from view.

**FILL:** Sand, gravel, earth or other approved materials of any composition placed or deposited on the earth's surface by humans.

**FINAL MAP:** The finished drawing of the survey of a property line adjustment that will contain information necessary to comply with this Code and requirements resulting from review of the Preliminary Plan.

**FINAL SITE PLAN:** The site plan to which all construction improvements must conform.

**FINAL SURVEY:** The recorded survey of a property line adjustment that contains information necessary to comply with this Code and any conditions of approval resulting from review of the Preliminary Survey.

**FINDING:** A statement of fact or a conclusion reached after the examination or investigation of the facts.

**FINDINGS (IN A STAFF REPORT OR NOTICE OF DECISION):** A written statement of facts, reasoning in support of conclusions, and determinations based on the evidence presented in relation to adopted criteria that are accepted by the Review Authority in support of a decision.

**FLAG LOT:** A lot or parcel that has access to a road, street or easement, by means of a narrow strip of lot or easement (often referred to as the "flag pole" or "pan handle").

**FLOOR AREA:** The area included within the surrounding exterior walls of a building or portion thereof, exclusive of vent shafts and courts. The floor area of a building or portion thereof, not provided with surrounding exterior walls, shall be the useable area under the vertical projection of the roof or floor above.

**FORESTRY:** The cutting and storing of forest products, the operation of portable sawmills and planers, the production of maple syrup and sugar. Any commercial activity relating to the growing and harvesting of forest tree species. The use of land for the raising and harvesting of timber, pulp woods, and other forestry products for commercial purposes, including the temporary operation of a sawmill and/or chipper to process the timber cut from that parcel or contiguous parcels. Excluded from this definition is the cutting of timber associated with land development approved by the City.

**Related terms:** **(1) Timber** -- Any wood for which any useful articles may be made or that may be used to the advantage in any class of manufacture or construction. Trees of any species maintained for eventual harvest for forest product purposes, whether planted or of a natural growth, standing or down, on privately or publicly owned land, including Christmas trees but excluding nursery stock. **(2) Timber Growing** -- The growing of trees for the production of timber. **(3) Timber Harvesting** -- The cutting and removal of trees from their growing site, and the attendant operation of cutting and skidding machinery but not the construction or creation of roads. Timber harvesting does not include the clearing of land for construction approved under this Code. The commercial cutting of timber.



**FOSTER HOME:** Any dwelling or facility maintained and operated for the boarding and housing of more than 5 children who are not related by blood or marriage to the owner/operator of the dwelling or facility.

**FRATERNAL ORGANIZATION:** A group of people formally organized for a common interest, usually cultural, religious or entertainment, with regular meetings, rituals and formal written membership requirements.

**FRONTAGE STREET OR ROAD:** A minor street that parallels an arterial street in order to provide access to abutting properties and minimize direct access onto the arterial.

**FRONTAGE:** The dimension of a property line abutting a public or private street.

**FUNCTIONAL CLASSIFICATION:** The classification given to streets in the Lebanon Transportation System Plan (TSP) and Comprehensive Plan.

**FUTURE DEVELOPMENT PLAN:** A line drawing (that may be required for some land development or division proposals, or building permits in the City's UGB) that include the following information: the location of future right-of-way dedications based on the TSP and/or CIP, the local street plan or block length and lot size standards of the SDC; a re-division plan at minimum urban density based on the existing zone designation of the property for any lot that is large enough to further divide; and the location of hillsides, riparian areas drainage ways, jurisdictional wetlands and wooded areas showing how future development will address preservation, protection or removal.

## **G**

**GARAGE, REPAIR:** A building used for the repair of motor vehicles, including body and fender work, painting, or engine and transmission overhaul.

**GARAGE:** A completely enclosed accessory building or portion of a main building intended for the parking of motor vehicles.

**GEOTECHNICAL EXPERT:** A civil engineering geologist or a geotechnical engineer certified by the state of Oregon.

**GOAL (STATEWIDE PLANNING):** The mandatory state-wide planning standards adopted by LCDDC pursuant to ORS Chapters 195, 196 and 197. A general, long term aim or end toward that programs or activities are ultimately directed.

**GRADE (GROUND LEVEL):** The average elevation of the finished ground level at the centers of all walls of a building, except that if a wall is parallel to and within 5 feet of a sidewalk, the sidewalk elevation nearest the center of the wall shall constitute the ground level.

**GRADE, AVERAGE FINISHED:** The average finished ground level at the midpoint of all walls of a building. Where walls are parallel to and within 5 feet of a sidewalk, alley or public way, the ground level shall be measured at the elevation of the sidewalk, alley or public way.

**GRADE, FINISHED:** The elevation of the surface of excavation or fill placement.

**GRADE:** The degree of rise or descent of a sloping surface.

**GRADING:** Any stripping, cutting, filling, stockpiling of earth or land, including the land in its cut or filled condition.

**GROCERY STORE:** Stores where most of the floor area is devoted to the sale of food products for home preparation and consumption, and typically also offer other home care and personal care products. Groceries are substantially larger and carry a broader range of merchandise than convenience stores. A grocery store occupies at least 5,000 square feet but not more than 25,000 square feet of gross floor area.

**GROSS ACRE/GROSS ACREAGE:** A measurement of land that occurs before public streets or other areas reserved for public use are deducted from that land.

**GROSS FLOOR AREA:** The total floor area of a building including areas used exclusively for the service of a building; such as: mechanical equipment spaces and shafts; elevators; stairways; escalators and ramps; public restrooms; and enclosed loading docks or ramps.

**GROUND COVER:** A plant material or non-plant material (e.g., mulch, bark chips/dust) that is used to cover bare ground.

**GROUNDWATER:** Water under the earth's surface, often confined to aquifers, capable of supplying wells and springs.

**GROUP CARE HOME:** Any dwelling or facility maintained and operated exclusively for the care, boarding, housing and rehabilitation of more than 15 unrelated persons who are ill, physically or mentally disabled, and/or elderly, the majority of whom generally do not drive an automobile. This definition includes but is not limited to homes for the aged, nursing homes and congregate care facilities.

## **H**

**HABITAT:** Any area where there is naturally occurring food and cover for wildlife.

**HAMMERHEAD TURNAROUND:** A "T" or "L" shaped dead-end street that allows for vehicles to turn around.

**HARDSCAPE:** Non-plant landscape materials, including pathways, decorative pavers, benches, drinking fountains, arbors, pergolas, playgrounds, plazas, and similar amenities.

**HARDSHIP:** See adverse project impacts.

**HAZARDOUS MATERIALS:** (1) Materials described as hazardous by Oregon Department of Environmental Quality. (2) Any material that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment. The term includes, but is not limited to, hazardous substances and hazardous wastes. Also see adopted Fire Code.

**HAZARDOUS WASTE:** Consistent with the Federal Resource Conservation and Recovery Act, a waste or a combination of wastes, that because of its quantity, concentration, or physical, chemical or infectious characteristics may cause or significantly contribute to an increase in serious irreversible illness or pose a substantial present or potential hazard to human health, safety, welfare or to the environment when improperly treated, stored, transported, used or disposed of, or otherwise managed, however, not to include solid or dissolved materials in irrigation return flows or industrial discharges that are point sources subject to permits under the Federal Water Pollution Control Act of 1967 as amended.

**HEARINGS AUTHORITY (OR BODY):** Either the Planning Commission or City Council as applicable for the given land use action.

**HOME OCCUPATION:** A lawful occupation carried on in a dwelling by a resident of the dwelling, where the occupation is secondary to the main use of the property as a residence. Generally Home Occupations are small commercial ventures that could not necessarily be sustained if it were necessary to lease commercial quarters or that, by the nature of the venture, are appropriate in scale and impact to be operated within a residence.

**HOMEOWNERS ASSOCIATION:** A non-profit association governed by a declaration of protective restrictions, conditions, covenants, and charges made by the developer through which each lot owner or other described land area owner of a development is automatically subject. The purpose of the homeowner's association is to provide reasonable rules and regulations to enforce the covenants and restrictions and to keep, control, and maintain the common properties within the development. The association also provides for the assessment procedure to assure necessary funds. If the property is to be developed in phases, all phases shall belong to the same association.

**HOSPITAL:** An institution devoted primarily to the provision of healing, curing and nursing care that maintains and operates facilities for the diagnosis, treatment and care of two or more non-related individuals suffering from illness, injury or deformity.

**HOTEL/MOTEL:** Any building or group of buildings used for transient residential purposes containing guest rooms used for sleeping purposes.

**HUMAN-SCALE DESIGN/DEVELOPMENT:** Site and building design elements that are dimensionally related to pedestrians, such as: small building spaces with individual entrances (e.g., as is typical of downtowns and main street developments); larger buildings that have articulation and detailing to break up large masses; narrower streets with tree canopies; smaller parking areas or parking areas broken up into small components with landscaping; and pedestrian amenities, such as sidewalks, plazas, outdoor seating, lighting, weather protection (e.g., awnings or canopies), and similar features. These features are all generally smaller in scale than those that are primarily intended to accommodate automobile traffic.

## I

**IMPACTS, SIGNIFICANT, SUBSTANTIAL, OR MAJOR:** **(1) Transportation Impacts:** According to the State's Transportation Planning Rule (TPR), an impact to a transportation facility is deemed *significant* (or *substantial* or *major*) if the level of the service of the facility is degraded in a measurable manner (e.g., for a traffic facility an adverse change in LOS or V/C ratio). **(2) General Land Use Impacts:** The impacts of a development may be said to be *significant* (or *substantial* or *major*) impacts if more than the immediate neighborhood is affected. **(3) Impacts to Systems (e.g., Public Utilities):** An impact to a system is deemed *significant* (or *substantial* or *major*) if it is reasonably determined to result in the need for system improvement, the cost of which will significantly exceed the sum of the development impact fees to be generated from the project of the sum agreed to be paid pursuant to a development agreement, or result in the need for system improvements that are not identified in the Capital Improvements Plan.

**IMPERVIOUS SURFACE:** Any surface that either prevents or retards the entry of water into soil. Common impervious surfaces include, but are not limited to, rooftops, walkways, patios, driveways, parking lots and/or storage areas, concrete or asphalt paving, gravel surfaces with compacted subgrade, packed earthen materials and oiled macadam or other surfaces that similarly impede the natural infiltration of stormwater. Open, uncovered retention/detention facilities shall not be considered impervious surfaces.

**IMPROVEMENT AGREEMENT:** A written agreement between a property owner and the City in which the City agrees to defer the construction of public improvements required for the development in return for specific commitments from the owner.

**INCIDENTAL AND SUBORDINATE TO:** A use or portion of a development that is secondary to, and less apparent, than the primary use or other portion of the development.

**INCIDENTAL EQUIPMENT:** Rooftop or pole mounted structures that cast insubstantial shadows or have minimal visual impact, including but not limited to antennas, chimneys and flagpoles, but excluding solar collectors and satellite dishes. (See also Accessory Structure.)

**INCREASE IN IMPACT/INCREASED IMPACT:** Increased impacts include additional traffic or noise generation, additional run-off or increase in impervious surface, additional shadow casting or diminished views, additional air or water borne pollution, additional hours of operation, or an increase in the risk of fire or structural hazard.

**INFILL:** The use of vacant or under-developed parcels of land within existing developed residential areas.

**INVASIVE PLANTS:** Non-native plants that spread quickly, are highly competitive and difficult to control or eliminate. Invasive plants are listed in Chapter 8.13 of the Lebanon Municipal Code.

## J

**JOINT USE (OR SHARED) ACCESS AGREEMENT:** A agreement between two or more property owners that describes the rights and responsibilities of each owner regarding the use of a shared access to a public street.

**JUNK YARD:** An area where a person is engaged in breaking up, dismantling, sorting, storing, distributing, buying, selling, packing or bailing any scrap, waste material, junk or used equipment or machinery of any nature.

