

**A BILL FOR AN ORDINANCE AMENDING THE ) ORDINANCE BILL NO. 9  
CITY OF LEBANON'S COMPREHENSIVE ) for 2009  
PLAN MAP FROM INDUSTRIAL (C-IND) TO )  
MIXED USE (C-MU), AND THE LEBANON ZONE ) ORDINANCE NO. 2779  
MAP) FROM INDUSTRIAL (Z-IND) TO MIXED USE )  
(Z-MU) – Applicant Rainbow Center; file 09-05-27 )**

**WHEREAS**, the Planning Commission for the City of Lebanon conducted a hearing on Planning file No. 09-05-27 and made findings recommending an amendment to the Comprehensive Plan Map and Zone Map for the City of Lebanon on June 17, 2009; 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 "C" 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 Comprehensive Plan Map is hereby amended as specified in Exhibit "A", which is incorporated herein by this reference as if fully set forth at this point.

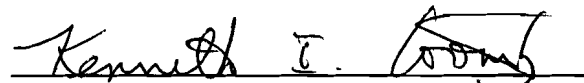
**Section 3.** Based upon the findings adopted herein, the Lebanon Zoning Map is hereby amended as specified in Exhibit "B", which is incorporated herein by this reference as if fully set forth at this point.

**Section 4.** Said Exhibit "A" shall be attached to and become a part of the Lebanon Comprehensive Plan upon entry of this order.

**Section 5.** Said Exhibit "B" shall be attached to and become a part of the Lebanon Development Code upon entry of this order.

**Section 6.** Exhibit "A" and Exhibit "B" 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 22<sup>nd</sup> day of July, 2009.

  
Kenneth I. Toombs, Mayor   
Bob Elliott, Council President

Attested:


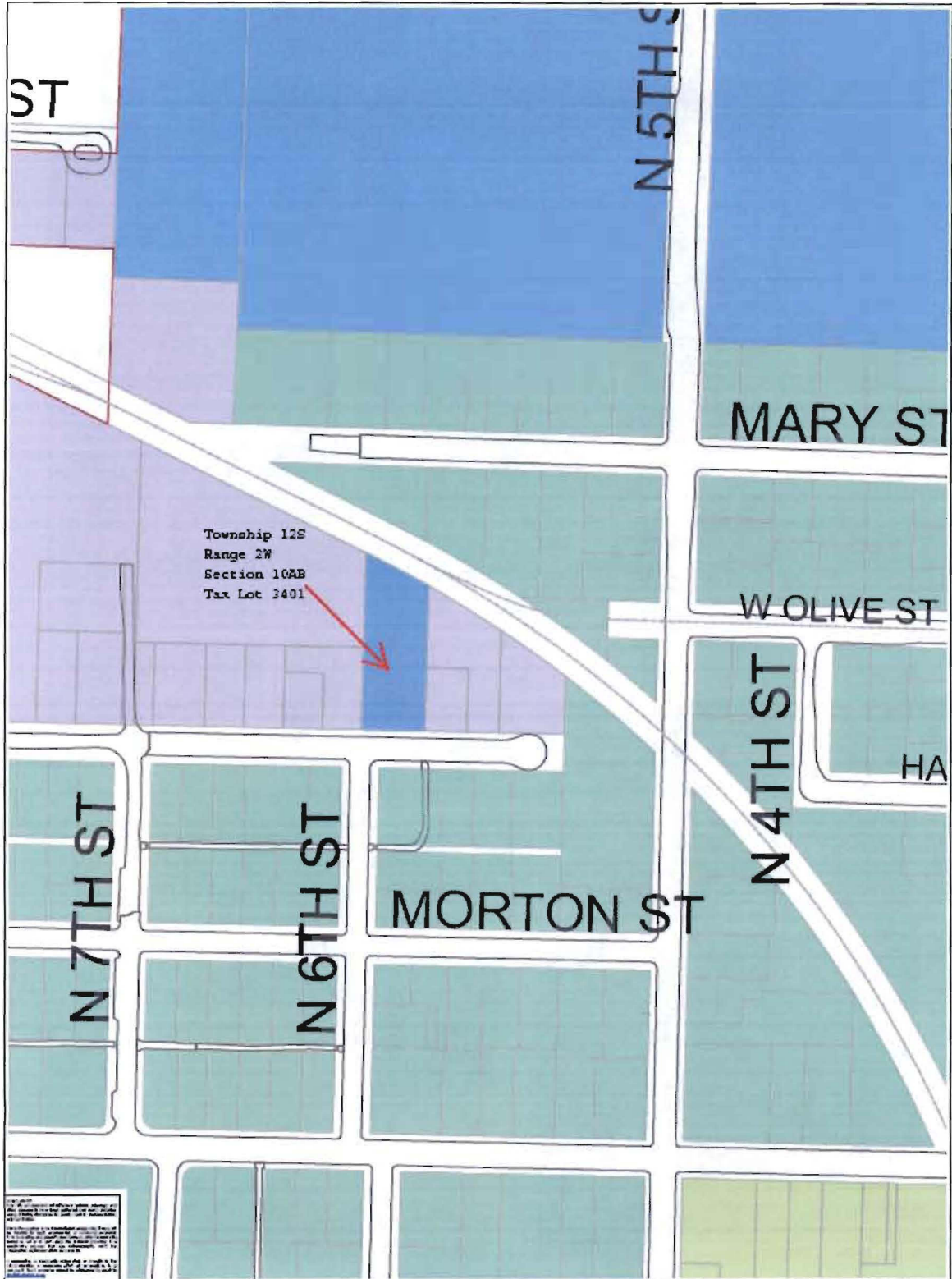
  
Linda Kaser, City Clerk / Recorder

EXHIBIT A – COMPREHENSIVE PLAN MAP



EXHIBIT B – ZONING MAP



**Lebanon Zoning Map**

	Z-RL RESIDENTIAL LOW DENSITY		Z-NCM NEIGHBORHOOD COMMERCIAL
	Z-RM RESIDENTIAL MIXED DENSITY		Z-CBCM CENTRAL BUSINESS COMMERCIAL
	Z-RH RESIDENTIAL HIGH DENSITY		Z-HCM HIGHWAY COMMERCIAL
	Z-NMU NEIGHBORHOOD MIXED USE		Z-IND INDUSTRIAL
	Z-MU MIXED USE		Z-FU PUBLIC USE

City Limit   
 Urban Growth Boundary   
 Tract

CITY OF LEBANON  
 2009 JANUARY 12, 2009  
 REVISION MAY 8, 2009

## EXHIBIT C – FINDINGS

### III. CRITERIA AND FINDINGS

- A. Chapter 16.27 contains requirements for map amendments, including both the Comprehensive Plan map and Zoning map. Section 16.27.010 addresses the Chapter's purpose while Section 16.27.020 establishes the authority to request map amendments. The Plan and Zoning maps may be amended over time and an individual has the authority to request change in a property's Plan and Zoning map. This proposal conforms to these two Sections. Consistent with provisions in Section 16.27.030, the City Clerk maintains the official Plan and Zoning maps, as well as subsequent amendments.
- B. The Planning Commission cannot consider a Plan or Zone map amendment within the one-year period immediately following a previous denial (section 16.27.040). For the record, this is the first Plan and Zone map application regarding this property.
- C. Section 16.27.050 establishes the decision criteria for reviewing a Plan map or Zone map amendment. This material is covered under provisions in Section 16.27.080 and reviewed later in this report.
- D. Section 16.27.060 describes the application process and submittal requirements. Subsection "A." states the request requires hearings before the Planning Commission and City Council. The Commission provides a recommendation to the Council and the Council makes the final decision. Subsection "B." establishes the application requirements. For the record, this application and process conform to provisions in Section 16.27.060.A. Further, the applicant submitted the required information pursuant to provisions in Section 16.27.060.B.  

