



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

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www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

08/26/2013

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of Lebanon Plan Amendment
DLCD File Number 004-13

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Wednesday, September 11, 2013

This amendment was submitted to DLCD for review prior to adoption pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

*NOTE: The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Walt Wendolowski, City of Lebanon
Gordon Howard, DLCD Urban Planning Specialist
Ed Moore, DLCD Regional Representative

<paa> N



FORM **2**

DLCD

Notice of Adoption

In person electronic mailed

**DATE
STAMP**

DEPT OF

AUG 22 2013

**LAND CONSERVATION
AND DEVELOPMENT**

For Office Use Only

This Form 2 must be mailed to DLCD within **20-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

Jurisdiction: **City of Lebanon**

Local file number: **13-06-25**

Date of Adoption: **8/14/2013**

Date Mailed: **8/21/2013**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: 6/10/2013

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".
Amend regulations regarding the parking and storage of recreational vehicles (RV) in residential zones.

Does the Adoption differ from proposal? Please select one

No

Plan Map Changed from: **N/A**

to: **N/A**

Zone Map Changed from: **N/A**

to: **N/A**

Location: **N/A**

Acres Involved: **0**

Specify Density: Previous: **N/A**

New: **N/A**

Applicable statewide planning goals:

1 **2** **3** **4** **5** **6** **7** **8** **9** 10 11 12 13 14 15 16 17 18 19

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

35-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD file No. 004-13 (19884) [17586]

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Local Contact: **Walt Wendolowski, AICP**

Phone: (541) 258-4252 Extension:

Address: 925 South Main Street

Fax Number: 541-258-4955

City: Lebanon

Zip: 97355-

E-mail Address:

wwendolowski@ci.lebanon.or.us

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 20 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s)

per ORS [197.615](#) and [OAR Chapter 660, Division 18](#)

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light green paper if available.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information ([ORS 197.615](#)).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption ([ORS 197.830 to 197.845](#)).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. ([ORS 197.615](#)).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

9. **Need More Copies?** Please print forms on 8½ -1/2x11 green paper only if available. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail plan.amendments@state.or.us.

A BILL FOR AN ORDINANCE AMENDING
THE CITY OF LEBANON DEVELOPMENT
CODE; RESIDENTIAL PARKING

) ORDINANCE BILL NO. 2013-5
)
) ORDINANCE NO. 2846

WHEREAS, the Planning Commission for the City of Lebanon conducted a hearing on Planning File No. 13-06-25 and made findings recommending certain amendments to the Development Code of the City of Lebanon on July 17, 2013; and

WHEREAS, the City Council, pursuant to the provisions of the Lebanon Development Code, after appropriate notice given, has conducted a hearing to take testimony, hear arguments and to consider all of the evidence concerning such proposed Development Code amendments, such hearing being conducted on August 14, 2013; and

WHEREAS, the City Council has considered all relevant evidence and deliberated.

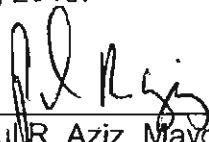
NOW, THEREFORE, the City of Lebanon ordains as follows:

Section 1. In addition to the findings referred to above, the City Council does hereby adopt and find those matters contained in Exhibit "B" which is incorporated herein by this reference as if fully set forth at this point.

Section 2. Based upon the findings adopted herein, the Lebanon Development Code is hereby amended by the inclusion of new language as specified in Exhibit "A", which is incorporated herein by this reference as if fully set forth at this point.

Section 3. Said Exhibit "A" shall be attached to, and become a part of, the Lebanon Development Code upon entry of this order.

Passed by the Lebanon City Council by a vote of 4 for and 0 against and executed by the Mayor this 14th day of August, 2013.



Paul R. Aziz, Mayor
Bob Elliott, Council President

Attested:



Linda Kaser, City Clerk

EXHIBIT "A"
AMENDMENTS TO THE LEBANON DEVELOPMENT CODE

Section 16.14.040.A and Section 16.40.202.M shall be replaced in their entirety with the following new language.

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. Exclusive of driveways with a City approved street access, no parking or vehicle storage shall be allowed within the required front yard or required yards located adjacent to a street on residential property. The side yard and rear yard areas may be used for parking of vehicles unless otherwise prohibited by this Code.
4. Boats, trailers, detached campers, motorized dwellings, recreational vehicles (RVs), and similar recreational equipment may be stored on a lot as an accessory use to a dwelling (or as part of a multi-family development) subject to the following:
 - a. Exclusive of driveways, storage shall not be permitted in a required front or required street side yard and shall not reduce the number of required (i.e., per Development Code Chapter 16.14) off-street parking spaces.
 - b. Access to the recreational equipment shall be provided by a City approved street access.
 - c. All such RV storage shall be on an improved surface. This may include paving, compacted gravel, brick pavers or similar surfacing.
 - d. The equipment shall not be used for human habitation.
5. Vehicles and equipment identified in item Section 16.14.040.4, above, shall not be stored on parking lots within non-residential zones unless part of an approved RV storage facility or sales display.

