



PLANNING COMMISSION MEETING AGENDA

Santiam Travel Station – 750 S 3rd Street, Lebanon, OR 97355
May 21, 2025

Chair:
Don Robertson

Vice Chair:
Lory Gerig-Knurowski

Commissioners:
Kristina Breshears
Karisten Baxter
Don Fountain
Marcellus Angellford
Shyla Malloy
Mike Miller
Regina Thompson

Community
Development Director
Kelly Hart

Regular Meeting:
6:00 p.m.

6:00 PM - REGULAR SESSION

CALL TO ORDER / FLAG SALUTE

ROLL CALL

MINUTES

April 16, 2025

COMMISSION REVIEW

1. Public Hearing – Planning File A-25-02
A proposed annexation for the property located at 31666 SW 5th Street with the preliminary zoning designation of Residential Mixed Density (RM) (12S02W22D 00902).
2. Public Hearing – Planning File DCA-25-01
A proposed Development Code Amendment to implement portions of the adopted Housing Production Strategy.

CITIZEN COMMENTS – restricted to items not on the agenda

COMMISSION BUSINESS AND COMMENTS

ADJOURNMENT

Planning Commission meetings are recorded and available on the City's YouTube page at <https://www.youtube.com/user/CityofLebanonOR>. The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to the Community Development Center at 541.258.4906



LEBANON PLANNING COMMISSION MEETING MINUTES

April 16, 2025 at 6:00 PM

Santiam Travel Station – 750 3rd Street, Lebanon, Oregon

MISSION STATEMENT

The City of Lebanon is dedicated to providing exceptional services and opportunities that enhance the quality of life for present and future members of the community.

CALL TO ORDER / FLAG SALUTE

ROLL CALL

PRESENT

Chair Don Robertson
Vice-Chair Lory Gerig-Knurowski
Karisten Baxter
Don Fountain
Shyla Malloy
Alternate Michael Miller
Alternate Regina Thompson

ABSENT

Kristina Breshears
Alternate W. Marcellus Angellford

STAFF

Community Development Director Kelly Hart
City Manager/City Engineer Ron Whitlatch
City Attorney Tre Kennedy

MINUTES – February 19, 2025 Planning Commission Meeting

The minutes were approved as submitted.

COMMISSION REVIEW

1. Public Hearing – Planning File AR-25-02, VAR-25-02

Development proposal for a three-unit multifamily property (AR-25-02) including a Class III Variance request for lot size, setback reduction, and reverse vehicle maneuver authorization onto a public street (VAR-25-02). 1008 Hiatt Street (12S 02W 11CD, tax lot 5600)

City Attorney Kennedy reviewed the public hearing process. Chair Robertson opened the public hearing. Commissioner Malloy disclosed that she knows the applicant but affirmed that this would not affect her ability to make an impartial decision. There was no other ex parte, conflict of interest, or bias disclosed by the Commissioners.

Community Development Director Hart presented the staff report. She stated that staff finds the proposal complies with the decision criteria for an Administrative Review and Class III Variance and recommends approval of the application subject to the adoption of the Conditions of Development listed in the staff report.

Applicant testimony – Laura LaRoque, Pathfinder Land Use Consulting, the applicant's representative, provided an overview of the application.

Testimony in favor of or in opposition to the applications – None

The public hearing was closed.

In response to Chair Robertson's question, Hart explained that these types of applications would still be necessary under the proposed development code changes, as the changes do not affect multi-family dwellings.

Commissioner Fountain asked whether the alley could be vacated. Hart noted that this was discussed with the applicant, but it would require obtaining agreement from both neighboring property owners to relinquish use of the alley. Even with the alley vacation, a Class II Variance would still be required due to the property's size.

Motion to approve by Commissioner Baxter, seconded by Commissioner Malloy. Voting Yea: Chair Robertson, Vice-Chair Gerig-Knurowski, Commissioners Baxter, Fountain, Malloy, Miller and Thompson. The motion passed 7-0.

2. Public Hearing – Planning File A-25-01

Annexation of various street segments, including portions of Crowfoot Road, Kees Street, Wassom Street, and three segments of Stoltz Hill Road.

Chair Robertson opened the public hearing. Kennedy once again outlined the public hearing process. There was no ex parte, conflict of interest, or bias disclosed by the Commissioners.

Hart presented the staff report. She emphasized that this annexation only involves public right-of-way, not private property. It aims to clean up City limit boundaries and establish jurisdiction for purposes such as police enforcement and engineering actions. Approval of this action does not mandate annexation. Staff finds the proposal complies with the decision criteria for an Annexation and recommends the Planning Commission recommend the City Council approve the Annexation of the subject area for an orderly organization of the city's public rights-of-way.

Two written comments were received and shared with the commissioners and the public. One asked about the process for annexing their property. She spoke briefly with the commenter before the meeting and will follow up. She clarified that annexation does not impact speed limits and reiterated that property owners are not required to annex. If utilities are upgraded, properties may become eligible to annex, but annexation is not tied directly to street improvements.

The second comment strongly opposed the annexation, as the commenter does not wish to be annexed into the city. She again stated that this action does not affect annexation of private property.

In response to a commissioner question, Hart said that the nearest agency will respond to emergencies, and nuisance issues will be handled according to jurisdiction.

City Manager/City Engineer Whitlatch confirmed for Commissioner Thompson that while maintenance will increase, this was proposed by the engineering department. These roads are located within the urban growth boundary, with the goal of incorporating them into the city limits. This would streamline development reviews by working with a single permitting agency. He confirmed that no improvements are planned for the road segments.

Testimony in favor of the application – None

Testimony in opposition to the application – a Kees Street resident raised concerns about being forced to join the city, as they initially wanted to remain outside city limits. Hart clarified that their property is within the urban growth boundary, meaning development will occur around them, but

annexation into the city is not mandatory. She confirmed that it would not affect their tax status. Whitlatch further explained that annexation would only be necessary if the property owner needed access to city services.

Amanda Penner, Crowfoot Road resident, asked what the advantages of annexing that section of road would be, aside from becoming the sole permitting agency. Whitlatch explained that as the road is constructed to city standards, the city will take over jurisdiction, and future developments in the area are also expected to meet those standards. This helps simplify maintenance and address any jurisdictional issues.

Responding to Penner's question, Whitlatch said that the developer is required to extend utilities and make improvements along their frontage.

The public hearing was closed.

Motion to approve by Commissioner Malloy, seconded by Commissioner Fountain. Voting Yea: Chair Robertson, Vice-Chair Gerig-Knurowski, Commissioners Baxter, Fountain, Malloy, Miller and Thompson. The motion passed 7-0.

CITIZEN COMMENTS – None

PLANNING COMMISSION REORGANIZATION – ELECTION OF A NEW CHAIR AND VICE-CHAIR

Don Robertson was elected as Chair. Lori Gerig-Knurowski was elected as Vice-Chair.

COMMISSION BUSINESS AND COMMENTS

Hart said that there will be a Planning Commission meeting in May.

She also provided a quick overview of the House Bill regarding mandatory adjustments.

ADJOURNMENT – The meeting adjourned at 6:50 PM.

AGENDA ITEM

1





925 S. Main Street
Lebanon, Oregon 97355

TEL: 541.258.4906
cdc@ci.lebanon.or.us
www.ci.lebanon.or.us

MEMORANDUM

Community Development

To: Lebanon Planning Commission
From: Kelly Hart, Community Development Director
Subject: Planning File No. A-25-02

Date: April 29, 2025

I. BACKGROUND

Under consideration is the proposed annexation of the property on the west side of S 5th Street, south of Joy Street (31666 SW 5th Street, 12S 02W 22D, tax lot 902). The subject property is approximately 4.82 acres, with 285 feet of street frontage along S 5th Street. The properties to the west and east are located within city limits; therefore, the site is contiguous to city boundary limits and is eligible for annexation.

The property is in a partially developed residential neighborhood. To the north, west, and south, large homestead properties improved with single-family homes or agriculture uses within the County and city are designated with a comprehensive plan or zoning of Residential Mixed Density (C/Z-RM). To the west is a subdivision zoned Residential Mixed Density (Z-RM) within city limits.

The subject property is currently improved with a single-family dwelling and accessory structures. City utility services are available in S 5th Street, directly to the east of the subject property. Upon annexation, the Applicant may extend utilities to and through the site for utility services.

II. CURRENT REPORT

The site's Comprehensive Plan Designation is Residential Mixed Density (C-RM). Per Table 16.26-1 in Section 16.24.040 of the Lebanon Development Code (LDC), the designated zoning classification for the site would be Residential Mixed Density (Z-RM). The Applicant has indicated acceptance of the Z-RM zoning designation and is not proposing a Comprehensive Plan Map Amendment.

Per Section 16.24.040 of the LDC, anticipated urban densities (according to the automatic City Zoning assignment upon annexation) within the Urban Growth Area are already accounted for in the City's Facilities Plans, including the Transportation System Plan. Annexation of the land in the Urban Growth Area is already factored into the City's Facility Plans, and no revisions of those plans are necessitated when, following annexation, an area is assigned the zoning classification that follows the adopted Comprehensive Plan Map designation. As the Applicant proposes accepting the automatic zoning designation of Residential Mixed Density, no further analysis of modification to the Facility or Transportation Plan is necessary.

III. REVIEW CRITERIA AND RECOMMENDED FINDINGS

The subject property is located within the City's Urban Growth Boundary (UGB) and is eligible for annexation into the City limits. Annexation application and review requirements are contained in Chapter 16.26 of the Lebanon Development Code. Annexations require a hearing before the Planning Commission and City Council. The purpose of the Commission hearing is to review the request and recommend whether the Council should approve or deny the Annexation.

Section 16.26.060 contains the decision criteria for an annexation with specific requirements in Section 16.26.060.A. This Section requires compliance with provisions in the City Annexation Ordinance and Lebanon Comprehensive Plan, Chapter 3 – Urbanization. Essentially, the Annexation Ordinance and Comprehensive Plan decision criteria are the same. The findings are combined to avoid duplication:

1. Annexation Ordinance Section 2. - All Annexations shall conform to the requirements of the Lebanon Municipal Code, Annexation Ordinance, Lebanon Land Development Ordinance (i.e., Development Code), City of Lebanon/Linn County Urban Growth Management Agreement, and shall be consistent with applicable State law.

Comprehensive Plan Annexation Policy #P-19: [The City shall] recognize and act on the basis that all annexations shall conform to the requirements of the Lebanon Municipal Code, Annexation Ordinance, Lebanon Land Development Ordinance, City of Lebanon/Linn County Urban Growth Management Agreement (UGMA) and shall be consistent with applicable State law.

RECOMMENDED FINDING: The application site is located within the City of Lebanon Urban Growth Boundary and is contiguous with city limits; therefore, it is eligible for annexation per the Annexation Ordinance and the Municipal and Development Codes. The annexation does not include a Comprehensive Plan Map Amendment. The applicant accepts the initial Residential Mixed Density zoning designation, consistent with the Comprehensive Plan Designation and the pre-designation identified in the Lebanon Development Code. With the assignment accepted as identified in the Comprehensive Map, it is determined that the annexation has already been accounted for in the City's Facilities Plan, including the Transportation System Plan. The site complies with the Annexation requirements.

2. Annexation Ordinance Section 3. - All Annexations shall be consistent with the goals and policies of the Lebanon Comprehensive Plan.

Comprehensive Plan Annexation Policy #P-20: [The City shall] recognize and act on the basis that all annexations shall be consistent with the goals and policies of the Lebanon Comprehensive Plan.

RECOMMENDED FINDING: The Annexation Ordinance policies are consistent with, and often mirror the Comprehensive Plan Annexation Policies. The State acknowledges that the City's Comprehensive Plan complies with all applicable Statewide Planning Goals and

statutes, recognizing the consistency of the Plan's goals and policies. Therefore, compliance with the applicable Comprehensive Plan policies ensures compliance with the Annexation Ordinance. Findings in the following Sections detail this proposal's compliance with all relevant policies.

More specifically, this annexation supports the goals and policies under Chapter 4: Land Use and Chapter 6: Housing. In Section 2.3 of Chapter 4 of the Comprehensive Plan, all areas annexed into the City are automatically placed in a zoning classification per the Adopted Comprehensive Plan and Map. The adopted comprehensive plan map identifies the subject property as Residential Mixed Density, with the zoning designation of Residential Mixed Density. As the annexation does not include a proposal to modify the zoning designation, the annexation is consistent with the land use goals established by the Comprehensive Plan. In addition, Exhibit 4.6 in the 2019 adopted Housing Needs Analysis identifies the total number of estimated housing needs by type through a 20-year horizon. The subject property is currently improved with a single-unit dwelling; being zoned Residential Mixed Density and over 9,000 square feet, the site can accommodate all housing types from single-unit detached to multi-family development or could be subdivided. Based on the 2019 Housing Needs Assessment completed by the City, there is a need for 291 acres of low-density development acreage, 92 acres of medium-density, and 39 acres of high-density. In the City and the Urban Growth Boundary, there is an identified surplus of 735 acres of residential land in the City, and 298 acres of residential land in the UGB to accommodate the residential development anticipated to accommodate the population growth. The annexation of this property and the classification for Residential Mixed Density would accommodate the identified need for any of the residential classifications, and upon development, could be built to provide affordable units, which would be consistent with the goals and policies of the Comprehensive Plan.

3. Annexation Ordinance Section 4. - All lands included within the Urban Growth Boundary are eligible for annexation and urban development. Areas within the Urban Growth Boundary with designated environmental constraints may be annexed and utilized as functional wetlands, parks, open space, and related uses.

Comprehensive Plan Annexation Policy #P-21: [The City shall] recognize and act on the basis that all lands included within the Urban Growth Boundary are eligible for annexation and urban development. (Areas within the Urban Growth Boundary with designated environmental constraints may be annexed and utilized as functional wetlands, parks, open space, and related uses.)

RECOMMENDED FINDING: The subject site is located within the Urban Growth Boundary and contiguous to city limits; therefore, it is eligible for annexation. The subject site is generally flat, with no steep slopes or environmental constraints beyond wetlands that can be mitigated, and within a partially developed neighborhood. The site is currently improved with a single-unit dwelling and accessory structures. The site is located within a partially developed neighborhood and contains no known environmental constraints, so the property is eligible for annexation.

4. Annexation Ordinance Section 5. - The City shall only annex land contiguous to the existing City limits and within the City's UGB.

Comprehensive Plan Annexation Policy #P-22: [The City shall] only annex land contiguous to the existing City limits and within the City's UGB.

RECOMMENDED FINDING: The subject site is contiguous with the city boundary on the west and east sides of the property; therefore, it is contiguous with existing City limits and eligible for annexation.

5. Annexation Ordinance Section 6. - An annexation shall be deemed orderly if the annexation territory is contiguous to the existing City limits. An annexation is efficient if the annexation territory can be developed or redeveloped for urban use. Urban uses may include wetlands, parks, open space, and related uses.

Comprehensive Plan Annexation Policy #P-23: [The City shall] deem an annexation orderly if the annexation territory is contiguous to the existing City Limits and deem an annexation efficient if the annexation territory can be developed or redeveloped to an urban use (urban uses may include functional wetlands, parks, open space, and related uses).

RECOMMENDED FINDINGS: The proposed annexation complies with the above-noted criteria as follows:

- (a) The site is contiguous with city limits along the western and eastern property lines.
- (b) The property is located within a partially developed and urbanized portion of the Urban Growth Boundary and the City. Surrounding the property are large homestead properties that have been improved with single-family homes, agricultural uses, and a residential subdivision. The site can be serviced by existing city water, sewer, and storm drainage facilities in S 5th Street directly east of the subject property. City facilities and the transportation system can service the property, and the neighborhood has already been partially improved with urban development, so the property would be eligible for annexation.

6. Annexation Ordinance Section 7. - Development proposals are not required for annexation requests.

Comprehensive Plan Annexation Policy #P-24: [The City shall] recognize and act on the basis that development proposals are not required for annexation requests.

RECOMMENDED FINDING: The application does not include a concurrent development proposal. Any future development proposal would be required to comply with the provisions of the development code for the Z-RM zone, as applicable.

7. Annexation Ordinance Section 8. - As part of the annexation process of developed property or properties, the City shall consider the anticipated demands to access key City-

provided urban utility services, which are water, storm drainage, sanitary sewer, and streets, of existing development within the annexation territory.

Comprehensive Plan Annexation Policy #P-25: [The City shall] consider as part of the annexation process of developed property or properties, the anticipated demands to access key City-provided urban utility services, which are water, storm drainage, sanitary sewer, and streets, of existing development within the annexation territory.

RECOMMENDED FINDING: Section 16.26.040 of the Lebanon Development Code states, “anticipated urban densities (according to the automatic City Zoning assignment upon annexation) within the UGB are already accounted for in the City’s Facilities Plans, including the Transportation System Plan.” No revisions to the plans are necessary when, following annexation, an area is assigned the zoning classification per the adopted Comprehensive Plan Map designation. The subject site is assigned the zoning classification of Z-RM per the Comprehensive Map designation. Therefore, the anticipated demands to access key City-provided urban utilities have already been considered. There is capacity in the utility systems and utility master plans to extend utilities to the site. The existing transportation system can accommodate the inclusion of the property and the anticipated residential uses.

8. Annexation Ordinance Section 9. - As part of the annexation process of developed property or properties, the City shall consider the impacts on key City-provided urban utility services needed to serve these properties: water, storm drainage, sanitary sewer, and streets.

Comprehensive Plan Annexation Policy # P-26: [The City shall] Consider as part of the annexation process of developed property or properties, the impacts on the capacities of key City-provided urban utility services needed to satisfy the anticipated demands of the properties discussed in P-25 above.

RECOMMENDED FINDING: Section 16.26.040 of the Lebanon Development Code states, “anticipated urban densities (according to the automatic City Zoning assignment upon annexation) within the UGB are already accounted for in the City’s Facilities Plans, including the Transportation System Plan.” No revisions to the plans are necessary when, following annexation, an area is assigned the zoning classification per the adopted Comprehensive Plan Map designation. The subject site is assigned the zoning classification of Z-RM per the Comprehensive Map designation. Therefore, the anticipated impacts on access to key City-provided urban utilities have already been considered.

9. Annexation Ordinance Section 10. - Needed Public rights-of-way, as identified in adopted transportation plans as necessary for the safe and efficient movement of traffic, bicycles, and pedestrians, shall be dedicated to the City either with annexation or when the property develops and/or redevelops and creates an increased demand for the benefits provided by additional rights-of-way dedication.

RECOMMENDED FINDING: S 5th Street maintains a right-of-way width of 60 feet. The adopted 2018 Transportation System Plan identifies S 5th Street as a Collector roadway, which requires a minimum 60-foot right-of-way without on-street parking provided. The Engineering Department reviewed the annexation and determined that no additional right-of-way dedication from the subject property is necessary for the annexation. Additional right-of-way may be required upon redevelopment of the site if on-street parking is desired for the neighborhood.

10. Annexation Ordinance Section 11. Upon annexation, the annexation territory shall be assigned zoning classifications per the adopted Comprehensive Plan Map, as shown in the City's Annexation Zoning Matrix. Such zoning assignments are not a zoning map change and shall not require approval of a zoning map amendment or a separate proceeding.

RECOMMENDED FINDING: This subject property is designated Residential Mixed Density by the Comprehensive Plan. Consistent with the adopted Zoning Matrix, the only possible applicable zone is Residential Mixed Density (Z-RM). The Applicant accepts the applicable zoning designation and is not proposing a Comprehensive Plan Map Amendment.

11. Annexation Ordinance Section 12. - If an applicant requests a zoning designation other than one per the Comprehensive Plan Map (shown in the Annexation Zoning Matrix), the zoning requested shall not be granted until the Comprehensive Plan Map is appropriately amended to reflect concurrence. Such an amendment shall require a separate application, hearing, and decision, which may be held concurrently with an annexation hearing and will not become effective until the annexation is complete.

RECOMMENDED FINDING: This application does not include a change in the Plan designation or corresponding zone, so this Section does not apply.

12. Annexation Ordinance Section 13. Areas within the urban growth boundary with designated environmental constraints may be annexed and developed as functional wetlands, parks, open spaces, and related uses.

RECOMMENDED FINDING: The subject site is generally flat, with no steep slopes or environmental constraints other than wetlands, which may be maintained as open space or mitigated, and is within a partially developed neighborhood. The site is currently improved with a single-unit dwelling and accessory structures. As the neighborhood has already been previously partially developed with urban development, and the site does not contain any known environmental constraints, the property is eligible for annexation.

13. Annexation Ordinance Section 14. - An "urban use" is hereby defined as any land use authorized under the terms and provisions of the land use regulations, Zoning Ordinance (i.e., Development Code), Subdivision Ordinance, Comprehensive Plan, and other related documents of the City of Lebanon.

RECOMMENDED FINDING: This Section does not apply as its provisions provide a definition and not a decision criterion.

14. Annexation Ordinance Section 15. - At the applicant's discretion and with the City's concurrence, a development or redevelopment proposal for an annexation territory may be acted upon by the Planning Commission immediately following the Commission's hearing on the annexation proposal and a decision of recommendation of approval to the City Council. However, any approval of the Planning Commission of such a development or redevelopment proposal must be contingent upon subsequent approval of the annexation by the City Council.

RECOMMENDED FINDING: The request does not contain a concurrent development request.

15. Comprehensive Plan Annexation Policy # P-27: Expand the City Limits as necessary to accommodate development, including housing, commercial, industrial, and services (which will, in turn, accommodate population growth).

RECOMMENDED FINDING: This Policy does not directly apply as the proposal incorporates an existing urbanized parcel into the City limits.

IV. CONCLUSION AND RECOMMENDATION

Staff finds the proposal complies with the decision criteria for an Annexation and the establishment of the applicable zone. Therefore, staff recommends that the Planning Commission recommend that the City Council approve the Annexation of the subject area and establishment of the respective Residential Mixed Density (Z-RM) zone on the newly annexed property.