## **K**

**KENNEL:** Any premises on which 3 or more dogs over the age of 6 months are housed, groomed, boarded, trained or sold for compensation.

## **L**

**LAND DIVISION:** The process of dividing land to create parcels or lots.

**LAND USE:** The main activity that occurs on a piece of land, or the structure in which the activity occurs (e.g., residential, commercial, mixed use, industrial, open space, recreation, street rights-of-way, vacant, etc.).

**LAND USE DECISION:** See Decisions (Type of).

**LAND USE REGULATION:** A local development code (or zoning ordinance or regulation, or land division ordinance) that establishes standards (regulations) for implementing the comprehensive plan.

**LANDSCAPE ARCHITECT:** A person registered with the State of Oregon to practice Landscape Architecture.

**LANDSCAPING:** Any combination of living plants such as trees, shrubs, plants, vegetative ground cover or turf grasses, and may include structural features such as walkways, fences, benches, plazas, works of art, reflective pools, fountains or the like. Landscaping also includes irrigation systems, mulches, topsoil, and revegetation or the preservation, protection and replacement of existing trees.

**LANE, MID-BLOCK LANE:** A narrow, limited use roadway facility usually used to access a limited number of dwelling units. Similar to an alley in design.

**LATERALS:** The sewer lines that connect users to sewer mains.

**LEGISLATIVE:** See Decisions (Type of).

**LEVEL OF SERVICE (LOS):** A Measure of Transportation Carrying Capacity-- An indicator of the extent or degree of service provided by or proposed to be provided by a facility based on and related to the operational characteristics of the facility See "**Volume to Capacity Ratio (v/c)**" for the current standard used in Oregon to measure a street's carrying capacity.

**LIMITED LAND USE DECISION:** See Decisions (Type of).

**LIVESTOCK:** Domestic animal types customarily raised or kept on farms.

**LOADING SPACE:** An off street space or berth serving a development area for the temporary parking of commercial vehicles while loading or unloading, that does not block driveway aisles and has appropriate means of ingress and egress.

**LOCAL IMPROVEMENT DISTRICT (LID):** A district formed for the purpose of carrying out local improvements (paving of streets, construction of storm sewers, development of a park, etc.).

**LOCAL STREET:** See Streets.

**LOS:** See Level of Service.

**LOT:** A unit of land that is created by subdivision.

**LOT AREA:** The total surface area (measured horizontally) within the lot lines of a lot exclusive of public and private streets and easements of access to other property.

**LOT, CORNER:** A lot at least two adjacent sides of which abut streets other than alleys, provided the angle of intersection of the adjacent streets does not exceed 135 degrees.

**LOT COVERAGE:** The area of a lot covered by a building or buildings expressed as a percentage of the total lot area.

**LOT DEPTH:** The distance from the midpoint of the front lot line to the midpoint of the rear lot line.

**LOT FRONTAGE:** That portion of a lot that abuts a street. For the purpose of determining yard requirements, all sides of a lot abutting a street shall be considered frontage.

**LOT, INTERIOR:** A lot other than a corner lot and having frontage on only one street.

**LOT, MINIMUM AREA OF:** The smallest lot area on which a use or structure may be located in a particular district.

**LOT LINE:** A line of record bounding a lot that divides one lot from another or from a public or private street or any other public space.

**LOT LINE, FRONT:** The lot line separating the lot from a street other than an alley, and in the case of a corner lot. Either lot line may be designated as the front lot line.

**LOT LINE, REAR:** The lot line that is opposite and most distant from the front lot line. For a triangular shaped lot, the "rear lot line" shall be a line 10 feet in length entirely within the lot, connecting the side lot lines, that is parallel to the front lot line or parallel to the chord of a curved front lot line.

**LOT LINE, SIDE:** Any lot line not a front or rear lot line.

**LOT, PAN PORTION:** The portion of a panhandle lot, exclusive of the panhandle, on which a structure may be placed.

**LOT, PANHANDLE:** A lot that has access to a public right of way by means of a narrow strip of land, commonly known as the "panhandle".

**LOT, THROUGH:** A lot with frontage on 2 streets that are approximately parallel and do not intersect at the boundaries of the lot.

**LOT WIDTH:** The average horizontal distance between the midpoints of side lot lines, ordinarily measured parallel to the front lot line. The "handle" of a panhandle lot is not included when computing lot width.

**LOWEST FLOOR:** The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built to render the structure in violation of the applicable non-elevation design requirements.

## **M**

**MAIN/PRIMARY ENTRY/ENTRANCE:** A main entrance is the entrance, or entrances, to a building that most pedestrians are expected to use. Generally, smaller buildings have one main entrance. Main entrances may also be the widest entrance of those provided for use by pedestrians. In multi-tenant buildings, main entrances open directly into the building's lobby or principal interior ground level circulation space. When a multi-tenant building does not have a lobby or common interior circulation space, each tenant's outside entrance is a main entrance. Buildings may also have main entrances opening directly into a reception or sales areas, a courtyard, or plaza.

**MAJOR: See IMPACTS.**

**MAJOR ELECTRICAL TRANSMISSION LINE:** An electrical transmission line that carries 115 KV or more of electricity.

**MALL:** A shopping center where stores front on both sides of a pedestrian way that may be enclosed or open.

**MANEUVERING AREA/AISLE:** The driving area in a parking lot where motor vehicles are able to turn around and access parking spaces.

**MANUFACTURED DWELLING:** Includes residential trailers, mobile homes, and manufactured homes. **(1)** Residential Trailer: a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, is being used for residential purposes and was constructed before January 1, 1962. **(2)** Mobile Home: a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy that is being used for residential purposes and was constructed between January 1, 1962 and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction. **(3)** Manufactured Home: a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy that is being used for residential purposes and was constructed on or after June 15, 1976 in accordance with federal safety standards regulations in effect at the time of construction.

- MANUFACTURED DWELLING PAD:** A paved space in a manufactured dwelling park for the placement of a manufactured dwelling that includes utility connections.
- MANUFACTURED DWELLING SPACE:** Any portion of a manufactured dwelling park that is designated or used for occupancy of one manufactured dwelling, including its accessory structures and its outdoor living areas, but exclusive of space provided for the common use of tenants such as roadways and guest parking.
- MANUFACTURED DWELLING SPACE LINE:** A line within a manufactured dwelling park that establishes setback distances from streets, accessory buildings or structures and other manufactured dwellings.
- MANUFACTURED HOME CONSTRUCTION STANDARDS:** A single-family dwelling or structure with a Department of Housing and Urban Development (HUD) label certifying that the structure is constructed in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974 (current as most recent amendments) [State Law].
- MANUFACTURED HOME PARK:** A place where four or more manufactured dwellings are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent space to any person for a charge or fee paid or to be paid for the rental use of facilities or to offer space free in connection with securing the trade or patronage of such person. "Manufactured dwelling park" does not include a lot or lots located within an approved subdivision being rented or leased for occupancy by no more than one mobile home per lot if the subdivision was approved by the City.
- MINERALS:** Includes soil, coal, stone, crushed hard rock quarry products, metallic ore and any other solid material or substance excavated for commercial, industrial or construction use from natural deposits. "Minerals" do not include loam, sand, gravel or other aggregate materials created and/or deposited by water movement.
- MINISTERIAL:** See Decisions (Type of).
- MINI-WAREHOUSE:** A 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 goods or wares.
- MITIGATION:** To avoid, rectify, repair, or compensate for negative impacts that result from other actions, such as land use development. To moderate (a quality or condition, such as adverse project impacts)) in force or intensity; or alleviate. To lessen the seriousness, severity or extent of a negative situation or condition, or to lessen or minimize the severity of hazardous conditions.
- MIXED-USE DEVELOPMENT:** Mixed use is the co-location of various types of uses within a single building, complex or site. For example, Mixed Use Development may include residential with commercial, or with public or institutional uses, or multi-family with single family dwellings. Mixed Use Development may be "vertical" (e.g., housing above ground floor commercial), and/or "horizontal" (housing in one or more buildings, and commercial or other uses in other buildings on a site, or multi-family dwellings and single family dwellings on a site), or both vertical and horizontal mixed use on a mixed use site.
- MOBILE HOME:** A structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy that is being used for residential purposes and was constructed between January 1, 1962 and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.
- MOBILE HOME PARK:** A lot upon which 2 or more mobile homes or trailer houses occupied for living or sleeping purposes are located, regardless of whether a charge is made for such accommodation. "Mobile home park" does not include a lot or lots located within an approved subdivision being rented or leased for occupancy by no more than one mobile home per lot if the subdivision was approved by the City
- MODIFICATION:** (1) A request to change a final approval of any development proposal. (2) An adjustment to any quantitative standard of this Code.

**MULTI-FAMILY HOUSING:** Multi-family housing means housing that provides more than 3 dwellings on an individual lot (e.g., multi-plexes, apartments, condominiums, etc.).

**MULTI-MODAL:** Transportation facilities or programs designed to serve many or all methods of travel, including all forms of motor vehicles, public transportation, bicycles and walking.

**MULTI-USE PATHWAY:** Pathways for both pedestrians and bicycles.

## **N**

**NATIONAL REGISTER OF HISTORIC PLACES:** The official list, established by the National Historic Preservation Act, of sites, districts, buildings, structures and objects significant in the nation's history or whose artistic or architectural value is recognized.

**NATIVE PLANTS, NATIVE VEGETATION:** Plant species that are indigenous to a local area and adaptable to the local climate, soils and hydrology as distinguished from plant species that have been deliberately or accidentally imported or introduced from other areas by humans or human activities.

**NATURAL HAZARDS:** Natural hazards include floods, landslides, earthquakes, winter storms, high velocity wind storms, wildland fires. Natural hazards pose risks or threats to people and the built environment.

**NATURAL HAZARDS AREAS:** Natural hazard areas include but are not limited to steep slopes, areas with unstable soils, areas prone to landslides, and flood areas.

**NATURAL RESOURCE AREAS/NATURAL RESOURCES:** See Sensitive Lands.

**NATURAL RESOURCES:** These include but are not limited to water and geologic features, significant natural vegetation, wildlife habitats and archaeological and scenic resources as inventoried.

**NEEDED HOUSING:** Housing types determined to meet the need shown for housing within an urban growth boundary at particular price ranges and rent levels. "Needed housing" also means: **(a)** Housing that includes, but is not limited to, attached and detached single-family housing and multiple housing for both owner and renter occupancy; **(b)** Government assisted housing; **(c)** Mobile home or manufactured dwelling parks; and **(d)** Manufactured homes on individual lots planned and zoned for single-family residential use that are in addition to lots within designated dwelling subdivisions.

**NEGATIVE IMPACTS (ON PUBLIC UTILITIES AND INFRASTRUCTURE):** Determinations are based on degradation (e.g., pre- versus post-development rates/conditions) of such measures as service levels, volumes/capacities in the City's adopted Master Plans. Negative Impacts may include threats to the health, welfare, and safety of a neighborhood and/or the community as a whole. (Also see Adverse Project Impacts.)

**NEIGHBORHOOD:** **(1)** A geographic area lived in by neighbors and usually having distinguishing character. **(2)** An area made up of one or more subdivisions or housing developments with geographic features or manmade features such as major roads or rail lines that provide distinctive boundaries to the area.

**NEIGHBORHOOD COLLECTOR (STREET):** See Streets.

**NEIGHBORHOOD COMMERCIAL:** Small neighborhood shopping clusters that serve the frequent recurring needs for residents; typical uses might include a grocery store, delicatessen, meat market or bakery, barber shop and beauty shop, drug, sundry, hobby and gift store, laundromat, coffee shop.

**NEIGHBORHOOD PARK:** A park that provides easily accessible recreation areas serving neighborhood citizens and providing high density active or passive use.

