

**A BILL FOR AN ORDINANCE AMENDING  
THE ZONING MAP FOR THE CITY OF  
LEBANON FROM RESIDENTIAL MIXED  
DENSITY (RM) TO MIXED USE (MU).**

) **ORDINANCE BILL NO. 14**  
) **For 2008**  
)  
) **ORDINANCE NO. 2763**

**WHEREAS**, the Planning Commission for the City of Lebanon conducted a hearing and made findings recommending an amendment to the Zoning Map for the City of Lebanon on August 20, 2008; and

**WHEREAS**, the City Council, pursuant to the provisions of the Lebanon Municipal Code, after appropriate notice given, has conducted a hearing to take testimony, hear arguments and to consider all of the evidence concerning such proposed map amendment, such hearing being conducted on September 24, 2008; and

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

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

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

**Section 2.** Based upon the findings adopted herein, the Lebanon Zoning Map is hereby amended as specified in Exhibit "A";

**Section 3.** Exhibit "A" shall be forwarded to Linn County, Oregon, to the Oregon Land Conservation and Development Commission and any other entities as required by law for their review.

Passed by the Lebanon City Council by a vote of 6 for and 0 against and approved by the Mayor this 24<sup>th</sup> day of September, 2008.

CITY COUNCIL OF LEBANON, OREGON

  
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Kenneth I. Toombs, Mayor

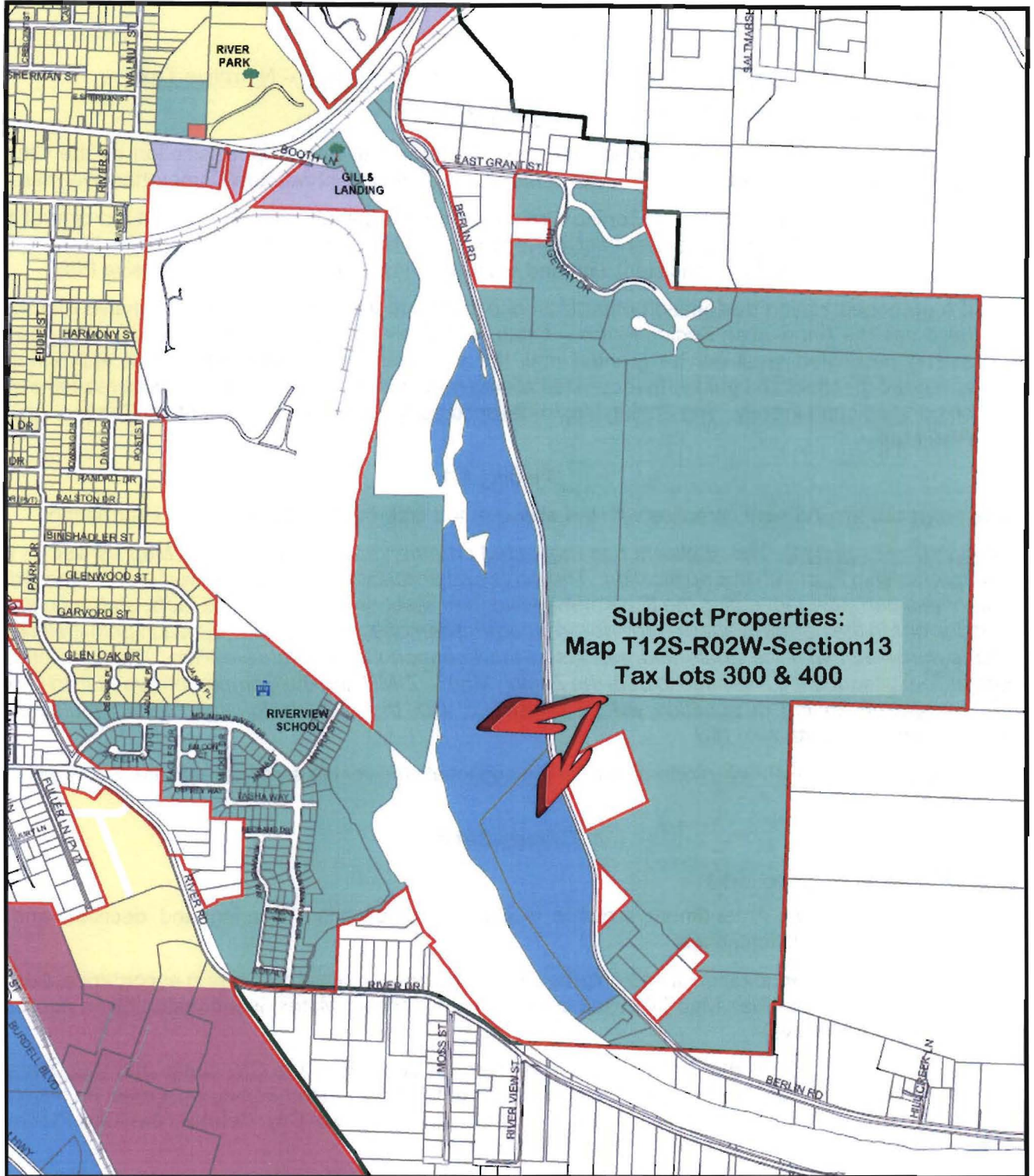
Bob Elliott, Council President

ATTEST:

  
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Linda Kaser, City Clerk/Recorder

# EXHIBIT A – ZONING MAP



- |                       |                                |                                  |                          |
|-----------------------|--------------------------------|----------------------------------|--------------------------|
| City Limit            | RL - Residential Low Density   | CB - Central Business Commercial | MU - Mixed Use           |
| Urban Growth Boundary | RM - Residential Mixed Density | CH - Highway Commercial          | PU - Public Use          |
|                       | RH - Residential High Density  | ML - Limited Industrial          | Aircraft Control subzone |
|                       | CN - Neighborhood Commercial   | MG - General Industrial          |                          |

## EXHIBIT B - FINDINGS

### Criteria Set # 1

#### LCP Chapter 10: Plan Implementation, Coordination, and Amendment -- Narrative Text

##### 1.1.4 Amending the Zoning Ordinance and Zoning Map

Zoning Code provisions and the Zoning Map may be amended, either upon initiation by the City or following a request by an applicant. Amendments shall be consistent with the Comprehensive Plan.

- a. If proposed amendments to the Zoning Ordinance do not comply with the current wording of the Comprehensive Plan, the Comprehensive Plan must first be appropriately amended so that the that Zoning Ordinance will be consistent with and accurately implement the Comprehensive Plan.
- b. If a proposed zoning designation other than one in accordance with the Comprehensive Plan Map (also see the Annexation Zoning Matrix – Chap. 4, Table 4.2) is requested by an applicant, the re-zoning requested shall not be granted until the Comprehensive Plan Map is first appropriately amended to reflect and guide the requested zoning map amendment. However, these requests may be handled concurrently. The Zoning Map must accurately reflect and implement the Comprehensive Plan Map.

#### Finding # 1

The proposed amendment complies with the above noted criteria given the following information:

*Applicant's Response: The applicant has requested an amendment to the Zoning Map as well as the Comprehensive Plan with this application. The goals and policies have been reviewed and addressed as part of this narrative requesting the [Comprehensive Plan Map] amendment. The facts, statements and conclusions in the narrative should provide evidence that demonstrates that redesignation from Z-RM to Z-MU is consistent with the goals and policies of the Lebanon Comprehensive Plan. The applicant is concurrently requesting a change to both the Zoning Map to Z-MU and the Comprehensive Plan to C-MU. The proposed zoning designation will be consistent with the plan designation upon simultaneous amendments of approval to MU.*

Note: Staff deems the above information from the applicant sufficient to demonstrate compliance with this Criteria set.

### Criteria Set # 2

#### LCP Chapter 3, Narrative Text

3.4.5 A Zoning Map Amendment requires a separate application, hearing and decision and is necessitated in two instances:

- a. At the time of annexation, if and only if a zoning designation other than one in accordance with the Comprehensive Plan Map (also see the Annexation Zoning Matrix) is requested by an applicant (see 3.4.4 above).
- b. In order to change the City Zoning designation on property in the City Limits and thus already possessing a City Zoning Map designation, an amendment to the Zoning Map must be initiated. An amendment to the Zoning Map may be initiated by the City Council, the City Planning Commission or by application of a property owner.
- c. In both cases, whenever a Zoning Map Amendment is requested and the applicant requests a zoning designation other than one in accordance with the Comprehensive Plan Map (see the Annexation Zoning Matrix), the zoning requested shall not be granted until the Comprehensive Plan Map is first appropriately amended to reflect concurrence with the zone that has been requested.

## LCP Chapter 4, Narrative Text

- 1.2 Land Use Categories and the Comprehensive Plan and Map Designations: Every parcel of land within the City of Lebanon's Urban Growth Boundary is classified in one of the categories shown in Table 4-1 below. The Comprehensive Plan Map shows where the land categories are located, and Table 4-1 explains each category.
- 1.3 Land Use Categories and the Zoning Ordinance and Map: Each Comprehensive Plan land use category has corresponding zones in the zoning code (land use ordinance) and Zoning Map. Table 4-2, the *Annexation Zoning Matrix -- A Conversion Table for Property Annexed into the City of Lebanon*, shows the corresponding land use designations between the Comprehensive Plan (and Map) and the Zoning Ordinance (and Map). . . . [See Table on page 13 of this Staff Report.]