(Note: Chapter 16.27 does not include a Section 16.27.070.)
- E. Section 16.28.080 establishes the decision criteria for Plan map and Zone map amendments. This Section states the City may approve a Comprehensive Plan Map or Zoning Map Amendment request if it satisfies all of the relevant Decision Criteria cited above in Section 16.27.050. Subsection "A." contains the relevant criteria, which are reviewed in the following Sections.
- F. Section 16.27.080.A.1 - All proposed amendments to the Comprehensive Plan Map or to the Zoning Map shall be consistent with the City of Lebanon's adopted Comprehensive Plan and Facility Plans. The City's Facility plans, including the 2007 Transportation System Plan (TSP), are based on the future site service demands according to the Comprehensive Plan Map designation and associated zoning.

Staff reviewed the proposal against the City's Comprehensive Plan. The Plan consists of ten Chapters with each Chapter addressing specific land use issues such as housing or natural resources. The *applicable* policies in each Chapter are reviewed below:

- 1. 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. Goals and policies relate to the organization of the Plan, the continued need for citizen involvement and the relationship of the Plan to State law and implementing codes. In general, these goals and policies are maintained through the Development Code criteria for determining the appropriateness of a Plan and/or zone change and the public hearing process that encourage public participation.

2. Chapter 2: Natural Environment – The Chapter address goals and policies related to the City's natural environment.

**FINDINGS:** This Chapter does not apply as the subject property does not contain wetlands, steep slopes, wildlife habitat or other resources identified as requiring preservation or protection.

3. Chapter 3: Urbanization – This Chapter provides the basic framework for future urban development within the City. Staff finds the following policies apply:

#### Public Facilities Capability Policies

- P-3: Support a flexible phased program for the orderly extension of water, wastewater, storm drainage and transportation services in response to land development proposals.
- P-4: Maintain directives and technical standards for the extension of services as identified in the various original or updated infrastructure master plans and studies, such as the Wastewater Facility Study Master Plan, the Water Facility Study, Storm Drainage Master Plan, and the Transportation System Plan (TSP).
- P-5: Maintain and routinely update Capital Improvements plans. Often the plans are revised, updated, and implemented according to a five year plan beginning with the current budget year. The regularly updated plans may include Transportation, Water, Wastewater, Storm Drainage, and Facilities & Parks projects.
- P-10: Review all development proposals to ensure that public facilities are available and have adequate capacity to accommodate the proposed development, or that such facilities and their capacities can be made available through appropriate extensions and/or enhancements concurrent with or prior to proposed developments.
- P-11: Require that new developments are either served by existing and/or proposed public infrastructure improvements, and/or are served by privately funded infrastructure extensions and improvements.

**FINDINGS:** Based on information supplied by Development Engineering, the site is fully serviced and does not require additional system improvements. The Department also noted the likelihood of proposal reducing impacts on service provisions. Staff notes minor changes may be required when the site develops (e.g., change in the size of a water meter) but this will not alter the City's ability to provide necessary public services to the site. Therefore, the proposal is consistent with the noted policies.

#### Additional Considerations for Conversion of Urbanizable Land to Urban Uses

- P-30: Manage its Urban Growth Boundary and the lands within so as to make available sufficient land for the various uses to ensure choices in the market place, through implementation of land use regulations and land use policies.
- P-31: Manage its Urban Growth Boundary and the lands within so as to encourage development within urban areas before conversion of urbanizable areas, through implementation of land use regulations and land use policies.

**FINDINGS:** Based on data contained in Table 3-2 of this Chapter, there is a projected surplus of 580.8 to 762.8 acres of industrial-zoned property as well as a surplus of mixed-use properties of 188.5 to 267.9 acres. On balance, the loss of 0.58 acres of industrial-designated will have no measurable impact nor will adding that amount for mixed use purposes (P-30). However, the amendments allow better utilization of a small parcel, thereby encouraging development within City (P-31).

4. Chapter 4: Land Use – This Chapter details the goals and policies to assure the City provides different types of land within City limits that are suitable for a variety of uses. Staff finds the following policies apply:

**General Policies for Land Use**

P-1: Recognize that the Comprehensive Plan land use designations or categories shall determine zoning.

P-6: Require that changes to the Comprehensive Plan Map be consistent with the policies of the Comprehensive Plan, State law, and any adopted intergovernmental agreements.

