

A BILL FOR AN ORDINANCE AMENDING	)	ORDINANCE BILL NO. 2014-4
THE COMPREHENSIVE PLAN MAP	)	
FOR THE CITY OF LEBANON FROM	)	ORDINANCE NO. 2852
INDUSTRIAL TO MIXED USE	)	
AND THE CITY OF LEBANON	)	
ZONE MAP FROM INDUSTRIAL TO	)	
MIXED USE.	)	

**WHEREAS**, the Planning Commission for the City of Lebanon conducted a hearing and made findings recommending an amendment to the Comprehensive Plan Map and the Zone Map for the City of Lebanon on May 21, 2014; and

**WHEREAS**, the City Council, pursuant to the provisions of the Lebanon Development 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 June 11, 2014; and

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

**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 "A" which is incorporated herein by this reference as if fully set forth at this point.

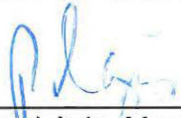
**Section 2.** Based upon the findings adopted herein, the Lebanon Comprehensive Plan Map is hereby amended, such that the portion of land located on Township 12 South; Range 2 West; Section 9DA; Tax Lot 1308, and outside the Runway Protection Zone shall be designated Mixed Use (C-MU).

**Section 3.** Based upon the findings adopted herein, the Lebanon Zone Map is hereby amended, such that the portion of land located on Township 12 South; Range 2 West; Section 9DA; Tax Lot 1308, and outside the Runway Protection Zone shall be zoned Mixed Use (Z-MU).

**Section 4.** Said Ordinance 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 and executed by the Mayor this 11<sup>th</sup> day of June 11, 2014 with 4 yeas and 0 nays.

CITY OF LEBANON, OREGON

  
\_\_\_\_\_  
Paul Aziz, Mayor   
Bob Elliott, Council President

Attested:

  
\_\_\_\_\_  
Linda Kaser, City Clerk

EXHIBIT A  
LEBANON CITY COUNCIL FINDINGS

I. NATURE OF THE APPLICATION

This matter comes before the Lebanon City Council on the application of CC&E Land Development to change the Comprehensive Plan Map designation and Zoning to Mixed Use on 1.31 acres of Industrial designated and zoned land.

II. BACKGROUND INFORMATION

A. Site Location

The subject property is located on the north side of Oak Street, opposite the Lebanon Airport runway. There is no property address and the Linn County Assessor map locates the parcel within Township 12 South; Range 2 West; Section 9DA; Tax Lot 1308.

B. Site Development and Zoning

The vacant property fronts a public street (Oak Street) and City services are available to serve development. The subject property is designated Industrial (C-IND) in the Lebanon Comprehensive Plan and zoned Industrial (Z-IND). A portion of the property is also located within the Airport Overlay Zone. The subject area contains 5.6 acres total.

C. Adjacent Zoning and Land Uses

The Lebanon Airport is located to the south on property zoned Public Use (Z-PU). To the west is additional vacant land, also zoned Industrial. Property to the north and east is zoned Residential Low Density (Z-RL) and contains subdivision lots developed with single family homes.

D. Proposal

The applicant is requesting approval of: (1) a change in the Comprehensive Plan Map designation from Industrial to Mixed Use on the eastern 1.31 acres with a corresponding establishment of the Mixed Use zone; and, (2) approval to create a 4-lot subdivision on the rezoned land. The findings and conclusions contained in this Exhibit are limited to the proposed Comprehensive Plan Map Amendment and Zone Change.

III. PUBLIC HEARING

A. Planning Commission Action

On May 21, 2014, the Lebanon Planning Commission held a public hearing on this application. At the hearing, Planning File 14-04-16 was made a part of the record. The City noticed the hearing 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 Comprehensive Plan Map Amendment and Zone Change to establishment the Mixed Use zone. The Commission found the proposed changes consistent with the applicable decision criteria.

## B. City Council Action

On June 11, 2014 the Lebanon City Council held a public hearing on this application. At the hearing, Planning File 14-04-16 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 proposed changes to the Comprehensive Plan map and Zoning map to establish the Mixed Use zone. The Council found the proposed requests 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 CC&E Land Development, LLC.
- B. The subject property is located on the north side of Oak Street, opposite the Lebanon Airport runway. There is no property address and the Linn County Assessor map locates the parcel within Township 12 South; Range 2 West; Section 9DA; Tax Lot 1308.
- C. The parcel contains 5.6 acres.
- D. The vacant property fronts a public street (Oak Street) and City services are available to serve development.
- E. The subject property is designated Industrial (C-IND) in the Lebanon Comprehensive Plan and zoned Industrial (Z-IND). A portion of the property is also located within the Airport Overlay Zone.
- F. The Lebanon Airport is located to the south on property zoned Public Use (Z-PU). To the west is additional vacant land, also zoned Industrial. Property to the north and east is zoned Residential Low Density, containing subdivision lots with single family homes.
- G. The applicant is requesting approval of: (1) a change in the Comprehensive Plan Map designation from Industrial to Mixed Use on the eastern 1.31 acres with a corresponding establishment of the Mixed Use zone; and, (2) approval to create a 4-lot subdivision on the rezoned land. The findings and conclusions contained in this Ordinance are limited to the proposed Comprehensive Plan Map Amendment and Zone Change.
- H. The decision to approve or deny shall be based on criteria contained in the Lebanon Development Code, Chapter 16.27 – Plan and Zone Map Amendments.