**NEIGHBORHOOD-SCALE DESIGN:** Site and building design elements that are dimensionally related to housing and pedestrians, such as narrower streets with tree canopies, smaller parking areas, lower building heights (as compared to downtown areas) and similar neighborhood characteristics. These features are generally smaller in scale than those that are primarily intended to accommodate automobile traffic.

**NEIGHBORING:** The area in the immediate vicinity of a proposed development that would be materially affected by a proposal.

**NET FLOOR AREA:** The portion of a building designated for the primary use. Net Floor Area does not include any space within a building used for such secondary uses as off-street parking, loading, or service functions not primary to the use. For example, in a restaurant, Net Floor Area is the area for public use (e.g., dining area, but not the kitchen).

**NOISE ATTENUATING BARRIER:** A structural barrier designed and constructed with the primary function of containing sound within a specific use area.

**NOISE SENSITIVE PROPERTY:** Real property normally used for sleeping, or normally used for schools, churches, hospitals or public libraries, excepting industrially related residential uses (e.g., night watchman quarters).

**NON-COMMERCIAL AGRICULTURAL USES:** The raising of crops, plants or farm animals on property for the sole use of the owners or tenants of that property and not for wholesale or retail sale.

**NONCONFORMING STRUCTURE OR LOT:** A lawfully existing structure or lot at the time this Code or any amendment thereto becomes effective that does not conform to the dimensional or similar standards of the zone in which it is located.

**NONCONFORMING USE:** A lawfully existing use at the time this Code or any amendment thereto becomes effective that does not conform to the use requirements of the zone in which it is located.

**NON-NATIVE INVASIVE/NOXIOUS PLANTS:** Non-native plants that spread quickly, are highly competitive and difficult to control or eliminate. (See Invasive Plants.)

**NOTICE (WRITTEN NOTICE OF A PUBLIC EVENT):** Examples of notice include the following: **(1)** The announcement of a decision of the City by mail to adjacent property owners/occupants within a required distance of a subject property indicating the nature of the decision and the method of appeal; the announcement of **(2)** any impending land use request requiring an administrative review, or **(3)** the announcement of a public hearing by mail to property owners/occupants within a required distance of the subject property and advertisement in a newspaper of general circulation in the area, indicating the time, place and nature of the public hearing in compliance with State Law.

**NURSING HOME:** A home, place or institution that operates and maintains, facilities providing convalescent or chronic care, or both, for a period exceeding 24 hours for 2 or more ill or infirm patients not related to the nursing home administrator by blood or marriage.

## O

**OAR:** Oregon Administrative Rule(s).

**OCCUPANCY, CERTIFICATE OF:** A certificate allowing occupancy of a structure or development area after it has been determined that the requirements of this Code and other applicable Codes have been met. No structure or development area may be occupied without having first received a Certificate of Occupancy.

**ODOT:** The Oregon Department of Transportation.

**OERS:** Oregon Emergency Response System.

**OFF-STREET PARKING:** Off-street areas designed, used, required or intended to be used for the parking of motor vehicles.

**ON-STREET PARKING:** Parking in the street right-of-way, typically in parking lanes or bays. Parking may be “parallel” or “angled” in relation to the edge of the right-of-way or curb.

**OPEN SPACE:** Land within a development that has been designed for common use within a development, or dedicated to the public specifically for the purpose of providing places for active or passive recreation, conservation or other open space uses. Open Space can be either land or water essentially unimproved and set aside, dedicated, designed or reserved for public use or enjoyment, or for the use and enjoyment of owners and occupants of land abutting or neighboring such open space.



**OPEN SPACE, COMMON:** Land normally within or related to a development, not individually owned or dedicated for public use, that is designed and intended for the common use or enjoyment of the residents of the development and may include recreational and other accessory structures and improvements in accordance with this Code.

**OPEN SPACE, PRIVATE:** Areas intended for the private use of an individual dwelling unit, normally including patios and landscaped areas; not to include off street parking, maneuvering, loading or delivery areas, and designed for outdoor living and recreation.

**OPEN SPACE, PUBLIC:** Areas intended for public use, either privately owned and maintained or dedicated to the City, normally including swimming pools, recreation courts, patios, open landscaped areas, and greenbelts with pedestrian, equestrian, and bicycle trails, not to include off street parking or loading areas or driveways, and designed for outdoor living and recreation or the retention of an area in its natural state.

**ORDERLY:** An established, objective, and routine method, application or activity.

**ORIENTATION:** To cause to face toward a particular point of reference (e.g., "A building oriented to the street").

**ORS:** Oregon Revised Statute(s).

**OUTDOOR COMMERCIAL USE:** A use supporting a commercial activity that provides goods or services, either wholesale or retail, where the amount of site area used for outdoor storage of materials or display of merchandise exceeds the total floor area of all buildings on the site. Examples of outdoor commercial uses include automobile sales or services, nurseries, lumberyards and equipment rental businesses.

**OUTDOOR STORAGE:** The keeping in an unroofed area of any goods, junk, material, merchandise or vehicles for more than 24 hours.

**OUTDOOR STORAGE AREA:** An area dedicated to the outdoor storage of vehicles, equipment or materials as a primary use, including but not limited to: vehicle, equipment and boat sales or rental lots; commercial storage lots; mobile/manufactured home, camper and RV sales lots; fleet parking lots; and lumber, gardening, fuel and other similar building material yards.

**OUTDOOR STORAGE YARD:** A secondary use that occurs on any property for the purpose of the outdoor storage of associated materials and equipment, other than wrecking yards.

**OUTRIGHT PERMITTED LAND USES:** See Permitted Outright Land Uses.

**OVERLAY ZONE:** A special zone that is applied "over" or in addition to a base zone. Properties with an overlay zone become subject to the requirement of both the base zone and the overlay zone.

**OVERSIZING:** Construction of improvements in public utilities (e.g., waterlines, sewer lines) greater in capacity than required to serve a proposed development.

**OWNER:** Any person, agent, firm or corporation having a legal or equitable interest in the property.

## **P**

**PARCEL:** A unit of land created by partitioning land. A Parcel does not include a unit of land created solely to establish a separate tax account.

**PARK:** Open space land on which the primary purpose is managed for recreational uses.

**PARKING:** The temporary storage of operational motor vehicles that are not for sale, lease or rent and that are intended to be used for customers and employees of a business and industry or residents and visitors in a residential development.

**PARKING BAY:** An extension of the width of a street that allows for the parking of motor vehicles, usually associated with hillside development.

**PARKING LOT PERIMETER:** The boundary of a parking lot area that usually contains a landscaped buffer area.

- PARKING LOT:** An off-street area with a permanently maintained paved surface, for the parking of motor vehicles.
- PARKING SPACES, DISABLED:** A parking space that is reserved for use by disabled persons who hold an appropriate permit.
- PARKING SPACES, OFF-STREET:** An approved space for the parking of a motor vehicle that is not located on a dedicated street right-of-way.
- PARKING SPACES, ON-STREET:** An approved space for the parking of a motor vehicle that is located on a dedicated street right-of-way.
- PARKING SPACE:** A permanently maintained paved surface with proper access for one standard size or compact automobile. Parking spaces may include on and off street spaces designated for automobile or bicycle parking in areas planned for industrial, commercial, institutional or public uses. The following are not considered parking spaces: park and ride lots, handicapped parking, and parking spaces for carpools and vanpools.
- PARKWAY:** Parkways are complete routes or segments of two-lane and multi-lane highways and planned multi-lane highways that provide for safe and efficient moderate to high speed and high volume traffic movements. Their primary function is to provide for interurban travel and connections to major destinations with minimal interruptions. Pedestrian facilities and bikeways are separated from the roadway.
- PARTITION LAND:** The division of land into 2 or 3 parcels within a calendar year. "Partition land" does not include: **(1)** A division of land resulting from a lien foreclosure, foreclosure of a recorded contract for the sale of real property or the creation of cemetery lots. **(2)** An adjustment of a property line by the relocation of boundaries where an additional unit of land is not created and where the existing unit of land reduced in size by the adjustment is not in conflict with any applicable Code or ordinance; or **(3)** A sale or grant by a person to a public agency or public body for state highway, county road, City street or other right of ways purposes provided that such road or right of way complies with the applicable comprehensive plan. Any property divided by the sale or grant of property for state highway, county road, City street or other right of way purposes shall continue to be considered a single unit of land until such time as the property is further subdivided or partitioned; **(4)** The division of land resulting from the recording of a subdivision or condominium plat; or **(5)** A sale or grant by a public agency or public body of excess property resulting from the acquisition of land by the state, a political subdivision or special district for highways, county roads, City streets or other right of way purposes when the sale or grant is part of a property line adjustment incorporating the excess right of way into adjacent property.
- PARTITION PLAT:** A final map and other writing containing all the descriptions, locations, specifications provisions and information concerning a partition.
- PARTY:** The following persons or entities are defined as parties: **(1)** The applicant for a land use decision and all owners or contract purchasers of record, as shown in the files in the Linn County Department of Assessment and Taxation, of the property that is the subject of the application, and **(2)** Any person who appears before the Approval Authority or participates in the land use decision.
- PASSIVE SOLAR ENERGY SYSTEM:** A solar energy system that uses natural and architectural components to collect and store solar energy without using any external mechanical power.
- PATHWAY:** Usually though not exclusively a hard surfaced area intended and suitable for use by pedestrians, including sidewalks and surfaced portions of accessways. (Also see Accessway.)
- PEDESTRIAN AMENITY(IES):** Pedestrian amenities serve as informal gathering places for socializing, resting, and enjoyment of a specific sections of the City's (e.g., the *Main Street Downtown area*) and contribute to a pedestrian friendly district. Such amenities might include: a plaza, courtyard, square or extra-wide sidewalk next to a building entrance; sitting space (i.e., dining area, benches or ledges between a building entrance and sidewalk; building canopy, awning, pergola, or similar weather protection).

**PEDESTRIAN CONNECTION:** A continuous, unobstructed, reasonably direct route between two points that is intended and suitable for pedestrian use. Pedestrian connections include but are not limited to sidewalks, walkways, accessways, stairways and pedestrian bridges. On developed parcels, pedestrian connections are generally hard surfaced. In parks and natural areas, pedestrian connections may be soft-surfaced pathways. On undeveloped parcels and parcels intended for redevelopment, pedestrian connections may also include rights of way or easements for future pedestrian improvements.

**PEDESTRIAN FACILITY:** An improvement provided for the benefit of pedestrian travel, including walkways, sidewalks, crosswalks, median refuges, signs, signals, illumination and benches.

**PEDESTRIAN SCALE:** Site and building design elements that are dimensionally less than those intended to accommodate automobile traffic, flow and buffering. Examples include ornamental lighting of limited height; bricks, pavers or other modules of paving with small dimensions; a variety of planting and landscaping materials; arcades or awnings that reduce the height of walls; and signage and signpost details that can only be perceived from a short distance.

**PEDESTRIAN TRAIL:** A surfaced path that is designed and reserved for the exclusive use of pedestrian travel.

**PEDESTRIAN WAY:** A paved right of way through a block to facilitate pedestrian access to adjacent streets and properties.

**PERFORMANCE STANDARD:** A land development regulation technique in which development standards are based upon established criteria related to the effect of the development on the land or on abutting properties. This technique measures the throughput (or externalities) generated by a development to determine if the outcomes of activity in question are in compliance with the established criteria.

**PERMANENT IRRIGATION SYSTEM:** An approved water piping system installed underground for the purpose of irrigating all portions of planted areas.

**PERMITTED OUTRIGHT OR OUTRIGHT PERMITTED LAND USES:** A Permitted Outright or Outright Permitted (OP) Land Use is a use for which a Building Permit is issued after a Site Review determines that all setbacks and other lot and building site requirements are satisfied.

**PERSON:** The state or a public or private corporation, local government unit, public agency, individual, partnership, association, firm, trust, estate or any other legal entity.

