

A BILL FOR AN ORDINANCE AMENDING)	ORDINANCE BILL NO. 8
THE ZONING MAP FOR THE CITY OF)	for 2009
LEBANON FROM RESIDENTIAL MIXED)	
DENSITY (RM) TO MIXED USE (MU).)	ORDINANCE NO. 2778
Applicant: John & LuAnn Court ZMA-06-01)	

WHEREAS, the Planning Commission for the City of Lebanon conducted a hearing on Zone Map Amendment 06-01, and made findings recommending an amendment to the Zoning Map for the City of Lebanon on June 27, 2006; 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 July 22, 2009; and

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

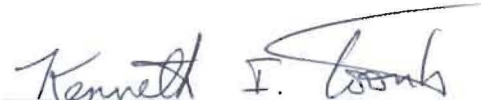
NOW, THEREFORE, the City of Lebanon ordains as follows:

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 22nd day of July, 2009.



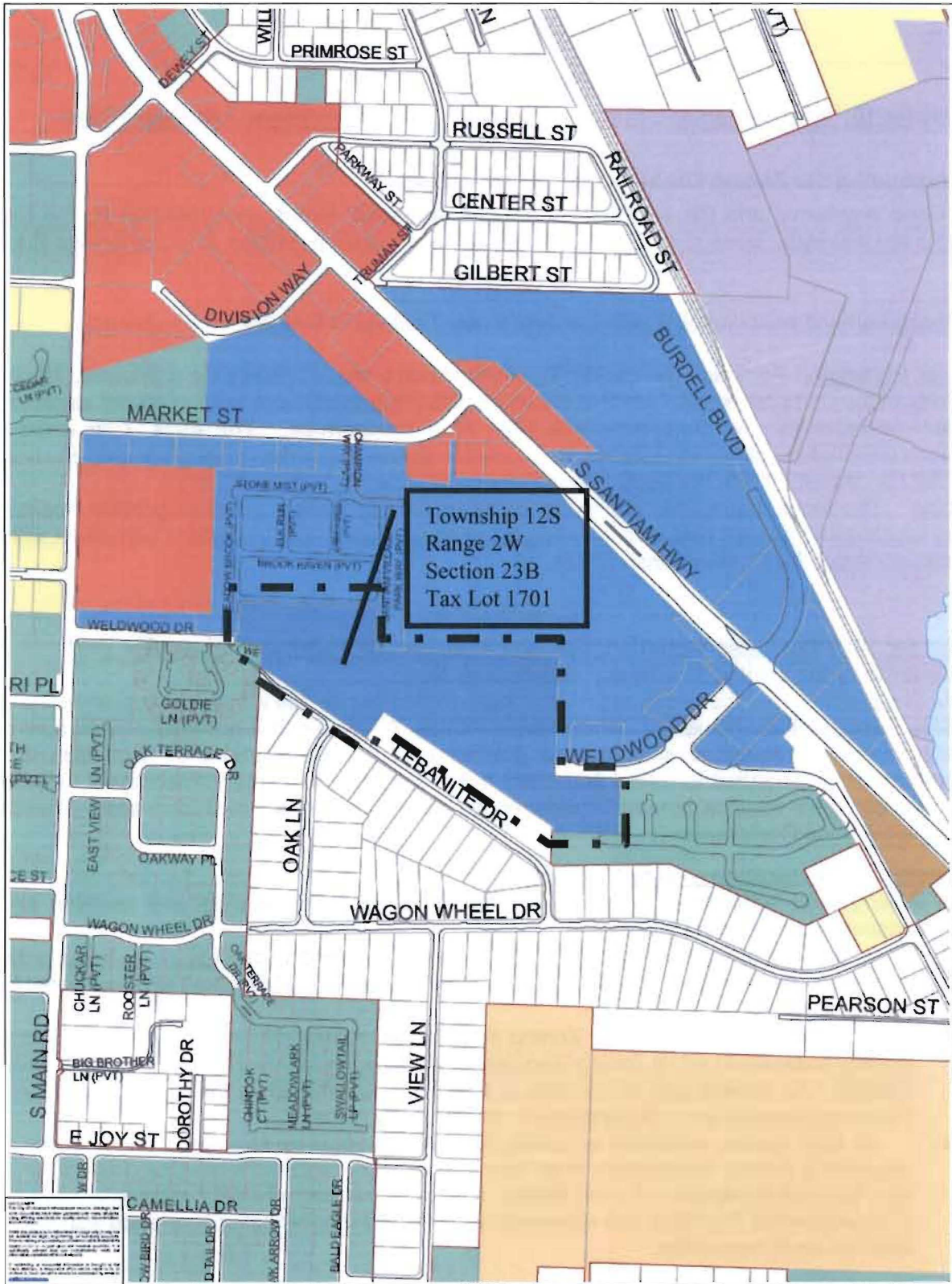
Kenneth I. Toomb, Mayor
Bob Elliott, Council President