## V. APPLICATION SUMMARY

- A. The subject property is located within the Airport Overlay Zone, particularly, the Runway Protection Zone (RPZ), where permitted uses are extremely limited. The RPZ only impacts a portion of the site, with the eastern 1.31 acres (approximately) located outside this zone. It is this area the applicant wishes to change the Comprehensive Plan Map

designation and Zoning to Mixed Use.

- B. The Department mailed notice of the application to affected agencies, area property owners and the Department of Land Conservation and Development (DLCD). The DLCD did not comment. The Oregon Department of Aviation submitted comments on the subdivision and did not oppose the Plan map amendment and zone change. Otherwise, no agency or adjacent owner submitted written comments.

## VI. CRITERIA AND FINDINGS

- A. This request involves both a Comprehensive Plan Map Amendment and a Zone Map Amendment. The decision criteria in Chapter 16.27 do not distinguish between the two types of applications. Therefore, since the proposed Mixed Use zone will be consistent with the proposed Mixed Use Plan designation, findings in this report apply to both requests.
- B. 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.
- C. The City 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.
- D. 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.
- E. 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.)*

- F. 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.
- G. 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 request was reviewed 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. These goals and policies are incorporated in the Development Code criteria to determine the appropriateness of a Plan and/or zone change.
2. Chapter 2: Natural Environment – The Chapter address goals and policies related to the City's natural environment.

FINDINGS: The site may contain wetlands; however, that does not – by itself - prohibit a change in the Plan map and zone. Mitigation measures are possible to allow development of the site regardless of zoning.

3. Chapter 3: Urbanization – This Chapter provides the basic framework for future urban development within the City. The Council 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 submitted information, services are in place to serve the site. The site development will dictate the actual type and level of improvements; however, this will not alter the City's ability to provide necessary public services. 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. The loss of 1.31 acres of Industrial land is not significant and still ensures a surplus of industrial property.

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 Council 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 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 industrial land, although the City still retains a significant surplus within the UGB. Therefore, 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: While the Mixed Use zone has the potential for industrial activity, the primary purpose of the change is to allow residential development on the 1.31 acres. This is more in keeping with the adjacent residential development.

5. Chapter 5: Population & Economy – This Chapter addresses population growth and economic development as well as those trends affecting both. The Council 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-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, thereby increasing its chance of development and providing employment opportunities (P-5 and P-8).

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. The Commission 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 a variety of uses that have the potential to serve the neighborhood (P-9, P-10).

- 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. The Council 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: The site fronts an improved arterial street. Given the limited acreage and range of development, the existing street is capable of accommodating traffic from the property.

Comments submitted by the Department of Aviation indicate the zone change and associated development will not impact airport operations provided the improvements comply with adopted Development Code requirements for the Airport Overlay Zone.

- 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 Commission 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 Engineering Services, services are in place to serve the property and do 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.

Previous findings indicate the proposed change will improve compatibility with adjacent residential development. The proposed Plan and zone map amendments are consistent with the preferred use of the property (P-4.a). This supports the preferred zone while simultaneously not impacting the City's ability to provide land for industrial purposes (P-5.a and P-5.b). Further, the established of the Mixed Use zone does not preclude development of the site with industrial-type uses.

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: The site may contain wetlands which may require mitigation measures to allow development. However, the map changes, by themselves, do not affect these 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: The site is not located in an area of natural hazards.

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

Goal 9, Economic Development: The map amendments will allow a greater variety of uses thereby increasing development potential. Further, the proposed Mixed Use zone does not preclude employment-type activities on the site.

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 services are available to serve the property and the map amendments will not affect the City's ability to provide necessary public facilities.

Goal 12, Transportation: Previous findings indicate the map amendments will not significantly affect planned transportation improvements. Further, provided certain requirements are met, the zone change and development will not impact the airport.

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 land so that the map amendments will not have impact the City's ability to meet demand for land in either zone.

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).

- H. 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 change to Mixed Use is not anticipated to adversely impact the City's ability to provide need services. Further, previous findings indicate the existing transportation system is capable of accommodating the change.

- I. 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.

- J. 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.

- K. 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.

## VII. CONCLUSION

The City Council concludes the proposed Comprehensive Plan Map and Zone Map amendments, establishing the Mixed Use zone on the subject property, comply with the applicable decision criteria.