16.14.020

M. Maximum Parking Allowed

With the exception of properties with single-family homes and duplexes, 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.

EXHIBIT B
LEBANON CITY COUNCIL FINDINGS
Planning File No. 13-06-25

I. NATURE OF THE APPLICATION

This matter comes before the Lebanon City Council to amend the Lebanon Development Code.

II. BACKGROUND INFORMATION

The City wishes to amend the Lebanon Development Code to revise and clarify the requirements for parking and RV storage within the residential zones. Specific amending language is contained in City Council Ordinance Exhibit "A."

III. PUBLIC HEARING

A. Planning Commission Action

A public hearing was held on this application before the Lebanon Planning Commission on July 17, 2013. At that hearing, City Planning File 13-06-25 was made a part of the record. Notice of the hearing was published consistent with the requirements in Chapter 16.20 of the Lebanon Development Code. No objection was raised as to jurisdiction, conflicts of interest, or to evidence or testimony presented at the hearing. At the conclusion of the hearing, the Planning Commission deliberated on the issue and voted to recommend the City Council adopt the proposed amendments to the Lebanon Development Code. The Commission found the proposed changes consistent with the applicable decision criteria.

B. City Council Action

A public hearing was held on this application before the Lebanon City Council on August 14, 2013. At that hearing, City Planning File 13-06-25 was made a part of the record. Notice of the hearing was published consistent with the requirements in Chapter 16.20 of the Lebanon Development Code. No objection was raised as to jurisdiction, conflicts of interest, or to evidence or testimony presented at the hearing. At the conclusion of the hearing, the City Council deliberated on the issue and voted to adopt the proposed amendments to the Lebanon Development Code. The Council found the proposed changes consistent with the applicable decision criteria.

IV. FINDINGS OF FACT-GENERAL

The Lebanon City Council, after careful consideration of the testimony and evidence in the record, adopts the following General Findings of Fact:

- A. The applicant is the City of Lebanon.
- B. The City wishes to amend the Lebanon Development Code to revise and clarify the requirements for parking and RV storage within the residential zones. Specific amending language is contained in City Council Ordinance Exhibit "A".
- C. The proposal primarily affects all residential-zoned property.
- D. The decision to approve or deny shall be based on criteria contained in the Lebanon Development Code: Chapter 16.28 – Comprehensive Plan and Development Code Text Amendments.

V. APPLICATION SUMMARY

- A. Based on issues raised to address enforcement, practicality and language clarity, the Council agreed to consider changes to residential parking regulations. Attachment "A" contains the proposed language which is summarized below (old language ~~stricken~~; new language in *italics*.)

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. Exclusive of driveways with a City approved street access, no parking or vehicle storage shall be allowed within the required front yard or required yards located adjacent to a street on residential property. The side yard and rear yard areas may be used for parking of vehicles unless otherwise prohibited by this Code.~~
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.~~
4. *Boats, trailers, detached campers, motorized dwellings, recreational vehicles (RVs), and similar recreational equipment may be stored on a lot as an accessory use to a dwelling subject to the following:*
 - a. *Exclusive of driveways, storage shall not be permitted in a required front or required street side yard and shall not reduce the number of required (i.e., per Development Code Chapter 16.14) off-street parking spaces.*
 - b. *Access to the recreational equipment shall be provided by a City approved street access.*
 - c. *All such RV storage shall be on an improved surface. This may include paving, compacted gravel, brick pavers or similar surfacing.*

- d. *The equipment shall not be used for human habitation.*
5. *Vehicles and equipment identified in item Section 16.14.040.4 above, shall not be stored on parking lots within non-residential zones unless part of an approved RV storage facility or sales display.*

Comments:

Item #3 – This subsection was changed to prohibit parking in all required front or street side yards. Required yards are those yards that conform to minimum setback requirements (either 10- or 15-feet). The only exception is the use of a driveway for parking. Further, the City (i.e., Public Works) must approve the location and design of the access to the driveway to avoid a situation whereby a front yard is used for parking without an approved access.

