



CITY OF LEBANON

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Lebanon Municipal Code Title 16: Development Code

Article One: Introduction and Administration

Chapter 16.01: Introduction

| | | |
|-----------|--|---|
| 16.01.010 | Background | 1 |
| 16.01.020 | Adoption, Repeal, and Effective Date | 2 |
| 16.01.030 | Title..... | 2 |
| 16.01.040 | Statement of Purposes..... | 2 |
| 16.01.050 | Citizen Involvement | 4 |
| 16.01.060 | Organization of This Code | 4 |

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Chapter 16.01: Introduction

Table of Contents

| | | |
|-----------|---|---|
| 16.01.010 | Background | 1 |
| 16.01.020 | Adoption, Repeal, and Effective Date | 2 |
| 16.01.030 | Title..... | 2 |
| 16.01.040 | Statement of Purposes..... | 2 |
| 16.01.050 | Citizen Involvement | 4 |
| 16.01.060 | Organization of This Code | 4 |
| A. | Range of Authority | 4 |
| B. | Development Code Organization and Summary | 4 |
| 1. | Article One: Introduction and Administration (Chapters 16.01 – 16.02)..... | 4 |
| 2. | Article Two: Land Use (Chapters 16.03 – 16.11) | 5 |
| 3. | Article Three: Community Development and Use Standards (Chapters 16.12 – 16.19) | 5 |
| 4. | Article Four: Land Use And Development Reviews, Decision Requirements and Procedures (Chapters 16.20 – 16.28)..... | 5 |
| 5. | Article Five: Exceptions to Code Standards (Chapters 16.29 – 16.30)..... | 6 |
| 6. | Article Six/Chapter 16.31: Historic Preservation Standards and Requirements | 6 |
| 7. | Article Seven/Chapter 16.32: Glossary | 6 |

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 land¹ (the “Zoning Ordinance”) and an ordinance providing for the subdivision and partitioning of land² (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

¹ Ordinance Bill No. 6 for 1980, Ordinance # 1773.

² 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.