

**AN ORDINANCE APPROVING ZONING
MAP AMENDMENT TO REDESIGNATE
.32 ACRES FROM NEIGHBORHOOD
COMMERCIAL DENSITY TO
RESIDENTIAL MIXED DENSITY**

)
) **ORDINANCE NO. 2373**
)
) **File No. 4 for 2005**
)

WHEREAS, the Lebanon Planning Commission on March 16, 2005, conducted a public hearing on File No. ZMA-04-01 regarding a certain .32 acre vacant site more particularly described as Assessor's Map T12S-R2W-10DB; Tax Lot: 201, and requesting a proposed amendment to the Lebanon Zoning Map Designation of said real property from Neighborhood Commercial (CN) to Residential Mixed Density (RM); and

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

WHEREAS, the Lebanon City Council has conducted a public hearing on April 13, 2005, upon the same request and File Number; and

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

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

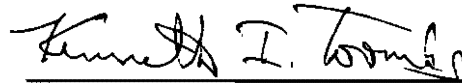
NOW, THEREFORE, the City of Lebanon ordains as follows:

Section 1. In addition to the findings referred to above, the City Council further adopts and finds those matters contained in Exhibit "A", which is incorporated herein by this reference as if fully set forth at this point

Section 2. The City Council hereby approves the recommendation of the Lebanon Planning Commission and does hereby amend the Zoning Map designation of that certain real property located at 400 W. Rose Street, at the southwest corner of the intersection of 5th and Rose Streets; Assessor's Map T12S-R2W-10DB; Tax Lot: 201, involving acreage in the approximate size of .32 acres, from the current Zoning Map designation of Neighborhood Commercial to Residential Mixed Density.

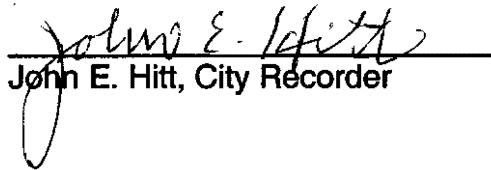
Section 3. Appropriate notice of this action shall be made as provided by law to the Department of Land Conservation and Development and the appropriate parties herein.

PASSED by the Council of the City of Lebanon by a vote of 6 for and 0 against, and approved by the Mayor this 13th day of April, 2005.



Kenneth I. Toombs, Mayor

ATTEST:



John E. Hitt, City Recorder

STAFF RECOMMENDATION

The City Development Review Team (including the City Administrator, Public Works Director, Community Development Manager, City Engineer, Senior Engineer, Building Official [AIC], Fire Marshal, Permit Specialist, and other staff) recommends that the Planning Commission recommends approval of this proposed Zoning Map Amendment to the City Council.

PROPOSED FINDINGS

BASED ON ZONING ORDINANCE CRITERIA

1. **LZO Section 9.010 (Authorization to Initiate Amendments):** The request for the Zoning Map Amendment (change) complies with Zoning Ordinance Section 9.010 in that the applicant is the property owner and the applicant followed the procedures of Section 9.010.
2. **LZO Section 9.020 (Public Hearings on Amendments):** The request for the Zoning Map Amendment complies with Zoning Ordinance Section 9.020 in that the process outlined by LZO 9.020 is the process utilized for this proposed zoning map amendment.
3. **LZO Section 3.030 (Location of Zones):** The request for the Zoning Map Amendment (change) complies with Zoning Ordinance Section 3.030 in that the requested boundary modifications (zoning map amendments) will be adopted by reference at the conclusion of this process as specified by the provisions of LZO 3.030.
4. **LZO Section 3.040 (Zoning Maps):** The request for the Zoning Map Amendment (change) complies with Zoning Ordinance Section 3.040 in that the resulting zoning map amendment shall be in keeping with the provisions of LZO 3.040.
5. **LZO Section 3.060 (Zone Boundaries):** The request for the Zoning Map Amendment (change) complies with Zoning Ordinance Section 3.060 in that the resulting zoning map amendment boundaries shall be in keeping with the provisions of LZO 3.060.

BASED ON COMPREHENSIVE PLAN CRITERIA

A. Introductory Provisions (Chapter 1)

Criteria A1-3: The request for the Zoning Map Amendment complies with these portions of the narrative text from Chapter 1 in that relevant Comprehensive Plan provisions are the criteria the Planning Commission and City Council will use in making a sound decision on this proposed Zoning Map Amendment.

Criteria A4-#G1 -- General Goal #1 (LCP 1-17): The change of the subject property from an unprofitable and vacant neighborhood commercial site to a location that permits multi-family housing could encourage development that promotes the community's general health, safety and welfare in that such potential future residential development "would be aesthetically more attractive, more desirable, more usable and provide a wonderful location to raise a family with its location next to Century Park and the Lebanon Boys and Girls Club."

EXHIBIT A
Page 1 **of** 3

Criteria A4-#G2 – General Goal #2 (LCP 1-17): The request for the Zoning Map Amendment on this property to Residential Mixed Density that would allow development of a multiple-family complex could help assure each individual the widest possible choices and opportunities for a productive and meaningful life-style within the community by providing future multi-family housing opportunities in a family oriented environment. The potential future provision of multifamily housing could be a positive step in providing need housing in the community as documented in the Chapter 3 of ECONorthwest's 2004 Lebanon Urbanization Study and Buildable Lands Inventory (BLI).

