

**A BILL FOR AN ORDINANCE ESTABLISHING
THE PUBLIC USE (Z-PU) ZONE ON CERTAIN
PROPERTIES WITHIN THE CITY OF LEBANON**

) **ORDINANCE BILL NO. 19**
) **For 2010**
) **ORDINANCE NO. 2802**

WHEREAS, the City of Lebanon has received an application to establish the Public Use (Z-PU) zone on certain properties within the City, herein described in Exhibit "A"; and,

WHEREAS, the Planning Commission for the City of Lebanon conducted a hearing on Planning File No. 10-03-13 and made findings recommending establishment of the Public Use (Z-PU) zone on said properties, on May 26, 2010; and

WHEREAS, after conducting the hearing and considering all objections or remonstrances with reference to the proposed Zone Change, and further considering the recommendation of the Lebanon Planning Commission, the City Council finds that the proposed Zone Change is in the best interest of the City.

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

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

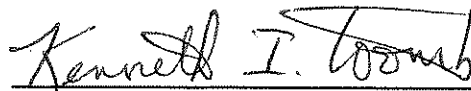
Section 2. Zone Change Area. Based upon the findings contained above and in Exhibit "B", adopted herein, the Lebanon Zone Map is hereby amended, establishing the Public Use (Z-PU) zone on those properties identified in Exhibit "A", which is incorporated herein by this reference as if fully set forth at this point.

Section 3. Record. The City Recorder shall amend the official City of Lebanon Zoning Map, establishing the Public Use (Z-PU) zone on those properties identified in

Exhibit "A".

Passed by the Lebanon City Council by a vote of 6 in favor and 0
against and approved by the Mayor this 14th day of July, 2010.

CITY COUNCIL OF LEBANON, OREGON



Kenneth I. Toomb, Mayor
Bob Elliott, Council President

ATTEST:



Linda Kaser, City Clerk/Recorder

EXHIBIT A

	COMP PLAN	ZONING	SITUS ADDRESS	USE	OWNER	ACRES
1	PU	RH	305 S 5th St	Boys & Girls Club	BOYS & GIRLS CLUB OF LEBANON	4.3
2	PU	RM	425 N Santiam Hwy	Hospital	LEBANON COMMUNITY HOSPITAL	1.85
3	PU	RM	505 & 525 N Santiam Hwy	Hospital	LEBANON COMMUNITY HOSPITAL	6.71
4	PU	RM	515 N Santiam Hwy	Hospital	LEBANON COMMUNITY HOSPITAL	5.11
5	PU	RM	N. Santiam Hwy	Hospital	LEBANON COMMUNITY HOSPITAL	3.55
6	PU	RM	700 S 10th St	Green Acres School	LEBANON COMMUNITY SCHOOL DISTRICT	10
7	PU	RH	485 S 5th St	Lebanon School District Admin	LEBANON COMMUNITY SCHOOL DISTRICT	4.76
8	PU	RM	1700 & 1800 S 5th St	High School & Pool	LEBANON COMMUNITY SCHOOL DISTRICT	25.46
9	PU	RM	1700 S 5th St	High School	LEBANON COMMUNITY SCHOOL DISTRICT	0.12
10	PU	RM	1700 S 5th St	High School	LEBANON COMMUNITY SCHOOL DISTRICT	1.27
11	PU	RM	1700 S 5th St	High School	LEBANON COMMUNITY SCHOOL DISTRICT	0.85
12	PU	RM	1700 S 5th St	High School	LEBANON COMMUNITY SCHOOL DISTRICT	0.8
13	PU	RM	1700 S 5th St	High School	LEBANON COMMUNITY SCHOOL DISTRICT	1.52
14	PU	RM	1700 S 5th St	High School	LEBANON COMMUNITY SCHOOL DISTRICT	1.06
15	PU	RM	1700 S 5th St	High School	LEBANON COMMUNITY SCHOOL DISTRICT	1.25
16	PU	RM	1700 S 5th St	High School	LEBANON COMMUNITY SCHOOL DISTRICT	1
17	PU	RM	1700 S 5th St	High School	LEBANON COMMUNITY SCHOOL DISTRICT	1.18
18	PU	RM	1700 S 5th St	High School	LEBANON COMMUNITY SCHOOL DISTRICT	0.84
19	PU	RM	1675 S 5th St	High School Brick House	LEBANON COMMUNITY SCHOOL DISTRICT	0.22
20	PU	RM	1700 S 5th St	High School	LEBANON COMMUNITY SCHOOL DISTRICT	0.79
21	PU	RM	1700 S 5th St	High School	LEBANON COMMUNITY SCHOOL DISTRICT	0.89
22	PU	RM	2163 S 7th St	Cascades School	LEBANON COMMUNITY SCHOOL DISTRICT	10.09
23	PU	RM	1050 W Oak St	Fire District	LEBANON RURAL FIRE DISTRICT	3.89
24	PU	RM	40 N 2nd St	Vacant	LEBANON, CITY OF	1.49
25	PU	RM	40 N 2nd St	Justice Center	LEBANON, CITY OF	3.87
26	PU	RM	80 Tangent St & 55 Academy St	Senior Center & Library	LEBANON, CITY OF	7.46