**PHYSICAL FEATURES:** These features include, but are not limited to significant clusters of trees and shrubs, watercourses shown on the Zoning Map and their riparian areas, wetlands and rock outcroppings.

**PLAN:** An adopted document used to focus long-range planning for either specific areas or the entirety of the Urban Growth Boundary. Examples of plans include the Comprehensive Plan, facility plans, master plans, and specific area plans.

**PLANNED:** A future project, event, or land area use that has been anticipated and prepared for, usually with a site plan, a land use plan and/or the Capital Improvement Program and Budget.

**PLANNING AREA:** An area of coordinated planning management outside the Lebanon Urban Growth Boundary as defined by the City of Lebanon/Linn County Urban Growth Management Agreement (UGMA).

**PLANNING COMMISSION:** The Planning Commission of the City of Lebanon, Oregon.

**PLANNING OFFICIAL:** An employee of the City of Lebanon appointed by the City Council (the City Administrator or his/her designee) with duties and authority as designated by the Council including the enforcement of the provisions of the Lebanon Development Code.

**PLANNING PERIOD:** The twenty-year period beginning with the date of adoption of a TSP.

**PLANTER STRIP, TREE CUTOUT:** A landscape area for street trees and other plantings within the public right-of-way, usually between the street and a sidewalk.

**PLAT:** A map of a partition or subdivision, prepared as specified in State Law, and recorded with the Linn County Assessor's Office.

**PLAZA:** A public square or extra-wide sidewalk (e.g., as on a street corner) that allows for special events, outdoor seating, sidewalk sales, and similar pedestrian activity.

**PLOT PLAN:** A rough sketch map of a site plan or land division of sufficient accuracy to be used for the purpose of the identification of issues and development impacts.

**POCKET PARK:** A small park, usually less than one-half acre.

**POLICY:** A statement of the way in which programs and activities are conducted to achieve an identified goal. A general direction set by the City, in order to meet its goals through implementation measures or action programs.

**PREFABRICATED DWELLING:** A building or structural unit that has been in whole or substantial part manufactured at an off-site location to be wholly or partially assembled on-site, but does not include a mobile home, trailer or recreational vehicle.

**PRELIMINARY APPROVAL:** The approval prior to final approval, after specific elements of a development or site plan have been reviewed for compliance with the applicable land use regulations by the approval authority.

**PRELIMINARY DESIGN:** An engineering design that specifies in detail the location and alignment of a development, such as a planned transportation facility or improvement.

**PRIMARY:** The largest or most substantial element or use on the property, as in “primary” use: residence, entrance, etc.

**PRIMARY STRUCTURE:** A structure of chief importance or function on a site. In general, the primary use is carried out in a primary structure. (See also Accessory Structure.)

**PRIVATE PARK:** A park available for public use owned by a non-public agency or private individual.

**PROFESSIONAL OFFICE:** An office occupied by doctors, dentists, accountants, attorneys, optometrists, architects, professional engineers or surveyors or persons engaged in similar occupations.

**PROPERTY LINE ADJUSTMENT:** The relocation or elimination of a common boundary line between two lots or parcels.

**PUBLIC FACILITIES (UTILITIES):** Public facilities include Transportation (e.g., streets, roads, alleys, parking lots), Public Use Areas, Sanitary Sewer, Water Service, Storm Drainage, Utilities, and Easements.

**PUBLIC FACILITIES:** Institutional, academic, governmental and community service uses, publicly owned and/or operated, by public nonprofit organizations.

**PUBLIC HEARING:** A meeting announced and advertised in advance and open to the public, with the public given an opportunity to provide testimony.

**PUBLIC IMPROVEMENTS:** Development of public facilities.

**PUBLIC IMPROVEMENT STANDARDS:** A manual of design standards and procedures prepared by the Public Works Department and adopted by resolution of the City Council. These standards and procedures are applicable to public and private improvements and allow City staff to provide certainty to developers and consultants to ensure safe, efficient, and cost effective transportation, sanitary sewer, and stormwater management system projects within the City and its Urban Growth Boundary.

**PUBLIC STREET:** A public right-of-way in public ownership.

**PUBLIC WORKS DIRECTOR:** The Director of Public Works or an authorized representative.

## Q

**QUARRY AND MINING EXTRACTION OPERATION:** All or any part of the process of removing mineral deposits exposed by any method, including open-pit mining operations, auger mining operations, shaft mining, the construction of borrow pits, processing of extracted minerals and exploration activities. Quarry mining and extraction operation does not include normal road maintenance and stabilization of hillsides.

**QUARRY AND MINING OPERATOR:** A individual, public or private corporation, political subdivision, agency, board or department of this State, or a partnership, association, firm, trust, estate or any other legal entity whatsoever that is engaged in quarry and extraction operations.

**QUARRY AND MINING OWNER:** The person possessing legal rights to the mineral deposit being mined.

**QUASI-JUDICIAL:** See Decisions (Type of).

## R

**REASONABLY DIRECT:** A route that does not deviate unnecessarily from a straight line or a route that does not involve significant out-of-direction travel for likely users.

**RECREATION CENTER, COMMUNITY:** A public, indoor facility providing for a variety of recreation/leisure-related activities, such as: swimming, meetings, court sports, arts and crafts, dancing, banquets, parties, games, day-care, classes/instruction, performances, fitness/exercise, and social referral services.

**RECREATIONAL TRAILS:** Recreational trails are trails designed to provide walking, bicycling and other non-motorized means of linking various parts of the community.

**RECREATIONAL VEHICLE (RV):** A vacation trailer or other unit, with or without motive power, that is designed for human occupancy and to be used temporarily for recreational, seasonal or emergency purposes and has a gross floor space of less than 400 square feet. The term includes camping trailers, camping vehicles, motor homes, park trailers, bus conversions, van conversions, tent trailers, travel trailers, truck campers and any vehicle converted for use or partial use as a recreational vehicle. The unit shall be identified as a recreational vehicle by the manufacturer or converter.

**REDEVELOPABLE LAND:** Land on which development has already occurred but, due to present or expected market forces, there exists the strong likelihood that existing development will be converted to more intensive uses during the planning period.

**REDEVELOPMENT:** A process used in developed areas to rehabilitate and infill underused areas more efficiently and/or replace blighted areas by changing the types of uses, intensities or densities of the land uses, usually to achieve an economically higher and better use of the land. Maintenance activities such as repavement are not considered redevelopment.

**REDEVELOPMENT, SIGNIFICANT OR MAJOR:** Involves alterations and changes exceeding 50% of the existing development on a site over any five consecutive years.

**REFINEMENT PLAN (TRANSPORTATION):** An amendment to the transportation system plan, that resolves, at a systems level, determinations on function, mode or general location that were deferred during transportation system planning because detailed information needed to make those determinations could not reasonably be obtained during that process.

**REFINEMENT PLAN (or Neighborhood Refinement Plan):** A development plan for a designated geographic area that provides more detail on future street and utility locations, and may include additional standards for uses. An example is the 2003 Russell Drive Neighborhood Refinement Plan.

**REGISTERED GEOLOGIST:** A person who is registered as a geologist by the State of Oregon.

**REGISTERED GEOTECHNICAL ENGINEER, CIVIL ENGINEERING GEOLOGIST OR A GEOTECHNICAL EXPERT:** A person who is registered and certified by the state of Oregon in the field of civil engineering geology and/or geotechnical engineering.

- RELEVANT TESTIMONY:** “Relevant testimony” is testimony that addresses criteria applicable to the land use action in question.
- RELIGIOUS FACILITY:** A place of worship or religious assembly with related facilities, such as the following in any combination: parsonage, rectory, convent, monastery, meeting hall, offices for administration of the institution.
- REPLAT:** The act of platting the lots, parcels and easements in a recorded subdivision or partition plat to achieve a reconfiguration of the existing subdivision or partition plat or to increase or decrease the number of lots in the subdivision.
- RESERVE STRIP:** A strip of property, usually one foot in width, controlling access to a street.
- RESIDENCE:** See “Dwelling”.
- RESIDENTIAL FACILITY:** A home licensed by or under the authority of the Oregon Department of Human Resources that provides residential care alone or in conjunction with treatment or training or a combination thereof for 6 to 15 individuals who need not be related. Staff persons required to meet Department of Human Resources licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential facility. This definition includes the following: residential facilities, residential care facilities, residential treatment facilities and residential training facilities
- RESIDENTIAL HOME:** A home licensed by or under the authority of the Oregon Department of Human Resources that provides residential care alone or in conjunction with treatment or training or a combination thereof for 5 or fewer individuals who need not be related. Staff persons required to meet Department of Human Resources licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any other resident of the residential home. This definition includes residential treatment homes, residential training homes and adult foster homes.
- RESIDENTIAL, MULTIPLE FAMILY:** See Dwelling, Multi-Family.
- RESIDENTIAL, SINGLE FAMILY:** See Dwelling, Single-Family (Attached & Detached).
- RESIDENTIAL USE:** Activities within land areas used predominantly for housing.
- RETAIL:** Activities that include the sale, lease or rent of new or used products to the general public or the provisions of product repair or services for consumer and business goods. Retail trade may include wholesale trade, but only as a secondary use. Hotels or motels, restaurants or firms involved in the provisions of personal services or office space are not considered retail uses.
- RETAINING WALL:** An engineered structure constructed to hold back or support an earthen bank.
- REVIEW AUTHORITY:** The City Staff (e.g., Planning Official) or City body (e.g., Lebanon Planning Commission, Lebanon Historic Landmark Commission, Lebanon City Council) that has the jurisdiction to review and make a decision on a land use request or application. (Also see Approval Authority.)
- RIDGE LINE (BUILDING):** The top of a roof at its highest elevation.
- RIGHT-OF-WAY:** Land that is owned in fee simple by the public, usually for transportation facilities. A strip of land acquired by purchase, reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary/storm sewer and other similar facilities.
- RIPARIAN AREA:** The water influenced area adjacent to a river, lake or stream consisting of the area of transition from a hydric ecosystem to a terrestrial ecosystem where the presence of water directly influences the soil-vegetation complex and the soil-vegetation complex directly influences the water body. It can be identified primarily by a combination of geomorphologic and ecologic characteristics. A riparian area may be located adjacent to a lake, reservoir, estuary, spring, bog, wet meadow, slough, or ephemeral, intermittent or perennial stream
- ROADS:** Streets, roads and highways.
- ROADWAY:** The portion of a street right of way used for vehicular traffic.

- ROOF PITCH:** The slope of a roof, usually described as ratio (e.g., 1 foot of rise per 2 feet of horizontal distance).
- ROOMING HOUSE:** A building or portion thereof where lodging, but not meals, is provided for more than 2 weeks for compensation. This definition excludes bed and breakfast facilities.
- RUNOFF:** That portion of rain or snow that does not percolate into the ground and is instead discharged into streams and/or other conveyance systems.