Attested:



Linda Kaser, City Clerk / Recorder

EXHIBIT A - ZONING MAP



Lebanon Zoning Map

- Z-RL : RESIDENTIAL LOW DENSITY
 - Z-RM : RESIDENTIAL MIXED DENSITY
 - Z-RH : RESIDENTIAL HIGH DENSITY
 - Z-NMU : NEIGHBORHOOD MIXED USE
 - Z-MU : MIXED USE
 - Z-NCM : NEIGHBORHOOD COMMERCIAL
 - Z-CCM : CENTRAL BUSINESS COMMERCIAL
 - Z-HCM : HIGHWAY COMMERCIAL
 - Z-IND : INDUSTRIAL
 - Z-PU : PUBLIC USE
- City Limit
 Urban Growth Boundary
 Taxlot



(See Lebanon Development Code Chapter 11 for Overlay Zones)

Effective January 12, 2009
Revised May 8, 2009

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.

Finding # 1

The proposed amendment complies with the above noted criteria in that [from the applicant]:

Applicants' Statement: An amendment to the Zoning Map has been initiated by the applicants. The goals and policies of the Comprehensive Plan that are relevant to this request have been reviewed as part of the application narrative for the Comprehensive Plan Map Amendment. The facts, statements and conclusions constitute substantial evidence which demonstrates that redesignating the property from Z-RM to Z-MU is consistent with the goals and policies of the Comprehensive Plan.

Conclusion: The facts, statements and conclusions in the application narrative provide substantial evidence which demonstrates that redesignating the property from Z-RM to Z-MU is consistent with the goals and policies of the Comprehensive Plan.

Criteria Set # 2

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

1.1.4 Amending the Zoning Ordinance and Zoning Map

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.

LCP Chapter 3: Urbanization -- 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: Land Use -- 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). . . .

2.3 Conversion of Property Annexed into the City of Lebanon

All areas annexed into the City are automatically placed in a zoning classification in accordance with the adopted Comprehensive Plan and Map. **Table 4-2** provides a summary of the automatic Zoning Map designations for land annexed into the City from each of Lebanon's seven Comprehensive Plan Land Use categories. Such zoning assignments, in and of themselves, are not zoning map changes and shall not require approval of a zoning map amendment, or a separate proceeding. However, if an applicant requests a zone designation other than one in accordance with the Comprehensive Plan and Map, this would require separate proceedings for both a Zoning Map change and a Comprehensive Plan Map Amendment. The zone requested for the annexation territory cannot be granted until the Comprehensive Plan Map designation for the subject property is first amended accordingly.

Finding # 2

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

Applicants' Statement: The proposed Z-MU zoning designation is not consistent with the current C-RM Plan designation. The applicants have concurrently requested a change in the Plan designation to C-MU. The proposed zoning designation will be consistent with the Plan designation if the requested Comprehensive Plan Map Amendment to C-MU is approved.

Conclusion: The proposed zoning designation will be consistent with the Plan designation if the requested Comprehensive Plan Map Amendment to C-MU is approved.

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.

SECTION 9.030 Record of Amendments

The City Recorder shall maintain records of amendments to the text and zoning map of this Ordinance.

SECTION 9.040 Limitation

No application of a property owner for an amendment to the text of this Ordinance or to the zoning map shall be considered by the Planning Commission within the one-year period immediately following a previous denial of such request, except the Planning Commission may permit a new application, if in the opinion of the Planning Commission, new evidence of a change of circumstances warrants it.

Finding # 3

The proposed amendment complies with the above noted criteria based on the applicant's information and the fact that these considerations are subject to the current proceedings before the Planning Commission, and subsequently the City Council after appropriate notice.