V. PLANNING COMMISSION ACTION - ANNEXATION

A. The Planning Commission may either:

1. Recommend City Council approval of the proposed property annexation and establishment of the applicable Residential Mixed Density zone, adopting the written findings for the decision criteria contained in the staff report; or
2. Recommend City Council approval of the proposed property annexation and establishment of the applicable Residential Mixed Density zone, adopting modified findings for the decision criteria; or
3. Recommend City Council denial of the proposed property annexation and establishment of the applicable Residential Mixed Density zone, specifying reasons why the proposal fails to comply with the decision criteria; and
4. Direct staff to prepare an Order of Recommendation for the Chair or Vice Chair's signature, incorporating the adopted findings as approved by the Planning Commission.



NOTICE OF PUBLIC HEARING

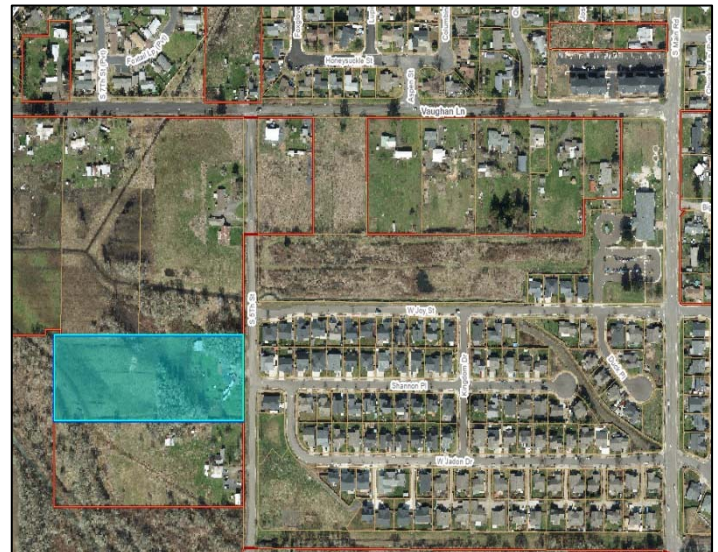
LEBANON PLANNING COMMISSION

NOTICE IS HEREBY GIVEN that a public hearing will be held before the Lebanon Planning Commission on **May 21, 2025, at 6:00 p.m.** in the Santiam Travel Station located at 750 S 3rd Street, to afford interested persons and the general public an opportunity to be heard and give testimony concerning the following matter:

Planning Case No.:	A-25-02
Applicant:	Clement Stockard and Bonnie Brown
Location:	31666 SW 5 th Street
Map No.:	12S02W22D 00902
Request:	Annexation
Decision Criteria:	Lebanon Development Code Chapters: 16.20 & 16.26

Request: The applicant is requesting Annexation of approximately 4.82 acres comprised of one tax lot and adjacent street right-of-way. The property is designated Residential Mixed Density (C-RM) on the Comprehensive Plan Map and will be assigned a Residential Mixed Density (Z-RM) zoning designation upon Annexation.

Providing Comments: The city will be accepting public comment on this item in several ways to afford interested persons and the public an opportunity to give testimony on the subject matter. Written and verbal testimony will be accepted upon issuance of this notice, **until 5:00pm on Tuesday, May 20, 2025.** Written testimony may be emailed to kelly.hart@lebanonoregon.gov or mailed to the City of Lebanon at 925 S. Main Street, Lebanon, OR 97355, or delivered and dropped in the white mailbox in front of City Hall.



The public is invited to either participate in person at the Santiam Travel Station or watch the meeting virtually on **May 21, 2025.**

If you wish to address the Commission under Public Comments or for a Public Hearing, click: <https://zoom.us/meeting/register/WCtspkUsR4Smih5HiKwzpw> to register in advance for the meeting. You will receive a confirmation email containing information about joining the meeting. Attendees will need to register to receive the link to the meeting.

Please register **ONLY** if you wish to address the Commission. If you want to watch or listen to the meeting, please click this link to do so on YouTube: <https://youtube.com/live/ePSCSg9wTes?>

The agenda and application materials will be available for review on the City's website at <https://www.lebanonoregon.gov/meetings> seven days prior to the hearing.

CITIZENS ARE INVITED TO PARTICIPATE in the public hearing and give written or oral testimony as described above that address applicable decision criteria during that part of the hearing process designated for testimony in favor of, or opposition to, the proposal. If additional documents or evidence are provided in support of the application subsequent to notice being sent, a party may, prior to the close of the hearing, request that the record remain open for at least seven days so such material may be reviewed.

Action of the Planning Commission and Appeals: The role of the Commission is to review the proposal and make a recommendation to the Lebanon City Council. A public hearing before the Council will be subsequently scheduled and notice provided. The Council decision is the final decision unless appealed to the Land Use Board of Appeals (LUBA). Failure to raise an issue in the hearing, orally or in writing, or failure to provide sufficient specificity to afford the decision makers an opportunity to respond to the issue precludes appeal to LUBA based on that issue.

Obtain Information: A copy of the application, all documents and evidence relied upon by the applicant, and applicable criteria are available for inspection at no cost and will be provided at the cost of 25 cents per single-sided page. If you have questions or would like additional information, please contact City of Lebanon Community Development Department, 925 Main Street; phone 541-258-4906; email cdc@lebanonoregon.gov.

The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to 541-258-4906.

ANNEXATION NARRATIVE
FOR
3166 SW 5th STREET, LEBANON
ASSESOR'S MAP 12S-02WDO LOT 00902

Project Description

The Owners of the referenced site, containing approximately 4.819 acres, request annexation of the property to the City of Lebanon. The abutting right-of-way containing approximately 0.196 acres is included in the legal description submitted for annexation.

This request is submitted under the provisions of Oregon Revised Statutes (ORS) 222.120(4)(b) and related provisions of the ORS.

The land is contiguous to the city limits as required by ORS 222.111(1).

The owners are petitioning for the annexation per ORS 222.111(2).

The Owners do not request continuation of any Special Districts that may serve the property {ORS 222.510(2)}. The owners request that the annexed land be withdrawn from any named Special Districts named in ORS 222.465. ORS 222.111(b)

This annexation is timely since the property is served with public roads and is served by city utilities (sewer and water). Franchised (dry) utilities are available to the site.



LAND USE APPLICATION

PROPERTY INFORMATION

Site Address(es): 31666 SW 5TH ST, LEBANON, OR 97355

Assessor's Map & Tax Lot No.(s): 12S02W22-D0-00902

Comprehensive Plan Designation / Zoning Designation:

Current Property Use: SINGLE FAMILY RESIDENTIAL

Project Description: Property Annexation

APPLICANT / PRIMARY CONTACT INFORMATION

Applicant: K&D ENGINEERING, INC.

Phone: 541-928-2583

Address: 276 NW HICKORY ST

Email: kdeng@kdeng.com

City/State/Zip: ALBANY, OR 97321

I hereby certify that the statements, attachments, exhibits, plot plan and other information submitted as a part of this application are true; that the proposed land use activity does not violate State and/or Federal Law, or any covenants, conditions and restrictions associated with the subject property; and, any approval granted based on this information may be revoked if it is found that such statements are false.

APPLICANT SIGNATURE

Date:

4/20/25

PROPERTY OWNER INFORMATION (IF DIFFERENT THAN ABOVE)

Owner: STOCKARD, CLEMENT & BROWN, BONNIE

Phone: (541) 855-9622

Address: 4995 SARDINE CREEK RD

Email: clembon@icloud.com

City/State/Zip: GOLD HILL, OR 97525

OWNER SIGNATURE

Date:

Clem Stockard & Bonnie L. Brown 4/22/2025

ADDITIONAL CONTACT INFORMATION

Engineer / Surveyor: K&D ENGINEERING, INC.

Phone: 541-928-2583

Address: 276 NW HICKORY ST

Email: kdeng@kdeng.com

City/State/Zip: ALBANY, OR 97321

Architect:

Phone:

Address:

Email:

City/State/Zip:

Other:

Phone:

Address:

Email:

City/State/Zip:

THE CITY THAT FRIENDLINESS BUILT

REQUIRED SUBMITTALS

- ☐ Application and Filing Fee
- ☐ Narrative Describing the Proposed Development and addressing the Decision Criteria
 - LDC Article Two Land Uses and Land Use Zones
 - LDC Article Three Development Standards
 - LDC Article Four Review & Decision Requirements
 - LDC Article Five Exceptions to Standards (eg Variance, Non-Conforming Uses)
- ☐ Site Plan(s) drawn to scale with dimensions, Include other drawings if applicable
- ☐ Copy of current Property Deed showing Ownership, Easements, Property Restrictions

APPLICATIONS

If more than one review process is required, applicant pays highest priced fee, then subsequent applications charged at half-price.

Land Use Review Process		Fee	Land Use Review Process		Fee
	Administrative Review	\$750		Planned Development – Preliminary	\$2,500
	Administrative Review (Planning Commission)	\$1,500		Planned Development – Final (Ministerial)	\$250
X	Annexation	\$2,500		Planned Development – Final (Administrative)	\$750
	Code Interpretation	\$250		Planned Development – Final (Quasi-Judicial)	\$1,500
	Comprehensive Plan Map/Text Amendment	\$2,500		Subdivision Tentative	\$1,500
	Conditional Use	\$1,500		Subdivision Final	\$750
	Fire District Plan Review	\$125		Tree Felling Permit (Steep Slopes only)	\$150 + \$5/tree
	Historic Preservation Review or Register	Varies		UGB Amendment	Actual Cost
	Land Partition	\$750		Variance (Class 1 – Minor Adjustment)	\$250
	Ministerial Review	\$250		Variance (Class 2 – Adjustment)	\$750
	Non-Conforming Use/Development	\$750		Variance (Class 3)	\$1,500
	Property (Lot) Line Adjustment	\$250		Zoning Map Amendment	\$2,500

APPLICATION RECEIPT & PAYMENT

Date Received:	Date Complete:	Receipt No.:
Received By:	Total Fee:	File No.:

THE CITY THAT FRIENDLINESS BUILT

ANNEXATION MAP
FOR

WALT WOOD

LOCATED IN THE

PRESLEY GEORGE D.L.C. No. 65

SE 1/4 SEC. 22, T. 12 S., R. 2 W., W.M.

LINN COUNTY, OREGON

APRIL 11, 2025

APPLICANT:

WALT WOOD
11029 BARTLETT AVE. NE
SEATTLE, WA 98125

OWNER:

CLEMENT STOCKARD + BONNIE BROWN
31666 5th STREET
LEBANON, OR 97355

ENGINEER / SURVEYOR:

K&D ENGINEERING, INC.
P.O. BOX 725
ALBANY, OREGON 97321
541-928-2583

TAX LOT + SITE ADDRESSES:

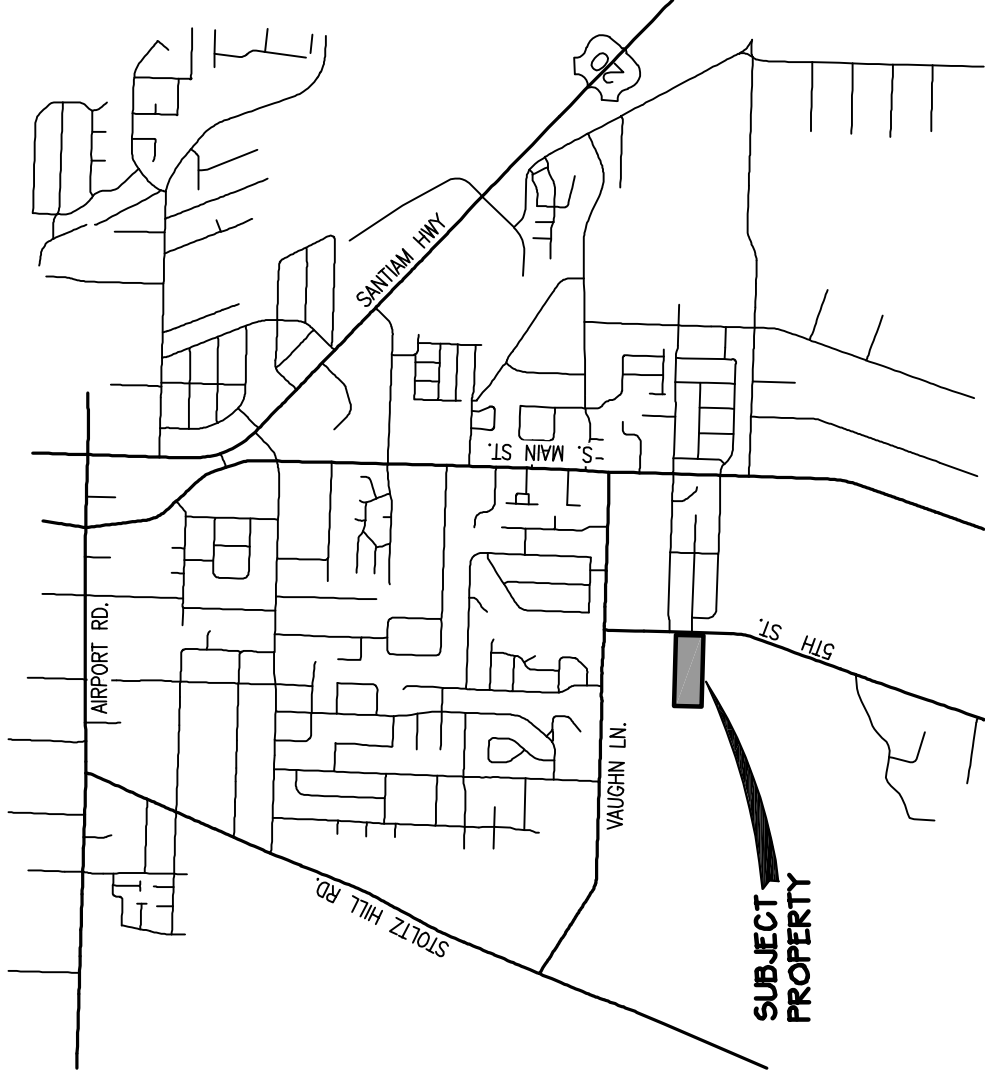
TAX LOT 902, MAP 125-2W-22D
31666 SW 5th STREET
LEBANON, OR 97355

ZONING:

EXISTING UGA-UGM-10 (LINN COUNTY)
REQUESTED: Z-MU MIXED USE (CITY OF LEBANON)

CURRENT USE:

RESIDENTIAL

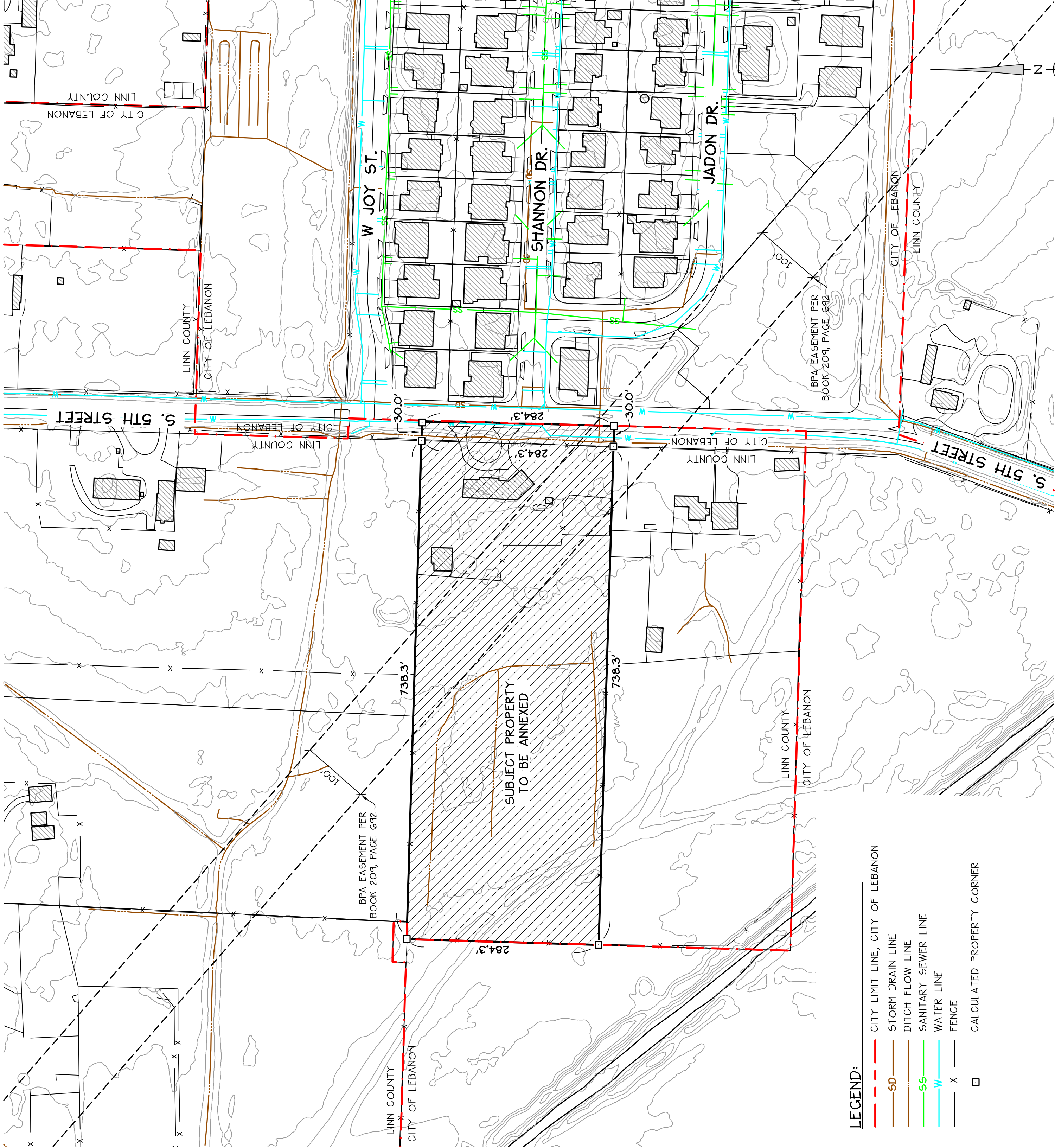
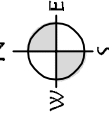


VICINITY MAP

SCALE: 1" = 2000'



ORIG. SCALE: 1" = 2000'



LEGEND:

- CITY LIMIT LINE, CITY OF LEBANON
- SD STORM DRAIN LINE
- DITCH FLOW LINE
- SS SANITARY SEWER LINE
- W WATER LINE
- X FENCE
- CALCULATED PROPERTY CORNER

ANNEXATION MAP

SCALE: 1" = 100'

K&D
K & D ENGINEERING, Inc.
278 N.W. Hickory Street P.O. Box 725
Albany, Oregon 97321
(541) 928-2583

Date: 4/21/2025

Time: 11:29

Scale: 1=1(FS)

File: dwg\2025\25-24\25-24_ann.dwg (George)

Legal Description

Property to be annexed into the City of Lebanon, Oregon
Tax Lot 902 of Assessor Map 12S-02W-22D
Also
A portion of South 5th Street

Tax Lot 902:

All of that property conveyed to Clement William Stockard and Bonnie Brown by Bargain and Sale Deed recorded in the Linn County, Oregon Deed Records as Document Number 2011-16721 on November 29, 2011 (hereinafter referred to as the "Stockard Tract") said property being located in the Southeast Quarter (1/4) of Section 22, Township 12 South, Range 2 West, Willamette Meridian, Linn County, Oregon and is more particularly described as follows:

Beginning at a 5/8 inch rod at the southwest corner of said Stockard Tract said rod being North 00°03'00" East 422.50 feet and North 89°57'00" West 768.30 feet of the most southerly southwest corner of the Richmond Cheadle Donation Land Claim Number 69 in Section 22, Township 12 South, Range 2 West, Willamette Meridian, Linn County, Oregon; thence North 00°03'00" East 284.30 feet to a 5/8 inch rod at the northwest corner of said Stockard Tract; thence South 89°57'00" East, along the north line of said Stockard Tract, 738.30 feet to a 5/8 inch rod on west right-of-way line of South 5th Street (also known as County Road Number 714); thence South 00°03'00" West, along said west right-of-way line, 284.30 feet to a 1/2 pipe on the south line of said Stockard Tract; thence North 89°57'00" West, along said south line, 738.3 feet to the Point of Beginning. Containing 4.819 acres of land more or less.

Portion of South 5th Street (also known as County Road No. 714):

A portion of South 5th Street (also known as County Road number 714) located in the Southeast Quarter (1/4) of Section 22, Township 12 South, Range 2 West, Willamette Meridian, Linn County, Oregon and is more particularly described as follows:

Beginning at a point on the centerline of said South 5th Street said point being North 00°03'00" East 422.50 feet of the most southerly southwest corner of the Richmond Cheadle Donation Land Claim Number 69 in Section 22, Township 12 South, Range 2 West, Willamette Meridian, Linn County, Oregon; thence North 89°57'00" West 30.00 feet to a 1/2 inch pipe on the west right-of-way line of said South 5th Street; thence North 00°03'00" East, along said west right-of-way line, 284.30 feet to a 5/8 inch rod; thence South 89°57'00" East 30.00 feet to a point on said centerline; thence South 00°03'00" West, along said centerline, 284.30 feet to the Point of Beginning. Containing 0.196 acres of land more or less

**REGISTERED
PROFESSIONAL
LAND SURVEYOR**

**OREGON
JULY 9, 2002
JOE J. COTA
58561**

RENEWS: 12-31-2025

Project # 25-24

AGENDA ITEM

2





925 S. Main Street
Lebanon, Oregon 97355

TEL: 541.258.4906
cdc@lebanonoregon.gov
www.lebanonoregon.gov

MEMORANDUM

Community Development

To: Chairman Robertson and Planning Commission
From: Kelly Hart, Community Development Director
Subject: Proposed Development Code Amendment to implement portions of the adopted Housing Production Strategy

Date: April 29, 2025

I. INTRODUCTION

In August 2023, the City adopted its first Housing Production Strategy, which included 19 strategies and actions to be implemented over the next eight years to promote housing production in Lebanon. A Department of Land Conservation and Development (DLCD) grant was obtained to help the City conduct a development code amendment process, to implement the first round of strategies and action items. MIG, Inc. was provided as a consultant through DLCD to assist the Community Development Department with the scoping, research, engagement, and development of the necessary code amendments.