TOTAL ACRES 100.33

EXHIBIT B
LEBANON CITY COUNCIL FINDINGS
Planning File No. 10-03-13

I. NATURE OF THE APPLICATION

This matter comes before the Lebanon City Council on the application of the City of Lebanon to establish the Public Use (Z-PU) zone on several properties.

II. BACKGROUND INFORMATION

A. Site Location

Exhibit "A" includes all information regarding property location, parcel size, development and zoning.

B. Proposal

The City is requesting approval of a Zone Map amendment, establishing the Public Use (Z-PU) zone on all the subject properties.

III. PUBLIC HEARING

A. Planning Commission Action

A public hearing was duly held on this application before the Lebanon Planning Commission on May 26, 2010. At the hearing, Planning File 10-03-13 was made a part of the record. Notice of the hearing was provided pursuant to Chapter 16.20 of the Lebanon Development Code. No objection was raised as to jurisdiction, evidence or testimony presented at the hearing.

At the conclusion of the hearing, the Planning Commission deliberated on the issue and voted to recommend the City Council approve the proposed Zone Change, establishing the Public Use zone on the subject properties. The Commission found the proposed changes consistent with the applicable decision criteria.

B. City Council Action

A public hearing was duly held on this application before the Lebanon City Council on July 14, 2010. At the hearing, Planning File 10-03-13 was made a part of the record. Notice of the hearing was provided pursuant to Chapter 16.20 of the Lebanon Development Code. No objection was raised as to jurisdiction, evidence or testimony presented at the hearing. At the conclusion of the hearing, the City Council deliberated on the issue and voted to approve the proposal, establishing the Public Use zone on the subject properties, finding the proposed changes consistent with the applicable decision criteria.

IV. FINDINGS OF FACT-GENERAL

The Lebanon City Council, after careful consideration of the testimony and evidence in the record, adopts the following General Findings of Fact:

- A. The applicant is the City of Lebanon.
- B. Ordinance Exhibit "A" includes all information regarding property location, parcel size, development and zoning.
- C. The City is requesting approval of a Zone Map amendment, establishing the Public Use (Z-PU) zone on properties identified in Exhibit "A".
- D. The decision to approve or deny shall be based on the following criteria contained in the Lebanon Development Code: Chapter 16.27 – Map Amendments.

