

City of Lebanon
Comprehensive Plan

Chapter 10:
PLAN IMPLEMENTATION,
COORDINATION
AND
AMENDMENT

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CHAPTER 10

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CHAPTER 10: PLAN IMPLEMENTATION, COORDINATION, AND AMENDMENT

Part One: Narrative

1.0 Implementation Tools

The City of Lebanon uses two major tools to implement the goals and policies set forth in the Comprehensive Plan: the Zoning and the Subdivision Ordinances (both are codified chapters in the Lebanon Municipal Code). Other tools for implementing the Comprehensive Plan include other portions of the City's Municipal Code, the Capital Improvement Program, and facility plans including the Transportation System Plan (TSP). Other plans and programs also implement the Comprehensive Plan, or provide background or technical information.

1.1 Zoning Ordinance

1.1.1 Regulating the Use of Land

The Zoning Ordinance regulates the use of land. More specifically, the provisions of the Zoning Ordinance divide the community into residential, commercial, industrial, and other use zones based on the Comprehensive Plan. Each zone has standards and regulations that determine the allowed uses on that land and the standards to which improvements must conform, such as building height, yard setbacks, and lot size. The Zoning Ordinance consists of text and graphics found in the City of Lebanon Municipal Code, and an official Zoning Map.

1.1.2 Two Major Roles

The Zoning Ordinance fulfills two major roles.

- First, the provisions of the Zoning Ordinance promote the public health, safety, and welfare of the City.
- Secondly, the Zoning Ordinance implements the Comprehensive Plan. Oregon Revised Statute 197.175 stipulates that cities will prepare and enact land use regulations to implement their comprehensive plan.

1.1.3 Short-Term and Long-Term Considerations

In a broad sense, zoning encourages the orderly development of the community and implements the Comprehensive Plan. Zoning can only partially relate to the long-term aspects of the Plan because, as a regulatory tool, it must relate to the current conditions within the City.

The Comprehensive Plan provides a general and long-range policy for the City, while the zoning codes serve as a legal ordinance with binding provisions on land development. The various zones have specific boundaries and when drafting the Zoning Ordinance, the City considers how each land parcel will be affected.

1.1.4 Amending the Zoning Ordinance and Zoning Map

Zoning Code provisions and the Zoning Map may be amended, either upon initiation by the City or following a request by an applicant. Amendments shall be consistent with the Comprehensive Plan.

- a. If proposed amendments to the Zoning Ordinance do not comply with the current wording of the Comprehensive Plan, the Comprehensive Plan must first be appropriately amended so that the that Zoning Ordinance will be consistent with and accurately implement the Comprehensive Plan.
- b. If a proposed zoning designation other than one in accordance with the Comprehensive Plan Map (also see the Annexation Zoning Matrix – Chap. 4, Table 4.2) is requested by an applicant, the re-zoning requested shall not be granted until the Comprehensive Plan Map is first appropriately amended to reflect and guide the requested zoning map amendment. However, these requests may be handled concurrently. The Zoning Map must accurately reflect and implement the Comprehensive Plan Map.

1.2 Subdivision Ordinance

The Subdivision Ordinance provides the City with standards and regulations for the approval of new subdivisions and land partitions. The Subdivision Ordinance, found in the Lebanon Municipal Code, includes design standards for streets, blocks, and other improvements. The Subdivision Ordinance provides the application procedures for approval of all land divisions or property line adjustments within the City. The Subdivision Ordinance relates to the Comprehensive Plan by assuring proper design of residential areas and in the design and location of needed public facilities.

1.3 Transportation System Plan (TSP)

A Transportation Master Plan was adopted by the City of Lebanon in 1991 and currently represents a primary instrument for implementing the Transportation policies of Comprehensive Plan. This Master Plan will soon be replaced by a Transportation Systems Plan (TSP) when the current 2004 draft is revised and updated. Upon its completion and adoption, the TSP will become a primary instrument for implementing the Transportation policies of the Comprehensive Plan. Upon adoption, the TSP becomes a part of this Comprehensive Plan. (See Chapter 8 of this Comprehensive Plan for details.)