The City began working on the code amendment process with MIG in March 2024, starting with a policy and code review, and assembling the Project Advisory Committee (PAC) to help guide the code development. The PAC included members of the Planning, Building, Engineering, and Police Divisions in the City, the Fire District, Lebanon Community School District, Udell Engineering, Western University of Health Sciences, Farmworker Housing Development Corporation, Hayden Homes Developers, and representatives of the Planning Commission and City Council. The PAC met four times throughout the code update process to provide feedback on the code package and guide the code development process.

In addition, three joint meetings with the Planning Commission and the City Council were held throughout the process to verify that the proposed code updates aligned with the policy directives of the adopted Housing Production Strategy. This also provided an opportunity for the public to be updated on the code updates process.

With input from the PAC, Planning Commission, and City Council, the code update package has been finalized and is prepared for adoption.

II. CURRENT REPORT

The code package includes implementing eight strategies and action items from the Housing Production Strategy, code amendments to address State law compliance, and minor updates for code clarity and consistency. The specific Housing Production Strategies implemented

and a description of how they are addressed in the code changes are included below. The whole code language and detailed amendments are included as an exhibit to this report.

- **Action 1.1** – Encourage smaller, single-family detached homes: Create a new small lot single-family land development tool to allow single-family detached houses on smaller lot sizes from 2,500 to 3,500 square feet in the Residential Mixed Density (Z-RM) and Mixed Use (Z-MU) zones.

Code Update: Allow small lot single-unit dwellings by right in the Residential Mixed Density (Z-RM), Residential High Density (Z-RH), Mixed Use (Z-MU), and Neighborhood Mixed Use (Z-NMU) zones.

Minimum Lot Area	2,500 square feet
Minimum Lot Width	30 feet
Maximum Lot Coverage	60%
Front Setback	Interior Lots: 10 ft Corner Lots: 10/10 ft
Side Setback	5 ft
Rear Setback	10 ft
Maximum Height	25 feet, all zones
Parking	2 spaces/dwelling

- **Action 1.2** – Promote cottage cluster housing: Amend the current cottage cluster regulations to increase opportunities for cottage cluster developments. Code changes could include: increasing the number of cottages allowed on one site from the current allowance of four; scaling the number of units permitted based on site area; and/or adopting a maximum average floor area of 1,200 square feet per dwelling to encourage smaller, more affordable units.

Code Update: Allow cottage clusters, subject to an Administrative Review application in the Residential Mixed Density (Z-RM), Residential High Density (Z-RH), Mixed Use (Z-MU), and Neighborhood Mixed Use (Z-NMU) zones.

Minimum Lot Area	7,000 square feet
Minimum Lot Width	50 feet
Maximum Lot Coverage	exempt
Front Setback	Interior Lots: 10 ft Corner Lots: 10/10 ft
Side Setback	5 ft
Rear Setback	10 ft
Maximum Height	25 feet, all zones

Maximum Unit Size	900 square feet (tiny homes authorized), 1,400 square feet for the community room
Parking	Studio or one bedroom: 1 space/dwelling Two or more bedrooms: 2 spaces/dwelling
Open Space	Required to be oriented around a shared courtyard, specific standards are provided.

- **Action 1.3** – Simplify infill design standards: Evaluate options for simplifying or eliminating the Infill Design Standards (Section 16.05.110 in the Lebanon Development Code) or replacing them with a set of explicit, clear, and objective standards.

Code Update: Section 16.05.110 “Infill Standards for Residential Zones” is proposed to be eliminated. All underlying zoning standards will remain in place.

- **Action 1.5**—Allow manufactured home parks as an outright use and remove subjective criteria: To comply with state statute and remove subjective criteria from standards for manufactured home parks, allow Manufactured/Mobile Home Parks as an outright use in residential mixed density (Z-RM), residential high density (Z-RH), and mixed use (Z-MU) zones.

Code Update: Subject to an administrative review application, manufactured dwelling parks would be allowed in all residential and mixed-use zones.

Minimum Lot Area	One acre or larger
Permitted Uses	Single unit residences, tiny homes, manufactured dwellings, park manager’s office, home occupations, and accessory structures
Dwelling Space Size	2,500 or 1,200 square feet for a tiny home, provided overall density does not exceed 12 du/ac. Each space shall be at least 30 feet wide by 40 feet long.
Dwelling Separation	10 ft/14 ft with flammable storage
Front Setback	Interior Lots: 15 ft Corner Lots: 15/15 ft
Side Setback	5 ft
Rear Setback	5 ft
Maximum Unit Size	900 square feet (tiny homes authorized), 1,400 square feet for the community room
Parking	2 spaces/dwelling, plus 1 visitor space for each 10 dwelling spaces

- **Action 1.6** – Allow Tiny Homes on Wheels (THOW) as permanent dwellings under certain conditions: Develop a regulatory framework that would allow THOWs to be permanently occupied as dwellings under certain conditions. The regulatory framework should address siting, utilities, sanitation, exterior appearance, and other issues.

Code Update: THOWs or tiny homes would be allowed in manufactured dwelling parks, cottage clusters, or Accessory Dwelling Units only.

Placement	Hard, all-weather surfaced slab or foundation.
Roof	Pitched with a slope not less than 3 feet in height for each 12 feet in width (14 degrees)
Screening	Skirting must be provided around the chassis or wheels of the support structure.
Utilities	Each tiny home must be connected to water and sewer services.

- **Action 2.4** – Restructure zoning incentives for income-restricted units: Redesign the current density bonus for affordable housing (income-restricted) to increase its effectiveness and target the highest-priority housing needs.

Code Update: Propose to update the density bonus section of the code to provide incentives as mandated in State Law (e.g., height bonus, density), while providing incentives for affordable units on a graduated scale based on the percentage of the development dedicated towards affordable housing.

		>0.25 from a park	<0.25 from a park
Open Space Bonus	0-10%	20%	25%
	10-25%	10%	15%
	20-50%	0%	0%
	>50%	0%	0%
Lot Coverage Bonus	5-10%	70% max coverage	
	10-25%	80% max coverage	
	>25%	90% max coverage	
Parking	40%	10% reduction	
	75%	15% reduction	
	100%	20% reduction	

- **Single-Unit Detached Dwelling Placement Standards**—The current development code includes design standards for manufactured dwellings outside parks. However, these standards do not currently conform to state law. Therefore, the PAC proposes a set of basic design standards for single-unit detached dwellings on an individual lot in residential zones. This ensures the residential character of a neighborhood is being

maintained while fully adhering to state law and allowing all types of manufactured dwellings on a residential lot.

- **Miscellaneous Code Updates** – At staff’s request, a few sections of the development code are also proposed to be modified for clarity purposes, and further compliance with HB 2001.
 - The earned parking reduction for bicycle parking is proposed to be simplified.
 - The Zero Lot Line Housing section is proposed to be simplified, mirroring neighboring jurisdictions that have successfully implemented zero lot line housing. In addition, at the direction of the PAC, the zero lot line housing lot area is also proposed to be reduced to 2,500 square feet to be consistent with the small lot single-unit dwelling option.
 - The Motor vehicle access management section for flag lots is simplified to comply with HB 2001.
 - The nonconforming section of the code is proposed to be updated for clarity and further conformance with the latest state guidance.
 - Miscellaneous definitions to provide clarity and address new uses.
- **Modification for State Law Conformance**—Several sections of the code are proposed to be added to address several State statutes passed in recent years that have not been codified in the city’s code. The city has been acting in compliance with the State statutes. However, it is best practice when conducting a code update to codify the state statutes not set to expire into city code for ease of reference. Below is a summary of those state statutes that are to be codified in the code:
 - Affordable Housing on Non-Residential or Public Land - Senate Bill 8 (2021) requires local governments to allow affordable housing without requiring a zone change or conditional use permit if specific criteria and standards are met.
 - Emergency Shelter Conversions and Affordable Housing—HB 3261 (2021) requires cities to allow motels and hotels to convert to emergency shelters. Cities must allow these conversions outright, except that conditions of approval may be included to ensure building code and occupancy limits are met. Cities may also eventually allow hotels/motels converted into emergency shelters to be used for affordable housing.

The development code has included proposed criteria and standards that conform to best practices. Although these codes are proposed to be codified, the City has not been approached by any party to utilize these state statutes since they have been effective.

COMPREHENSIVE PLAN REVIEW – As part of the code update process, the comprehensive plan was evaluated to ensure that existing housing goals and policies do not conflict with potential regulatory recommendations meant to remove barriers to housing production and increase housing choice in Lebanon. The Comprehensive Plan, which was adopted in 2004 and last

amended in 2023, includes a robust collection of goals and policies that support housing production. Specifically, Comprehensive Plan Chapter 6, Housing, includes six overarching goals and fifty-two policies, most of which support the HPS recommendations and the objectives of this Code update project. The following policies are directly supportive of the HPS and potential Code updates:

- Policy P-1: Allow manufactured housing, subject to state building code requirements and City placement requirements, in all residential zones, while maintaining historical and architectural conformity with the established historic neighborhoods.
- Policy P-9: Allow density bonuses (e.g., an increase in the number of permitted dwelling units vis-à-vis the minimum site area requirements) for the provision of affordable housing within a development.
- Policy P-11: Periodically review Zoning Ordinance and other land use regulations to assure that barriers do not inhibit the building of the variety of types and densities of housing that is affordable for all segments of Lebanon's residents.
- Policy P-30: Ensure that the Comprehensive Plan Map provides opportunities for a variety of housing types, densities and locations within the Urban Growth Boundary area including both the area inside the City limits and the Urban Growth Area.
- Policy P-31: Ensure that the Zoning Map or Land Use Map, any special zoning overlay maps and the Development Code provide opportunities for a variety of housing types, densities, and locations within the City Limits.
- Policy P-32: Recognize condominium ownership, manufactured housing, and attached single-family homes as legitimate and affordable housing alternatives and permit their development within the City.
- Policy P-37: Allow and encourage a variety of housing types to accommodate the demands of the local housing market.
- Policy P-41: Periodically review ordinances for applicability to the current trends in the housing market to ensure the new concepts in housing are not restricted unduly by regulations.
- Policy P-42: In order to assure choices of housing types and costs, provide the opportunity to develop detached and attached single-family units, duplexes, garden apartments, town houses, multiplex units and boarding houses, lodging, or rooming houses, and manufactured housing.
- Policy P-43: In order to assure choices of housing types and costs, provide the opportunity to develop detached and attached single-family units, duplexes, garden apartments, town houses, multiplex units and boarding houses, lodging, or rooming houses, and manufactured housing.
- Policy P-45: Encourage use of energy efficient building materials and practices in the design, construction, and remodeling of housing.
- Policy P-46: Adopt standards for zone changes and subdivision plat reviews that are clear, nonarbitrary, and objective.

- Policy P-47: Periodically review standards to determine whether they are vague, discretionary, or subjective and take necessary action to make these standards clear and objective.
- Policy P-49: Not impose special conditions on residential development that would discourage provision of needed housing types through unreasonable cost demands or processing delays.
- Policy P-52: Develop manufactured housing placement standards, consistent with State law, that maximizes design and construction standards that are in harmony with existing neighborhood character and/or type or intensity of uses.

The recommended Code updates are intended to improve opportunities for various housing types and remove regulatory barriers to housing production. The current Comprehensive Plan policies do not pose any critical issues or contradictions with the HPS recommendations or anticipated Code updates. As such, no modifications to the comprehensive plan are proposed currently.

III. DEVELOPMENT CODE AMENDMENT – DECISION CRITERIA AND FINDINGS

Chapter 16.28 of the Lebanon Development Code establishes the procedures and criteria for amending the text of both the Comprehensive Plan and Development Code.

- A. 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, the City began implementing code changes associated with the adopted Housing Production Strategy.
- 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 that all proposed amendments to the Comprehensive Plan Text be consistent with Oregon's Statewide Planning Goals and all adopted facility plans, including the Transportation System Plan. These Sections do not apply, as the proposal does not amend the Comprehensive Plan.
- E. Section 16.28.070 requires Development Code amendments be consistent with the City's Transportation System Plan.

RECOMMENDED FINDING: The proposed code amendments provide a variety of new housing choices, including small lot single-unit dwellings, recalibrating cottage clusters and manufactured dwelling parks, allowing for tiny homes on wheels in certain circumstances, modifying density bonus standards for affordable housing, and general updates for state law

compliance for affordable housing. The small lot single-unit dwelling housing concept is the most significant code change. However, the minimum lot standard of 2,500 square feet is consistent with the townhome standard currently authorized in the code, so the densities anticipated in the new development code are consistent with the existing code. As such, the Transportation System Plan has already considered the density level of development on residential street systems with the proposed lot configuration. As individual subdivisions are proposed, if the threshold is triggered for a project-specific Transportation Impact Analysis, the project would be analyzed for any off-site mitigation necessary to accommodate the increase in traffic. Cottage Clusters and Manufactured Dwelling Parks were already authorized in the code, and the proposed amendments provide for compliance with state law and industry calibration to support development opportunities. Still, as they were existing land use categories, they had been previously evaluated in the TSP. All other code changes will result in sporadic housing unit construction, creating minimal impact on the transportation system, and not result in any required amendments.

The transportation system within the residential zones is already designed to accommodate residential local traffic. As planned in the Transportation System Plan, including the anticipated capacity, the design of the local street system will not change.

- F. Section 16.28.080 outlines the process for text amendments. This legislative action under Chapter 16.20 requires hearings before the Planning Commission and City Council. The Commission reviews the request and makes a recommendation to the Council. The final decision on this matter rests with the City Council.
- 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 administrative rules, applicable Statewide Planning Goals, 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.

RECOMMENDED FINDING: The following provides support for the criteria:

- 1. DLCD Administrative Rules – The Oregon Administrative Rules address various 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 the fact that the DLCD did not identify specific Administrative Rules for the City to consider, it is concluded that no Administrative Rules apply to the proposed Code amendment.
- 2. Statewide Planning Goals – Compliance with the Statewide Goals is noted as follows:

Goal 1 - Citizen Involvement: The development code amendment process follows the legislative review process. A Post Acknowledgement Plan Amendment was filed with

DLCD on April 15, 2025. A public notice was issued to all interested parties on April 28, 2025, and was published in the local newspaper to advertise the Planning Commission public hearing scheduled for May 21, 2025. At the May 21, 2025, Planning Commission meeting, the Planning Commission will hold a public hearing to solicit public comment and make a recommendation on the proposed code amendments to the City Council. In compliance with state law, a public notice will be issued 20 days before the City Council public hearing with information on how the public may participate in the City Council public hearing process and the recommendation made by the Planning Commission. The City Council public hearing is scheduled for June 11, 2025. By following the legislative review process, the city is consistent with the intent of the Goal.

Goal 2, Land Use Planning: Statewide Planning Goal 2 requires that land use decisions be made through a coordinated and comprehensive planning process, supported by an adequate factual base and consistent with applicable plans and policies. Goal 2 also emphasizes the importance of coordination with affected governmental units and compliance with adopted procedures.

The proposed amendments to the Lebanon Development Code comply with Goal 2 based on the following findings:

1. Use of a Recognized Legislative Land Use Process

The City processed the Development Code amendments through its adopted legislative land use procedures, consistent with the Lebanon Development Code and Oregon Revised Statutes (ORS 197.610–197.650). This process included required public notice, a staff report outlining the basis for the amendments, and public hearings before the Planning Commission and City Council.

2. Code Update Guided by Public Engagement

A project Advisory Committee composed of community members, City staff, and representatives of the local development community informed the code update process. The committee reviewed preliminary draft code language and provided input on potential refinements to ensure the amendments were responsive to local development realities.

In addition, the City conducted public hearings, offered opportunities for written and verbal testimony, and held multiple public work sessions with the Planning Commission and City Council. These actions reflect a deliberate effort to ensure transparency, accessibility, and public input throughout the code revision process.

3. Coordination with Applicable Plans and Jurisdictions

The code update was coordinated internally with other City departments, including engineering and public works, and externally with the Oregon Department of Land Conservation and Development (DLCD). The amendments do not conflict with adopted facility plans or intergovernmental agreements, and other affected jurisdictions raised no objections during the notice period.

4. Factual Basis for Code Amendments

The proposed code changes are supported by the City's acknowledged Comprehensive Plan and existing land use framework. While no new factual studies were required for this update, the amendments are consistent with

previously adopted findings supporting the Comprehensive Plan, and the City's Buildable Land Inventory remains valid and unchanged.

5. No Additional Plan Amendments Required

In accordance with ORS 197.296(6)(b), the cumulative effect of the code amendments is projected to result in no more than a three percent increase in residential zone capacity. Therefore, no additional analysis of public facility plans or amendments to the Comprehensive Plan is required in conjunction with these code changes.

The Development Code update was developed and adopted through a coordinated, transparent, and legally compliant legislative process. The city's actions align with its adopted procedures and are supported by the existing land use policy framework. As such, the code amendments are consistent with the requirements of Statewide Planning Goal 2.

Goal 3, Agricultural Lands: The proposal does not involve or affect farmland, so 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 changes to the Code do not alter existing regulations that affect identified historic, cultural, or natural resources within Lebanon. This code amendment does not eliminate code requirements and overlay zones regarding protecting historical or natural resources.

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.

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: The code amendment is limited to residential and Mixed-Use zones. Residential development is already permissible in the mixed-use zone. As such, the code amendments would not diminish the City's ability to implement industrial or other employment development policies.

Goal 10, Housing: Statewide Planning Goal 10 requires comprehensive plans and implementing regulations to provide for the housing needs of Oregonians at all income levels. Local governments must ensure that their zoning and land use policies support a range of housing types and affordability levels. That sufficient buildable land is available

to meet future housing needs. The proposed amendments to the Lebanon Development Code are consistent with Goal 10 based on the following findings:

1. **Expanding Housing Choices Across Zones**
The amendments increase the variety of housing types permitted in residential zones, including small lot single-family homes (down to 2,500 square feet), duplexes, cottage clusters, manufactured homes, and accessory dwelling units, including tiny homes. These changes ensure that housing can be developed in a wider range of forms, densities, and price points, consistent with HB 2001 and OAR 660-046.
2. **Removing Regulatory Barriers to Infill Housing**
The Development Code reflects the City's prior elimination of Section 16.05.110 (Residential Infill Standards), which imposed discretionary design standards on small-scale infill. Removing these standards streamlines review and permits housing on small or constrained lots using clear and objective criteria already established in base zoning. This action directly supports the efficient use of existing infrastructure and buildable land within the city limits.
3. **Alignment with Housing Needs and Strategic Planning**
The amendments implement key actions from Lebanon's 2023 Housing Production Strategy (HPS), developed in response to the 2019 Housing Needs Analysis (HNA). The HNA identifies a need for 1,617 additional housing units by 2039 across various income levels. The updated code provides a responsive and flexible regulatory framework to support this production level, particularly for lower- and moderate-income households.
4. **Compliance with ORS 197.296(6)(b)**
Considering the City's adopted Buildable Land Inventory and the documented availability of land for development and redevelopment, the cumulative effect of the proposed code amendments is projected to result in no more than a three percent increase in zone capacity. As provided in ORS 197.296(6)(b), this level of capacity increase does not trigger the need for further analysis of public facility plans, transportation system plans, or comprehensive plan amendments at this time. The amendments represent policy refinement within the scope of the existing planning framework.

The proposed Development Code amendments fully comply with Statewide Planning Goal 10 by removing barriers to housing, expanding development options, and maintaining consistency with Lebanon's adopted land use framework and infrastructure capacity. The modest increase in residential capacity resulting from these amendments falls within the thresholds allowed under ORS 197.296(6)(b), requiring no further coordinated planning analysis.

Goal 11, Public Facilities and Services: The amendment does not affect the City's ability to provide public services or requirements for public service connections.

Goal 12, Transportation: The proposed Code revisions do not significantly increase the number of uses or activities beyond the currently anticipated buildout, nor do they change the use or road classifications that impact 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.

The proposed amendments are consistent with the Goal provisions or do not directly affect the 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:

- 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.
- Chapter 2: Natural Environment—This chapter addresses goals and policies related to the City's natural environment.

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.

- Chapter 3: Urbanization – This Chapter provides the basic framework for future urban development within the City, including public facility provisions and annexations.

As identified in the Goal 10 Findings for the Statewide Planning Goals, with consideration of the City's adopted Buildable Land Inventory and the documented availability of land for both development and redevelopment, the cumulative effect of the proposed code amendments is projected to result in no more than a three percent increase in zone capacity. As provided in ORS 197.296(6)(b), this level of capacity increase does not trigger the need for further analysis of public facility plans, transportation system plans, or comprehensive plan amendments at this time. The amendments represent policy refinement within the scope of the existing planning framework. Based on the anticipated capacity increases, there are no needed

amendments to the adopted facility master plans, transportation system plan, or the 2019 housing needs analysis.

- Chapter 4: Land Use—This Chapter details the goals and policies to ensure the City provides different types of land within City limits that are suitable for a variety of uses.

The Comprehensive Plan provides extensive opportunities for various housing types within each residential zone. Table 4-1 (City of Lebanon Comprehensive Plan Land Use Categories) identifies the purpose for each residential land use designation. The following policy supports the code amendments:

- *P-20: Permit and encourage compact residential development to provide more efficient land utilization and to reduce the cost of housing, public facilities, and services. The City encourages this type of development by offering incentives such as density and open space bonuses.*
- *P-22: Allow single-family residential development throughout all residential zones.*

Including small lot single-unit dwellings, cottage clusters, tiny homes, modifying the manufactured dwelling home park standards, and density bonus incentives all encourage compact residential development and provide more efficient land utilization, complying with the comprehensive plan.

- Chapter 5: Economic Development – This Chapter addresses population growth and economic development trends.

