



CITY OF LEBANON
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Lebanon Municipal Code Title 16: Development Code

Article Two: Land Use and Land Use Zones

Chapter 16.09: Industrial Land Use Zone

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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*.

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)				
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 th Street	Z-IND East of 5 th Street	
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).				
Planned Development Application Required if Project Acreage Exceeds	25 or more acres	100 or more acres	50 or more acres	25 or more acres
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).				
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

Table 16.09-2: Residential Land Uses Allowed in the Industrial Zone	
<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)	
Residential Uses with <u>Class I</u> Impacts:	
Single Family (not attached)	N
Accessory Dwelling	N
Accessory Structures (with a permitted use) <ul style="list-style-type: none"> • 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 	N
Duplex (2 dwellings sharing a common wall on one lot) -- One duplex on a lot	N
Manufactured Home	N
Other Residential Uses with <u>Class I</u> Impacts such as Bed & Breakfasts, Home Occupations, Hospice Facilities, Family Child Care (in a home)	N
Residential Uses with <u>Class II</u> Impacts:	
Town House/Rowhouse (2 or more common-wall single family dwellings), each on its own lot	N
Cottage Cluster (2-4 single family dwellings on one lot)	N
Zero Lot Line Housing (may include one common wall)	N
Multifamily (3 or more dwellings on lot), includes Triplexes, Apartments, Senior Housing, Assisted Living, & Single Room Occupancies, Boarding or Rooming Facilities	N
Other Residential Uses such as Nursing and Convalescent Homes, Retirement Center Apartments	N
Residential Uses with <u>Class III</u> Impacts:	
State Regulated Special Residential Units <ul style="list-style-type: none"> • Group Living Homes (5 or fewer) • Group Facility (6 +) 	N
Manufactured Home Park	N
Other Residential uses with <u>Class III</u> Impacts such as Dormitories, and Houseboats	N
<p>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 16.09-1: 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 th Street	Z-IND East of 5 th Street
(See pages 9-12 of Chapter 16.03 for further details and listings regarding Commercial Uses)		
Commercial Uses with <u>Class I</u> Impacts:		
Offices	N	
Commercial Uses such as Stores (15,000 square feet or less) Selling Groceries, and Pharmaceuticals, Stationery, Arts & Crafts; and Laundromats (15,000 square feet or less)	CU	N
Commercial Uses such as Stores (15,000 square feet or less) Selling Printed Material, Books, & Videos; Tanning; Hair and Personal Care Services	CU	N
Other Commercial Uses such as Parcel Service Stores, Photocopy and Blueprint Services, Photographic Studios, Tailors and Seamstresses	N	
Other Commercial Uses such as Restaurants, Cafes, Delicatessens, Mini-Marts.	CU	
Commercial Uses with <u>Class II</u> Impacts:		
Other Commercial Uses such as Entertainment, Indoor Continuous Activities like Theaters, Membership Clubs, Bowling Alleys, Skate Rinks, and Game Arcades; Pool Halls, Exhibition and Meeting Areas, Hotels, Laundry Drop Off Facilities, Liquor Stores (OLCC License), Lodges; Stores Selling, Leasing, or Renting Furniture, Appliances, Garden Supplies, Home Improvements, Household Products, Plants); Stores (greater than 15,000 sqft) Selling Groceries, Pharmaceuticals, Printed Material, Stationery, Books, & Videos, Arts & Crafts, Hair, Tanning, and Personal Care Services, and Laundromats	N	
Self-Serve Storage Facilities	OP	
Other Commercial Uses such as Educational, Arts and Training Facilities, Gyms, Health Clubs, Indoor Firing Ranges; Fast Food & Beverage Sales (with drive up facilities), Food Pods, Financial Institutions (with Drive Up Operations), Medical, Optical and Dental Labs	CU	
Other Commercial Uses such as Drive-Up/Drive-In/Drive-Through (Drive-Up Windows, Kiosks, ATM's, similar uses/facilities)	CU	
Other Commercial Uses such as stand alone Large Scale Retail Stores (a minimum of 75,000 square feet of floor space), not including grocery stores or malls.	N	
Commercial Uses with <u>Class III</u> Impacts:		
Parking Lot (when not an accessory use)	N	
Breweries, Distilleries, and Wineries without food service	AR	
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, and Recreational Vehicle (RV) Parks.	N	
Other Commercial Uses such as Gas (Filling) Stations	CU	
Other Class III Uses	N	
Race Tracks (Auto, Horse, Dog, Bike, Motorcycle, Boat, etc.)	CU	
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 16.09-1: Characteristics of Major Land Use Actions Matrix -- Projects in an Industrial Zone Requiring a Planned Development Review (Chapter 16.23).		
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.		