1.4 Other Plans and Programs

Collectively the following documents, in addition to the Transportation System Plan (TSP) make up the City's overall Facilities Plan:

1.4.1 Facility Plans and Programs:

- (1) Wastewater Facility Master Plan; (2) Parks Master Plan; (3) Water Facility Master Plan; (4) Storm Drainage Master Plan; and (5) Capital Improvements Program

1.4.2 Programs and Refinement Studies:

The above noted plans and programs are routinely updated at various intervals, often annually. (See Chapter 9 of this Comprehensive Plan for details.)

1.5 Municipal Code

The Lebanon Municipal Code (LMC), adopted by the Lebanon City Council, is the governing rule, or law, for the City of Lebanon. As such, the code implements the Lebanon Comprehensive Plan by delineating the specific requirements, policies, programs and procedures outlined in many of the elements of the Lebanon Comprehensive Plan. The LMC also outlines penalties, or punitive actions, for any failure to adhere to code requirements. Thus, the LMC serves as the primary tool of enforcement for the mandatory provisions of the Lebanon Comprehensive Plan. Those portions of the LMC that address issues or matters encompassed within the Lebanon Comprehensive Plan need to be consistent with the Lebanon Comprehensive Plan.

2.0 Amending the Comprehensive Plan and/or Map

The Comprehensive Plan and Map are basic parts of the community's planning process. Ensuring that the Plan and Map are viable and user-friendly policy documents is an ongoing and active responsibility of City government. The Comprehensive Plan and Map need to be updated occasionally for the following reasons:

- To accurately reflect changes in the community.
- To reflect changes in Statewide Planning Goals and Guidelines as well as changes in State statutes and rules.
- To ensure integration with other policies, Zoning Codes, and Subdivision Codes.

2.1 Periodic Review

The State requires cities to update the Comprehensive Plan through Periodic Reviews. The Department of Land Conservation and Development initiates Periodic Review that assures 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.

2.2 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. Cities must comply with State law and Statewide Planning Goals during the PAPA process.

2.3 Legislative Process for Revisions:

2.3.1 Major Revisions and Minor Changes in the Comprehensive Plan and Implementation Measures

As noted in Statewide Planning Goal 2, the citizens in the 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.

2.3.2 Major Revisions:

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. 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; however, major revisions should not be made more frequently than every two years, if at all possible.

2.3.3 Minor Changes:

Minor changes do not have significant effect beyond the immediate area of the change. Such changes should be based on special studies or other information that will serve as the factual basis to support the change. The public need and justification for the particular change should be established. Minor changes should not be made more frequently than once a year, if at all possible.

3.0 Statewide Planning Goal 2, Land Use Planning And Coordination With Affected Governmental Units

Statewide Planning Goal 2 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 in order to ensure that such planning is consistent with all applicable Statewide Planning Goals. The City of Lebanon continues to strongly support the spirit, intent, and requirements of this Goal. Statewide Planning Goal 2 states in Part I that:

All land use plans shall include identification of issues and problems, inventories and other factual information for each applicable statewide planning goal, evaluation of alternative courses of action and ultimate policy choices, taking into consideration social, economic, energy and environmental needs. The required information shall be contained in the plan document or in supporting documents. The plans, supporting documents and implementation ordinances shall be filed in a public office or other place easily accessible to the public. The plans shall be the basis for specific implementation measures. These measures shall be consistent with and adequate to carry out the plans. Each plan and related implementation measure shall be coordinated with the plans of affected governmental units. All land-use plans and implementation ordinances shall be adopted by the governing body after public hearing and shall be reviewed and, as needed, revised on a periodic cycle to take into account changing public policies and circumstances, in accord with a schedule set forth in the plan. Opportunities shall be provided for review and comment by citizens and affected governmental units during preparation, review and revision of plans and implementation ordinances.

Affected Governmental Units -- are those local governments, state and federal agencies and special districts which have programs, land ownerships, or responsibilities within the area included in the plan.

Comprehensive Plan -- as defined in ORS 197.015(5).

Coordinated -- as defined in ORS 197.015(5). Note: It is included in the definition of comprehensive plan.

Implementation Measures -- are the means used to carry out the plan. These are of two general types: (1) management implementation measures such as ordinances, regulations or project plans, and (2) site or area specific implementation measures such as permits and grants for construction, construction of public facilities or provision of services.

Plans -- as used here encompass all plans which guide land-use decisions, including both comprehensive and single-purpose plans of cities, counties, state and federal agencies and special districts.