The proposed amendment complies with the above noted criteria given the following information:

*Applicant's Response:* The applicant is concurrently requesting a change to both the Zoning Map to Z-MU and the Comprehensive Plan to C-MU. The proposed zoning designation will be consistent with the plan designation upon simultaneous amendments of approval to MU.

Staff Note: The applicant is following the prescribed process (in Criteria Set #2) to achieve a re-zone of the subject property from Z-RM (Residential Mixed density) to Z-MU (Mixed Use). The first step entails a Comprehensive Plan Map Amendment application and hearing [CPMA-08-01] to redesignate the property from C-RM to C-MU. The second step is to submit a Zoning Map Amendment application and hearing [ZMA-08-01] to redesignate the property from Z-RM to Z-MU, final approval of which is of course dependent upon the prior approval of CPMA-08-01 by the City Council. Page 13 of this staff report contains a copy of Table 4-2 from LCP Chapter 4, and demonstrates that the assignment of a Zoning Map classification of Z-MU is in compliance with a Comprehensive Map designation of C-MU. The property is already in the City Limits and so annexation is not an issue in these proceedings.

Note: Staff deems the above information sufficient to demonstrate compliance with this Criteria set.

### Criteria Set # 3: "1980 Zoning Ordinance"

#### SECTION 3.030: LOCATION OF ZONES

The boundaries for the zones listed in this ordinance are indicated on the Lebanon Zoning Map of 1980 which is hereby adopted by reference. The boundaries shall be modified in accordance with zoning map amendments which shall be adopted by reference.

#### SECTION 3.040: ZONING MAPS

A zoning map or zoning map amendment adopted by Section 3.030 of this ordinance or by an amendment thereto shall be prepared by authority of the City Council. The map or map amendment shall be dated with the effective date of the ordinance that adopts the map or map amendment. A certified print of the adopted map or map amendment shall be maintained in the office of the City Recorder as long as this ordinance remains in effect.

#### SECTION 3.050: ZONING OF ANNEXED AREAS

All areas annexed to the City shall be placed in a zoning classification in accordance with the adopted Comprehensive Plan. If a zoning designation other than one in accordance with the Comprehensive Plan is requested by an applicant, the zoning requested shall not be granted until the plan is amended to reflect concurrence.

### SECTION 3.060: ZONE BOUNDARIES

Unless otherwise specified, zone boundaries are section lines, subdivision lines, lot lines, center lines of street or railroad right-of-way or such lines extended except where a boundary line clearly divides a lot, then the boundary line shall be determined by use of the scale designated on the zoning map. Where a boundary line divides a lot, the boundary line shall be considered as the lot line for purposes of determining area and setback requirements for each zone.

### SECTION 9.010: Authorization to Initiate Amendments

An amendment to the text of this Ordinance or to a zoning map may be initiated by the City Council, the City Planning Commission or by application of a property owner. The request by a property owner for an amendment shall be accomplished by filing an application with the Planning Official using forms prescribed pursuant to Section 2.070. A filing fee in accordance with the provisions of Section 2.080 shall accompany an application by a property owner for an amendment.

### SECTION 9.020: Public Hearings on Amendments

All requests for amendment to the text or zoning map of this Ordinance shall comply with the following public hearing procedures:

- (1) Notice of public hearing shall be as specified in Section 2.100.
- (2) The Planning Commission shall conduct a public hearing on the proposed amendment at its earliest practicable meeting after it is proposed.
- (3) The Planning Commission shall, within 40 days after the initial hearing date, recommend to the City Council approval, disapproval or modification of the proposed amendment.
- (4) After receiving the recommendation of the Planning Commission, the City Council shall hold a public hearing on the proposed amendment in conformity with the notice provision of Section 2.100
- (5) All public hearing procedures shall be in accordance with the City procedures for the conduct of hearings before the Planning Commission and the City Council.
- (6) Within seven (7) days after a decision has been rendered with reference to an amendment, the Planning Official shall provide the applicant with written notice of the decision. This procedure shall apply to recommendations made by the Planning Commission and to final action made by the City Council.

### Finding # 3

The proposed amendment complies with the above noted criteria given: (1) the previously introduced information from the applicant (see Finding #1); (2) the boundary of the property and the zones are in no way affected by this proceeding to re-zone the subject property; (3) the property owner has followed all required procedures to initiate this zone amendment process; and, (4) the fact that these considerations are subject to the current proceedings before the Planning Commission, and subsequently the City Council after appropriate notice.