Criteria A4-#G3 – General Goal #3 (LCP 1-17): More than one grocery store and at least one other neighborhood oriented business have been located on the subject property for a number of decades. However, changing socio-economic conditions have rendered these businesses unprofitable since at least the early 1990s. Rezoning this site and enabling the potential future development of multi-family housing would be consistent with the directive of the 1980 LCP Chapter One General Goal #3 to be responsive to changing needs and conditions.

Criteria A4-#S2 – Specific Goal #2 (LCP 1-17): Since this proposed Zoning Map amendment does NOT include any change to the Comprehensive Map designation for the subject property this change in zoning is in compliance with the 1980 LCP Chapter One General Specific #2 to provide a land use policy plan which sets forth the suitable kinds, amounts and intensities of use to which land in various parts of the City be put. In fact, this zoning amendment is consistent with carrying out the long range intentions of the Comprehensive Plan Map for this site since the 1980 Comprehensive Plan Map designation for the subject property is *Mixed Density Residential NOT Commercial*.

B. Comprehensive Plan Chapters on Land Use (#5), and Housing (#6), as well as Housing, Land Use and Energy Efficiency Discussions in Chapter 4 (Urbanization).

Criteria B1-3 – Narrative Text (LCP 4-13, and 4-24) and Energy Policy #1, Part 3 (LCP page 4-P-4): The rezoning of the subject property that would allow the development of multi-family housing on the .32 acre site in proximity to a City Park, the Lebanon Boys and Girls Club would be consistent with the promotion of energy efficient development and maximum efficient use of land noted in the above cited narrative text of Chapter 4 (e.g., "cluster development," and utilizing existing vacant land resources within the existing urban area) and the intent of Energy Policy #1 to support and enforce energy conservation and efficiency programs including . . . Compact site development standards and alternative development patterns such as cluster housing.

Criteria B4-9 – Narrative Text on Residential Land Use (LCP 5-8, and 5-10) and Residential Land Use Policies #1, #2, #5, and #6 (LCP page 5-P-1): The rezoning of the subject property would allow the potential future development of multi-family housing on the .32 acre site in proximity to a City Park, the Lebanon Boys and Girls Club, and other multi-family dwellings as well as single family housing would be consistent with the intent of all the above cited narrative text and policies in Chapter 5, as summarized below:

- a. *The intermixing of housing types . . . allows for more efficient land utilization;*
- b. *Allowing for multi-family housing . . . permits maximum efficient land utilization;*

EXHIBIT A
Page 2 of 3

- c. Residential areas within the City and the Urban Growth Area are intended for mixed-density residential development. This is in accordance with the City's desire to maintain an intermix of housing types and densities and conforms to the LCDC Housing Goal # 10 which states "plans shall allow for flexibility in housing location, type and density;"
- d. . . . encourage compact residential development to provide more efficient land utilization and to reduce the cost of housing, public facilities and services;
- e. Overall residential densities in Lebanon should be as high as possible, but at the same time a variety in lot sizes, housing types, and street patterns should be encouraged;
- f. . . . maintain a mixed-density residential zone to allow locational flexibility and an intermix of housing types and densities with locational criteria that would direct traffic from higher density developments onto highways, arterials, or collector streets.
- g. Medium-density multiple-family developments . . . shall be allowed within the city's Mixed-Density Residential Zone provided access is from a designated highway, arterial or collector street.

Criteria B10 – Chapter 5 Commercial Land Use Policy #9: While this policy allows "Neighborhood Convenience Centers that serve the shopping needs of a neighborhood should be allowed within the Mixed-Density Residential Zone" . . . and that . . . "Preferred locations shall be corner sites adjacent to an arterial or collector street," it is clear from the past history of failed businesses at this site that the shopping needs of the neighborhood are not successfully met at this location. Therefore, the re-zoning of this property is consistent with this 1980 Comprehensive Plan Policy.

Criteria B11-17 – Chapter 6 Housing Overall Goal (LCP page 6-P-1) [& Criteria A4-#S3 – Specific Goal #3 (LCP 1-17)], Chapter 6 General Housing Policies #1, #2, #3 (LCP page 6-P-1), Chapter 6 General Housing Types Policy #1 (LCP page 6-P-1), and Chapter 6 Bulldable Lands Policies #1 and #2 (LCP pages 6-P-2 & 6-P-3): The rezoning of the subject property would allow the potential future development of multi-family housing on the .32 acre site in proximity to a City Park, the Lebanon Boys and Girls Club, and other multi-family dwellings as well as single family housing would be consistent with the intent of all the above cited policies in Chapter 6 and Chapter 1 Specific Goal #3, as summarized below:

- a. . . . Increase opportunities for all citizens to enjoy safe, decent, and sanitary housing, and to assist in creating and maintaining neighborhoods in a manner consistent with the natural environment and the needs of the people;
- b. The city recognizes the need for an adequate supply of sound, decent, and attractive housing that includes a variety of type and design that is responsive to community needs;
- c. The city supports the need for all citizens of the community to participate in an open housing market and to have the opportunity to live in sound housing, adequate to their need at a reasonable cost relative to their income;"
- d. The city shall not impose special conditions on residential development that would discourage provision of needed housing types through unreasonable cost demands or processing delays;
- e. The city shall maintain an intermix of housing types and densities within the locational criteria of the Zoning Ordinance;
- f. The city shall maintain an adequate availability of residential, bulldable lands that provide locational choices for each housing type . . . ;
- g. The city should maintain a substantial supply of residentially zoned land within the community to assist in keeping land costs for housing at reasonable levels.