Statewide Planning Goal 2 (in Part II) also provides a process for adopting exceptions to a goal, when appropriate, based on the following criteria:

(a) The land subject to the exception is physically developed to the extent that it is no longer available for uses allowed by the applicable goal; (b) The land subject to the exception is irrevocably committed to uses not allowed by the applicable goal because existing adjacent uses and other relevant factors make uses allowed by the applicable goal impracticable; or (c) The following standards are met: (1) Reasons justify why the state policy embodied in the applicable goals should not apply; (2) Areas which do not require a new exception cannot reasonably accommodate the use; (3) The long-term environmental, economic, social and energy consequences resulting from the use of the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located in areas requiring a goal exception other than the proposed site; and (4) The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts.

4.0 Legal Framework For The Comprehensive Plan

4.1 Rules of Construction

Unless otherwise specifically prescribed in this Comprehensive Plan, the following provisions shall govern its interpretation and construction:

- 4.1.1** When not inconsistent 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.
- 4.1.2** Unless otherwise specified in this Plan, any action authorized or required to be taken by the City may be taken by the City Council or by an official or agent designated by the City Council and as permitted by law.
- 4.1.3** At the local level, the City Council is the final authority for the interpretation, and application of any and all provisions of the Comprehensive Plan.

4.2 Severability and Constitutionality

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held illegal, invalid, or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof. The Council hereby declares that it would have passed this Comprehensive Plan and each section, subsection, sentence, clause, and phrase hereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared illegal, invalid, or unconstitutional.

Part Two: Goals And Policies

5.0 Goals

The City's Implementation Goals include:

- G-1:** Maintaining an up to date Comprehensive Plan, as well as supporting documents, plans, and implementing ordinances/measures.
- G-2:** Utilizing amendment processes that both ensure the opportunity for and actively encourage effective citizen participation in the decision making to update the City's Comprehensive Plan and supporting documents.
- G-3:** Maintaining a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.
- G-4:** Coordinating land use planning with other affected governmental units in order to ensure that such planning is consistent with all applicable Statewide Planning Goals.

6.0 Comprehensive Plan And Map Amendment Policies

- P-1:** The City Council may amend the Comprehensive Plan and/or Map after referral to the Planning Commission public hearing, for action, review, revisions, and recommendations.
- P-2:** Changes to the Plan and/or Map shall be made by ordinance after public hearings as prescribed by state law and local ordinances.
- P-3:** Changes in the Plan and/or Map shall be incorporated directly into the document at the appropriate place. A list of all amendments with date of passage shall then become part of the document until the next comprehensive update of the entire Comprehensive Plan.
- P-4:** An amendment to the Comprehensive Plan and/or Map may be considered when one or more of the following conditions exist:
 - a.** Updated data demonstrates significantly different trends than previous data;
 - b.** New data reflects new or previously undisclosed public needs;
 - c.** New community attitudes represent a significant departure from previous attitudes as reflected by the Planning Commission or City Council;
 - d.** Statutory changes significantly affect the applicability or appropriateness of existing plan policies.
- P-5:** Residents, property owners, their authorized agents, the Planning Commission, the City Council, or City staff may initiate a Comprehensive Plan amendment. In order to obtain a Comprehensive Plan and/or Map amendment, the applicants shall have the burden of proof that all of the following conditions exist:
 - a.** There is a need for the proposed change;
 - b.** The identified need can best be served by granting the change requested;
 - c.** The proposed change complies with the Statewide Planning Goals; and,
 - d.** The proposed change is consistent with all other provisions of the City's Comprehensive Plan.
- P-6:** At the local level, the City Council is the final authority for the interpretation, and application of any and all provisions of the Comprehensive Plan.

7.0 Land Use Planning And Coordination With Affected Governmental Units

P-7: The City shall maintain a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.

P-8: The City shall coordinate land use planning with other affected governmental units in order to ensure that such planning is consistent with all applicable Statewide Planning Goals.

Protocol for Referring to a Goal or Policy from this Chapter

- Chapter 10 (Implementation) Goal G-x [x = Number of Goal Statement]
- Chapter 10 (Implementation) Comprehensive Plan Policy P-x [x = Number of Policy Statement]
- Chapter 10 (Implementation) Land Use Coordination Policy P-x [x = Number of Policy Statement]