The proposed code amendments would provide additional housing opportunities within the residential zones, which may increase the population. This chapter does not contain goals or policies related to the code amendments.

- Chapter 6: Housing – This Chapter establishes the City's Goals and Policies related to Housing.

The City of Lebanon's proposed Development Code amendments are consistent with Chapter 6 of the Comprehensive Plan, which establishes goals, policies, and recommendations to meet the housing needs of current and future residents, in alignment with Statewide Planning Goal 10.

The code amendments implement specific strategies outlined in the City's 2023 Housing Production Strategy (HPS), which was developed as a direct response to the housing needs identified in the City's adopted 2019 Housing Needs Analysis (HNA) and is now an adopted element of the Comprehensive Plan. The HPS outlines a targeted, equity-focused approach to facilitate housing production for all income levels, emphasizing affordability, housing variety, and middle housing options.

The proposed amendments reflect these objectives by:

1. Expanding Housing Variety and Density Options

The amendments modify zoning standards to allow a broader range of housing types in residential zones, including small lot single-family dwellings, duplexes, cottage clusters, and accessory dwelling units. These changes directly support Comprehensive Plan Policies, which promote a mix of housing types, densities, and affordability levels throughout the city, including:

- Policy P-30: Ensure that the Comprehensive Plan Map provides opportunities for a variety of housing types, densities and locations within the Urban Growth Boundary area including both the area inside the City limits and the Urban Growth Area.*
- Policy P-31: Ensure that the Zoning Map or Land Use Map, any special zoning overlay maps and the Development Code provide opportunities for a variety of housing types, densities, and locations within the City Limits.*
- Policy P-32: Recognize condominium ownership, manufactured housing, and attached single-family homes as legitimate and affordable housing alternatives and permit their development within the City.*
- Policy P-37: Allow and encourage a variety of housing types to accommodate the demands of the local housing market.*

2. Promoting Affordability and Housing Accessibility

The code allows for density bonuses and more flexible development standards for affordable housing types, by:

- Policy P-9: Allow density bonuses (e.g., an increase in the number of permitted dwelling units vis-à-vis the minimum site area requirements) for the provision of affordable housing within a development.*
- Policy P-11: Periodically review Zoning Ordinance and other land use regulations to assure that barriers do not inhibit the building of the variety of types and densities of housing that is affordable for all segments of Lebanon's residents.*

It also simplifies infill development and encourages housing on smaller lots, supporting more attainable ownership options for middle-income households.

- Goal G-2: Encouraging the availability of adequate numbers of needed housing units at price ranges and rent levels commensurate with the financial capabilities of community households, and to allow flexibility of housing location, type, and density.*

3. *Supporting Long-Term Growth and Equity Goals*

The amendments align with the Comprehensive Plan's long-range housing planning obligations:

- *Policy P-38: Plan for at least the number and type of new housing units by the year 2039 and all of the land and services needs required by such growth, as indicated in the 2019 Lebanon Housing Needs/Capacity Analysis.*
- *Policy P-40: Plan for choices in the housing marketplace and variety in housing types, density, and affordability for the projected population of the year 2039.*

using clear, objective standards to reduce barriers to development while prioritizing equitable outcomes (HPS, pp. 5–14). They also reinforce the city's commitment to fair housing and a more inclusive housing market

- *Policy P-33: Encourage the provision of housing for all people, regardless of age, race, color, religion, sex, national origin, or handicap status, and take special measures to ensure that no group or class of people is excluded from the community.*

In summary, the proposed code amendments are grounded in the data and goals presented in the 2019 HNA, implement adopted strategies in the Housing Production Strategy, and are consistent with the goals and policies of Chapter 6 of the Lebanon Comprehensive Plan. These updates are necessary to meet the City's housing obligations, support population growth, and ensure a diverse and affordable housing supply.

- **Chapter 7: Community-Friendly Development & Preservation of Historic Resources—**This Chapter focuses on policies that create 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.

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.

- **Chapter 8: Transportation—**This Chapter addresses the city's transportation needs, emphasizing the creation of a variety of transportation options for pedestrians, bicyclists, vehicles, and mass transit.

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

- Chapter 9: Public Facilities and Services—State law requires the city to plan and develop a timely, orderly, and efficient arrangement of public facilities and services to serve development.

Uses allowed by the amendments do not prohibit or restrict the ability to provide necessary public services.

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

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 any plans or policies that apply to the proposed Code amendments.

IV. CONCLUSION AND RECOMMENDATION

Staff recommends that the Planning Commission recommend that the City Council amend the Lebanon Development Code by adopting the proposed amendments contained in Exhibit “A.”

IV. PLANNING COMMISSION ACTION OPTIONS

A. The Planning Commission may either:

1. Recommend that the City Council approve the proposed Development Code Amendment DCA-25-01, adopting the findings contained in the staff report; or
2. Recommend that the City Council approve the proposed Development Code Amendment DCA-25-01, adopting modified language and/or findings.
3. Recommend the City Council deny the proposed Development Code Amendment DCA-25-01, adopting findings identified by the Planning Commission.

B. Staff will prepare an Order of Recommendation for the Chair’s signature based on the Commission’s decision.

Exhibit “A”
Amendments to the Lebanon Development Code to implement the
Housing Production Strategy

Final Draft Code Updates

Proposed Code modifications are presented in **bold underline/strikeout** legislative amendment format, where underlined text indicates new text, and strikeout indicates existing, adopted text recommended for removal. Proposed amendments are organized under existing Code chapters/sections. Other Code text may be included for context and reference; outside text included for context, the only sections that are shown are those that contain recommended amendments.

16.05.040 RESIDENTIAL USES ALLOWED IN RESIDENTIAL ZONES

Table 16.05-2: Residential Land Uses Allowed in Residential Zones			
<i>Land Uses</i> (Examples of uses are in Chapter 16.03; definitions are in the Glossary, Chapter 16.32.)	Residential Low Density Zone (Z-RL)	Residential Mixed Density Zone (Z-RM)	Residential High Density Zone (Z-RH)
Section 16.05.110 contains Residential Infill Standards that are Applicable in all Residential Zones			
Residential Uses with <u>Class I</u> Impacts:			
Single Family Unit Dwellings	OP	OP	OP
<u>Small Lot Single-unit Dwellings</u>	<u>N</u>	<u>OP</u>	<u>OP</u>
Accessory Dwelling	OP	OP	OP
Accessory Structures (with a permitted use): • no taller than 25ft. and no larger than 1,000 square feet of building footprint • taller than 25 ft.(up to Zone Limit in Table 16.05.8) or larger than 1,000 sqft of building footprint	OP		
	AR		
Duplex (2 dwellings sharing a common wall on one lot (not inclusive of a primary dwelling and accessory dwelling unit)) -- One duplex on a lot	OP	OP	OP
Manufactured Dwelling	OP	OP	OP
Other Residential Uses such as Bed & Breakfasts, Home Occupations	MR	MR	MR
Other Residential Uses such as Hospice Facilities	AR	AR	AR
Residential Uses with Class II Impacts:			
Town House/Rowhouse (2 or more common-wall single family dwellings), each on its own lot,	N	AR 19 DU or less- Staff Review 20 DU or more- Planning Commission Hearing	AR 19 DU or less- Staff Review 20 DU or more- Planning Commission Hearing
Cottage Cluster (2-4 single family on one lot)	<u>N</u>	<u>CU-AR</u>	<u>CU-AR</u>
Zero Lot Line Housing (may include one common wall)	<u>CU-AR</u>	AR	AR

Multifamily (3 or more dwellings on lot), includes Triplexes, Apartments, Senior Housing, Assisted Living, & Single Room Occupancies, Boarding or Rooming Facilities	N	AR 19 DU or less- Staff Review 20 DU or more- Planning Commission Hearing	AR 19 DU or less- Staff Review 20 DU or more- Planning Commission Hearing
Other Residential such as Nursing and Convalescent Homes, Retirement Center Apartments	MR	MR	MR
<u>Manufactured Dwelling Park</u>	<u>AR</u>	<u>AR</u>	<u>AR</u>
Residential Uses with Class III Impacts:			
State Regulated Special Residential Group Living	OP		
• Homes (5 or fewer)	N <u>OP</u>	OP	OP
• Group Facility (6+)			
<u>Manufactured Home Park</u>	<u>N</u>	<u>CU</u>	<u>N</u>
Other Residential uses such as Dormitories, and Houseboats	<u>CU-AR</u>	<u>CU-AR</u>	<u>CU-AR</u>
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 16.05-1: Characteristics of Major Land Use Actions Matrix -- Projects in a Residential Zone Requiring a Planned Development Review (Chapter 16.23).			

16.05.070 PUBLIC USES ALLOWED IN THE RESIDENTIAL ZONES

Table 16.05-5: Public Uses (Civic or Institutional) Allowed in Residential Zones			
(See page 18 of Chapter 16.03 for further details and listings regarding Public Uses)			
<i>Use Categories</i>	Z-RL	Z-RM	Z-RH
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.	<u>N-CU</u>	CU	CU

16.05.090 RESIDENTIAL ZONES – DEVELOPMENT STANDARDS

Table 16.05-7: Development Standards for Residential Zones Minimum Lot Area and Lot Width

~~(Except as modified by Residential Infill Standards)~~

<i>Standard</i>	Z-RL	Z-RM	Z-RH
<i>Minimum Lot Area (square feet)</i>			
LOT AREA: The total surface area (measured horizontally) within the lot lines of a lot exclusive of public and private streets and easements of access to other property.			
Single Family Unit , not attached	6,000	5,000	5,000
		(See Lot Size Averaging Options, Section 16.05.140)	
<u>Small Lot Single-unit, not attached</u>	<u>NA</u>	<u>2,500</u>	<u>2,500</u>
Townhouse/Rowhouse	NA	2,500	2,500
Zero Lot Line Housing	5,000	3,500 <u>2,500</u>	3,500 <u>2,500</u>
Duplex	6,000	5,000	5,000
Multiple-Family, <u>or</u> Triplex, or Cottage Cluster <u>Cottage Cluster</u>	NA	9,000	9,000
	<u>NA</u>	<u>7,000</u>	<u>7,000</u>
Non-Residential Uses	6,000	6,000	6,000
Corner Lots for All of the Above (Except Single Family not attached/Duplexes in Z-RL): Add 500 square feet			
Flag Lot: Driveway portion of lot is not included in the Minimum Lot Area calculations.			
<i>Minimum Lot Width</i>			
<i>Standard</i>	Z-RL	Z-RM	Z-RH
Single Family Unit , not attached	60 ft	50 ft	50 ft
<u>Small Lot Single-unit, not attached</u>	<u>NA</u>	<u>30 ft</u>	<u>30 ft</u>
Townhouse/Rowhouse	NA	20 ft	20 ft
Zero Lot Line Housing	50 ft	40 ft <u>30 ft</u>	40 ft <u>30 ft</u>
Duplex	60 ft	50 ft	50 ft
Multiple-Family <u>or</u> Triplex, or	NA	60 ft	50 ft
Cottage Cluster	<u>NA</u>	<u>50 ft</u>	<u>50 ft</u>
Non-Residential Uses	20 ft	20 ft	20 ft
Corner Lots (All Residential Above)	65 ft	60 ft	60 ft
For flag lots, width is measured at the front building line.			
*Lot area must conform to the standards above. Lot dimensions may be reduced for Flag Lots.			

Table 16.05-8: Development Standards for Residential Zones -- Building/Structure Height

<i>Building/Structure Height</i>			
<i>Standard</i>	<i>Z-RL</i>	<i>Z-RM</i>	<i>Z-RH</i>
<u>Level Site (slope less than 15%)</u> , maximum height	25 ft	40 ft ¹	40 ft ¹
<u>Sloping Site (15% or greater)</u> , maximum height	Highest Point of Site + 1 story (maximum of 2 stories)	Highest Point of Site + 1 story (maximum of 3 stories)	Highest Point of Site + 1 story (maximum of 3 stories)
<u>Fences, Retaining/Garden Walls</u> Max.			
Height. – Front Yard Max. Height. –	3 ft	3 ft	3 ft
Interior Side Max. Height – Rear Yard	8 ft	8 ft	8 ft
Max. Height – Street Side	8 ft	8 ft	8 ft
Max. Height – Reverse Frontage Lot (rear)	3 ft	3ft	3 ft
	3 ft, or up to 8 ft with 5 ft landscape buffer, if there is excess ROW (e.g., a minimum of 15 feet between sidewalk and property line on fully improved site).	3 ft, or up to 8 ft with 5 ft landscape buffer, if there is excess ROW (e.g., a minimum of 15 feet between sidewalk and property line on fully improved site).	3 ft, or up to 8 ft with 5 ft landscape buffer, if there is excess ROW (e.g., a minimum of 15 feet between sidewalk and property line on fully improved site).
<p>1. <u>The maximum building height for small lot single-unit dwellings and cottage clusters is 25 feet.</u></p> <ul style="list-style-type: none"> • Eight foot (8') fences or walls are allowed, but any height over six feet (6') requires a building permit. • Using a Class 1 Variance process (<u>Ministerial Review</u>), the City's Planning Official may grant variations to the above height limitations and set back requirements on fences and walls, if such variations do not infringe upon the clear vision triangle requirements at intersections of streets or at the intersections of driveways and streets. If the requested variations do not meet the above criteria, the Planning Official shall direct the applicants for the variations to the fence/wall standards to use either a Class 2 or Class 3 variance process. See Chapter 16.29 for Variance requirements and processes. • Gates are required in fences to access the area beyond the fence for maintenance. 			

Table 16.05-9: Development Standards for Residential Zones Lot Coverage and Minimum Setbacks			
<i>Lot Coverage [(two options)]</i>			
<i>Standard</i>	<i>Z-RL</i>	<i>Z-RM</i>	<i>Z-RH</i>
1. Max. Building Coverage -- Building Footprint only (NOT all impervious surfaces) as % of site area			
Single Family Unit Dwelling	40%	60%	60%
<u>Small Lot Single-unit</u>	<u>NA</u>	<u>60%</u>	<u>60%</u>
Town House	NA	80%	80%
Single Family Unit – Zero Lot Line	60%	70%	70%
Duplex	60%	60%	60%
Multifamily Use or Cottage Cluster	NA	60%	60%
Civic/Institutional	60%	60%	60%
Other Non-Residential	60%	60%	60%
2. Coverage Bonus – applies only to Multi-family and non-residential development.	The allowable building coverage increases by a ratio of one-half (1/2) square foot for every one (1) square foot of required parking area that is paved using a City-approved porous/permeable paving material (i.e., allowing stormwater infiltration) <u>or</u> one-half (1/2) square foot for every one (1) square foot of City-approved water quality treatment area (e.g., vegetative swale or biofiltration) on the development site.		
Minimum Landscape Area	See Chapter 16.15	See Chapter 16.15	See Chapter 16.15
<ul style="list-style-type: none"> <u>Cottage clusters are exempt from lot coverage requirements.</u> 			
Minimum Setbacks (feet):			
Front	15 ft	Interior Lots: 10 ft Corner Lots: 10/15 ft ¹	Interior Lots: 10 ft Corner Lots: 10/15 ft ¹
Side	5 ft -min. & 15 ft - both	5 ft	5 ft

Street Side Rear	15 ft Dwellings: 20 ft Others: 10 ft	10/15 ft ¹ Dwellings: 20 ft Others: 10 ft	10/15 ft ¹ Dwellings: 20 ft Others: 10 ft
<p>1. - If front one yard setback (Street or Street Side) is 15 feet, then the other can be less than 15 feet but not less than 10 feet. For irregularly shaped lots, the average setback for Street and Street Side Yards shall be 7.5 feet with no setback less than 5 feet.</p> <p>2. For Duplexes, the rear setback may be reduced to 15 feet if on-site parking above the required minimum parking is provided.</p> <p><u>3. For Small Lot Single-unit, the rear yard setback may be reduced to 10 feet, and a street side setback may be reduced to 10 feet.</u></p> <p><u>4. For Cottage Clusters, all front, rear, and side street setbacks may be reduced to 10 feet.</u></p> <p>A. Select collectors and arterial streets have greater front yard setbacks</p> <p>B. Accessory structures < or = 20 ft high: 5 ft rear and side yard setback</p> <p>C. All garage doors and vehicle access openings shall be setback at least 20 ft from the closest adjacent property line or sidewalk.</p>			

16.05.110 INFILL STANDARDS FOR RESIDENTIAL ZONES

A. Overview

The following process or methodology is to be used for determining whether or not a proposed infill development fits the existing residential neighborhood in which the development would be located. As used in this Code, **infill** is the use of vacant or under-developed lots or parcels within existing developed residential areas. Infill lots are 1 acre or less in size, before redevelopment including any land division process.

B. Applicability

- 1.** The Infill Standards apply only to sites that are 1 acre in size or less in an existing residential neighborhood.
- 2.** The Infill Standards apply only to land use requests that require one or more of the following review processes: Ministerial, Administrative, Conditional Use, Subdivision, Partition or Planned Development.
- 3.** Single family dwellings, duplexes, and accessory dwelling units are out right permitted uses in the residential zones. Therefore, the Infill standards do not apply to single family dwellings, duplexes or accessory dwelling units that are proposed as infill developments.

C. Imposing Conditions Related to Critical Design Features

In approving an infill development in an existing residential neighborhood, the Planning Official or Planning Commission may impose, in addition to those standards and requirements expressly specified by the Lebanon Development Code, additional conditions **related to critical design features** that are considered necessary to ensure that they fit the site, the neighborhood and nearby land uses.

D. Criteria and Review Methodology

The application and proposed infill development in an existing residential neighborhood shall be approved (deemed fitting with the neighborhood and nearby land uses) if **the objective characteristics of the listed critical design features** (see below in 16.05.110.E and 16.05.110.F) of the proposal are within the range of characteristics exhibited by the characteristics of the existing features¹ of the development on the adjacent properties in the same land use zone and the properties abutting the adjacent properties in the same land use zone, and such features and/or characteristics are not prohibited by other provisions of the Lebanon Development Code or other City Ordinances.

E. Objective Characteristics

The objective characteristics of features considered in this provision are the following:

- 1.** Physical — Dimensions — (width, length, height),
- 2.** Number

- ~~3. Location~~
- ~~4. Magnitude~~
- ~~5. Duration~~
- ~~6. Frequency~~
- ~~7. Time(s) of Occurrence~~
- ~~8. Composition.~~

Critical Design Features

The Critical Features considered in this provision are the following:

- ~~1. Building height and footprint~~
- ~~2. Lot Area Coverage~~
- ~~3. Open Space and Outdoor Recreation Areas~~
- ~~4. Fencing, Screening, and Landscaping~~
- ~~5. Signage~~
- ~~6. Vehicular, Pedestrian, and Bicycle Traffic Load and Access Points~~
- ~~7. Vehicular, and Bicycle Parking~~
- ~~8. Full City Services and Public Improvements in place or proposed~~
- ~~9. Provision of public improvements (and granting necessary easements), such as streets, sidewalks, public utility facilities, drainage facilities and other basic services that are directly benefiting the proposed development or, requiring participation in an improvement district to insure provision of basic services, parks, or streets and sidewalks directly benefiting the proposed development.~~

F. Additional Criteria

All development, infill included, must also meet all applicable requirements set forth in the following:

- ~~1. Building Code~~
- ~~2. Fire Code Requirements (such requirements on a proposed development are determined by the Lebanon Fire District, not the City).~~

G. Table 16.05-10: Matrix for Determining If Residential Infill Development Fits an Existing Neighborhood

All development, infill included, must also meet all applicable requirements set forth in the following:

- ~~1. Building Code~~
- ~~2. Fire Code Requirements (such requirements on a proposed development are determined by the Lebanon Fire District, not the City).~~

Table 16.05-10: Matrix for Determining If Residential Infill Development Fits an Existing Neighborhood

Critical Design Features (See 16.05.10.2)	Objective Characteristics (See 16.05.10.1)							
	(a) Physical Dimensions (w, l, h)	(b) Number	(c) Location	(d) Magnitude	(e) Duration	(f) Frequency	(g) Time(s) of Occurrence	(h) Composition
(1) Building Height and Footprint				NA	NA	NA	NA	NA
(2) Lot Area Coverage	NA	NA	NA		NA	NA	NA	NA
(3) Open Space & Outdoor Recreation Areas				NA	NA	NA	NA	
(4) Fencing, Screening, and Landscaping				NA	NA	NA	NA	
(5) Signage					NA	NA	NA	
(6) Vehicular, Pedestrian, & Bicycle Traffic Load, and Access Points								NA
(7) Vehicular, And Bicycle Parking						NA	NA	
(8) Full City Services and Public Improvements in Place or Proposed					NA		NA	
(9) Provision of Public Improvements (and Granting Necessary Easements)					NA		NA	

Notes:

1. Not all of the Objective Characteristics are applicable to all of the Critical Design Features. For example, Magnitude, Duration, Frequency, Time(s) of Occurrence and Composition are not applicable to Building Height and Footprint.
2. NA = Not Applicable.
3. The cross referencing of a Design Feature and a Characteristic is reviewable if not listed as NA.

