

A RESOLUTION APPROVING)
 COMPREHENSIVE PLAN AND ZONE) RESOLUTION NO. 80
 MAP AMENDMENTS TO REZONE)
 26.37 ACRES FROM HIGHWAY)
 COMMERCIAL AND LIMITED)
 INDUSTRIAL TO HIGHWAY)
 COMMERCIAL AND MIXED USE)

WHEREAS, the Lebanon Planning Commission on September 20, 1995, conducted a public hearing on File No. CPA-95-2 and ZMA-95-1 which was a request to redesignate a certain vacant 26.37 acre site (2 adjacent parcels), more particularly described as Assessor's Map T12S - R2W - 23B, Tax Lots 100 and 102, from Highway Commercial and Limited Industrial to Highway Commercial and Mixed Use zoning; and

WHEREAS, the Lebanon Planning Commission unanimously approved said request; and

WHEREAS, said request also provided for a proposed amendment to the Lebanon Comprehensive Plan Designation of said real property from Highway Commercial and Limited Industrial to Highway Commercial and Mixed Use Comprehensive Plan Designation; and

WHEREAS, the Lebanon City Council has conducted a public hearing on September 27, 1995, upon the same request and File Numbers; and

WHEREAS, the Lebanon City Council finds that appropriate notice has been made to all parties according to the provisions of the Oregon Revised Statutes; and

WHEREAS, the Lebanon City Council at said hearing considered the following Zoning Ordinance and Comprehensive Plan criteria:

- 1) Section 9.010 of the Lebanon Zoning Ordinance identifies the procedures by which a property owner or the City may petition a zone map change or amendment;
- 2) Section 9.020 of the Lebanon Zoning Ordinance identifies the procedures to be followed by the Planning Commission and City

Council regarding public hearings on proposed Zone Map (and text) amendments;

- 3) Sections 4.020 (3-5) of the Lebanon Zoning Ordinance identifies the permitted uses in the Limited Industrial (ML) Zone;
- 4) Section 4.310 of the Lebanon Zoning Ordinance identifies the permitted uses in the Mixed Use (MU) Zone;
- 5) The Comprehensive Plan Map designation of the site is Light Industrial and is proposed for amendment to a Special Development District. The following Comprehensive Plan policies have been identified as those which are most relevant to this proposal. The following industrial and commercial land use policies are found in the Land Use Element of the Lebanon Comprehensive Plan:
 - a) Industrial Land Use Section, Policies #1, 2 and 4;
 - b) Commercial Land Use Section, Policies #5, 6, 7, 10 and 11;
 - c) Transportation Element, Streets and Highways Section, Policy #9; and

WHEREAS, the City Council has considered the testimony, staff report and criteria of said request;

NOW, THEREFORE, the City Council having considered the testimony, staff report, and criteria identified above, BE IT RESOLVED:

By the Lebanon City Council as follows:

Section 1. The City Council, considering all of the above, hereby finds:

- a) The request for a Zone Map Amendment complies with Zoning Ordinance Section 9.010 in that the applicant is the City who followed the procedures of Section 9.010;
- b) The requested Zone Map Amendment to Mixed Use (MU) requires that the existing Comprehensive Plan Map designation of the subject property (Light Industrial) be redesignated to Special Development District;

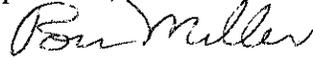
- c) The property remains vacant and inactive and the existing zoning and permitted uses apparently does not permit a viable use, and therefore, does not serve the best interests of the property, neighborhood, vicinity or City;
- d) The proposed Zone Map Amendment from ML to MU will allow a variety of potential commercial and industrial uses at the subject property. The uses permitted in the proposed MU zone are compatible with and similar to existing commercial and industrial uses in the immediate vicinity;
- e) The proposed Comprehensive Plan and Map Amendments comply with the intent of the Comprehensive Plan, Industrial Land Use Section, Policies #1, #2 and #4 in that industrial development is permitted in the MU zone. Industrial development in the MU zone requires a conditional use compatibility review, provides a wider array of development opportunity and a very large amount of developable industrial designated property remains available for development;
- f) The proposed Comprehensive Plan and Zone Map Amendments comply with the intent of the Comprehensive Plan, Commercial Land Use Section, Policies #5, #6, #7, #10 and #11 in that this site is reinforcement and expansion of the existing commercial center across the street (Wal-Mart) and to the north (Lebanon Plaza), will result in a compact commercial center rather than commercial strip development due to highway access controls, will allow limited industrial activities, and helps to focus shopping opportunities thereby decreasing transportation needs and community-wide traffic impacts; and
- g) The adoption of Highway Access Plans complies with and fulfills the intent of the Comprehensive Plan, Transportation Element, Streets and Highway Section, Policy #9 in that it promotes land use development that does not conflict with highway safety and traffic flow.

Section 2. The City Council hereby approves the recommendation of the Lebanon Planning Commission and does hereby amend the Comprehensive Plan Map and Zoning Map of that certain real property located North and East of Highway 20, South of Gilbert Street, and East of the OERR tracks, Assessors Map T12S -R2W - 23B, Tax Lots 100 and 102, involving acreage in the approximate size of 26.37 acres, from the current Comprehensive Plan Designation of Commercial and Light Industrial to Commercial and Special Development

District and that said property, which currently has a zoning designation of Highway Commercial and Limited Industrial, shall be amended to be zoned Highway Commercial and Mixed Use.

Section 3. Appropriate notice of this action shall be made as provided by law to the Department of Land Conservation and Development and the appropriate parties herein.

Passed by the Council of the City of Lebanon by a vote of 5 for and 0 against, and approved by the Mayor this 27th day of September, 1995.

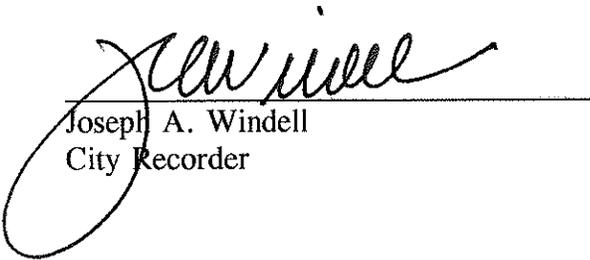


Ron Miller, Mayor Pro Tem

~~Robert G. Smith~~

~~Mayor for the City of Lebanon~~

ATTEST:



Joseph A. Windell
City Recorder