



# CITY OF LEBANON

*It's easier from here.*

## **Lebanon Municipal Code Title 16: Development Code**

### **Article Two: Land Use and Land Use Zones**

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# 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)

<b>Table 16.10-3: Commercial Land Uses Allowed in the Public Use Zone</b>	
(See pages 10-12 of Chapter 16.03 for further details and listings regarding Commercial Uses)	
<b>Land Uses</b>	
<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 Amphitheatres 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>
<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).	

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

<b>Table 16.10-4: Industrial Land Uses Allowed in the Public Use Zone</b>	
(See pages 14-16 of Chapter 16.03 for further details and listings regarding Industrial Uses)	
<b>Land Uses</b>	
<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>N</b>
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.	<b>N</b>
<b>Industrial Uses with <u>Class II</u> Impacts:</b>	
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	<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, 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.	<b>N</b>
<b>Industrial Uses with <u>Class III</u> Impacts:</b>	
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 <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 16.10-1: 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.

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

Public Uses (above); a maximum 10% expansion of existing structures or improvements

**AR**

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** Schools; a maximum 10% expansion of existing structures or improvements.

**AR**

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>
<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>	

### 16.10.100 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>	
<b>Standard</b>	
<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.