~~16.05.140—LOT SIZE AVERAGING FOR SUBDIVISIONS OF TEN OR MORE LOTS~~

- ~~A. The developer of a single family or duplex lot subdivision with ten or more lots in residential mixed density (RM) and residential high density (RH) zones may elect to use a lot size averaging approach that allows greater variety in the size of lots than would otherwise be the case.~~
- ~~B. Such an averaging approach permits the creation and development of a percentage of lots that are smaller than the required minimum when balanced by the inclusion of lots larger than the required minimum.~~
- ~~C. This option is only available for the development of lots for single family dwellings or duplexes. The city may require deed restrictions as a condition of approval in approving applications for lot size averaging to assure that future purchasers are aware of the property's history.~~
- ~~D. The lot sizes used in these calculations may not include the area of the flag driveways of flag lots.~~
- ~~E. The use of lot size averaging must result in the average lot size equaling or exceeding five thousand square feet.~~
- ~~F. The lot size averaging approach must conform to the specifications in Table 16.05-11.~~
- ~~G. Lot size in this section means lot area. As used in this code, lot area is defined as the total surface area (measured horizontally) within the lot lines of a lot exclusive of public and private streets and easements of access to other property.~~

**~~Table 16.05-11: Lot Size Averaging Matrix
Applies Only to Subdivisions of 10 or More Lots~~**

For single family/duplex lot subdivisions in residential mixed density and residential high density zones		
Maximum percentage of lots allowed smaller (4,000—4,999 sq. ft.) than the minimum required square footage	Minimum percentage of lots averaging between 5,000 and 6,000 square feet	Minimum percentage of lots required greater than 6,000 square feet
Not more than 25% of the total number of lots in the subdivision	At least 50% of the total number of lots in the subdivision	At least as many lots as are built with less than 5,000 sq. ft. (i.e., between 4,000—4,999 sq. ft.)
Each "phase" of a subdivision must conform to the overall ratio for the entire subdivision. For example, one phase may not consist solely of lots that are smaller than the minimum required square footage (five thousand square feet). No lot is allowed to be smaller than four thousand square feet.		
Note: The provisions of lot size averaging only apply to lots for single family detached homes or duplexes created through the subdivision process in the residential mixed density and residential high density zones.		

16.05.150 RESIDENTIAL ZONES SPECIAL USE STANDARDS

The above sections of this Chapter provide standards for specific land uses and building types within the Residential Zone. The standards in this Section supplement the afore mentioned standards. This Section applies to the following uses and building types, as specified below:

- Accessory Dwellings
- Accessory Structures
- Group Living (Residential Care Homes and Facilities)
- Manufactured/~~Mobile Home Parks~~ Dwelling Parks
- Multiple Family Housing
- Zero-Lot Line Housing (not common wall).
- Cottage Clusters
- Tiny Homes

A. Accessory Dwelling (Attached, Separate Cottage, Tiny Home, or Above Detached Garage)

1. An Accessory Dwelling is defined as a complete separate residential unit, including facilities for cooking and sanitation, provided either as a separate structure on the same lot or as part of a primary single-family residence. A tiny home may be considered an accessory dwelling subject to the standards in this subsection (16.05.150.A) and subsection 16.05.150.G. Development of an accessory dwelling must comply with all applicable lot development standards including required yards (setbacks), off-street parking and lot coverage, but not minimum lot size. Development of an attached accessory dwelling shall not reduce the floor area of the primary residence.
2. Accessory dwellings shall conform to all of the following standards:
 - a. Floor Area. Accessory dwellings shall not exceed one thousand square feet of floor area, or forty percent of the primary unit, whichever is smaller. The unit can be a detached cottage, a unit attached to a garage, an addition to an existing home, or in a portion of an existing house.
 - b. Exempt from Lot Size. Accessory dwellings are exempt from the lot size standards of the residential zone.
 - c. Utility Connections. Accessory dwellings may have the same water and sewer connections as the primary unit.
 - d. One Unit. A maximum of one accessory dwelling unit is allowed per lot. Construction of an accessory dwelling may result in a maximum of two residential units on a single lot, one primary residence and one accessory dwelling.
 - e. Building Height. The building height of detached accessory dwellings (i.e., separate cottages) shall not exceed twenty-five feet in the RL zone nor thirty feet in the RM and RH zones.
 - f. Setback Standards. Shall conform to all setback standards applicable to dwellings in the zone. Rear yard and side street setbacks may be ten feet. Rear and side yard setbacks for existing accessory structures that are converted to an ADU may be no less than five feet.
 - g. Parking Standards. Accessory dwellings shall have no off-street parking requirement.

E. Manufactured/~~Mobile Home Parks~~ Dwelling Parks

Manufactured/~~mobile home~~ **dwelling** parks (not including recreational vehicles) are permitted on parcels of one (1) acre or larger, subject to compliance with subsections 1-5, below:

1. Permitted uses: Single ~~family unit~~ residences, **tiny homes**, manufactured **home dwelling** park manager's office, home occupations, and accessory structures that are necessary for the operation and maintenance of the manufactured dwelling park (e.g., landscape maintenance). **Unless stated otherwise, the term "dwelling" in this subsection (16.05.150.E) refers to manufactured dwellings, and prefabricated dwellings.**
2. Space. The minimum size pad or space for each dwelling is 2,500 square feet **or 1,200 square feet for tiny homes**, provided that the overall density of the park does not exceed 12 units per acre. Each space shall be at least 30 feet wide and 40 feet long.
3. Setbacks and Building Separation. The minimum setback between park structures and abutting properties is 5 feet. The minimum setback between park structures and public street right-of-way is 15 feet. At least a 10-foot separation shall be provided between all dwellings. Dwellings shall be placed a minimum of 14 feet apart where flammable or combustible fuel is stored between units. Park structures shall be placed no closer than 5 feet to a park street or sidewalk/pathway. An accessory structure shall not be located closer than 6 feet to any other structure or dwelling, except that a double carport or garage may be built which serves 2 dwellings. When a double carport/garage is built, the carport/garage shall be separated from all adjacent structures by at least 3 feet.
4. Perimeter landscaping. When manufactured dwellings are oriented with their back or side yards facing a public right-of-way, ~~the City may require~~ installation of fencing and planting of a 10 foot wide landscape buffer between the right-of-way and a manufactured **home dwelling** park **is required for the privacy and security of residents or aesthetics of the streetscape.**
5. Dwelling design ~~(for parks smaller than 3 acres)~~. **Manufactured D**wellings in parks ~~smaller than 3 acres~~ shall meet the following design standards:
 - a. The ~~manufactured~~ dwelling shall have a pitched roof with a slope not less than 3 feet in height for each 12 feet in width (14 degrees); and
 - ~~b. The manufactured dwelling shall have exterior siding and roofing which in color, material and appearance are similar or superior to the exterior siding and roof material used on nearby residences (e.g., horizontal wood or wood appearance siding is considered "superior" to metal siding and roofing).~~
 - ~~c. b.~~ Exception: Subsections a-b, above, do not apply to manufactured home parks that existed within the City prior to the effective date of this Code.
 - c. For tiny home dwelling standards, refer to Subsection 16.05.150.F.**

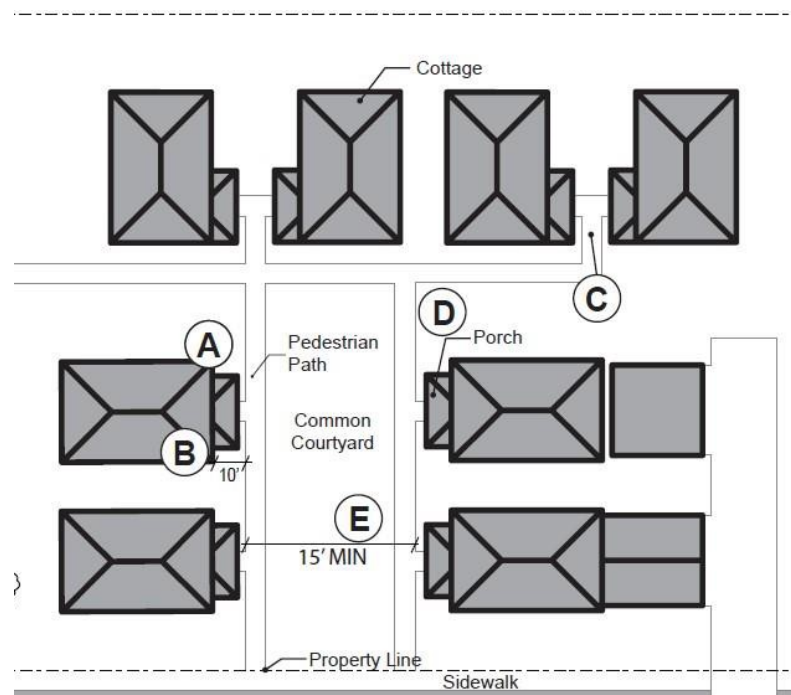
F. Cottage Clusters

Cottage clusters shall meet the standards of this section in addition to any other applicable zoning or development standards. Wherever these standards conflict with requirements in other sections, the standards of this section shall take precedence.

1. Building Separation. Cottages shall be separated by a minimum distance of six (6) feet. The minimum distance between all other structures, including accessory structures, shall be in accordance with building code requirements.
2. Maximum Unit Size. The maximum floor area for a cottage within a cottage cluster is 900 square feet.
3. Building Height. The maximum building height for all structures is 25 feet.
4. Cottage Orientation. Cottages must be clustered around a common courtyard, meaning they abut the associated common courtyard or are directly connected to it by a pedestrian path, and must meet the following standards:
 - a. Each cottage within a cluster must either abut the common courtyard or must be directly connected to it by a pedestrian path.
 - b. A minimum of 50 percent of cottages within a cluster must be oriented to the common courtyard and must:
 - (1) Have a main entrance facing the common courtyard;
 - (2) Be within 10 feet from the common courtyard, measured from the façade of the cottage to the nearest edge of the common courtyard; and
 - (3) Be connected to the common courtyard by a pedestrian path.
 - c. Cottages within 20 feet of a street property line may have their entrances facing the street. Such street-facing cottages shall count toward the minimum 50 percent orientation requirement in subsection 5.b of this section.
 - d. Cottages not facing the common courtyard or the street must have their main entrances facing a pedestrian path that is directly connected to the common courtyard.
5. Common Courtyard Design Standards. Each cottage cluster must share a common courtyard in order to provide a sense of openness and community of residents. Common courtyards must meet the following standards:
 - a. An individual common courtyard must be a single, contiguous piece.
 - b. Cottages must abut the common courtyard on at least two sides of the courtyard.
 - c. An individual common courtyard must contain a minimum of 150 square feet per cottage within the associated cluster (as defined in subsection 5).
 - d. The common courtyard must be a minimum of 20 feet wide at its narrowest dimension.
 - e. The common courtyard shall be developed with a mix of landscaping, lawn area, pedestrian paths, and/or paved courtyard area, and may also include recreational

amenities. Impervious elements of the common courtyard shall not exceed 75 percent of the total common courtyard area.

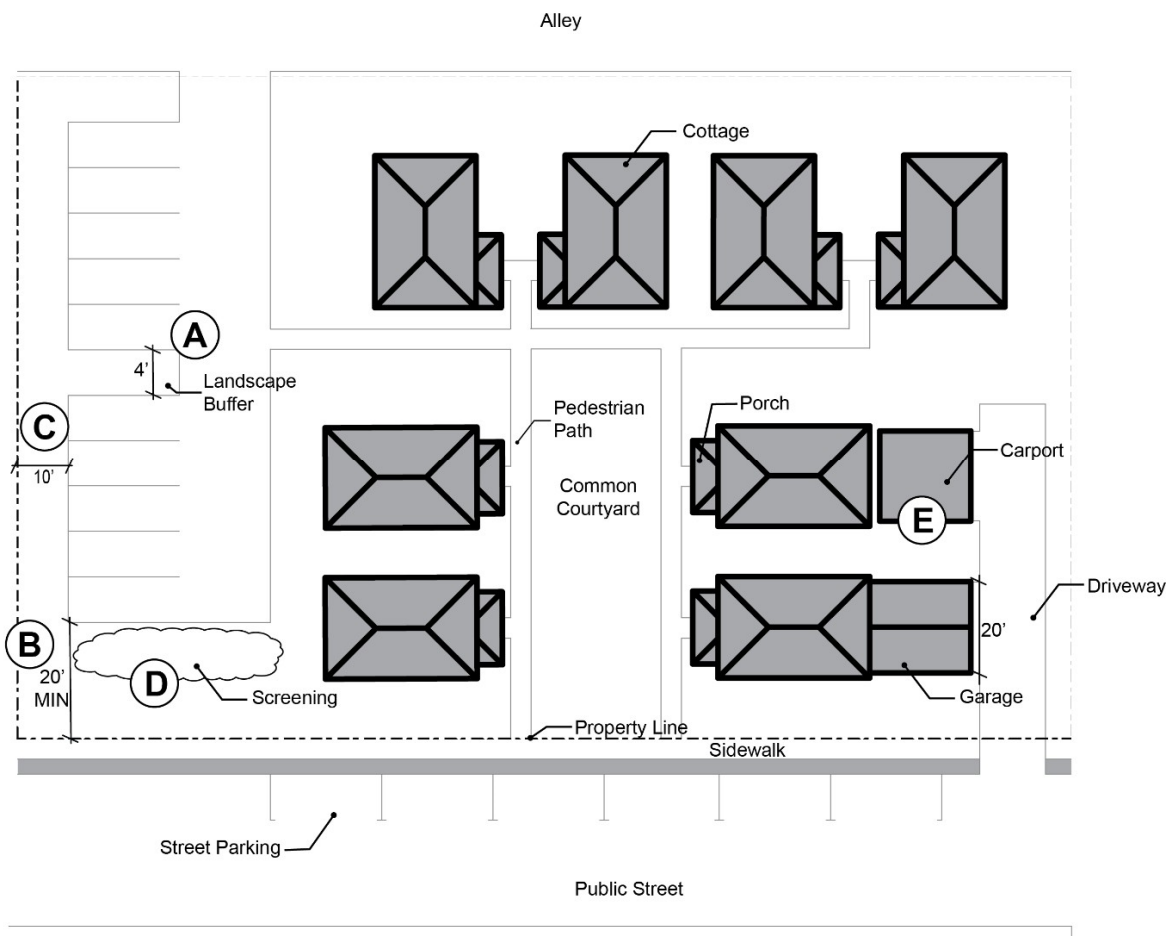
- f. Pedestrian paths must be included in a common courtyard. Paths that are contiguous to a courtyard shall count toward the courtyard's minimum dimension and area. Parking areas, required setbacks, and driveways do not qualify as part of a common courtyard.



- (A)** A minimum of 50% of cottages must be oriented to the common courtyard.
- (B)** Cottages oriented to the common courtyard must be within 10 feet of the courtyard.
- (C)** Cottages must be connected to the common courtyard by a pedestrian path.
- (D)** Cottages must abut the courtyard on at least two sides of the courtyard.
- (E)** The common courtyard must be at least 20 feet wide at its narrowest width.

6. Community Buildings. Cottage cluster projects may include community buildings for the shared use of residents that provide space for accessory uses such as community meeting rooms, exercise rooms, day care, or community eating areas. Community buildings must meet the following standards:
 - a. Each cottage cluster is permitted one community building, which shall count towards the maximum average floor area, pursuant to subsection (3).
 - b. The community building must not exceed 1,400 square feet in floor area.
7. Pedestrian Access.
 - a. An accessible pedestrian path must be provided that connects the main entrance of each cottage to the following:
 - (1) The common courtyard;
 - (2) Shared parking areas;
 - (3) Community buildings; and
 - (4) Sidewalks in public rights-of-way abutting the site or rights-of-way if there are no sidewalks.
 - b. The pedestrian path must be all-weather hard-surfaced and a minimum of four (4) feet wide.
8. Parking Design.
 - a. Clustered parking. Off-street parking may be provided with individual cottages or arranged in clusters, subject to the following standards:
 - (1) Cottage cluster projects with fewer than 16 cottages are permitted parking clusters of not more than five (5) contiguous spaces.
 - (2) Cottage cluster projects with 16 cottages or more are permitted parking clusters of not more than eight (8) contiguous spaces.
 - (3) Parking clusters must be separated from other spaces by at least four (4) feet of landscaping.
 - (4) Clustered parking areas may be covered.
9. Parking location and access.
 - a. Off-street parking spaces and vehicle maneuvering areas shall not be located:
 - (1) Within of 20 feet from any street property line, except alley property lines;
 - (2) Between a street property line and the front façade of cottages located closest to the street property line. This standard does not apply to alleys.
 - b. Off-street parking spaces shall not be located within 10 feet of any other property line, except alley property lines. Driveways and drive aisles are permitted within 10 feet of other property lines.

10. Screening. Landscaping, fencing, or walls at least three (3) feet tall shall separate clustered parking areas and parking structures from common courtyards and public streets.
11. Accessory Structures. Accessory structures must not exceed 400 square feet in floor area.
12. Existing Structures. On a lot or parcel to be used for a cottage cluster project, an existing detached single-unit dwelling or duplex on the same lot at the time of proposed development of the cottage cluster may remain within the cottage cluster project area under the following conditions:
 - a. The existing dwelling may be nonconforming with respect to the requirements of this code.
 - b. The existing dwelling may be expanded up to the maximum height in subsection 4; however, existing dwellings that exceed the maximum height and/or footprint of this code may not be expanded.
 - c. The floor area of the existing dwelling shall not count towards the maximum average floor area of a cottage cluster.
13. The existing dwelling shall be excluded from the calculation of orientation toward the common courtyard, per subsection 5.a.



G. Tiny Homes

Tiny homes shall meet the standards of this section in addition to any other applicable zoning or development standards. Wherever these standards conflict with requirements in other sections, the standards of this section shall take precedence.

1. Tiny homes are allowed as accessory dwellings, in cottage clusters, and in manufactured dwelling parks, subject to their respective standards.
2. Tiny homes may or may not be on wheels.
3. Tiny homes shall be on a hard, all-weather surfaced slab, or foundation.
4. Tiny homes shall have a pitched roof with a slope not less than 3 feet in height for each 12 feet in width (14 degrees).
5. Tiny homes on a chassis or wheels shall provide skirting around the perimeter of the support structure.
6. Each tiny home must connect to water and sewer services.

16.05.160 SITE AREA STANDARDS FOR MULTI-FAMILY HOUSING

Where multi-family housing is allowed, it shall conform to all of the following standards, which are intended to promote livability for residents and compatibility with nearby uses.

A. Minimum Site Areas

The minimum site area per dwelling unit shall be as described in Table 16.05-13 for all multiple-family dwellings and condominiums as defined in Chapter 16.32 (Glossary).

TABLE 16.05-13: SITE AREA PER DWELLING UNIT		
Unit Type	Minimum Standard	With 20% Density Bonus
Studio	1,100 square feet	884 square feet
One Bedroom	1,550 square feet	1,244 square feet
Two Bedroom	2,000 square feet	1,604 square feet
Three Bedroom	2,425 square feet	1,940 square feet
Four or More Bedrooms	2,750 square feet	2,204 square feet

B. Affordable Housing ~~Density~~ Bonuses (Twenty Percent)

1. Affordable Housing: As defined by the US Housing and Urban Development Department (HUD), a household should pay no more than 30% of its gross monthly income for housing. Means housing affordable to a certain percentage of the population earning a specified level of income and spending no more than 30 percent of their income on housing expenses. Affordable Housing is housing that requires no more than 30% of the monthly income of a household that has income at or below 80% of the area median. Affordable Housing thus means housing (including necessary and essential utilities) for which persons or families pay 30 % or less of their gross income.
2. Density Bonus. As shown in Table 16.05-13, the number of permitted dwelling units allowed by the minimum site area requirements may be increased by 20% provided that at least half of these additional units are available at costs acceptable by the State as Affordable Housing. The Affordable Housing units must be similar in the floor area and number of bedrooms to the other additional units and may be provided off-site. Proposals with the following maximum densities are eligible for corresponding density increases:
 - a. For property with existing maximum density of 16 or fewer units per acre, 200 percent of the existing density;
 - b. For property with existing maximum density of 17 or more units per acre and 45 or fewer units per acre, 150 percent of the existing density; or
 - c. For property with existing maximum density of 46 or more units per acre, 125 percent of the existing density.

3. Height Bonus.

- a. For property with existing maximum density of 16 or fewer units per acre, 12 additional feet;
- b. For property with existing maximum density of 17 or more units per acre and 45 or fewer units per acre, 24 additional feet; or
- c. For property with existing maximum density of 46 or more units per acre, 36 additional feet.

4. Parking Bonus. Development proposals where a minimum number of proposed affordable units reflect the percentages in Table XX are eligible for a corresponding reduction in off-street parking.

<i>Minimum % of affordable units</i>	<i>Off-Street Parking Reduction</i>
<u>40% affordable units</u>	<u>10% reduction</u>
<u>75% affordable units</u>	<u>15% reduction</u>
<u>100% affordable units</u>	<u>20% reduction</u>

5. Open Space Bonus. The amount of required open space may be reduced pursuant to Table 16.05-14.

Table 16.05-14 Open Space Bonus

<u>% of affordable units</u>	<u>Minimum Open Space Requirement – Less than 0.25 miles walking distance from public park</u>	<u>Minimum Open Space Requirement – Greater than 0.25 miles walking distance from public park</u>
<u>0-10% affordable units</u>	<u>25% open space minimum</u>	<u>20% open space minimum</u>
<u>10%-25% affordable units</u>	<u>15% open space minimum</u>	<u>10% open space minimum</u>
<u>25%-50% affordable units</u>	<u>10% open space minimum</u>	<u>0% open space minimum</u>
<u>>50% affordable units</u>	<u>0% open space minimum</u>	<u>0% open space minimum</u>

6. Lot Coverage Bonus. The lot coverage percentage may be increased pursuant to Table 16.05-15.

Table 16.05-15 Lot Coverage Bonus

<u>% of affordable units</u>	<u>Maximum Coverage</u>
<u>5-10% affordable units</u>	<u>70% max coverage</u>
<u>10%-25% affordable units</u>	<u>80% max coverage</u>
<u>>25% affordable units</u>	<u>90% max coverage</u>

7. The developer is required to enter into a legally enforceable, assignable contract with a local, regional and/or state housing agency who will assume all responsibility for identifying, placing and managing the qualifying household. In the circumstance of off-site units, the developer will provide agency determined equivalent rent payments and the agency will assume all other responsibilities.
8. ~~Site area reduction~~ **Affordable housing** bonuses are subject to approval by the Planning Official and/or Planning Commission. Developments qualifying for the above ~~density~~ bonuses must comply with all other applicable development and improvement standards and codes required by the City of Lebanon and the requirements of ~~this zone including setbacks, parking, open space, and so on the underlying zone.~~

9. Exceptions. The City may reduce proposed increases in density or height as allowed in subsections B.2 and B.3 where necessary to address health, safety or habitability issues, including fire safety, or to comply with a protective measure adopted pursuant to a statewide land use planning goal provided the City adopts findings supported by substantial evidence demonstrating the necessity of this reduction.