## S

- SAFE DRINKING WATER ACT (SDWA):** A federal law established in 1974, to protect drinking water and its sources (rivers, lakes, reservoirs, springs and ground water) and sets standards for drinking water quality and oversees the states, localities, and water suppliers who implement those standards.
- SANITARY SEWER FACILITIES (SEWERAGE):** The structure or systems designed for the collection, transmission, treatment, or disposal of sewage, and this includes trunk mains, interceptors, treatment plants and disposal systems.
- SCREEN:** A visual barrier obscuring an abutting or neighboring structure or use by fencing, walls, berms or densely planted vegetation.
- SCREENING:** A method of blocking or reducing that that is unsightly or offensive through the use of plant materials, berms, fences and/or walls, or a combination thereof.
- SDCs (SYSTEM DEVELOPMENT CHARGES):** System development charge means a reimbursement fee, an improvement fee or a combination thereof assessed or collected at the time of increased usage of a capital improvement, at the time of issuance of a development permit or building permit, or at the time of connection to the capital improvement. System development charge includes that portion of a sewer or water system connection charge that is greater than the amount necessary to reimburse the City for its average cost of inspecting and installing connections with water and sewer facilities. System development charge does not include fees assessed or collected as part of a local improvement district or a charge in lieu of a local improvement district (LID) assessment, or the cost of complying with requirements or conditions imposed by a land use decision. (See also LMC 13.12.030)
- SEISMIC:** Caused by or subject to earthquakes or earth vibrations.
- SENIOR HOUSING:** Housing designated and/or managed for persons generally over the age of 55.
- SENSITIVE LANDS:** Wetlands, significant trees, steep slopes, flood plains and other natural resource areas designated for protection or conservation by the Comprehensive Plan.
- SERVICE STATION, AUTOMOBILE:** A place or station designed and used primarily for the supply of motor fuel, oil, lubrication and accessories to motor vehicles, but excluding major repair and overhauling. Such a facility may provide minor repair and service when conducted entirely within an enclosed building, and may include incidental services. "Minor repair and service", as used in this definition, shall be understood to exclude activities such as painting, body-work, steam cleaning, tire recapping and engine overhaul.
- SETBACK (REQUIRED):** The required minimum distance between a property line and a building, or other feature, in which development is restricted (e.g., buildings, fence height and placement).
- SHADOW PROJECTION:** The shadow projected by an object on December 21<sup>st</sup> at 44 degrees north latitude between the hours of 10 A.M. and 2 P.M.
- SHARED DRIVEWAY:** When land uses on two or more lots or parcels share one driveway. An easement or tract (owned in common) may be created for this purpose.
- SHARED PARKING:** Parking facilities requirements for two or more uses, structures, or parcels of land that may be satisfied by the same parking facilities used jointly, to the extent that the owners or operators show that the need for parking facilities does not materially overlap (e.g., uses primarily of a daytime versus nighttime nature), and provided that the right of joint use is evidenced by a deed, lease, contract, or similar written instrument establishing the joint use.

**SHARED USE PATH:** A bikeway physically separated from motorized vehicular traffic by an open space or barrier and either within the highway right-of-way or within an independent right-of-way. Shared use paths may also be used by pedestrians, skaters, wheelchair users, joggers, and other nonmotorized users.

**SHELTER HOME:** Any dwelling or facility maintained and operated to provide temporary housing for homeless, abused or battered persons who are not related by blood or marriage to the owner/operator of the dwelling or facility.

**SHOPPING CENTER:** A group of commercial establishments planned, developed and managed as a unit with off-street parking and circulation provided on the property.

**SIDEWALK:** A walkway constructed of concrete or other durable surface, and designed for pedestrian use. A sidewalk is usually separated from the roadway by a curb or landscaping strip,

**SIGN:** See Signage section of Glossary.

**SIGNIFICANT VEGETATION:** Individual trees that have a minimum caliper of 12 inches for deciduous trees, and 18 inches for evergreens (at 4 1/2 feet above grade).

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

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

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

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

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

**SITE:** A lot, parcel or tract that is the subject of a permit application under this Code. A "site" may include lots, parcels or tracts that are contiguous and in diverse ownership where development is to be performed as part of a unit, subdivision, or project.

**SITE AREA:** The total square footage or acreage of a lot, parcel or tract proposed for a development, excluding existing or required rights-of-way.

**SITE PLAN:** The development plan for a development area that meets the standards of this Code.

**SITE PLAN REVIEW, SITE REVIEW, SITE DESIGN REVIEW, DEVELOPMENT REVIEW:** A planning review process conducted by the Planning Official, Planning Commission or City Council to assure that a proposed development of land is **(1)** in conformance with applicable land use requirements, and **(2)** designed in a manner that provides both high levels of design and environmental compatibility, and that **(3)** the proposed development will not be detrimental to the public health, safety and general welfare or to adjacent properties.

**SITE PLAN REVIEW (ENGINEERING):** A City Engineering Services Division review of engineered site plans to determine compliance with all conditions of approval and applicable public improvement standards (see Public Improvement Standards).

**SLOPE:** Land gradient described as the vertical rise divided by the horizontal run, and expressed in percent.

**SOLAR COLLECTOR:** A device or combination of devices, structure or part of a device or structure that transforms direct solar energy into chemical, thermal, or electrical energy and that contributes significantly to a structure's energy supply.

**SOLAR EASEMENT:** A private or public agreement that protects the solar access of an actual or proposed solar collector or structure or that limits the obstruction of the solar access.

**SOLAR ENERGY SYSTEM:** Any device, structure, mechanism or series of mechanisms that uses solar radiation as a source for heating, cooling, or electrical energy.



**SOLAR FEATURE:** A device or combination of devices or elements that does or will use direct sunlight as a source of energy for such purposes as heating or cooling of a building, heating or pumping of water, and generating electricity. Examples of a solar feature include a window oriented to within 45 degrees east and west of true south, a solar greenhouse, or a solar hot water heater. A solar feature may be used for purposes in addition to collecting solar energy, including but not limited to serving as a structural member or part of a roof, wall or window. A south-facing wall enclosing an unheated area, and without windows and without other features that use solar energy is not a solar feature for the purposes of this Code (for example, an unheated garage).

**SOLAR SETBACK:** The distance from the northern lot line to the shade point, measured from the mid-point of the northern lot line and extending in a southerly direction.

**SOLAR OR SOUTH-FACING:** True south or 20 degrees east of magnetic south.

**SPECIFIC AREA PLAN:** A Specific Area Plan describes in more detail the type of development planned for a specific area than is typically found in a comprehensive plan, zone map, or public facilities plan. The area covered by a specific plan can include multiple parcels and landowners, or a single large parcel. All land use applications for property within the specific plan area are required to comply with the plan district policies and regulations.

**STANDARD TRANSPORTATION IMPROVEMENTS:** (1) Normal operation, maintenance, repair, and preservation activities of existing transportation facilities. (2) Installation of culverts, pathways, medians, fencing, guardrails, lighting, and similar types of improvements within the right-of-way; projects specifically identified in the Transportation System Plan as not requiring further land use regulation. (3) Landscaping as part of a transportation facility. (4) Emergency measures necessary for the safety and protection of property. (5) Acquisition of right-of-way for public roads, highways, and other transportation improvements designated in the Transportation System Plan. (6) Construction of a street or road as part of an approved subdivision or land partition approved consistent with the applicable Development Code provisions. (7) Other related improvements as determined by the City Engineer.

**STANDARD:** A criterion that defines the meaning of a policy by providing a way to measure its attainment. "Standard" includes but is not limited to (1) requirements in the Development Code that govern building and development, such as site-design regulations, including lot area, height limit, frontage, and landscaping; and, (2) a rule or measure establishing a level of quality or quantity that must be complied with or satisfied, such as the number of acres of park land per 1,000 population that the community will attempt to acquire and improve, or the intersection level of service (LOS) that the transportation standards require. Also see Criteria.

**START OF CONSTRUCTION:** Means the date of the actual start of construction, repair, reconstruction, placement, or other improvement, provided the activity was within 180 days of the date the building permit was issued. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footing, piers, or foundation, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

**STATE:** The State of Oregon.

**STEEP SLOPES:** Slopes of equal to or greater than 15 percent.

**STORMWATER FACILITY:** A detention and/or retention pond, swale, or other surface water feature or constructed facility that provides storage during high-rainfall events and/or water quality treatment.

**STORMWATER MANAGEMENT SYSTEM:** The structures, facilities, and practices utilized by the City and/or a development to control and manage the quantity and quality of groundwater discharges and surface water run-off, including stormwater run-off, non-storm generated run-off and floodwaters.

- STORMWATER:** Water derived from a storm event or conveyed through a storm sewer water management system.
- STREET/ROAD:** A public or private way for travel by vehicles, bicycles and pedestrians, as per City codes. Any roadway and associated right of way that provides access to one or more lots and that is a part of the City-wide street system.
- STREET ACCESS:** See “Access,” “Access Easement,” and Access Management.”
- STREET CONNECTIVITY:** The number of street connections within a specific geographic area.
- STREET FURNITURE/FURNISHINGS:** Benches, lighting, bicycle racks, drinking fountains, mailboxes, kiosks, and similar pedestrian amenities located within a street right-of-way.
- STREET STUB:** A temporary street ending where the street is intended to be extended through adjacent property in the future, as those properties develop. Not a permanent street-end or dead-end street.
- STREET TREE:** A tree planted in a planter strip or tree cutout.
- STREET, IMPROVED:** A street that includes a fully paved surface, curb, gutter, storm drainage, sidewalk, street trees (where applicable) and street lighting, all constructed to City standards.
- STREET, PRIVATE:** Any roadway and associated land that is functionally similar to a public street, constructed to City standards, but not dedicated to the City.
- STREET, UNIMPROVED:** A street that lacks any of the features of an improved street.
- STREETS (FUNCTIONAL CLASSIFICATIONS):**
- (1) **ALLEY:** A service way providing means of public access to abutting property and not intended for general traffic circulation.
  - (2) **ARTERIAL STREETS:** The primary functions of these facilities are to: **(a)** serve local and through traffic as it enters and leaves the urban area; **(b)** connect Lebanon with other urban centers and regions; and, **(c)** provide connections to major activity centers within the UGB. Emphasis should be on traffic flow, pedestrian and bicycle movements.
  - (3) **COLLECTOR STREETS:** The primary function of collector streets is to provide connections between neighborhoods/major activity centers and the arterial street system. Some degree of access is provided to adjacent properties, while maintaining circulation and mobility for all users. Collector Streets include the following subcategories: **(a)** Service Collectors carry lower traffic volumes at slower speeds than major and minor arterials. **(b)** Neighborhood Collector Streets: Similar in function to collectors, however land use along its route is generally residential in nature. The intensity of development at intersections along its route is also generally less intense than might occur for standard collectors. **(c)** Collector streets within residentially zoned areas should be two-lane collectors. and **(d)** collector streets within industrially or commercially zoned properties should be two-lane collectors constructed with a center turn lane.
  - (4) **LOCAL STREET:** Local streets have the primary function of providing access to adjacent land. Service to through-traffic movement on local streets is deliberately discouraged by design. Residential local streets serve a traffic function as well as being important to neighborhood identity.
- STRIP COMMERCIAL:** Commercial development set in a linear pattern along one or both sides of a street.
- STRUCTURAL ALTERATION:** Any change to the supporting members of a structure including foundations, bearing walls or partitions, columns, beams, girders, or structural change in the roof or in the exterior walls.
- STRUCTURE:** Anything that is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.
- SUBDIVIDE LAND:** To divide lot or parcel into 4 or more lots in a calendar year.
- SUBDIVISION PLAT:** A final map and other writing containing all the descriptions, locations, dedications, provisions and information concerning a subdivision.
- SUBDIVISION:** The process of dividing land into four or more lots within a single calendar year.

**SUPERMARKET:** Stores where most of the floor area is devoted to the sale of food products for home preparation and consumption, and typically also offer other home care and personal care products. Supermarkets are substantially larger and carry a broader range of merchandise than grocery stores. A supermarket occupies more than 25,000 square feet of gross floor area.

**SURVEY:** The location of the legal boundaries of an area and the division of that area into parcels or lots, streets and other features with all necessary corners or dividing lines marked or monumented, prepared by a surveyor.

**SURVEYOR:** A registered professional land surveyor licensed in the State of Oregon.

**SWALE:** A type of storm water facility. Usually a broad, shallow depression with plants that filter and process contaminants.

## **T**

**TENTATIVE PLAN:** A clearly legible drawing of the parcels or lots and other elements of a partition or subdivision that furnishes the basis for the approval authority to approve or disapprove the general layout of the development.