Item #4 – The current language allows the storage of RVs on a driveway, provided the storage does not eliminate any required parking. Two vehicle parking spaces are required for single family homes and duplex units (note: spaces within a garage or carport can be used to meet this requirement). The revisions clarify the language by defining the term “required” and providing examples of “improved” surfaces. This allows an owner to use the driveway for parking vehicles and a graveled area adjacent to the driveway for storage of an RV.

Item #5 – The introductory provision in Section 16.14.040.A.4 outlines requirements for the storage of RVs in residential areas. Item #5 was added to emphasize commercial and industrial parking lots are not storage areas, regardless whether or not required parking is being eliminated. Storage of such vehicles is only allowed as part of an approved RV storage facility or part of a sales display lot.

16.14.020

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.~~

With the exception of properties with single-family homes and duplexes, 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.

Comments:

The Code allows no more than a 30% increase in parking; e.g., if 100 spaces are required, no more than 130 spaces may be constructed. This was instituted to improve storm drainage management by reducing impervious surface. However, based on this Section, single family homes (and duplexes) would be limited to a maximum of 2.6 parking spaces, where four spaces (including the garage) is the norm. For this reason, single family homes and duplexes are exempt from this maximum parking limitation.

- B. The Department sent out notice of the Code amendments to affected agencies and the Department of Land Conservation (DLCDC). The Department did not receive any comments as of the date of this report.

VI. CRITERIA AND FINDINGS

- A. Chapter 16.28 establishes the procedures and criteria for amending the text of both the Comprehensive Plan and the Development Code. Section 16.28.010 identifies the purpose of text amendments while Section 16.28.020 identifies the various types of amendments. The proposed changes involve only the text of the Development Code; amendments to the Comprehensive Plan are not required.
- B. Section 16.28.030 identifies those agents authorized to initiate a text amendment. Conforming to provisions in this Section, City staff initiated this action.
- C. Section 16.28.040 requires the City Recorder to maintain records of all changes to the Development Code. This administrative process requires City compliance.
- D. Sections 16.28.050 and 16.28.060 require all proposed amendments to the Comprehensive Plan Text shall be consistent with Oregon's Statewide Planning Goals, and with all adopted facility plans, including the Transportation System Plan. These Sections do not apply, as the proposal does not amend the Plan.
- E. Section 16.28.070 requires Development Code amendments to be consistent with the City's Transportation System Plan.

FINDINGS: City staff has the authority to require applicants to conduct a Traffic Impact Study or Analysis for any new use (LDC Section 16.12.010.B and Section 16.20.110). The work must indicate the proposed use complies with the adopted TSP or mitigation measures are available to ensure compliance. The amendments do not change these requirements. Further, the proposed amendment does not change functional classifications or performance standards for transportation routes.

- F. Section 16.28.080 outlines the process for text amendments. This is a legislative action pursuant to Chapter 16.20 and requires hearings before both the Planning Commission and City Council. The Commission reviews the request and makes recommendation to the Council. The final decision on this matter rests with the City Council. For the record, the Council hearing process complies with the requirements for a legislative action.
- G. Specific decision criteria are contained in Section 16.28.090. The City may approve a Development Code Amendment application if it satisfies 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 goals adopted by the City.

FINDINGS: Findings in response to the above noted criteria:

1. DLCD Administrative Rules – The Oregon Administrative Rules address a variety of issues including development on farmland, provisions for needed housing, requirements to expand an urban growth boundary, meeting natural resource planning requirements and similar issues. Based on the submitted staff review, and that the DLCD did not identify specific Administrative Rules for

the City to consider, the Council concludes there are no Administrative Rules that specifically address the proposed Code amendment.

2. Statewide Planning Goals - Compliance with the Statewide Goals is noted as follows:

Goal 1, Citizen Involvement: The Planning Commission and City Council will conduct public hearings on the request, consistent with City procedures and the intent of the Goal.

Goal 2, Land Use Planning: The proposal does not involve exceptions to the Statewide Goals. Adoption actions are consistent with the locally adopted Development Code requirements.

Goal 3, Agricultural Lands: The proposal does not involve or affect farmland. An exception to this goal is not required.

Goal 4, Forest Lands: The proposal does not involve or affect identified forestland. An exception to this goal is not required.

Goal 5, Open Spaces, Scenic and Historic Areas, and Natural Resources: The proposed Code amendments do not alter existing regulations that affect identified historic, cultural, or natural resources within Lebanon.

Goal 6, Air, Water and Land Resource Quality: Nothing in this amendment establishes or promotes land uses that adversely affect air, water or resource quality issues.

Goal 7, Natural Hazards: The Code amendment does not alter development requirements for natural hazard areas; these remain in force.