V. APPLICATION SUMMARY

- A. In 2003, the City adopted a new Comprehensive Plan and Plan Map. Properties containing public uses (e.g., schools or the hospital) were designated "Public Use" on the new Map. The City later amended the Zoning Ordinance to include a Public Use (Z-PU) zone; however, no changes were made to the corresponding Zoning Map. Unfortunately, the Zoning Ordinance in effect at the time did not contain a corresponding Public Use zone so that the existing zone – most often residential - remained in effect.
- B. With two exceptions, properties identified by Ordinance Exhibit "A" are zoned Residential Mixed Density; the exceptions are zoned Residential High Density. Based on Lebanon Development Code Table 16.04-1, neither residential zone corresponds to the Public Use designation (C-PU). The only applicable zone for this designation is Public Use (Z-PU). Therefore, the purpose of the application is to establish the Public Use zoning on the subject properties.
- C. The City received comments from Development Engineering and the Lebanon Fire District. As there is no change to existing uses, neither agency opposed the request. No other comments were received.
- D. The City provided a notice of this request to the Department of Land Conservation and Development (DLCD). The DLCD did not comment, indicating the Department does not oppose the request.
- E. Provisions in Chapter 16.27 apply to amendments to the Comprehensive Plan Map and the Zoning Map, referencing both in establishing decision criteria. While both are referenced, the findings apply only to the proposed Zone change.

VI. 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 City may amend Plan and Zoning maps 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 City cannot consider a Plan or Zone map amendment within the one-year period immediately following a previous denial (section 16.27.040). This is the first Zone map application regarding these properties.
- 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 Order of Recommendation.
- 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 application includes the information required pursuant to provisions in Section 16.27.060.B. (Note: Chapter 16.27 does not contain 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. The Plan consists of ten Chapters with each Chapter addressing specific land use issues, such as housing or natural resources, and 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 along with 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 directly apply as zone change does not introduce new development or impacts to the existing developed properties. The City considers requirements for the preservation of wetlands, steep slopes, wildlife

habitat or other identified resources when a property owner submits a specific development proposal.

3. Chapter 3: Urbanization – This Chapter provides the basic framework for future urban development within the City, including public facility provisions and annexations.

FINDINGS: The subject properties are currently serviced and the zone change does not alter the City’s ability to continually supply these necessary public services.

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. The following policies apply:

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

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

FINDINGS: The subject properties are currently designated for Public Use, but zoned for high density residential uses. The zone change proposal aligns the zoning with the expectations of the Comprehensive Plan and Plan Map.

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

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

FINDINGS: The Comprehensive Plan designates property to meet a variety of needs while the applicable zoning implements the development of these sites. Designated for Public Use, only the proposed Public Use zone can fully implement the intended use of these sites.

6. Chapter 6: Housing – This Chapter establishes the City’s Goals and Policies related to Housing.

FINDINGS: While residential zoning will be eliminated, these parcels were not developed for residential uses. Further, the zone change will allow full implementation of the property for its intended public use, recognizing many public uses - e.g., schools, library – are essential to support residential development.

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.

FINDINGS: This Chapter does not directly apply as the zone change proposal involves existing developed property.

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.

FINDINGS: The request effectively recognizes existing public use development and does not affect the City's ability comply with the Transportation System Plan.

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. The following policies apply:

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.

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.

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, all properties are fully serviced – the zone change does not alter City service capabilities.

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

FINDING: This Chapter requires the Zoning Map to “accurately reflect and implement the Comprehensive Plan Map.” The proposal is entirely consistent with this as the proposed Public Use zone is the only zone that reflects the properties’ Public Use Plan designation.

- G. Facility plans must 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 or facility master plans.

FINDINGS: The Section does not directly apply as the net result of the zone change is to implement the existing Plan designation. Therefore, the zone change does not establish

more intensive uses that would potentially affect public 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 (see the Annexation Zoning Matrix, Table 16.26-1.) Otherwise, a change in the Comprehensive Plan Map is also required.

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 properties are designated Public Use (C-PU), and pursuant to this Table, the only allowable zone is Public Use (Z-PU). Therefore, the proposed PU zone is entirely consistent with the existing Plan designation.

- 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 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 all of the subject parcels are located entirely within the City limits.
- K. The entire purpose of the zone change application is to implement provisions in the Comprehensive Plan, and, Development Code Section 16.26.040, Table 16.26-1, which call for consistency between the Plan and Zoning maps. By approving this request, consistency between the two maps is attained.

VII. CONCLUSION

The City Council concludes the proposal, establishing the Public Use (Z-PU) zone on the properties identified in Ordinance Exhibit "A", complies with the applicable decision criteria.