**TERRACE:** A porch or promenade supported by columns, or a flat roof or other platform on a building.

**TIMBER, TIMBER GROWING, TIMBER HARVESTING:** See Forestry.

**TOP OF BANK:** For a given watercourse, the top of bank is the same as the "bankfull stage". The "bankfull stage" is defined as the stage or elevation at which water overflows the natural banks of streams or other waters of the state and begins to inundate the upland. The ground elevations on both sides of the watercourse are examined and the lower grade break elevation; the elevation where water would leave the channel in a particular reach is used. The elevation of the lower bank controls the bank full elevation for a watercourse reach. The edge of the bankfull watercourse typically corresponds to the start of the floodplain. The start of the floodplain is often characterized by: (1) A berm or other break in slope from the watercourse bank to a flat valley bottom, terrace or bench; (2) A change in vegetation from bare surfaces or annual water-tolerant species to perennial water tolerant or upland species; and (3) A change in the size distribution of surface sediments (e.g., gravel to fine sand).

**TOPOGRAPHICAL CONSTRAINT:** Where existing slopes prevent conformance with a Code standard, or conventional development standard.

**TPR:** State of Oregon's Transportation Planning Rule.

**TRACT, PRIVATE/PUBLIC:** One or more contiguous lots or parcels in the same ownership that is set aside in a separate area for dedication to the public, a homeowner's association, or other entity (e.g., open space, recreation facilities, sensitive lands, etc.).

**TRAFFIC IMPACT ANALYSIS:** Traffic Impact Analyses are studies of transportation related development (including off-street parking and loading) that take into account the impacts upon the transportation system, including the street grid, access, access management, circulation, and transportation improvements. These studies may include the following: **(1)** An analysis of the effect of traffic generated by a development on the capacity, operations, and safety of the public street and highway system. **(2)** An analytical and informational document professionally prepared by a licensed professional traffic engineer or civil engineer in connection with a specific proposed land use application that forecasts, describes, and suggests ways of off-setting the traffic effects of the proposed new activities within a geographic area. **(3)** A study or analysis of how any use, plan or development will affect traffic in a surrounding area. **(4)** A study that assesses the impacts of a proposed development on the existing and future multi-modal transportation network. A traffic impact analysis includes recommendations for mitigation measures to address the anticipated impacts as well as analysis of the adequacy of the development's planned access points. See also "Traffic Impact Study."

**TRAFFIC IMPACT MITIGATION MEASURE:** Any measure or improvement taken by or required of the developer in order to lessen, abate, or reduce the traffic impact of the development on the public street and highway system.

**TRAFFIC IMPACT STUDY:** An analysis of the effects of a proposed development on the transportation system, and of traffic impacts on neighboring properties. See also “Traffic Impact Analysis.”

**TRAFFIC IMPACT:** An adverse traffic impact as represented by an increase in congestion, worsening of level of service, or reductions in safety and efficiency.

**TRAFFIC MODEL:** A mathematical representation of traffic movement within an area or region based on observed relationships between the kind and intensity of development in specific areas.

**TRAFFIC STUDY:** A limited analysis of the operational aspects and traffic safety issues of a particular development area, including but not limited to on-site traffic circulation and access design and operation.

**TRANSPORTATION FACILITIES:** As identified in State Law such as the TPR, any physical facility that moves or assist in the movement of people or goods including facilities (e.g., streets, sidewalks, pathways, bike lanes, airports, transit stations and bus stops, etc.), but excluding electricity, sewage and water systems.

**TRANSPORTATION MODE:** Streets, sidewalks, pathways, bike lanes, airports, transit stations and bus stops, etc.; the method of transportation (e.g., automobile, bus, walking, bicycling, etc.)

**TRANSPORTATION NEEDS:** Estimates of the movement of people and goods consistent with acknowledged comprehensive plan and the requirements of this rule. Needs are typically based on projections of future travel demand resulting from a continuation of current trends as modified by policy objectives, including those expressed in Goal 12 and the TPR, especially those for avoiding principal reliance on any one mode of transportation.

**TRANSPORTATION PROJECT DEVELOPMENT:** Implementing the transportation system plan (TSP) by determining the precise location, alignment, and preliminary design of improvements included in the TSP based on site-specific engineering and environmental studies.

**TRANSPORTATION SYSTEM MANAGEMENT MEASURES:** Techniques for increasing the efficiency, safety, capacity or level of service of a transportation facility without increasing its size. Examples include, but are not limited to, traffic signal improvements, traffic control devices including installing medians and parking removal, channelization, access management, ramp metering, and restriping of high occupancy vehicle (HOV) lanes.

**TRANSPORTATION SYSTEM PLAN (TSP):** A plan for one or more transportation facilities that are planned, developed, operated and maintained in a coordinated manner to supply continuity of movement between modes, and within and between geographic and jurisdictional areas.

**TRIPLEX:** A building with three attached housing units on one lot or parcel.

**TRUCK ROUTE:** A path of circulation designated for all vehicles exceeding set weight or axle limits.

**TSP:** City of Lebanon’s Transportation System Plan.

## **U**

**UNBUILDABLE:** Land that because of natural conditions, location, or shape is unsuitable for urban development.

**UNDERDEVELOPED:** Land that is not developed to its full potential.

**URBAN AREA:** Lands within the City boundary.

**URBAN GROWTH AREA (UGA):** The UGA is that area within the Urban Growth Boundary (UGB) and outside City limits.

**URBAN GROWTH BOUNDARY (UGB):** A line that circumscribes the Urban Growth Area and the City Limits.

**URBAN LAND:** Land that is located within an incorporated City.

**URBANIZABLE LAND:** Urbanizable lands are those lands within the urban growth boundary, and have thus been identified and (a) determined to be necessary and suitable for future urban uses, (b) can be served by urban services and facilities, and (c) are needed for the expansion of the City Limits.

**USE:** The purpose for which land or a structure is designed, arranged or intended, or for which it is occupied and maintained.

**USE CATEGORY:** A grouping of land uses that have similar operating characteristics and land use impacts.

**USE, NON-CONFORMING:** The use of land or structures, or the size, height, location or number of structure that was lawful at the time it was established but that currently does not comply with existing standards or provisions of this Code.

**USE, PERMITTED:** Any use allowed in a land use zone and subject to the restrictions applicable to that land use zone.

**USE, PRIMARY:** The principal use approved in accordance with this Code.

**USE, RE-USE:** Any change in use, tenancy or occupancy of a building.

**USE, SECONDARY:** Any approved use of land or a structure that is incidental and subordinate to the primary use, and located on the same development area as the primary use.

**USE, TEMPORARY:** A use established for a fixed period of time that does not involve the construction or alteration of any permanent structure.

**UTILITY PROVIDER:** Any agency or private company that provides the public with electricity, gas, heat, steam, communications, rail transportation, water, sewage collection, or other similar service.

**UTILITY SUBSTATIONS OR STRUCTURES:** Any aboveground structure, except an antenna or utility pole and associated appurtenances, that a provider constructs, erects, or places on a site, and is attached or affixed to something having a permanent location on or under the ground which is used to provide its services to customers.

## V

**VACANT LAND:** Land identified as undeveloped land.

**VACANT:** Lands or buildings that are not actively used for any purpose.

**VACATE PLAT/STREET:** To abandon a subdivision or street right-of-way. For example, *vacation* of a public right-of-way that is not needed or cannot be used for a street or other public purpose. A plat may be vacated, returning the property to an undivided condition.

**VARIANCE:** An approved request to lessen or otherwise modify certain requirements of this Code. A “major” (Class 3) “Variance” (see Adjustments).

**VISION CLEARANCE AREA:** See Clear Vision Area.

**VOLUME TO CAPACITY RATIO (V/C):** For transportation, a standard of a street’s carrying capacity, measured for the peak traffic hour. The V/C ratio is calculated by the peak hour traffic volume (vehicles/hour) on a section of highway divided by the maximum volume that the highway section can handle.

## W

**WALKWAY:** See Accessway.

**WAREHOUSING:** The storage of finished and unfinished products and materials within an entirely enclosed building. This use may include facilities for regional wholesale distribution, if permitted by the applicable zoning district.

**WATERCOURSE:** Rivers, streams, sloughs, drainages including intermittent stream and seeps, ponds, lakes, aquifers, wetlands and other waters of the state. This definition also includes any channel in which a flow of water occurs, either continuously or intermittently, and if the latter with some degree of regularity. Watercourses may be either natural or artificial.

**WETLAND:** Wetlands are areas inundated or saturated by surface or ground water at a frequency and duration that are sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions (State Law).

**WHOLESALE TRADE:** Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies. Wholesale trade does not include storage and sale of bulk fuel oil, bulk fuel, explosives or other hazardous material, or live animal sales other than small domestic pets when such sales are made from the premises. Wholesale trade by brokerage only, with no display or storage of merchandise on the premises, is a Business Office use.

**WORKING DAY:** Monday through Friday, exclusive of official City holidays.

**WRECKING YARD/SALVAGE YARD:** Any lot or structure used for the storage, dismantling or sale of inoperable motor vehicles, trailers, machinery and/or building materials or parts.

## X

## Y

**YARD (REQUIRED):** An open space defined by required setbacks (i.e., between the setback line and respective property line) on a lot that is unobstructed from the ground upward, except as otherwise provided in this Code.

**YARD (FRONT):** A yard between side lot lines, measured horizontally at right angles from the front lot line.

**YARD (REAR):** A yard between side lot lines, measured horizontally at right angles from the rear lot line.

**YARD (SIDE):** A yard between the front and rear yard, measured horizontally at right angles from the side lot line.

**YARD (STREET SIDE):** A yard adjacent to a street between the front yard and rear lot line, measured horizontally at right angles from the street side lot line.

## Z

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

**ZONE:** A district or section of the City in which certain land uses are permitted and others are prohibited by the provisions of this Code.

**ZONING:** In general, the demarcation of an area by ordinance or Code (text and map) into zones and the establishment of regulations to govern the uses within those zones (commercial, industrial, residential, type of residential) and the location, bulk, height, shape, use, and coverage of structures within each zone.

**ZONING MAP:** Official Map delineating the boundaries of the various land use zones within the City limits that are adopted and maintained by the City. The Zoning Map implements the Lebanon Comprehensive Plan Map when land in the UGB is annexed into the City Limits. The Land Use Zones are established in both the Comprehensive Plan and in this Code.

## 16.32.030 Aviation Related Terminology and Definitions

*Definitions Based on State's Model Ordinance*

**(See Chapter 16.11, Section 16.11.020)**

**Aircraft:** Helicopters and airplanes, but not hot air balloons or ultralights. (FAR Part 30 governs Balloons, and ultralights by FAR Part 103. Ultralights are basically unregulated by the FAA.)

**Airport:** The strip of land used for taking off and landing aircraft, together with all adjacent land used in connection with the aircraft landing or taking off from the strip of land, including but not limited to land used for existing airport uses.

**Airport Direct Impact Area:** The area located within 5,000 feet of an airport runway, excluding lands within the runway protection zone and approach surface.

**Airport Elevation:** The highest point of an airport's usable runway, measured in feet above mean sea level.

**Airport Imaginary Surfaces:** Imaginary areas in space and on the ground that are established in relation to the airport and its runways. For the Lebanon airport, the imaginary surfaces are defined as the primary surface, runway protection zone, approach surface, horizontal surface, conical surface and transitional surface.

**Airport Noise Criterion:** The State criterion for airport noise is an Average Day-Night Sound Level (Ldn) of 55 decibels (dBA).

**Airport Noise Impact Boundary:** Areas located within 1,500 feet of an airport runway or within established noise contour boundaries exceeding 55 Ldn.

**Airport Control Zone ("AC" Zone) and Airport Safety Zone (AS) :** The City's AC Zone and AS Zone place additional land use conditions on land impacted by the airport while retaining the existing underlying zone. The AC and AS Zones are thus "overlay zones." The Airport Use Zone and Noise Impact Boundary comprise the AC Zone; the airport's "imaginary" zones (i.e., imaginary surfaces, and direct impact area) comprise the AS Zone. Use limitations may apply to these two airport overlay zones and any subcomponents.