P-12: Ensure that the Zoning Map reflects and implements the Comprehensive Plan Map.

**FINDINGS:** The proposal calls for a Mixed Use Plan designation and Mixed Use zone, thereby ensuring consistency between the Plan and Zone maps (P-1 and P-12). This review addresses compliance with Comprehensive Plan policies (P-6). The State effectively acknowledged the Comprehensive Plan, therefore, conformance with these policies assures conformance with state law. Compliance with Statewide Goals will be reviewed in Chapter 10 heading.

**Policies for Industrial Uses**

P-38: Maintain a supply of diverse, serviceable industrial lands that provide choices in the marketplace to attract desirable industries, particularly light manufacturing and nonpolluting industries, in support of the City's economic development program.

**FINDINGS:** As noted, this action will reduce the amount of available land by 0.58 acres. However, this loss is insignificant as the City retains some 580 to 762 acres of available industrial land within the UGB. Staff also notes the property was originally constructed as a church and recently served as a day-care facility, both clearly non-industrial uses. The change to a Mixed Use zone therefore does not affect the ability for the City to provide industrial land (P-38).

**Policies for a Mixed Use**

P-40: Encourage a mix of commercial and residential uses within individual buildings, lots, and neighborhoods, in order to promote a compact, pedestrian friendly environment. Industrial uses should be allowed to mix with residential and commercial uses where there are limited potentials for nuisance or jeopardy to the public health, safety, and welfare.

**FINDINGS:** Although current plans call for a medical clinic, staff notes the proposal effectively complies with this policy by creating a zone that allows a variety of uses to serve a residential neighborhood. Consistent with this policy, this zone also allows limited industrial-type activities.

5. Chapter 5: Population & Economy – This Chapter addresses population growth and economic development as well as those trends affecting both. Staff finds the following policies apply:

**Policies**

P-5: Designate enough land in a variety of parcel sizes and locations to meet future employment and commercial needs.

P-7: Allow land uses that support the availability of a continuum of health care options, including primary care, assisted living, home health care, and nursing home care.

P-8: Support diversity in type, scale, and location of professional, industrial, and commercial activities to maintain a high level of employment and to promote diversification of the local economy.

**FINDINGS:** Rezoning of the property to Mixed Use allows a greater variety of uses on the site than the current Industrial zoning would allow, thereby increasing its chance of development and providing employment opportunities (p-5 and P-8). This is especially important, as the relative small size of the parcel does not lend itself to industrial activities. While the proposed use is not subject to this review, the intended purpose of the request is to allow development of the site as a medical clinic, thereby improving health care options in the community (P-7).

6. Chapter 6: Housing – This Chapter establishes the City's Goals and Policies related to Housing. The Chapter does not directly apply, as it does not involve residential zoning. However, the proposal does not diminish the ability of the City to provide housing and in fact provides additional housing opportunities through the Mixed Use zoning.

7. Chapter 7: Community Friendly Development & Preservation of Historic Resources - This Chapter focuses on policies creating 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. Staff finds the following policies apply:

**Community Friendly Development Policies**

P-9: Encourage mixed uses within individual buildings, neighborhoods, and zoning districts where allowed by planning and building codes, and where there is no or only limited potential for incompatibility or conflict with public health, safety, and welfare.

P-10: Allow limited and appropriately scaled neighborhood commercial services in residential zones with appropriate standards to ensure compatibility.

**FINDINGS:** The proposed Mixed Use zone would allow mixed uses – including appropriate commercial services - within the building, or on the property, thereby serving the neighborhood (P-9, P-10). This effectively creates a neighborhood environment that is beneficial to pedestrians.

8. Chapter 8: Transportation – This Chapter addresses the transportation needs of the City with an emphasis of creating a variety of transportation options for pedestrians, bicyclists, vehicles and mass transit. Staff finds the following policies apply:



## Transportation System Planning Policies

P-12: The transportation system shall be managed to reduce existing traffic congestion and facilitate the safe, efficient movement of people and commodities within the community.