16.05.170 OPEN SPACE AND SITE DESIGN REQUIREMENTS FOR MULTI-FAMILY HOUSING

[...]

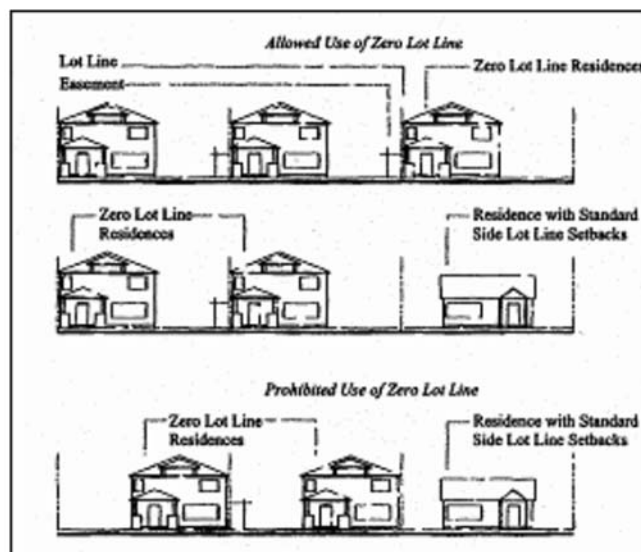
E. Common Open Space

1. The minimum required common open space, ~~regardless of any bonuses or reductions~~, is 1,000 square feet inclusive of children's play areas.

16.05.180 – ZERO LOT LINE HOUSING

- A. Introduction. Zero-lot line houses are subject to the same standards as non-attached single-family housing, ~~except that a side yard setback is not required on one side of the lot, as generally shown in Figure 16.05.2. The standards for zero lot line housing are intended to ensure adequate outdoor living area, compatibility between adjacent buildings, and access to side yards for building maintenance. Zero lot line housing also includes attached dwellings. All zero lot line houses shall conform to all of the criteria in the subsections below.~~ provided the requirements of 16.05.180.B and .C are met.

Figure 16.05-2: Zero-Lot Line Housing Examples



- ~~B. Site Design Review Required. Site Design Review is required for new zero-lot line developments. When a zero-lot line development is proposed as part of a Land Division, Planned Development, or other application, the Site Plan Review may be combined with the other application(s).~~
- ~~C. Setbacks for Primary and Accessory Structures. The allowance of a zero side yard setback is for one single family dwelling, or attached or stacked duplex, on each lot; it does not extend to accessory structures which shall conform to the applicable setback requirements of the zone.~~
- ~~D. Construction and Maintenance Easement. Prior to building permit approval, the applicant shall submit a copy of a recorded easement (unless there is a common wall) for every zero-lot line house that guarantees access onto adjoining lot for the purpose of construction and maintenance of the zero-lot line house. The easement shall require that no fence or other structure shall be placed in a manner that would prevent maintenance of the zero-lot line house. The easement shall not be less than ten feet wide and shall not preclude the adjoining owner from landscaping the easement area.~~
- B. Any residential dwelling unit or accessory structure may be located on the interior property line where the proposed building does not have openings or windows in the wall facing the adjacent building.**
- C. For interior property lines where no setback is proposed, a maintenance easement must be recorded on the abutting property deed or plat. The width of the easement shall be five feet. This easement is not revocable without City approval through an Administrative Procedure pursuant to Section 16.20.040.**
- D. The interior setback for attached housing units shall be zero where the units adjoin; all other setbacks shall conform to this Code.**

16.06.050 RESIDENTIAL USES ALLOWED IN THE MIXED USE ZONES

Table 16.06-2: Residential Land Uses Allowed in the Mixed Use Zone	
Land Uses (Examples of land uses are in Chapter 16.03; definitions are in the Glossary, Chapter 16.32.)	Mixed Use Zone (Z-MU)
(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 Unit (not attached)	OP
<u>Small Lot Single-unit (not attached)</u>	OP
Accessory Dwelling	OP
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 	OP
Duplex (2 dwellings sharing a common wall on one lot) -- One duplex on a lot	OP
<u>Manufactured Dwelling</u>	OP
Family Child Care in a Home	OP
Other Residential Uses such as Bed & Breakfasts, Home Occupations	MR
Other Residential Uses such as Hospice	AR
Residential Uses with <u>Class II</u> Impacts:	
Town House/Rowhouse (2 or more common-wall single family dwellings), each on its own lot	AR 19 DU or less- Staff Review 20 DU or more- Planning Commission Hearing
Cottage Cluster (2-4 single family dwellings on one lot)	AR
Zero Lot Line Housing (may include one common wall)	AR
Multifamily (3 or more dwellings on lot), includes Triplexes, Apartments, Senior Housing, Assisted Living, & Single Room Occupancies, Boarding or Rooming Facilities	AR 19 DU or less- Staff Review 20 DU or more- Planning Commission Hearing
Other Residential Uses such as Nursing and Convalescent Homes, Retirement Center Apartments	AR
<u>Conversion of existing commercial structure to a residential use</u>	AR

Affordable Housing (as defined in 16.19.120)	AR (subject to 16.19.120)
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+) 	AR-OP
	CU for 6 or more AR
Manufactured Home <u>Dwelling</u> Park	CU-AR
Other Residential uses such as Dormitories, and Houseboats	CU-AR
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 16.06-1: Characteristics of Major Land Use Actions Matrix -- Projects in the Mixed Use Zone Requiring a Planned Development Review (Chapter 16.23).	

16.07.050 RESIDENTIAL USES ALLOWED IN THE NEIGHBORHOOD MIXED USE ZONES

Table 16.07-2: Residential Land Uses Allowed in the Neighborhood Mixed-Use Zone (Z-NMU)	
Land Uses	
(Examples of uses are in Chapter 16.03; definitions are in the Glossary, Chapter 16.32.)	
(See page 8 of Chapter 16.03 for further details and listings regarding Residential Uses)	
Residential Uses with Class I Impacts:	
Single Family Unit (not attached)	OP
Small Lot Single-unit (not attached)	OP
Accessory Dwelling	OP
Accessory Structures (with a permitted use) -no taller than 25ft. and no larger than 1,000 square feet of building footprint taller than 25 ft. or larger than 1,000 square feet of building footprint	OP AR
Duplex (2 dwellings sharing a common wall on one lot) -- One duplex on a lot	OP
Manufactured Dwelling	OP
Family Child Care in a Home	OP
Other Residential Uses such as Bed & Breakfasts, Home Occupations	MR
Other Residential Uses such as Hospice Facilities	AR
Residential Uses with Class II Impacts:	
<ul style="list-style-type: none"> Town House/Rowhouse (2 or more common-wall single family dwellings), each on its own lot, 	AR up to 19 CU for 20 or more

	19 DU or less- Staff Review 20 DU or more- Planning Commission Hearing
Cottage Cluster (2-4 single family dwellings on one lot)	CU-AR
Zero Lot Line Housing (may include one common wall)	AR
Multifamily (3 or more dwellings on lot), includes Triplexes, Apartments, Senior Housing, Assisted Living, & Single Room Occupancies, Boarding or Rooming Facilities	AR up to 19 CU for 20 or more 19 DU or less- Staff Review 20 DU or more- Planning Commission Hearing
Conversion of existing commercial structure to a residential use	AR
Affordable Housing (as defined in 16.19.120)	AR (subject to 16.19.120)
Other Residential Uses such as Nursing and Convalescent Homes, Retirement Center Apartments	MR
Residential Uses with Class III Impacts:	
State Regulated Special Residential Units	AR OP
<ul style="list-style-type: none"> Group Living Homes (5 or fewer) Group Facility (6+) 	CU AR for 6 or more
Manufactured Home Dwelling Park	N
Other Residential uses such as Dormitories, and Houseboats	CU-AR
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 16.07-1: Characteristics of Major Land Use Actions Matrix -- Projects in a NMU Zone Requiring a Planned Development Review (Chapter 16.23).	

16.08.050 RESIDENTIAL USES ALLOWED IN THE COMMERCIAL ZONES

Table 16.08-2: Residential Land Uses Allowed in Commercial Zones			
Land Uses (Examples of land uses are in Chapter 16.03; definitions are in the Glossary, Chapter 16.32.)	Neighborhood Commercial Zone (Z-NCM)	Central Business Commercial Zone (Z-CCM)	Highway Commercial Zone (Z-HCM)
(See page 8 of Chapter 16.03 for further details and listings regarding Residential Uses)			
Residential Uses with <u>Class II</u> Impacts:			

<u>Conversion of existing commercial structure to a residential use</u>	<u>AR</u>
<u>Affordable Housing (as defined in 16.19.120)</u>	<u>AR (subject to 16.19.120)</u>

16.08.080 PUBLIC USES ALLOWED IN THE COMMERCIAL ZONES

Table 16.08-5: Public (Civic or Institutional) Land Uses Allowed in Commercial Zones			
(See page 18 of Chapter 16.03 for further details and listings regarding Public Uses)			
Use Categories	Z-NCM	Z-CCM	Z-HCM
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	<u>N-CU</u>	<u>CU</u>	<u>CU</u>

16.10.050 RESIDENTIAL USES ALLOWED IN THE PUBLIC USE ZONE (Z-PU)

Residential Uses with <u>Class II</u> Impacts:	
<u>Affordable Housing (as defined in 16.19.120)</u>	<u>AR (subject to 16.19.120)</u>

16.11.070 FLOOD PLAIN OVERLAY ZONE

Manufactured dwelling: ~~A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured dwelling" does not include a "recreational vehicle" and is synonymous with "manufactured home".~~ Includes residential trailers, mobile homes, and manufactured homes. (1) Residential Trailer: a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, is being used for residential purposes and was constructed before January 1, 1962. (2) Mobile Home: a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy that is being used for residential purposes and was constructed between January 1, 1962 and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction. (3) Manufactured Home: a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy that is being used for residential purposes and was constructed on or after June 15, 1976 in accordance with federal safety standards regulations in effect at the time of construction.

16.12.030 – MOTOR VEHICLE ACCESS MANAGEMENT REQUIREMENTS

[...]

Q. Flag Lot Standards.

1. Connections to the State Highway System or City Arterials. Flag lots shall not be permitted when the results would be to increase the number of driveways requiring direct and individual access connections to the state highway system, or city arterial streets.
2. Planning Objectives and Residential Development. Flag lots may be permitted for residential development when necessary to achieve planning objectives, such as reducing direct access to roadways, providing internal platted lots with access to a residential street, infill development, redevelopment, or preserving natural or historic resources.
3. Conditions of Flag Lot Creation. Flag lots may be created only when a through street or mid-block lanes cannot be extended to serve abutting uses or future development. A flag lot driveway ("flag pole" or "pan handle") may serve no more than two **dwelling units, including accessory dwellings and dwellings on individual lots, unless the fire codes and standards adopted by the city and/or the Lebanon fire district are met for more units. When such standards are met, the maximum number of dwellings shall be four individual lots with a maximum of four dwelling units (maximum two dwelling units per individual lot served by flag lot driveway).** A driveway serving more than one lot shall have a reciprocal access and maintenance easement recorded for all lots. No fence, structure or other obstacle shall be placed within the driveway area. The fire marshal may require an emergency turn-around.

16.14.030 – EARNED PARKING REDUCTIONS

- ~~A.~~ The amount of vehicle parking may be reduced by one space for every eight bicycle parking spaces **or every four covered bicycle parking spaces**, not to exceed ~~ten~~ **fifteen** percent of required vehicle parking spaces.
- ~~B.~~ **The amount of vehicle parking may be reduced by one space for each four additional covered bicycle parking spaces provided over the minimum requirement, not to exceed ten percent of required vehicle parking spaces.**
- ~~C.~~ **The above parking reductions may be used on a single development, provided the total reduction does not exceed fifteen percent of required vehicle parking spaces.**

16.14.070 SPACE REQUIREMENTS FOR OFF-STREET PARKING**A. Space Requirements for Off-Street Parking (Table 16.14.070-1)**

Space requirements for off-street parking shall be as listed in this section in **Table 16.14.070-1**.

Table 16.14.070-1:		
Off-Street Parking Requirements for Motor Vehicles and Bicycles by Types of Uses		
Use	Vehicle Parking Spaces	Bicycle Parking Spaces
1. Residential		
(a) Single family unit dwellings	2 spaces per dwelling unit	None required
(b) Duplexes	1 space per dwelling	None required
(c) Multiple Family Dwellings	2.25 spaces/unit ¹	0.5 spaces per unit
(d) Senior-Citizen apartments	1 space per bedroom	2 percent of required vehicle parking, or 4 spaces, whichever is greater
(e) Rooming or boarding house	Spaces equal to 80 percent of the number of guest accommodations plus one additional space for the owner or manager.	1 space for every 5 guest rooms, or 4 spaces, whichever is greater.
(f) Manufactured Home Dwelling Park	2 spaces per dwelling, plus 1 visitor space for each 10 dwelling spaces	None required
<u>(e) Small Lot Single-unit dwellings</u>	<u>2 spaces per dwelling unit</u>	<u>None required</u>
<u>(f) Cottage Clusters</u>	<u>Single bedroom or studio: 1 space per dwelling unit</u> <u>Two or more bedrooms: 2 spaces per dwelling unit</u>	<u>None required</u>
<u>(g) Tiny Homes</u>	<u>Tiny home ADU: 0 spaces per dwelling unit</u> <u>Tiny homes in a manufactured dwelling park or cottage cluster : 1 space per unit</u>	<u>None required</u>

16.15 LANDSCAPING, STREET TREES, FENCES AND WALLS

[...]

16.15.020 Landscaping and Screening

[...]

f. Buffering and Screening Required for Parking Lots and Service Areas

Buffering and screening are required under the following conditions, except for single family dwellings, ~~and~~ duplexes, and cottage clusters:

[...]

3. Irrigation

Irrigation is required of all new development, except single family homes, ~~and~~ duplexes, and cottage clusters.

[...]

E. Landscape Plans

Except for single family dwelling on a single lot (but not excluding subdivisions), ~~and~~ duplexes, and cottage clusters, landscape plans shall be submitted showing all existing and proposed landscape areas.

F. Completion of Landscaping

[...]

2. Except for single family dwelling on a single lot (but not excluding subdivisions), ~~and~~ duplexes, and cottage clusters, a final Certificate of Occupancy shall not be granted until either landscaping is completed or an adequate bond or other security is posted for the completion of the landscaping, and the City is given written authorization to enter the property.

16.19.040 ~~MANUFACTURED SINGLE-UNIT DETACHED DWELLING~~ PLACEMENT STANDARDS

The following standards apply to the placement of ~~manufactured single-unit detached~~ dwellings on individual lots in residential zones ~~outside of mobile home parks and manufactured home subdivisions, except for those areas (neighborhoods) where they are inconsistent with established, historical or other identifiable architectural residential construction patterns~~. All manufactured homes on individual lots in residential zones shall:

- ~~A. Be multi-sectional (double wide or wider) and enclose a floor area of not less than 1,000 square feet.~~
- ~~B. Unless located within a designated flood hazard area, have backfill style foundations or skirting of pressure treated wood, masonry or continuous concrete footing wall construction complying with the minimum set up standards of the adopted state Administrative Rules for Manufactured Dwellings, such that the manufactured home is located not more than 12 inches above original overall lot grade.~~
- ~~C. Have a roof with a nominal pitch of 3 feet in height for each 12 feet in width.~~
- ~~D. Not have bare metal siding or roofing, the siding shall be painted, and roofing and siding shall be in good serviceable condition without portions missing, damaged, cracked or otherwise defective.~~
- ~~E. Be certified by the manufacturer to have exterior thermal envelopes meeting the performance~~

~~standards specified by state law for single family dwellings constructed under the state building code.~~

~~F. Have a garage or carport with exterior materials matching the residential unit.~~

~~G. Be subject to all other applicable Zoning Ordinance and Municipal Code requirements that apply to single family dwellings in residential zones.~~

A. All dwellings must be on a foundation that meets the City's construction code and design requirements or the Oregon Manufactured Dwelling Installation Specialty Code as applicable and that does not exceed 12-inches above the finished grade.

B. The primary dwelling must be a minimum of 20 feet in width at its narrowest dimension or include three or more of the design elements listed below (B.1 – B.15).

1. Minimum 20% window coverage on every side of the building.
2. Dormer(s) at least three feet wide.
3. Covered porch entry with a minimum of 40 square foot covered front porch and a minimum five feet deep.
4. Second story balcony that projects from the wall of the building a minimum of four feet and enclosed by a railing or parapet wall.
5. Building face containing two or more off-sets of 16 inches or greater from one exterior wall to the other.
6. Roof overhang of 16 inches or greater.
7. Columns, pillars, or posts at least four inches wide and containing base materials for a total width of at least eight inches.
8. Decorative gables with cross or diagonal bracing, shingles, trim, corbels, exposed rafter ends, or brackets (does not include a garage gable if the garage projects beyond the remaining portion of the primary street facing façade).
9. Moulding above windows and doors that is at least six inches wide.
10. Pilasters at least eight inches wide or chimneys.
11. Shakes, shingles, brick, or stone occupying at least 60 square feet of the street façade.
12. Bay or bow window(s) that extend a minimum of 12 inches outward from the main wall of a building and form a bay or alcove in a room within the building.
13. Sidelight and/or transom windows associated with the front door or windows in the front door.
14. Pitched roof with a slope not less than 3 feet in height for each 12 feet in width (14 degrees).

C. For manufactured dwelling units, the dwelling must be certified by the manufacturer to have an exterior thermal envelope meeting the performance standards specified by state law for single-unit dwellings constructed under the state building code.

16.19.120 AFFORDABLE HOUSING ON NON-RESIDENTIAL OR PUBLIC LAND

Senate Bill 8 (2021) requires local governments to allow affordable housing without requiring a zone change or conditional use permit if certain criteria and standards are met. These requirements are implemented by this subsection.

A. Applicability.

- 1. Affordability.** The affordability of the units is enforceable, including as described in ORS 456.270 to 456.295, for a duration of no less than 30 years; and either
 - a. Each unit on the property is made available to own or rent to families with incomes of 60 percent or less of the area median income as determined by the Oregon Housing Stability Council based on information from the United States Department of Housing and Urban Development; or**
 - b. The average cost among all units on the property is made available to families with incomes of 60 percent or less of the area median income.**
- 2. Ownership.** The housing will be owned by:
 - a. A public body, as defined in ORS 174.109, which includes state government bodies, local government bodies, and special government bodies; or**
 - b. A nonprofit corporation that is organized as a religious corporation.**
- 3. Zoning.** The property is zoned to allow the following uses outright:
 - a. Commercial uses, including the Mixed Use Zone (MU), Neighborhood Mixed Use (NMU), Neighborhood Commercial Zone (NCM), the Central Business Commercial Zone (CCM), and the Highway Commercial Zone (HCM).**
 - b. Public land, which includes lands in the Public Use Zone (PU).**

B. Standards. Only affordable housing developed pursuant to subsection 16.19.120.A is subject to the following standards.

- 1. Site Suitability.** The site shall be suitable for development of affordable housing. Affordable housing shall not be located on lands where the City determines that:
 - a. The development on the property cannot be adequately served by water, sewer, storm water drainage or streets, or will not be adequately served at the time that development on the lot is complete;**
 - b. The property contains a slope of 25 percent or greater;**
 - c. The property is within the Flood Plain Overlay Zone (FP-OZ);**
 - d. The development of the property is constrained by land use regulations based on statewide land use planning goals relating to:**
 - i. Natural disasters and hazards (SSD-OZ)**
 - ii. Natural resources, including air, water, coastal, land or natural areas, but not including open spaces or historic resources (RIP-OZ)**
 - e. The property is zoned for industrial use (IND).**
- 2. Density and Height in zones that don't allow housing:**
 - a. Commercial zones – The maximum density shall be based on the maximum allowable density applicable to the contiguous/adjacent property with a residential zoning designation. If there is more than one contiguous/adjacent residential property, the zoning of the property with the greatest allowable density applies. If the site is not**

contiguous/adjacent to a residentially zoned site, then the density standards of the RH zone shall apply. The height standard of the base zone shall apply.

- b. Public Use zone - The maximum density shall be based on the maximum allowable density applicable to the contiguous/adjacent property with a residential zoning designation. If there is more than one contiguous/adjacent residential property, the zoning of the property with the greatest allowable density applies. If the site is not contiguous/adjacent to a residentially zoned site, then the density standards of the RH zone shall apply. The height standard of the base zone shall apply.
3. Development and Design Standards.
 - a. Affordable housing projects allowed pursuant to this section are subject to the multifamily development standards of the underlying or adjacent residential zone. If the property does not border a residential zone, or if the underlying or adjacent residential zone does not allow multifamily development, then the affordable housing must follow the multihousehold development standards of the Residential High Density zone (RH).
 - b. Affordable housing projects allowed pursuant to this section are subject to the Open Space and Site Design Requirements for Multi-Family Housing (16.05.170) and are eligible for affordable housing open space bonuses in 16.05.160.