**Airport Secondary Impact Area:** The area located between 5,000 and 10,000 feet from an airport runway.

**Airport Sponsor:** The owner, manager, or other person or entity designated to represent the interests of an airport.

**Airport Uses:** Those uses described in OAR 660-013-0100 and 660-013-0110.

**Airport Use Zone:** The Airport Use Zone of the Lebanon Airport is identical to the property line of the Airport (see "Use Zone" for details)

**Approach Surface:** A surface beginning at the end of the primary surface (200' beyond the end of the paved runway) that is longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface.

- (1) The inner edge of the approach surface is the same width as the primary surface and it expands uniformly to a width of:
  - (a) 1,250 feet for a utility runway; or
  - (b) 1,500 feet for a runway other than utility runway.
- (2) The approach surface extends for a horizontal distance of 5,000 feet at a slope of 20 feet outward for each foot upward.
- (3) The outer width of an approach surface will be that width prescribed in this subsection for the most precise approach existing or planned for that runway end.

**Average Day-Night Sound Level (Ldn):** Average day-night sound level is the FAA standard measure for determining the cumulative exposure of individuals to noise. Ldn is the equivalent of noise levels produced by aircraft operations during a 24-hour period, with a ten-decibel penalty applied to the level measured during nighttime hours (10:00 p.m. to 7:00 am).

**Conical Surface:** An element of the airport imaginary surfaces that extends outward and upward from the periphery of the horizontal surface at a slope of 20:1 for a horizontal distance of 4,000 feet and a vertical height of 350 feet above the airport elevation.

**Department of Aviation:** The Oregon Department of Aviation.

**FAA:** Federal Aviation Administration.

**FAA's Technical Representative:** As used in this Code, the federal agency providing the FAA with expertise on wildlife and bird strike hazards as they relate to airports. This may include, but is not limited to, the USDA-APHIS-Wildlife Services.

**FAR:** "Federal Aviation Regulation." A regulation issued by the FAA.

**FAR Part 77:** Regulation, Part 77, "Objects Affecting Navigable Airspace," establishes standards for determining obstructions to navigable airspace.

**Height:** The highest point of a structure or tree, plant or other object of natural growth, measured from mean sea level.

**Horizontal Surface:** A horizontal plane 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the primary surface of each runway of each airport and connecting the adjacent arcs by lines tangent to those arcs. The radius of each arc is 5,000 feet for all runways designated as utility.

**Obstruction:** Any structure or tree, plant or other object of natural growth that penetrates an imaginary surface.

**Other than Utility Runway:** A runway that is constructed for and intended to be used by turbine-driven aircraft or by propeller-driven aircraft exceeding 12,500 pounds gross weight.

**Primary Surface:** A surface longitudinally centered on a runway. When a runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway. When a runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The width of the primary surface is:

- 250 feet for utility runways with only visual approaches,
- 500 feet for utility runways having non-precision instrument approaches,

**Public Assembly Facility:** A permanent or temporary structure or facility, place or activity where concentrations of people gather in reasonably close quarters for purposes such as deliberation, education, worship, shopping, employment, entertainment, recreation, sporting events, or similar activities. Public assembly facilities include, but are not limited to, schools, churches, conference or convention facilities, employment and shopping centers, arenas, athletic fields, stadiums, clubhouses, museums, and similar facilities and places, but do not include parks, golf courses or similar facilities unless used in a manner where people are concentrated in reasonably close quarters. Public assembly facilities also do not include air shows, structures or uses approved by the FAA in an adopted airport master plan, or places where people congregate for short periods of time such as parking lots or bus stops.

**Runway:** A defined area on an airport prepared for landing and takeoff of aircraft along its length.



**Runway Protection Zone (RPZ) :** An area that begins at the end of the primary surface (200' off each end of the runway) and is used to enhance the protection of people and property on the ground. The RPZ is trapezoidal in shape and centered about the extended runway centerline. The inner width of the RPZ is the same as the width of the primary surface. The outer width of the RPZ is a function of the type of aircraft and specified approach visibility minimum associated with the runway end. The RPZ extends from each end of the primary surface for a horizontal distance of 1,000 feet. [NOTE: the outer width of the RPZ is specified by airport type in OAR 660, Division 13, Exhibit 4]

**Significant Bird Strike Hazards:** As it relates to bird strike hazards, "significant" means a level of increased flight activity by birds across an approach surface or runway that is more than incidental or occasional, considering the existing ambient level of flight activity by birds in the vicinity.

**Structure:** Any constructed or erected object, that requires a location on the ground or is attached to something located on the ground. Structures include but are not limited to buildings, decks, fences, signs, towers, cranes, flagpoles, antennas, smokestacks, earth formations and overhead transmission lines. Structures do not include paved areas.

**Transitional Surface:** Those surfaces that extend upward and outward at 90 degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to the point of intersection with the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces, that project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at a 90 degree angle to the extended runway centerline.

**Use Zone (Airport):** The parameters of the Use Zone of the Lebanon Airport are identical to the property line of the Airport. The function of this zone is to set a side an area in which many aeronautic related activities are permitted as outright uses, and others are permitted as conditional uses.

**Utility Runway:** A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 maximum gross weight and less.

**Visual Runway:** A runway intended solely for the operation of aircraft using visual approach procedures, where no straight-in instrument approach procedures or instrument designations have been approved or planned, or are indicated on an FAA-approved airport layout plan or any other FAA planning document.

**Water Impoundment:** Includes wastewater treatment settling ponds, surface mining ponds, detention and retention ponds, artificial lakes and ponds, and similar water features. A new water impoundment includes an expansion of an existing water impoundment except where such expansion was previously authorized by land use action approved prior to the effective date of this Code.

## 16.32.040 Flood Plain Overlay Zone Terminology and Definitions

(See Chapter 16.11, Section 16.11.070)

Technical Definitions of "Uncommon" words or phrases used in Section 16.11.070. See Federal Emergency Management Agency (FEMA) for further details.

**Appeal (for Flood Plain issues):** "Appeal" means a request for a review of the City Administrator or his/her designates interpretation of any provisions of the codified in this Chapter or a request for a variance. Planning Official and Planning Commission decisions can be appealed pursuant to the procedures described in Chapter 16.20 of this Code.

**Area of Special Flood Hazard:** "Area of special flood hazard" means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. Designation on maps always includes the letters A or V.

**Base Flood:** "Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the "one-hundred-year flood." Designation on maps always includes the letters A or V.

**Basement:** "Basement" means any area of the building having its floor subgrade (below ground level) on all sides.

**Below-Grade Crawl Space:** "Below-Grade Crawl Space" means an enclosed area below the base flood elevation in which the interior grade is not more than two feet below the lowest adjacent exterior grade and the height, measured from the interior grade of the crawlspace to the top of the crawlspace foundation, does not exceed 4 feet at any point.

**Critical Facility:** "Critical Facility" means a facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to schools, nursing homes, hospitals police, fire and emergency response installations, installations which produce, use or store hazardous materials or hazardous waste.

**Development:** "Development" means a man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials located within the area of special flood hazard.

**Elevated Building:** "Elevated Building" means for insurance purposes, a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns.

**Existing Manufactured Home Park or Subdivision:** "Existing Manufactured Home Park or Subdivision" means a manufactured home park subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the adopted floodplain management regulations.

**Flood or Flooding:** "Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from: **[a.]** The overflow of inland or tidal waters; and/or **[b.]** the unusual and rapid accumulation of runoff of surface waters from any source.

**Flood insurance Rate Map (FIRM):** "Flood insurance rate map (FIRM)" means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

**Flood Insurance Study:** "Flood insurance study" means the official report provided by the Federal Insurance Administration that includes flood profiles, the flood boundary-floodway map, and the water surface elevation of the base flood.

**Floodway:** "Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

**Lowest Floor:** “Lowest floor” means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building’s lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Code (see Section 16.11.070.N.2 of this code).

**Manufactured Home:** “Manufactured home” means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term “manufactured home” also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than one hundred eighty consecutive days.

**Manufactured Home Park or Subdivision:** “Manufactured home park or subdivision” means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**New Construction:** “New construction” means structures for which the start of construction commenced on or after the effective date of this Code.

**Recreational Vehicle:** “Recreational vehicle” means a vehicle which is: **[a.]** Built on a single chassis; **[b.]** Four hundred square feet or less when measured at the largest horizontal projection; **[c.]** Designed to be self-propelled or permanently towable by a light duty truck; and **[d.]** Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

**Start of Construction:** “Start of construction” includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within one hundred eighty days of the permit date. The “actual start” means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavations for a basement, footings, piers or foundation, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, as that term is defined hereafter, the “actual start of construction” means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**Structure:** “Structure” means a walled and roofed building including a gas or liquid storage tank that is principally above ground.

**Substantial Damage:** “Substantial damage” means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty percent of the market value of the structure before the damage occurred.

**Substantial Improvement:** **[a.]** “Substantial improvement” means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure either: **(1)** Before the improvement or repair is started; or **(2)** If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not alteration affects the external dimensions of the structure. **[b.]** The term does not, however, include either: **(1)** Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum (comply with existing state or local health, sanitary or safety code specifications which are solely) necessary to assure safe living conditions; or **(2)** Any alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places.

**Variance:** “Variance” means a grant of relief from the requirements of the provisions codified in this Chapter that permits construction in a manner that would otherwise be prohibited by this Code.

**Water Dependent:** “Water Dependent” means a structure for commerce or industry which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations.

## 16.32.050 Wireless Communications Terminology and Definitions

The following terminology and definitions apply to terms used in Chapter 16.17.

**Antenna:** “Antenna” for Wireless Communications means a specific device used to receive or capture incoming and/or to transmit outgoing communications transmitted from, or to be received by, other antennas. Antennas regulated by this chapter include omni-directional (or “whip”) antennas, directional (or “panel”) antennas, parabolic (or “dish”) antennas, and any other devices designed for the reception and/or transmission of radio-frequency (RF) signals or other communication technologies, except as otherwise limited in this Chapter.

**Attached Wireless Communications Facility:** “Attached Wireless Communications Facility” means a wireless communications facility that is affixed to an existing structure, other than a Wireless Communications Tower.

**Co-Location:** “Co-Location” means a wireless communications facility comprised of a single communications tower or building supporting one or more antennas, dishes, or similar devices owned or used by more than one provider.

**Lattice Tower:** “Lattice Tower” means a support structure constructed of vertical metal struts and cross braces forming a triangular or square structure which often tapers from the foundation to the top.

**Monopole:** “Monopole” means a support structure constructed of a single, self-supporting hollow tube securely anchored to a foundation.

**Provider:** “Provider” means a company, which may or may not hold a Federal Communications Commission (FCC) license, that is in business to provide wireless communications services.

**Wireless Communications:** “Wireless Communications” means the transmission, via radio frequency electromagnetic waves, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received.

**Wireless Communications Accessory Structure/Equipment:** “Wireless Communications Accessory Structure/Equipment” means equipment shelters or radio equipment necessary for the operation of wireless communications in addition to the antenna and tower.

**Wireless Communications Facility (WCF):** “Wireless Communications Facility (WCF)” means a facility consisting of the equipment and structures involved in receiving and or transmitting communications or radio signals.

**Wireless Communications Equipment Shelter:** “Wireless Communications Equipment Shelter” means the structure in which the electronic radio equipment, electronic equipment, relay equipment and other supporting equipment for a wireless communications facility is housed.

**Wireless Communications Tower (WCT) / Support Facility:** “Wireless Communications Tower (WCT) / Support Facility” means a structure intended to support equipment used to transmit and/or receive communications signals including monopoles, guyed and lattice towers, but not excluding any other approved structure.