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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 th Street	Z-IND East of 5 th Street
Industrial Uses with <u>Class I</u> 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	OP ¹	
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 ¹	
Industrial Uses with <u>Class II</u> Impacts:		
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 ¹	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 ¹	AR
<p>¹ 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>		
Industrial Uses with <u>Class III</u> Impacts:		
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>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 16.09-1: 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

Table 16.09-5: Public (Civic or Institutional) Land Uses Allowed in the Industrial Zone		
(See page 18 of Chapter 16.03 for further details and listings regarding Public Uses)		
Use Categories	Z-IND West of 5 th Street	Z-IND East of 5 th Street
Public Uses with <u>Class I</u> Impacts:		
Public Uses such as City offices and Facilities; Community Development Center; Libraries; and Utility Offices.	N	
Public Uses with <u>Class II</u> Impacts:		
Public Safety Facilities, Including Fire/Emergency Medical Services and Police Stations, and Emergency Communication Broadcast Facilities	CU [AR 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, Utility Substations, Youth Club facilities	N	
Post-secondary educational facilities such as Community Colleges, Universities, Adult Education Facilities, private vocational training, related to activities allowed within the Section 16.09.070 of the Industrial Zone. For example, machinery manufacturing is allowed as a Class II activity; training related to the operation, assembly or repair of the manufacturing machinery and their resultant products would meet this standard.	AR	CU
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;	N	
Other Public Uses such as Water Towers and Reservoirs.	AR	
Other Public Uses such as Transit Centers	CU	
Other Public Uses such as Schools, Meeting Facilities or Related Facilities, Daycare, adult or child day care (12 or fewer children)	N	
Other Public Uses such as Parks and, Recreation Facilities, Open Space, and Pedestrian Amenities.	CU [OP for dedicated wetlands and detention facilities; AR if Projects Implement the City's Adopted Facilities Plans]	
Public Uses with <u>Class III</u> 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	N	
Other Public Uses such as Cemeteries	N	
Other Public Uses such as Bus Barns (public), Treatment Plants and Facilities (Water and Sewage)	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 16.09-1: 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

Table 16.09-6: Other Land Uses Allowed in the Industrial Zone	
(See page 21 of Chapter 16.03 for further details and listings regarding Other Uses)	
Use Categories	Z-IND
Uses with Class I Impacts: NONE	
Other Uses with Class II Impacts such as wireless communication facilities	AR OP for Emergency Services Facilities (Police, Fire and Emergency Management) up to 125 feet; over 125 feet subject to Conditional Use and Variance Processes.
Other Uses with Class III Impacts:	
Armory [e.g., National Guard]	CU
Other Uses such as Rail Lines and Utility Corridors, except those existing prior to effective date of Development Code are allowed.	CU [AR if Projects are Implementations of City's Adopted Facilities Plans]
Other Uses such as Agricultural, including Forestry (see Glossary)	CU
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)	AR
<p>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 16.09-1: 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).

4. Fences

Industrial uses are subject to the fencing requirements of the RM zone with the following exceptions:

- a. Where an 8-foot fence is allowed, a 10-foot fence may be permitted.
- b. Security fencing material (e.g., barbed wire) may be placed on the upper 2-feet of a fence, provided that portion of the fence below the security material is at least 6-feet in height.

16.09.120 Wind Energy Systems (WES)

A wind energy system (WES) shall be allowed as an accessory use for an existing or proposed activity within the Industrial Zone, subject to the following standards:

- A. Parcel Size.** No wind energy system shall be located on a parcel containing less than one-acre in area.
- B. Number.** Only one wind energy system shall be allowed per parcel.
- C. Location.** Subject to the setback requirements noted in this Section, the WES make be located on an existing structure (e.g., building roof) or a separate, free-standing structure.
- D. Capacity.** The maximum design capacity for a one wind energy system shall be 100 kilowatts (kW).
- E. Separation.** The minimum distance between the ground or structure and any part of a rotor blade shall be at least 20 feet.
- F. Design Requirements.** Wind energy systems shall have automatic braking, governing, or feathering system to prevent uncontrolled rotation, overspeeding, and excessive pressure on the support structure, rotor blades, and turbine components.
- G. Noise.** Noise produced by small wind energy systems shall comply with applicable noise regulations in the Lebanon Municipal Code.
- H. Setback.** The WES shall comply with setback provisions in Lebanon Development Code Section 16.09.110.4. For the purpose of this requirement, WES height shall be the vertical distance from the ground to the tip of a wind generator blade when the tip is at its highest point.
- I. Security.** Support structures for freestanding systems shall not have a ladder rung (or peg) within 12-feet of the adjacent
- J. Engineering Report.** The property owner shall submit a report prepared by an Oregon licensed professional engineer attesting to the fact that the structure to which the system will be mounted is or will be sufficiently strong to support the system and to withstand the wind, vibratory, and other loads to which it would be subjected as a result of mounting the system on it. This report is subject to approval by the Building Official prior to the mounting of the system