Goal 8, Recreational Needs: The proposed changes do not create uses that adversely affect recreational opportunities or involve land identified for recreational purposes.

Goal 9, Economic Development: These amendments do not affect economic development activities within the City or restrict their development.

Goal 10, Housing: The amendments affect development requirements for a single family home (or duplex), but does not affect housing supply or location, or, the City's ability to meet identified housing needs.

Goal 11, Public Facilities and Services: Any new use allowed by the amendments must still comply with existing public facility requirements. The amendment does not affect the City's ability to provide public services.

Goal 12, Transportation: The proposed Code revisions do not create uses or activities that affect the City's transportation facilities.

Goal 13, Energy Conservation: The amendments are neutral regarding energy matters.

Goal 14, Urbanization: The proposed amendments address urban uses within an urban environment.

Goals 15 to 19, Willamette River Greenway, Estuarine Resources, Coastal Shores, Beaches and Dunes, Ocean Resources: The proposals do not involve land within the Willamette Greenway or coastal areas.

In general, the proposed amendments are consistent with Goal provisions, or, the amendments do not directly affect Goal provisions.

3. Lebanon Comprehensive Plan – The Comprehensive Plan consists of ten Chapters with each Chapter addressing specific land use issues such as housing or natural resources. Each Chapter is reviewed below:
 - a. Chapter 1: Introduction - This introductory Chapter describes the Comprehensive Plan, its relationship to the Statewide Land Use Goals, the Citizen Involvement program and key terminology. As introductory provisions, this Chapter does not directly apply to the proposed text amendments.
 - b. Chapter 2: Natural Environment – The Chapter address goals and policies related to the City’s natural environment.
FINDINGS: This Chapter does not apply, as the Code amendments do not establish new regulations involving wetlands, wildlife habitat or other resources identified as requiring preservation or protection.
 - c. Chapter 3: Urbanization – This Chapter provides the basic framework for future urban development within the City, including public facility provisions and annexations.
FINDINGS: This Chapter does not apply, as the proposed Code amendments do not affect, reduce or otherwise alter provisions for urban development within the community.
 - d. Chapter 4: Land Use – This Chapter details the goals and policies to assure the City provides different types of land within City limits that are suitable for a variety of uses.
FINDINGS: This Chapter does not apply as the proposal Code amendments do not modify or alter existing zoning, and thereby, the City’s ability to provide different types of land, of suitable size and quantity, to meet a variety of development needs.
 - e. Chapter 5: Population & Economy – This Chapter addresses population growth and economic development as well as those trends affecting both.
FINDINGS: The amendments have no impact on population or economic development.
 - f. Chapter 6: Housing – This Chapter establishes the City’s Goals and Policies related to Housing.
FINDINGS: The amendments regulate certain aspects of residential development but otherwise have no impact on the City’s ability to meet the community’s housing needs.
 - g. Chapter 7: Community Friendly Development & Preservation of Historic Resources - This Chapter focuses on policies 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.

FINDINGS: Policies in this Chapter focus on design elements to improve density and housing options while encouraging mixing or combining land uses (residential, commercial, industrial, public) to increase urban livability. Therefore, this Chapter does not directly apply to the request.

- h. Chapter 8: Transportation – This Chapter addresses the transportation needs of the City with an emphasis of creating a variety of transportation options for pedestrians, bicyclists, vehicles and mass transit.

FINDINGS: The amendments do not change functional classifications or performance standards for transportation routes.

- i. Chapter 9: Public Facilities and Service - The City is required by State law to plan and develop a timely, orderly, and efficient arrangement of public facilities and services to serve urban development.

FINDINGS: Uses allowed by the amendments must still comply with existing public facility requirements.

- j. Chapter 10: Plan Implementation, Amendment, and Land Use Planning Coordination – This Chapter establishes procedures for amending the Comprehensive Plan Map and Zoning Map.


FINDINGS: This Chapter does not apply as the proposal amends only the Development Code text; there are no changes to the Comprehensive Plan or Zoning maps.

- 4. Other Facility Plans or Projects - In reviewing other documents, Department staff did not identify and plans or policies that apply to the proposed Code amendments.

VII. CONCLUSION

The City Council concludes the proposed amendments to the Development Code comply with the applicable decision criteria.




CITY OF LEBANON *It's what you have.* Citizens Services & Development Center
925 S Main Street
Lebanon, Oregon 97355

**DLCD
PLAN AMENDMENT SPECIALIST
635 CAPITOL ST NE STE 150
SALEM OR 97301-2540**



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