16.19.130 EMERGENCY SHELTER CONVERSIONS AND AFFORDABLE HOUSING

- A. Definitions. The definitions of “affordable housing,” “conversion” and “lawful use” applicable to this section are specified below.
 1. “Affordable housing” means housing in which all units are affordable to households with incomes equal to or less than 60 percent of the area median income as defined in ORS 458.610 and whose affordability is enforceable by an affordable housing covenant, as described in ORS 456.270 to 456.295, for a duration of no less than 30 years.
 2. “Conversion” includes an alteration to a building that changes a building’s intended use as a hotel or motel to an emergency shelter and/or changes the number of units but does not expand the building footprint. A conversion under this section is not a land use decision as defined in ORS 197.015.
 3. “Lawful use” includes a nonconforming use as described in ORS 215.130 (6) or any other local land use regulation allowing for the continuation of a use that was lawful when first enacted.
- B. Applicability Criteria. The proposal is for a conversion which meets one of the following.
 1. The proposed conversion is from use as a hotel or motel, to use as an emergency shelter; or,
 2. The proposed conversion is from use as a hotel or motel to use as affordable housing; or

3. The proposed conversion is from an emergency shelter to use as affordable housing.
- C. Standards.
 1. Site Suitability. The conversion of a hotel or motel to an emergency shelter or affordable housing pursuant to this section is not permitted on sites where the City determines that:
 - a. There is inadequate transportation access to commercial and medical services;
 - b. The site is zoned specifically for industrial uses (IND); or
 - c. The site is designated for a statewide land use planning goal relating to natural disasters or hazards, including flood plains (16.11.040 and 16.11.070) or mapped environmental health hazards unless the converted use complies with regulations directly related to the disasters or hazards.
 2. Emergency Shelters. Conversion of a hotel or motel to an emergency shelter if no site alterations are proposed is subject only to the following standards:
 - a. Applicable building codes; and
 - b. Occupancy limits.
 3. Affordable Housing. Conversion of a hotel or motel to affordable housing, or conversion of a hotel or motel that was previously converted to an emergency shelter to affordable housing are subject to the following standards:
 - a. Applicable building codes; and
 - b. Occupancy limits.
 - c. Standards applicable to multifamily uses in the High Density Residential Zone (RH).
 - d. Site alteration. Site alterations, including but not limited to alterations to parking areas and landscaping, are subject to the applicable standard in Chapter 16.05.

16.20.080 EXERCISING A LAND USE APPROVAL

[...]

B. Approval of Manufactured ~~Home~~ Dwelling Parks

The decision shall be considered exercised with the beginning of construction of facilities for servicing the site on which the manufactured homes are to be placed. This shall include, at a minimum, the construction of streets with final site grading or the pouring of concrete pads, or the extension or installation of utilities.

16.22.030 GENERAL REQUIREMENTS FOR PARTITIONS AND SUBDIVISIONS

[...]

A. ~~Lot Size Averaging~~

~~Single family and duplex residential lot size may be averaged to allow lots less than the minimum lot size in Residential zones, as provided by the provisions of Section 16.05.140 (Chapter 16.05).~~

16.30.020 – CONTINUATION OF A NONCONFORMING USE

- A. Subject to the provisions of this chapter, a nonconforming use of a structure (including fences) or a nonconforming use may be continued and maintained, but shall not be altered or expanded except as provided herein.
- B. The extension of a nonconforming use to a portion of a structure that was approved for such a use at the time of the adoption of this development code is not an expansion of a nonconforming use.
- C. In any ~~industrial or commercial~~ zone, a pre-existing **dwelling use** may be altered or expanded, provided that such alteration or expansion shall not result in the use deviating further from the applicable standards of this development code.
- D. In any industrial or commercial zone, a pre-existing dwelling may be altered or expanded provided that such an alteration or expansion shall not** exceed the ~~yard setback~~, lot coverage, and building height requirements of the residential mixed density (RM) zone for the use of the property.
- D E.** Notwithstanding the provisions of Section 16.30.030, a nonconforming structure reasonably capable of use only for a nonconforming industrial or commercial use may be re-established, changed, altered, or expanded upon as a conditional use.

16.30.030 – NONCONFORMING STRUCTURE

A structure (including fences) conforming as to use but nonconforming as related to height, setback, lot coverage, or similar any dimensional standard, may be altered or expanded if the alteration or expansion does not cause the structure to deviate further from the standards of this development code, and provided that such redevelopment meets all other applicable standards.

16.30.050 – CHANGE OF A NONCONFORMING USE

If a nonconforming use is changed to a different use, it shall be changed to a use conforming the new proposed use must conform to the regulations of the zone in which it is located.

16.32.020 MEANING OF SPECIFIC WORDS AND TERMS

CLUSTER: A grouping of development. Specifically, the locations of structures on a given site in one area leaving the remainder of the land in open space.

[...]

COMMON COURTYARD: See common area.

COTTAGE CLUSTER: A grouping of no fewer than four dwelling units per acre, each with a floor area of less than 900 square feet, located on a single lot or parcel that includes a common courtyard. Cottage clusters that also meet the definition of “manufactured dwelling park” may be subject to additional requirements, pursuant to ORS 446.003 through 446.140. Cottage clusters are not the same as multifamily housing.

[...]

COTTAGE: A small house or tiny home that may be used as an accessory dwelling, or part of a cottage cluster ~~of similar sized homes~~.

[...]

DEVELOPMENT BONUS: The allocation of development rights that allow a parcel to accommodate additional residential units in exchange for a certain percentage of those units as affordable housing. Development bonuses may include but are not limited to bonuses for density, height, open space, or parking.

[...]

Family: (1) Two or more persons related by birth, marriage or adoption. (2) Two or more persons related by blood, legal adoption, guardianship or marriage living together; or (3) Except as may be modified by the Federal Fair Housing Law as it relates to handicapped persons, a group of ~~not more than 5 persons~~ **people** who need not be related (as above) living together in a dwelling unit.

DWELLING: Any room or group of rooms located in a residential building forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking, eating and sanitation of one **family household**, not including motel or hotel units. The installation of an additional gas, electric or water meter or separate sewer service is evidence of establishment of an additional dwelling unit. Except for manufactured dwellings as defined in ORS 446.003, all dwelling units shall be constructed to conform to the Oregon Structural Specialty Code, the Low-Rise Residential Dwelling Code, or the Small Home Specialty Code.

DWELLING, SINGLE-~~FAMILY UNIT~~ (DETACHED): A detached building, ~~or manufactured dwelling, other than a mobile home or trailer house,~~ **manufactured home, or prefabricated dwelling** designed for and occupied by not more than one **family household**, that is not attached to any other dwelling and is surrounded by open space and yards, and is the only primary dwelling unit on the Lot or Parcel, ~~or a part of a Cottage Cluster. A single-unit dwelling may also be referred to as a single “family” dwelling, home, or house in this Code.~~

DWELLING, SMALL LOT SINGLE-UNIT (DETACHED): A detached building, manufactured home, or prefabricated dwelling located on a single lot or parcel that is no larger than 2,500 square feet and is designed for and occupied by not more than one household, that is not attached to any other dwelling and is surrounded by open space and yards, and is the only primary dwelling unit on the Lot or Parcel.

[...]

GROUP LIVING FACILITY: A residential development with no fewer than two attached units that are independently rented and lockable and provide living and sleeping space for the exclusive use of an occupant, but require that the occupant share sanitary or food preparation facilities with other units in the occupancy. A group living facility may also be referred to as “single room occupancies” (SRO).

[...]

HOUSEHOLD: All the people who occupy an individual dwelling unit as their place of residence.

[...]

MANUFACTURED ~~HOME~~ **DWELLING** PARK: A place where four or more manufactured dwellings, **prefabricated dwellings, or tiny homes** are located within 500 feet of one another on a lot, tract or parcel

of land under the same ownership, the primary purpose of which is to rent space to any person for a charge or fee paid or to be paid for the rental use of facilities or to offer space free in connection with securing the trade or patronage of such person. “Manufactured dwelling park” does not include a lot or lots located within an approved subdivision being rented or leased for occupancy by no more than one mobile home per lot if the subdivision was approved by the City.

[...]

PREFABRICATED DWELLING: A building or structural unit that has been in whole or substantial part manufactured at an off-site location to be wholly or partially assembled on-site, but does not include a ~~mobile home, trailer or recreational vehicle~~ manufactured dwelling.

[...]

TINY HOME: A detached dwelling that is not more than 400 square feet in size and conforms to the small home construction standards in ORS 455.616. A tiny home may or may not be on wheels. A recreational vehicle (RV) or trailer shall not be considered a tiny home.

Public Testimony: Recommended Draft Code Revisions

To: Lebanon Planning Commission

From: Laura LaRoque

Date: May 13, 2025

Subject: Proposed Code Amendment and Recommended Revisions

Dear Planning Commissioners,

Thank you for the opportunity to submit public testimony regarding the proposed amendments to the Lebanon Development Code. I appreciate the Commission's continued engagement with the community to refine and improve the city's development standards.

After reviewing the draft amendments, I am submitting the attached recommended revisions for your consideration. These proposed edits are intended to improve clarity, enhance consistency across code sections, and support practical implementation of the standards.

I respectfully ask that the Planning Commission consider these revisions as part of its recommendation to the City Council. I welcome the opportunity for further discussion and would be glad to provide additional information or clarification as needed.

Thank you for your time and consideration.

Sincerely,

Laura LaRoque

Laura LaRoque

16.03.020 ALPHABETICAL LIST OF LAND USE EXAMPLES

Single Unit Dwellings [R]

16.03.030 RESIDENTIAL USES

Residential Uses with Class I Impacts	Accessory Dwellings Accessory Structures (with a permitted use) Bed and Breakfasts Duplexes Family Child Care in a Home* Home Occupations Hospice Facilities Single Unit (Detached) Small Lot Single-unit Dwellings (Detached)
B. Residential Uses with Class II Impacts	Multifamily (three or more units) Assisted Living Facilities (ALF) Boarding House or Facility Condominiums Cottage Clusters Nursing and Convalescent Homes Retirement Center Apartments Rooming House or Facility Senior Living Facilities (SLF) Town or Row Houses Triplexes Zero Lot Line Homes Manufactured Dwelling Park
C. Residential Uses with Class III Impacts	Dormitories Houseboats State Regulated Special Residential Units (Group Living Homes or Facilities): Public Uses such as shelters for Short Term or Emergency Housing (e.g., Homeless Shelters) when operated by a Public or Non-profit agency.

16.05.150 RESIDENTIAL ZONES SPECIAL USE STANDARDS

F. Cottage Clusters

Cottage clusters shall comply with the standards of this section in addition to all other applicable zoning or development standards. In the event of a conflict between standards, the standards of this section shall take precedence.

1. **Building Separation.** Cottages within a cluster must be separated by a minimum distance of six (6) feet. The minimum distance between all other structures, including accessory structures, shall comply with applicable building code requirements.
2. **Maximum Unit Size.** The maximum floor area for each cottage is 900 square feet.
3. **Building Height.** The maximum building height for all structures within a cottage cluster is 25 feet.
4. **Cottage Orientation.** Cottages shall be clustered around a common courtyard, either abutting a common courtyard or connected to it via a pedestrian path. The following standards apply:
 - a. Each cottage shall either directly abut the common courtyard or be connected to it by a pedestrian path.
 - b. At least 50 percent of cottages within a cluster shall be oriented to the common courtyard and must:
 - i. Have a main entrance facing the common courtyard;
 - ii. Be within 10 feet of the common courtyard, measured from the façade of the cottage to the nearest edge of the common courtyard; and
 - iii. Be connected to the common courtyard by a pedestrian path.
 - c. Cottages located within 20 feet of a street property line may have their primary entrances facing the street. These street-facing cottages shall count toward the 50 percent minimum courtyard orientation requirement in subsection 5.b of this section.
 - d. Cottages that do not face the common courtyard or the street shall have their primary entrances facing a pedestrian path that is directly connected to the common courtyard.

5. Common Courtyard Design Standards. Each cottage cluster shall include at least one common courtyard to provide a sense of openness and community of residents. Common courtyards shall meet the following standards:
 - a. The common courtyard shall be a single, contiguous piece.
 - b. Cottages shall abut the common courtyard on at least two sides of the courtyard.
 - c. The minimum area of the common courtyard shall be 150 square feet per cottage within the associated cluster (as defined in subsection 5).
 - d. The common courtyard shall have a minimum of 20 feet at its narrowest dimension.
 - e. The common courtyard shall be improved with a mix of landscaping, lawn area, pedestrian paths, and/or paved courtyard surfaces. Recreational amenities may also be included.. Impervious surfaces shall not exceed 75 percent of the total common courtyard area.
 - f. Pedestrian paths are required in the common courtyard. Paths that are contiguous to a courtyard shall count toward the courtyard's minimum width and area. Parking areas, required setbacks, and driveways do not qualify as part of a common courtyard area.
6. Community Buildings. Cottage cluster projects may include community buildings for the shared use by residents, offering spaces such as meeting rooms, exercise rooms, day care facilities, or community dining areas. Community buildings shall meet the following standards:
 - a. One community building is permitted per cottage cluster and shall count towards the maximum average floor area, allowed under subsection (3) (Maximum Unit Size).
 - b. A community building shall not exceed 1,400 square feet in floor area.
7. Pedestrian Access.
 - a. An accessible pedestrian path shall be provided that connects the main entrance of each cottage to the following:
 - i. The common courtyard;
 - ii. Shared parking areas;

- iii. Community buildings; and
 - iv. Sidewalks in public rights-of-way abutting the site, or rights-of-way itself if sidewalks are not present.
 - b. Pedestrian path shall be constructed with all-weather hard-surfaced and shall be a minimum of four (4) feet in width.
- 8. Parking Design.
 - a. Clustered parking. Off-street parking may be provided as individual spaces for cottages or arranged in clusters, subject to the following standards:
 - i. Cottage cluster projects with fewer than 16 cottages may include parking clusters of no more than five (5) contiguous spaces
 - ii. Cottage cluster projects with 16 cottages or more may include parking clusters of no more than eight (8) contiguous spaces.
 - iii. Parking clusters shall be separated from other parking clusters or structures by at least four (4) feet of landscaping.
 - iv. Clustered parking areas may be covered.
- 9. Parking location and access.
 - a. Off-street parking spaces and vehicle maneuvering areas shall not be located:
 - i. Within 20 feet of any street property line, except alley property lines; or
 - ii. Between a street property line and the front façade of cottages located closest to the street property line. This standard does not apply to alleys.
 - b. Off-street parking spaces shall not be located within 10 feet of any other property line, except alley property lines. Driveways and drive aisles are permitted within 10 feet of other property lines.
- 10. Screening. Clustered parking areas and parking lots shall be separated from common courtyards and public streets by landscaping, fencing, or walls at least three (3) feet in height.
- 11. Accessory Structures. Accessory structures shall not exceed 400 square feet in floor area.

12. Existing Structures. On a lot or parcel proposed for a cottage cluster development, an existing detached single-unit dwelling or duplex may remain as part of the cottage cluster project, subject to the following: following conditions:

- a. The existing dwelling may be nonconforming with respect to the standards of this code.
- b. The existing dwelling may be expanded up to the maximum height allowed in subsection 4. However, existing dwellings that already exceed the building height or floor area shall not be expanded.
- c. The floor area of the existing dwelling shall not count towards the maximum average floor area calculation for cottages in the cluster.

13. The existing dwelling retained within a cottage cluster project shall be excluded from orientation requirements in subsection 4 (Cottage Orientation).

16.05.170 OPEN SPACE AND SITE DESIGN REQUIREMENTS FOR MULTI-FAMILY HOUSING

[...]

E. Common Open Space

- 1. A minimum of 1,000 square feet of common open space shall be provided for all multi-family developments. This area may include designed children's play areas.

16.05.180 ZERO LOT LINE HOUSES

- A. Introduction. Zero-lot line houses are subject to the same standards as non-attached single- housing provided the requirements of subsections below are met.
- B. Any residential dwelling unit or accessory structure may be located on the interior property line if the common wall between adjacent dwellings contains no openings, including windows or doors.
- C. Where no interior setback is proposed, a maintenance easement shall be recorded on deed or plat of the abutting property. The easement shall be a minimum five feet in width and not revocable without City approval through an Administrative Procedure as outlined in Section 16.20.040.

- D. The interior setback for attached housing units shall be zero (0) where the units are directly adjoined. All other setbacks shall conform with the applicable standards of this Code.

16.11.070 FLOOD PLAIN OVERLAY ZONE

A manufactured dwelling includes residential trailers, mobile homes, and manufactured homes. These are structures designed for human occupancy that are constructed for movement on public highways and contain sleeping, cooking, and plumbing facilities. Manufactured dwellings are classified based on the date of construction and applicable regulations at that time:

1. Residential Trailer: A structure constructed before January 1, 1962, for movement on public highways, equipped with sleeping, cooking, and plumbing facilities, and intended for use as a residence.
2. Mobile Home: A structure constructed between January 1, 1962, and June 15, 1976, for movement on public highways, equipped with sleeping, cooking, and plumbing facilities, intended for residential use, and constructed in compliance with Oregon mobile home construction standards in effect at the time.
3. Manufactured Home: A structure constructed on or after June 15, 1976, for movement on public highways, equipped with sleeping, cooking, and plumbing facilities, intended for residential use, and constructed in accordance with federal manufactured housing construction and safety standards in effect at the time of construction.

16.12.030 MOTOR VEHICLE ACCESS MANAGEMENT REQUIREMENTS

Q. Flag Lot Standards.

1. Access to State Highways and Arterial Streets

Flag lots shall not be permitted if they would result in an increase the number of driveways providing direct access to the state Highway System or City Arterial Streets.

2. Planning Objectives and Residential Development.

Flag lots may be permitted for residential development when necessary to achieve planning objectives, including but not limited to:

- Reducing the number of direct access points to roadways;

- Providing access to interior or landlocked lots via residential street;
- Supporting infill development or redevelopment; or
- Preserving natural features or historic resources.

3. Conditions of Flag Lot Creation.

Flag lots shall only be permitted when the extension of a through street or mid-block lane is not feasible or practical to serve abutting properties or future development. The following standards shall apply:

a. Driveway Limitations:

A flag lot driveway ("flag pole" or "pan handle") shall serve no more than two lots with direct access, and one additional lot through a recorded access easement, provided the easement is legally binding and complies with all applicable access and maintenance requirements.

b. Driveway Width Requirements: The minimum width for a flag lot driveway shall be as follows:

- i. For residential developments serving 1 to 2 primary dwelling units (excluding accessory dwelling units), the minimum unobstructed driveway width shall be 12 feet.
- ii. For residential developments serving 3 or more primary dwelling units (excluding accessory dwelling units), the minimum unobstructed driveway width shall be 20 feet.

iii. Dead-End Roads:

1. If the length exceeds 150 feet: Must be provided with an approved turnaround.
2. If the length exceeds 500 feet: The driving surface width must be at least 26 feet.

c. Shared Driveway Easement: A shared driveway serving more than one lot shall include recorded reciprocal access and maintenance easement which benefits all lots served by the driveway.

d. Driveway Obstruction Prohibition: No fences, structures, or other obstructions shall be placed within the driveway area.

16.14.030 Earned Parking Reduction

- A. The required number of vehicle parking spaces may be reduced by one (1) space for every eight (8) bicycle parking spaces or every four (4) covered bicycle parking spaces, up to a maximum reduction of fifteen percent (15%) of the total required vehicle parking spaces.

16.19.040 Single-Unit Detached Dwelling Placement Standards

The following standards apply to the placement of single unit detached dwellings on individual lots within residential zones:

- A. All dwellings shall be on a foundation that complies with the City's construction code and design requirements or the Oregon Manufactured Dwelling Installation Specialty Code, as applicable. The foundation shall not exceed 12 inches above the finished grade.
- B. The primary dwelling shall either:
- Have a minimum width of 20 feet at its narrowest dimension; or
 - Include at least three (3) of the design elements listed in subsections B.1 through B.14 below.

Design Elements:

A minimum 20% window coverage on each side of the building.

- i. Dormer(s) at least three (3) feet wide.
- ii. A covered porch with a minimum area of 40 square feet and a minimum depth of five (5) feet.
- iii. A second-story balcony that projects at least four (4) feet from the building wall and is enclosed by a railing or parapet wall.
- iv. A building facade with two or more offsets of at least 16 inches from one exterior wall to another.
- v. Roof overhangs at least 16 inches.
- vi. Columns, pillars, or posts that are at least four (4) inches wide and include base materials with a total width of at least eight (8) inches.

- vii. Decorative gables featuring cross or diagonal bracing, shingles, trim, corbels, exposed rafter ends, or brackets (Garage gables do not qualify if the garage projects forward of the main street-facing façade.).
- viii. Window and door moulding that is at least six (6) inches wide.
- ix. Pilasters at least eight (8) inches wide, or a chimney.
- x. use of shakes, shingles, brick, or stone coverings at least 60 square feet of the street façade.
- xi. Bay or bow window(s) that project a minimum of 12 inches outward from the main wall and create an alcove in the interior space.
- xii. Sidelight and/or transom windows at the front door, or windows integrated in the front door.
- xiii. A pitched roof with a minimum slope of 3:12 (approximately 14 degrees).

C. Manufactured dwellings shall be certified by the manufacturer as meeting the thermal envelope performance standards required by state law for single-unit dwellings constructed under the Oregon Building Code.

16.20.080 EXERCISING A LAND USE APPROVAL

B. Approval of Manufactured Dwelling Parks

Approval shall be considered exercised when construction begins on facilities intended to service the site where manufactured dwellings will be placed. This shall include, at a minimum, the construction of streets with final site grading, the pouring of concrete pads, or the extension or installation of utilities.

16.30.030 NONCONFORMING STRUCTURE

A structure (including fences) that conforms to the permitted use but is nonconforming with respect to any other dimensional standard, may be altered or expanded, provided the alteration or expansion does not increase the degree of nonconformity. All other applicable standards of this Code shall be met.

16.30.050 CHANGE OF A NONCONFORMING USE

If a nonconforming use is changed to a different use, the new use shall conform to all regulations of the zone in which it is located.

Commentary: It does not appear that the uses or classifications amendments are fully reflected in Chapter 16.03. It is recommended that staff review all applicable use classification and impact tables within Chapter 16.03 to ensure internal consistency and alignment with the proposed code amendments.