**FINDINGS:** Based on comments submitted by Development Engineering, the existing street is adequate regardless of the property's zoning.

9. Chapter 9: Public Facilities and Service - The City is required by State law to plan and develop a timely, orderly, and efficient arrangement of public facilities and services to serve as a framework for urban development. Goals and policies in this Chapter address those requirements. Staff finds the following policies apply:

### General Policies

P-8: Review all development proposals to ensure that public facilities are available and have adequate capacity to accommodate the proposed development, or that such facilities and their capacities can be made available through appropriate extensions and/or enhancements concurrent with or prior to proposed developments. *(Duplicated in Chapter 3, Urbanization)*

P-9: Require that new developments are either served by existing and/or proposed public infrastructure improvements, and/or are served by privately funded infrastructure extensions and improvements. *(Duplicated in Chapter 3, Urbanization)*

P-10: Consider impacts on key City-provided urban utility services (water, storm drainage, wastewater, and streets) and any other community facilities that are identified by service providers as substantially impacted by the proposal before-development proposals, or rezoning applications are approved.

**FINDINGS:** As previously noted, based on information supplied by Development Engineering, the site is fully serviced and does not require system-wide improvements to existing public facilities. Therefore, the proposal is consistent with the noted policies.

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

P-1: The City Council may amend the Comprehensive Plan and/or Map after referral to the Planning Commission public hearing, for action, review, revisions, and recommendations.

P-2: Changes to the Plan and/or Map shall be made by ordinance after public hearings as prescribed by state law and local ordinances.

P-3: Changes in the Plan and/or Map shall be incorporated directly into the document at the appropriate place. A list of all amendments with date of passage shall then become part of the document until the next comprehensive update of the entire Comprehensive Plan.

P-4: An amendment to the Comprehensive Plan and/or Map may be considered when one or more of the following conditions exist:

- a. Updated data demonstrates significantly different trends than previous data;
- b. New data reflects new or previously undisclosed public needs;
- c. New community attitudes represent a significant departure from previous attitudes as reflected by the Planning Commission or City Council;
- d. Statutory changes significantly affect the applicability or appropriateness of existing plan policies.

P-5: Residents, property owners, their authorized agents, the Planning Commission, the City Council, or City staff may initiate a Comprehensive Plan amendment. In order to obtain a Comprehensive Plan and/or Map amendment, the applicants shall have the burden of proof that all of the following conditions exist:

- a. There is a need for the proposed change;
- b. The identified need can best be served by granting the change requested;
- c. The proposed change complies with the Statewide Planning Goals; and,
- d. The proposed change is consistent with all other provisions of the City's Comprehensive Plan.

**FINDING:** Policies P-1, P-2 and P-3 relate the processing of a Plan text or map amendment. The City is obligated to follow these requirements and does so with the public hearing process.

Existing improvements on the property, as well as the continuance of existing residences on adjacent Industrial zoned land, would indicate the trend is not toward redevelopment of this site (and adjacent sites) to industrial uses. The trend therefore appears to support continued use, or similar types of uses, on the subject property (P-4.a).

Based on the existing improvements and relatively small size of the parcel, its utility for industrial purposes is limited. The result may well be an abandoned property that has negative impacts on area residences. The change will allow alternative uses for the property that can only occur through the Plan map and Zone map amendments (P-5.a and P-5.b).

Compliance with the Statewide Goals (P-5.c) is noted as follows:

**Goal 1, Citizen Involvement:** Public hearings will be held before both the Planning Commission and City Council. This is consistent with City procedures and the intent of the Goal.

**Goal 2, Land Use Planning:** The proposal does not involve exceptions to the Statewide Goals. Adoption actions are consistent with the acknowledged Comprehensive Plan and Development Code.

**Goal 3, Agricultural Lands:** This Goal does not apply, as the land is not designated farmland.

Goal 4, Forest Lands: This Goal does not apply, as the land is not designated forestland.

Goal 5, Open Spaces, Scenic and Historic Areas, and Natural Resources: This Goal does not apply, as the property does not contain identified historic, cultural, or natural resources.