**Visual Compatibility Characteristics:** “Visual Compatibility Characteristics” means characteristics that minimize the visual impact of a tower or antennas.

## 16.32.060 Signage Terminology and Definitions

The following terminology and definitions apply to terms used in Chapter 16.18.

- “Area”** or **“area of a sign”** means the area to and within an established sign edge, frame, or perimeter which encloses the limits of any writing, representation, emblem, figure or character. The area of a sign having no such perimeter, or the area of a sign having an irregular shape, shall be computed by enclosing the surface area within a polygon. Where a sign is of a three-dimensional or round or irregular shape, the largest cross section shall be used, as though it were a flat surface, to determine sign area.
- “Awning or Canopy”** means either a permanent or retractable structural extension off or of a building, sometimes intended for the purpose of pedestrian cover.
- “Building Official”** is the officer or other designated authority charged with the administration and enforcement of this code or his/her duly authorized representative.
- “Building Face”** means the single wall surface of a building facing a given direction.
- “Clearance”** is measured from the highest point of the grade below the sign to the lowermost point of the sign.
- “Commercial zones”** means the Z-CCM, Z-HCM and Z-NCM zones, as defined in this Code (see LDC Chapter 16.08).
- “Display surface”** means the area made available by the sign structure for the purpose of displaying the message.
- “Flag”** means any fabric, banner or bunting containing distinctive colors, patterns, or symbols, used as a symbol.
- “Frontage”** means the length of the property line of any one premise along each public street it borders. Each portion of the premises abutting a separate street shall be considered as a separate frontage.
- “Height”** is measured from the highest point of the grade below the sign to the topmost point of the sign.
- “Historical Markers”** are signs installed or maintained by public authority or by a recognized historical society or organization identifying sites, buildings, districts, or structures of recognized historical value.
- “Industrial zone”** is the Z-IND zone as defined in this Code (see LDC Chapter 16.09).
- “Install”** means to build, construct, attach, place, suspend, or affix and shall also include the painting of wall signs.
- “Maintain”** means to allow a sign, sign structure, or part thereof to continue; or to repair or refurbish a sign, sign structure, or part thereof.
- “Marquee”** means a permanent roof-like structure attached to and supported by a building and projected there from.
- “Mixed Use Zone”** means the Z-MU Zone that possess potential for several types of land use or combinations of different land uses. The intent of this designation is to achieve an environment in which different land uses can co-exist. Mixed Development lands are open to all types of development including residential, commercial, and light (Class I and II Impacts) industrial land uses (see LDC Chapter 16.06).
- “Murals”** are coverings of the surface area of a wall with paint or other artistic medium, that creates a pictorial or abstract design and usually without advertising or commercial symbolism - such as logos or trademarks - or any representation of a product or business, except to identify the artist.
- “Parapet or parapet wall”** means that part of any exterior wall which extends above the eave of the roof.
- “Permittee”** means a person who has applied for a City of Lebanon Sign Application to allow placement or installation of a sign covered by this Code.

- “Premises”** means a tract of land occupied, by a building or unit or group of buildings and its accessory buildings. If more than one business activity is located on the tract of land, each separate business shall be considered as separate premises.
- “Projection”** means the distance by which a sign extends from its supporting structure.
- “Residential zones”** means the Z-RL, Z-RM, and Z-RH residential zones as defined in this Code (see LDC Chapter 16.05).
- “Roof line”** means either the eave of the roof or the top of the parapet, at the exterior wall. In the event that the structure lacks a parapet or cave, the “roof line” shall mean a profile of the roof of the structure.
- “Sign”** means any device or medium affixed to the property (including its structure, lighting, materials, and component parts) which by reason of its form, color, wording, logo, design, and/or illumination visually communicates, identifies, advertises, informs, announces, or attracts attention to the subject thereof (i.e., advertises or promotes any specific business, interest or cause). For the purposes of this code, street address information shall not be considered a sign.
- “Sign, Awning, Canopy, or Marquee sign”** means a sign which is painted onto, attached, or affixed to the surface of an awning or Marquee, or is suspended underneath an awning or Marquee. For purposes of calculating sign area, the entire exposed face of the canopy or awning or Marquee shall be designated the sign area. Canopy, awning and Marquee signs shall be considered to be wall signs for purposes of determining size allowances.
- “Sign, Banner”** means a sign of lightweight fabric or similar material that can be mounted both on a permanent or temporary basis. National flag, state or municipal flags, or the official flag of any institution shall not be considered banners.
- “Sign, Changing (automatic)”** means an electronically or electrically controlled sign such as; public service, time, temperature and date sign, message center, or reader board, where different copy changes are shown on the same lamp bank.
- “Sign, Daily Display”** (known also as Sandwich board) means a non-permanent sign normally associated with business activity which is placed out-of-doors during business hours for display and returned indoors off-hours. Daily display signs may be constructed in a sandwich board (A-frame) style, mounted on a single pedestal or other similar construction, and are intended to be unlit and easily moved. These signs are not lighted.
- “Sign, Externally Illuminated”** means a sign illuminated by an exterior light source or luminous tubing which is primarily designed to illuminate only the sign.
- “Sign, Fence”** means a sign attached or painted to the side of a fence on a permanent basis.
- “Sign, Fin”** means a sign which is supported by a pole or poles and partly by a building.
- “Sign, Flashing”** means any sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation, or an externally mounted intermittent light source. Automatic changing signs such as public service, time, temperature, and date signs or electronically controlled message centers are classed as “changing signs”, not “flashing signs”.
- “Sign, Free-standing”** means a sign wholly supported by a sign structure in the ground. Free-standing signs include pole signs and monument signs.
- “Sign, Internally illuminated”** means a sign which is wholly or partially illuminated by an internal light source from which source light passes through the display surface to the exterior of the sign.
- “Sign, Monument”** means a low profile freestanding sign which has a solid base at ground level that is equal to or greater than the width of the sign face, and which has no separation between the base and the sign.

- “Sign, Nonconforming”** means a sign in existence or under construction on the effective date of this Code that does not conform to the provisions of this Code, but which was or is being constructed, installed, or maintained in compliance with regulations in effect at the time the sign was constructed or installed.
- “Sign, Notice”** means a sign posted by either a public agency or private individuals intended to convey information of a legal nature pertaining to specific properties. Examples of notice signs include building permits, no trespassing notices, public hearing notices, and similar signs.
- “Sign, Pennant”** means a shaped, lightweight sign, made of plastic, fabric, or other material (whether or not containing a message of any kind) suspended from a rope, wire, or string, usually in a series, and designed to move in the wind.
- “Sign, Pole”** means a free standing sign connected to the ground by one or more supports, where any portion of the lower edge of the sign device is separated vertically from the ground by air.
- “Sign, Portable”** means a sign which is not permanently attached to the ground or other permanent structure and is intended to be transported to a site for purposes of display. A portable sign may or may not be mounted on wheels and may or may not include flashing or moving lights and removable lettering or display surface. Portable signs are not daily display signs.
- “Sign, Projecting”** means and includes any sign which is attached to a building and extends more than 12 inches beyond the line of the building or more than 12 inches beyond the surface of that portion of the building to which it is attached.
- “Sign, Roof”** means a sign or any portion of which is displayed above the roof line.
- “Sign, Temporary”** means any sign, regardless of construction materials, which is not permanently mounted and is intended to be displayed on an irregular basis for a limited period of time and does not require a building permit to be placed or installed.
- “Sign, Time, Date and Temperature”** means a sign providing only time, date and/or temperature information. May be a component of a larger sign.
- “Sign, Under-marquee”** means a sign which is installed or maintained under, and supported or partially supported by, a marquee.
- “Sign, Unsafe”** means any sign determined to be a safety hazard to the public by the Building Official or duly authorized representative.
- “Sign, Wall-Mounted”** means any sign, attached to, or installed against the wall of a building. Wall-mounted signs may not project more than 12 inches from the wall to which they are attached.
- “Sign, Wall-Painted”** means a sign painted directly onto a wall of a building which is located in a commercial or industrial zone.
- “Sign, Window”** means a sign, pictures, symbols, neon tubing, or combination thereof, designed to communicate information that is placed on or within a window and directed towards the outside of the window.
- “Structural alteration”** means any change in a sign or sign structure other than advertising message or normal maintenance.
- “Temporary”** means for a limited duration of time usually not to exceed 90 days, unless otherwise modified by provisions of this Chapter.
- “Wall Sign”** means a sign attached to, erected against or painted on a wall of a building or structure, with the exposed face of the sign in a plane approximately parallel to the face of said wall and not projecting more than 12 inches. Wall signs can be a *wall-mounted sign* or a *wall-painted sign*.
- “Written message”** means the lettering, wording, numbers, and/or other symbols on a sign intended to convey a message. Written message does not include notation of the sign identity the sign installer or artist, provided such identification is less than one (1) square foot in area.

## 16.32.070 Historic Preservation Terminology and Definitions

The following terminology and definitions apply to terms used in Chapter 16.31.

**Alteration:** An addition, removal, or reconfiguration that significantly changes the character of a historic resource, including new construction in historic districts.

**Demolition:** The razing, destruction, or dismantling of a resource to the degree that its historic character is substantially obliterated.

**Designated Landmark:** A property officially recognized by the City of Lebanon as important in its history. Such properties will be recorded in the *Lebanon Historic Register*.

**Extraordinary Historic Importance:** The quality of historic significance achieved outside the usual norms of age, association, or rarity.

**Historic Context Statement (City of Lebanon):** The *City of Lebanon Historic Context Statement* was created in 1994 by the City of Lebanon with assistance from a number of volunteers from the local community. The *Historic Context Statement* provides a thorough documentation of the various historic stages of development within the expanding City Limits of Lebanon. The contextual information in this document addresses the following:

- Identifying the historical themes, events, designs, and associated individuals that have played an important role in the development of the area;
- Describing the types and characteristics of historic buildings, structures, objects and districts associated with the identified themes, events, designs, and individuals;
- Discussing the potential distribution of these buildings, objects, structures, and districts on the landscape;
- Establishing evaluation standards to use in determining how well existing buildings, structures, objects, and districts represent or illustrate the identified themes, events, designs, and individuals; and
- Identifying priorities and treatment strategies to help preserve those buildings, structures, objects, and districts evaluated as representing and/or illustrating community history.

**Historic Integrity:** The quality of wholeness of historic location, design, setting, materials, workmanship, feeling, and/or association of a resource, as opposed to its physical condition.

**Historic Resource:** A building, structure, object, site, or district that meets the significance and integrity criteria for designation as a landmark. Resource types are further described as:

- **Building.** A construction made for purposes of shelter or habitation (e.g., house, barn, store, theater, train station, garage, school, etc.).
- **Structure.** A construction made for functions other than shelter or habitation (e.g., bridge, windmill, dam, highway, boat, kiln, etc.).
- **Object.** A construction that is primarily artistic or commemorative in nature and not normally movable or part of a building or structure (e.g., statue, fountain, milepost, monument, sign, etc).
- **Site.** The location of a significant event, use, or occupation that may include associated standing, ruined, or underground features (e.g., battlefield, shipwreck, campsite, cemetery, natural feature, garden, food-gathering area, etc.).

**District.** A geographically defined area possessing a significant concentration of buildings, structures, objects, and/or sites that are unified historically by plan or physical development (e. g. downtown, residential neighborhood, military reservation, ranch complex, etc.).

**Historic Resources of Statewide Significance:** Buildings, structures, objects, sites, and districts that are listed on the National Register of Historic Places.

**Inventory of Historic Resources:** The record of information about resources potentially significant in the history of The City of Lebanon.



**Lebanon Historic Register:** The list of, and record of information about, properties officially recognized by The City of Lebanon as important in its history.

**Planning Official:** The City's Planning Official or designees.

**Relocation:** The removal of a resource from its historic context.