16.03.020 ALPHABETICAL LIST OF LAND USE EXAMPLES

Single Family Unit Dwellings [R]

16.03.030 RESIDENTIAL USES

A. Residential Uses With Class I Impacts	<p>Accessory Dwellings</p> <p>Accessory Structures (with a permitted use)</p> <p>Bed and Breakfasts</p> <p>Duplexes</p> <p>Family Child Care in a Home*</p> <p>Home Occupations</p> <p>Hospice Facilities</p> <p>Manufactured Housing</p> <p>Single Family Houses <u>Unit (Detached)</u></p> <p><u>Small Lot Single-unit Dwellings (Detached)</u></p>
B. Residential Uses With Class II Impacts	<p><u>Multifamily Apartments (four three or more units)</u></p> <p>Assisted Living Facilities (ALF)</p> <p>Boarding House or Facility</p> <p>Condominiums</p> <p>Cottage Clusters</p> <p>Nursing and Convalescent Homes</p> <p>Retirement Center Apartments</p> <p>Rooming House or Facility</p> <p>Senior Living Facilities (SLF)</p> <p>Town or Row Houses</p> <p>Triplexes</p> <p>Zero Lot Line Homes</p> <p><u>Manufactured Dwelling Park</u></p>
C. Residential Uses With Class III Impacts	<p>Dormitories</p> <p>Houseboats</p> <p>Manufactured Home Parks State Regulated Special Residential Units (Group Living Homes or Facilities):</p> <p>Alternative or Post-Incarceration Facilities; Drug and Alcohol Treatment Residential Programs; Group Homes for the Physically, Mentally or Emotionally Challenged <u>Public Uses such as shelters for Short Term or Emergency Housing (e.g., Homeless Shelters) when operated by a Public or Non-profit agency.</u></p>

Commentary: The proposed amendments to 16.05.150 are focused on improving clarity.

16.05.150 RESIDENTIAL ZONES SPECIAL USE STANDARDS

F. Cottage Clusters

Cottage clusters shall ~~meet~~ comply with the standards of this section in addition to ~~any~~ all other applicable zoning or development standards. ~~Wherever these standards~~ In the event of a conflict between standards, the ~~with requirements in other sections,~~ the standards of this section shall take precedence.

1. Building Separation. Cottages within a cluster ~~shall~~ must be separated by a minimum distance of six (6) feet. The minimum distance between all other structures, including accessory structures, shall ~~be in accordance with~~ comply with applicable building code requirements.
2. Maximum Unit Size. The maximum floor area for ~~a~~ each cottage is 900 square feet.
3. Building Height. The maximum building height for all structures within a cottage cluster is 25 feet.
4. Cottage Orientation. Cottages ~~shall~~ must be clustered around a common courtyard, ~~meaning they abut the associated common courtyard or are directly connected to it by a pedestrian path, and must meet~~ either abutting a common courtyard or connected to it via a pedestrian path. The following standards:
 - a. Each cottage ~~within a cluster must~~ shall ~~either directly abut the common courtyard or must be directly~~ be connected to it by a pedestrian path.
 - b. ~~A minimum of~~ At least 50 percent of cottages within a cluster ~~shall~~ must be oriented to the common courtyard and must:
 - i. Have a main entrance facing the common courtyard;
 - ii. Be within 10 feet from the common courtyard, measured from the façade of the cottage to the nearest edge of the common courtyard; and
 - iii. Be connected to the common courtyard by a pedestrian path.
 - c. Cottages located within 20 feet of a street property line may have their primary entrances facing the street. ~~Such~~ These street-facing cottages shall count

toward the 50 percent minimum courtyard orientation requirement in subsection 5.b of this section.

- d. Cottages ~~that do~~ not face the common courtyard or the street ~~must~~shall have their primary entrances facing a pedestrian path that is directly connected to the common courtyard.

5. Common Courtyard Design Standards. Each cottage cluster shall include at least one ~~must share a~~ common courtyard in order to provide a sense of openness and community of residents. Common courtyards ~~must~~shall meet the following standards:

- a. ~~An individual~~The common courtyard ~~must~~shall be a single, contiguous piece.
- b. Cottages shall~~must~~ abut the common courtyard on at least two sides of the courtyard.
- c. The minimum area of the ~~An individual~~ common courtyard ~~must~~shall contain ~~a minimum of~~be 150 square feet per cottage within the associated cluster (as defined in subsection 5).
- d. The common courtyard ~~must be a~~shall have a minimum of 20 feet ~~wide~~ at its narrowest dimension.
- e. The common courtyard shall be ~~developed~~improved with a mix of landscaping, lawn area, pedestrian paths, and/or paved courtyard ~~area~~surfaces. Recreational amenities may also be included., ~~and may also include recreational amenities.~~ Impervious ~~elements of the common courtyard~~surfaces shall not exceed 75 percent of the total common courtyard area.
- f. Pedestrian paths ~~must be included~~are required in ~~the~~a common courtyard. Paths that are contiguous to a courtyard shall count toward the courtyard's minimum ~~dimension~~width and area. Parking areas, required setbacks, and driveways do not qualify as part of a common courtyard area.

6. Community Buildings. Cottage cluster projects may include community buildings for the shared use ~~by~~of residents, offering spaces ~~that provide space for accessory uses~~ such as ~~community~~ meeting rooms, exercise rooms, day care facilities, or community ~~eating~~dining areas. Community buildings ~~must~~shall meet the following standards:

- a. ~~Each cottage cluster is permitted to~~One community building is permitted per cottage cluster and, ~~which~~ shall count towards the maximum average floor

area, ~~pursuant to subsection (3).~~ allowed under subsection (3) (Maximum Unit Size).

- b. ~~The~~ A community building ~~must~~ shall not exceed 1,400 square feet in floor area.

7. Pedestrian Access.

- a. An accessible pedestrian path ~~must~~ shall be provided that connects the main entrance of each cottage to the following:
 - i. The common courtyard;
 - ii. Shared parking areas;
 - iii. Community buildings; and
 - iv. Sidewalks in public rights-of-way abutting the site, ~~or rights-of-way itself if sidewalks are not present. there are no sidewalks.~~
- b. ~~The~~ Pedestrian path ~~must~~ shall be constructed with all-weather hard-surfaced and shall be a minimum of four (4) feet ~~wide~~ in width.

8. Parking Design.

- a. Clustered parking. Off-street parking may be provided ~~with~~ as individual spaces for cottages or arranged in clusters, subject to the following standards:
 - i. Cottage cluster projects with fewer than 16 cottages ~~are permitted~~ may include parking clusters of ~~not~~ no more than five (5) contiguous spaces
 - ii. Cottage cluster projects with 16 cottages or more ~~are permitted~~ may include parking clusters of not more than eight (8) contiguous spaces.
 - iii. Parking clusters ~~must~~ shall be separated from other ~~spaces~~ parking clusters or structures by at least four (4) feet of landscaping.
 - iv. Clustered parking areas may be covered.

9. Parking location and access.

- a. Off-street parking spaces and vehicle maneuvering areas shall not be located:
 - i. Within ~~of~~ 20 feet ~~from~~ of any street property line, except alley property lines; or

ii. Between a street property line and the front façade of cottages located closest to the street property line. This standard does not apply to alleys.

b. Off-street parking spaces shall not be located within 10 feet of any other property line, except alley property lines. Driveways and drive aisles are permitted within 10 feet of other property lines.

10. Screening. Clustered parking areas and parking lots shall be separated from common courtyards and public streets by Landscaping, fencing, or walls at least three (3) feet tall in height. ~~shall separate clustered parking areas and parking structures from common courtyards and public streets.~~

11. Accessory Structures. Accessory structures ~~must~~ shall not exceed 400 square feet in floor area.

12. Existing Structures. On a lot or parcel ~~to be used for~~ proposed for a cottage cluster ~~project~~ development, an existing detached single-unit dwelling or duplex may remain as part of the cottage cluster project, subject to the following: ~~on the same lot at the time of proposed development of the cottage cluster may remain within the cottage cluster project area under the following conditions:~~

a. The existing dwelling may be nonconforming with respect to the standards of this code.

b. The existing dwelling may be expanded up to the maximum height allowed in subsection 4. ~~h~~ However, existing dwellings that already exceed the maximum height and/or footprint building height or floor area of this code ~~may~~ shall not be expanded.

c. The floor area of the existing dwelling shall not count towards the maximum average floor area calculation for cottages in the ~~of a cottage cluster.~~

13. The existing dwelling retained within a cottage cluster project shall be excluded from ~~the calculation of orientation toward the common courtyard, per subsection 5-a.~~ requirements in subsection 4 (Cottage Orientation).

16.05.170 OPEN SPACE AND SITE DESIGN REQUIREMENTS FOR MULTI-FAMILY HOUSING [...]

E. Common Open Space

1. The minimum of 1,000 square feet of ~~required~~ common open space shall be provided for all multi-family developments. This area may include designed children's play

~~areas., regardless of any bonuses or reductions, is 1,000 square feet inclusive of children's play areas.~~

Commentary: The proposed amendments to 16.05.180 are focused on improving clarity.

16.05.180 ZERO LOT LINE HOUSES

- A. Introduction. Zero-lot line houses are subject to the same standards as non-attached single-family housing provided the requirements of ~~16.05.180.B and C~~ subsections B and C below are met.
- B. Any residential dwelling unit or accessory structure may be located on the interior property line if the common wall between adjacent dwellings contains no openings, including windows or doors. ~~where the proposed building does not have openings or windows in the wall facing the adjacent building.~~
- C. ~~For interior property lines where~~ Where no interior setback is proposed, a maintenance easement ~~must~~ shall be recorded on the ~~abutting property deed or plat of the abutting property.~~ The width of the easement shall be a minimum five feet in width and ~~—~~. ~~This easement is not revocable without City approval through an Administrative Procedure pursuant to~~ as outlined in Section 16.20.040.
- D. The interior setback for attached housing units shall be zero (0) where the units are directly ~~adjoined.~~ ; ~~a~~ All other setbacks shall conform to this Code with the applicable standards of this Code.

Commentary: The proposed amendments to 16.05.170 are focused on improving format and clarity.

16.11.070 FLOOD PLAIN OVERLAY ZONE

~~Manufactured dwelling: Includes residential trailers, mobile homes, and manufactured homes. (1) Residential Trailer: a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, is being used for residential purposes and was constructed before January 1, 1962. (2) Mobile Home: a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy that is being used for~~

~~residential purposes and was constructed between January 1, 1962 and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction. (3) Manufactured Home: a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy that is being used for residential purposes and was constructed on or after June 15, 1976 in accordance with federal safety standards regulations in effect at the time of construction.~~

A manufactured dwelling includes residential trailers, mobile homes, and manufactured homes. These are structures designed for human occupancy that are constructed for movement on public highways and contain sleeping, cooking, and plumbing facilities. Manufactured dwellings are classified based on the date of construction and applicable regulations at that time:

1. Residential Trailer: A structure constructed before January 1, 1962, for movement on public highways, equipped with sleeping, cooking, and plumbing facilities, and intended for use as a residence.
2. Mobile Home: A structure constructed between January 1, 1962, and June 15, 1976, for movement on public highways, equipped with sleeping, cooking, and plumbing facilities, intended for residential use, and constructed in compliance with Oregon mobile home construction standards in effect at the time.
- 1.3. Manufactured Home: A structure constructed on or after June 15, 1976, for movement on public highways, equipped with sleeping, cooking, and plumbing facilities, intended for residential use, and constructed in accordance with federal manufactured housing construction and safety standards in effect at the time of construction.

Commentary: The proposed amendments to 16.12.030 focus on improving formatting and clarity. The primary change addresses driveway width in relation to the number of dwellings served, as this is the most critical factor for flag lots, particularly from a fire access and emergency response perspective.

16.12.030 MOTOR VEHICLE ACCESS MANAGEMENT REQUIREMENTS

Q. Flag Lot Standards.

1. Access to State Highways and Arterial Streets

~~Connections to the State Highway System or City Arterials.~~ Flag lots shall not be permitted ~~when the results would be to~~ if they would result in an increase the number of driveways providing requiring direct and individual access connections to the state ~~H~~highway ~~s~~System; or ~~C~~city ~~A~~arterial ~~s~~Streets.

2. Planning Objectives and Residential Development.

Flag lots may be permitted for residential development when necessary to achieve planning objectives, including but not limited to:

- ~~such as~~ Reducing the number of direct access points to roadways;;
- ~~p~~Providing internal platted lots with access to a access to interior or landlocked lots via residential street;;
- Supporting infill development or; redevelopment; or
- ~~, or p~~Preserving natural features or historic resources.

3. Conditions of Flag Lot Creation.

Flag lots ~~may be created~~ shall only be permitted only when ~~a~~ the extension of a through street or mid-block lanes ~~is~~ cannot be extended to not feasible or practical to serve ~~serve~~ ~~abutting~~ abutting properties uses or future development. The following standards shall apply:

- a. Driveway Limitations: A flag lot driveway ("flag pole" or "pan handle") may serve no more than two dwelling units, including accessory dwellings and dwellings on individual lots, ~~unless the fire codes and standards adopted by the city and/or the Lebanon fire district are met for more units.~~ ~~When such standards are met, the maximum number of dwellings shall be four individual lots with a maximum of four dwelling units (maximum two dwelling units per individual lot served by flag lot driveway).~~

A flag lot driveway ("flag pole" or "pan handle") shall serve no more than two lots with direct access, and one additional lot through a recorded access easement, provided the easement is legally binding and complies with all applicable access and maintenance requirements. ~~A flag lot driveway ("flag pole" or "pan handle") may serve no more than two~~

b. Driveway Width Requirements: The minimum width for a flag lot driveway shall be as follows:

- i. For residential developments serving 1 to 2 primary dwelling units (excluding accessory dwelling units), the minimum unobstructed driveway width shall be 12 feet.
- ii. For residential developments serving 3 or more primary dwelling units (excluding accessory dwelling units), the minimum unobstructed driveway width shall be 20 feet.

iii. Dead-End Roads:

- 1. If the length exceeds 150 feet: Must be provided with an approved turnaround.
- 2. If the length exceeds 500 feet: The driving surface width must be at least 26 feet.

~~b.c.~~ Shared Driveway Easement: A shared driveway serving more than one lot shall have include a recorded reciprocal access and maintenance easement recorded for all lots which benefits all lots served by the driveway.

~~c.d.~~ Driveway Obstruction Prohibition: No fences, structures, or other obstructions shall be placed within the driveway area.

Commentary: The proposed amendments to 16.14.030 focus on improving clarity.

16.14.030 Earned Parking Reduction

A. ~~The amount of vehicle parking may be reduced by one space for every eight bicycle parking spaces or not to exceed ten fifteen percent of required vehicle parking spaces.~~ The required number of vehicle parking spaces may be reduced by one (1) space for every eight (8) bicycle parking spaces or every four (4) covered bicycle parking spaces, up to a maximum reduction of fifteen percent (15%) of the total required vehicle parking spaces.

Commentary: The proposed amendments to 16.14.030 focus on improving formatting and clarity.

16.19.040 Single-Unit Detached Dwelling Placement Standards

The following standards apply to the placement of single unit detached dwellings on individual lots within residential zones:

A. All dwellings ~~must~~ shall be on a foundation that complies with ~~meets~~ the City's construction code and design requirements or the Oregon Manufactured Dwelling Installation Specialty Code, as applicable, ~~and that does not exceed 12 inches above the finished grade.~~ The foundation shall not exceed 12 inches above the finished grade.

B. The primary dwelling shall either:

- Have a minimum width of 20 feet at its narrowest dimension; or
- Include at least three (3) of the design elements listed in subsections B.1 through B.14 below.

Design Elements:

~~B. The primary dwelling must be a minimum of 20 feet in width at its narrowest dimension or include three or more of the design elements listed below (B.1 – B.15):~~

- ~~1. A~~ M minimum 20% window coverage on every ~~each~~ side of the building.
- i. ~~2. Dormer(s) at least three (3) feet wide.~~
- ii. ~~3. A~~ C covered porch entry with a minimum area of 40 square ~~feet~~ not covered front porch and a minimum depth of five ~~(5) feet, deep.~~
- iii. ~~4. A~~ s Second-story balcony that projects from the wall of the building ~~a~~ at least four (4) minimum of four feet from the building wall and ~~is~~ enclosed by a railing or parapet wall.
- iv. ~~5. A~~ B building facade containing with two or more off-sets of at least 16 inches or greater from one exterior wall to the other ~~another.~~
- v. ~~6. Roof overhang of~~ overhangs at least 16 inches or greater.
- vi. ~~7. Columns, pillars, or posts that are at least four (4) inches wide and containing~~ include base materials ~~for a total~~ with a total width of at least eight ~~(8) inches.~~

- vii. ~~8. Decorative gables with featuring cross or diagonal bracing, shingles, trim, corbels, exposed rafter ends, or brackets (does not include a garage gable if the garage projects beyond the remaining portion of the primary street-facing façade)~~ Garage gables do not qualify if the garage projects forward of the main street-facing façade.
 - viii. ~~9. Window and door Moulding above windows and doors that is at least six (6) inches wide.~~
 - ix. ~~10. — Pilasters at least eight (8) inches wide, or a chimneys.~~
 - x. ~~11. — use of Sshakes, shingles, brick, or stone coverings occupying at least 60 square feet of the street façade.~~
 - xi. ~~12. — Bay or bow window(s) that extend~~ project ~~a minimum of 12 inches outward from the main wall of a building and form a bay or~~ create an ~~alcove in a room within the building~~ in the interior space.
 - xii. ~~13. — Sidelight and/or transom windows associated with at the front door, or windows integrated in the front door.~~
 - xiii. ~~14. — A P~~ pitched roof with a minimum slope not less than 3 feet in height for each 12 feet in width of 3:12 (approximately 14 degrees).
- ~~A.C. C. For manufactured dwelling units, the dwelling~~ Manufactured dwellings must ~~shall~~ be certified by the manufacturer to have an as meeting the exterior thermal envelope meeting the performance standards specified required by state law for single-unit dwellings constructed under the Oregon state bBuilding eCode.

Commentary: The proposed amendments to 16.14.030 focus on improving clarity.

16.20.080 EXERCISING A LAND USE APPROVAL

B. Approval of Manufactured Home Dwelling Parks

~~The decision shall be~~ Approval shall be ~~considered exercised with the beginning of~~ when ~~construction begins on~~ of facilities intended to ~~for servicing the site on which the~~ where ~~manufactured homes dwellings are to~~ will ~~be placed. This shall include, at a minimum, the construction of streets with final site grading, or the pouring of concrete pads, or the extension or installation of utilities.~~

Commentary: The proposed amendments to 16.14.030 focus on improving clarity.

16.30.030 NONCONFORMING STRUCTURE

A structure (including fences) ~~that conforms as to~~ the permitted use but ~~is~~ nonconforming ~~as with respect to~~ height, setback, lot coverage, or similar ~~any other~~ dimensional standard, may be altered or expanded, provided the ~~if the alteration or expansion does not cause increase the degree of nonconformity the structure to deviate further from the standards of this development code, and provided that such redevelopment meets~~ . All other applicable standards of this Code shall be met.

16.30.050 CHANGE OF A NONCONFORMING USE

If a nonconforming use is changed to a different use, the new use shall conform to all ~~to the~~ regulations of the zone in which it is located.



NOTICE OF PUBLIC HEARING

LEBANON PLANNING COMMISSION

NOTICE IS HEREBY GIVEN that a public hearing will be held before the Lebanon Planning Commission on **May 21, 2025 at 6:00 p.m.** in the Santiam Travel Station located at 750 S 3rd Street, to afford interested persons and the general public an opportunity to be heard and give testimony concerning the following matter:

Planning Case No.:	DCA-25-01
Applicant:	City of Lebanon
Request:	Development Code Amendment
Decision Criteria:	Lebanon Development Code Chapters: 16.20 & 16.28

Request: The proposed Development Code Amendment DCA-25-01 would amend various sections of the Lebanon Development Code to implement the Housing Production Strategy (HPS). Amendments include but are not limited to small single-family detached housing, cottage clusters, infill design standards, housing flexibility in commercial zones, manufactured home parks permitted outright, tiny homes on wheels, and incentives for income-restricted units.

Providing Comments: The city will be accepting public comment on this item in several ways to afford interested persons and the public an opportunity to give testimony on the subject matter. Written and verbal testimony will be accepted upon issuance of this notice, **until 5:00pm on Tuesday, May 20, 2025**. Written testimony may be emailed to kelly.hart@lebanonoregon.gov or mailed to the City of Lebanon at 925 S. Main Street, Lebanon, OR 97355, or delivered and dropped in the white mailbox in front of City Hall.

The public is invited to either participate in person at the Santiam Travel Station or watch the meeting virtually on **May 21, 2025**.

If you wish to address the Commission under Public Comments or for a Public Hearing, click: <https://zoom.us/meeting/register/WCtspkUsR4Smih5HiKwzpw> to register in advance for the meeting. You will receive a confirmation email containing information about joining the meeting. Attendees will need to register to receive the link to the meeting.

Please register ONLY if you wish to address the Commission. If you want to watch or listen to the meeting, please click this link to do so on YouTube: <https://youtube.com/live/ePSCSg9wTes?>.

The agenda and application materials will be available for review on the City's website at <https://www.lebanonoregon.gov/meetings> seven days prior to the hearing.

CITIZENS ARE INVITED TO PARTICIPATE in the public hearing and give written or oral testimony as described above that address applicable decision criteria during that part of the hearing process designated for testimony in favor of, or opposition to, the proposal. If additional documents or evidence are provided in support of the application subsequent to notice being sent, a party may, prior to the close of the hearing, request that the record remain open for at least seven days so such material may be reviewed.

Action of the Planning Commission and Appeals: The role of the Commission is to review the proposal and make a recommendation to the Lebanon City Council. A public hearing before the Council will be subsequently scheduled and notice provided. The Council decision is the final decision unless appealed to the Land Use Board of Appeals (LUBA). Failure to raise an issue in the hearing, orally or in writing, or failure to provide sufficient specificity to afford the decision makers an opportunity to respond to the issue precludes appeal to LUBA based on that issue.

Obtain Information: A copy of the application, all documents and evidence relied upon by the applicant, and applicable criteria are available for inspection at no cost and will be provided at the cost of 25 cents per single-sided page. If you have questions or would like additional information, please contact City of Lebanon Community Development Department, 925 Main Street; phone 541-258-4906; email cdc@lebanonoregon.gov.

The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to 541-258-4906.