Goal 6, Air, Water and Land Resource Quality: Its potential use for non-industrial purposes is likely to reduce potential adverse impacts on air, water or resource quality.

Goal 7, Natural Hazards: This Goal does not apply, as the site is not located within an identified hazard area.

Goal 8, Recreational Needs: The proposed map amendments do not involve land - or create uses - which would adversely impact recreational opportunities.

Goal 9, Economic Development: Previous findings indicate the potential development of the site for industrial purposes is limited due to the small parcel size and existing development. The map amendments will allow a greater variety of uses thereby increasing development potential.

Goal 10, Housing: This Goal does not directly apply, as the map amendments do not directly involve the supply or location of needed housing, or the ability to provide housing.

Goal 11, Public Facilities and Services: Previous findings indicate the site is fully serviced and the map amendments will not affect the City's ability to provide necessary public facilities.

Goal 12, Transportation: Previous findings indicate the site is located along an improved public street and the map amendments will not affect the City's transportation system.

Goal 13, Energy Conservation: The map amendments are neutral with regard to energy conservation.

Goal 14, Urbanization: Previous findings indicate the City retains a surplus in both industrial and mixed use properties so that the map amendments will not have impact the City's ability to meet demand for land in either zone. Further, the map amendments allow – and actually encourage - development of urban uses within an urban area.

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.

Finally, all previous findings indicate the proposal complies with the applicable policies of the City's Comprehensive Plan (P-5.d).

- G. Facility plans need to be consistent with the Comprehensive Plan Map as well as the text, and changes to the Map may necessitate changes to a facility plan. For example, changing a Comprehensive Plan Map designation to a higher intensity use may require an amendment to the TSP, sanitary sewer or potable water master plans.

**FINDINGS:** The current property is designated and zoned for Industrial uses. As such, existing facility plans anticipated industrial-levels of activity on the property. However, this

action is effectively a “down-zoning” of the property from Industrial to Mixed Use. Comments received by Development Engineering indicate map amendments will result in no greater – and likely, less – impact on public facilities and the street network. For this reason, the proposal does not require amendments to the TSP or facility plans.

- H. Applicants proposing amendments to the Zoning Map must request a City Zoning Classification that is consistent with the Comprehensive Plan Map designation for a subject property. If an applicant requests a City Zoning Classification that is **not** consistent with the Comprehensive Plan Map, the zoning requested shall not be granted until the Comprehensive Plan Map is first appropriately amended to reflect concurrence. (See the Annexation Zoning Matrix, **Table 16.26-1.**) Such an amendment requires a separate application, hearing and decision; this process may occur concurrently with the Zoning Map Amendment hearing.

**FINDINGS:** Table 16.26-1 of Development Code Section 16.26.040 identifies the various Comprehensive Plan designations and the zones consistent with these Plan designations. The proposal calls for the “Mixed Use” Plan map designation, and pursuant to this Table, the only allowable zone is Mixed Use (Z-MU). Therefore, the proposed MU zone is entirely consistent with the anticipated designation. No other amendments are required.

- I. Section 16.27.080.B states that if proposed amendments to the Comprehensive Plan Map or Zoning Map do not comply with the Comprehensive Plan, the Comprehensive Plan must first be amended so that the proposed Map amendment will be consistent with and accurately implement the Comprehensive Plan.

**FINDINGS:** Previous findings indicate the proposal complies with the applicable Comprehensive Plan policies and does not require amendments to the Plan text. Therefore, this provision does not apply.

- J. Section 16.27.090 establishes requirements for Urban Growth Boundary (UGB) Amendments. This Section does not apply as the property lies entirely within the UGB.
- K. In general, it is often difficult to support map amendments for a single, small parcel. However, as it stands, this is an unlikely candidate for industrial development due to the parcel size and existing improvements. Establishing the Mixed Use zone on the property not only increases the development potential, but also allows uses – primarily residential and commercial – that are far more compatible with the residential character of the neighborhood. On balance, the map amendments do not affect the City’ ability to provide land for industrial purpose but will increase development option on this site, thereby increasing employment opportunities for the community.