

A BILL FOR AN ORDINANCE ANNEXING AND)
ZONING PROPERTY FOLLOWING CONSENT)
FILED WITH THE CITY COUNCIL BY)
LANDOWNERS IN SAID AREA PURSUANT TO)
ORS 222.120 AND ORS 222.170 AND FOR A)
COMPREHENSIVE PLAN AND ZONE MAP)
AMENDMENT TO ESTABLISH THE MIXED)
USE ZONE; PLANNING FILE 16-08-48;)
OREGON DEPARTMENT OF VETERANS')
AFFAIRS)

ORDINANCE BILL NO. 2016-15

ORDINANCE NO. 2884

WHEREAS, the City of Lebanon has received a submission by written request for annexation of real property to the City of Lebanon, herein described in Exhibit "A"; and

WHEREAS, the City of Lebanon also received a request to change the Comprehensive Plan designation from Industrial (C-IND) to Mixed Use (C-MU) and to establish the Mixed Use (Z-MU) zone on the subject property, herein described in Exhibit "A"; and



WHEREAS, on September 21, 2016, the Planning Commission for the City of Lebanon conducted a hearing on Planning File No. 16-08-48, making findings recommending annexation of the subject property and supporting the proposed Comprehensive Plan and Zone map amendments to establish the Mixed Use Plan designation (C-MU) and zone (Z-MU); and

WHEREAS, after conducting the hearing and considering all objections or remonstrance with reference to the proposed annexation and attendant Comprehensive Plan and Zone map amendments, and further considering the recommendation of the Lebanon Planning Commission, the City Council finds that the annexation and proposed map amendments are in the best interest of the City and of the contiguous territory.

NOW, THEREFORE, BE IT RESOLVED:

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.

After Recording Return to:
City Clerk's Office
City of Lebanon
925 S. Main Street
Lebanon, OR 97355

LINN COUNTY, OREGON	2016-18408
ORD-ANN	
Cnt=1 Stn=38 S. WILSON	10/25/2016 03:41:43 PM
\$95.00 \$11.00 \$20.00 \$19.00 \$10.00	\$155.00
	
00282736201600184080190194	
I, Steve Druckenmiller, County Clerk for Linn County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.	
Steve Druckenmiller - County Clerk	

Section 2. Annexation Area. Based upon the findings contained above and in Exhibit "B", the contiguous territory described in Exhibit "A" and incorporated herein by this reference as if fully set forth at this point is hereby proclaimed to be annexed to the City of Lebanon.

Section 3. Map Amendments. Based upon the findings contained above and in Exhibit "B", the contiguous territory described in Exhibit "A" and incorporated herein by this reference as if fully set forth at this point is hereby designated Mixed Use (C-MU) on the City Comprehensive Plan Map and zoned Mixed Use (Z-MU).

Section 4. Record. The City Recorder shall submit to the Oregon Secretary of State a copy of this Ordinance. The City Recorder is further ordered to send a description by metes and bounds, or legal subdivision, and a map depicting the new boundaries of the City of Lebanon within ten (10) days of the effective date of this annexation ordinance to the Linn County Assessor, Linn County Clerk and the Oregon State Department of Revenue.

Passed by the Lebanon City Council and executed by the Mayor on this on this 12th day of October, 2016 by a vote of 4 yeas and 0 nays.

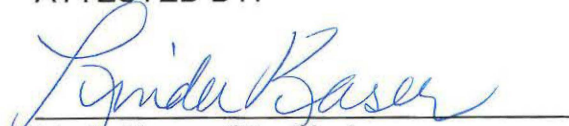
CITY OF LEBANON, OREGON



Paul R. Aziz, Mayor

Bob Elliott, Council President

ATTESTED BY:


Linda Kaser, City Clerk

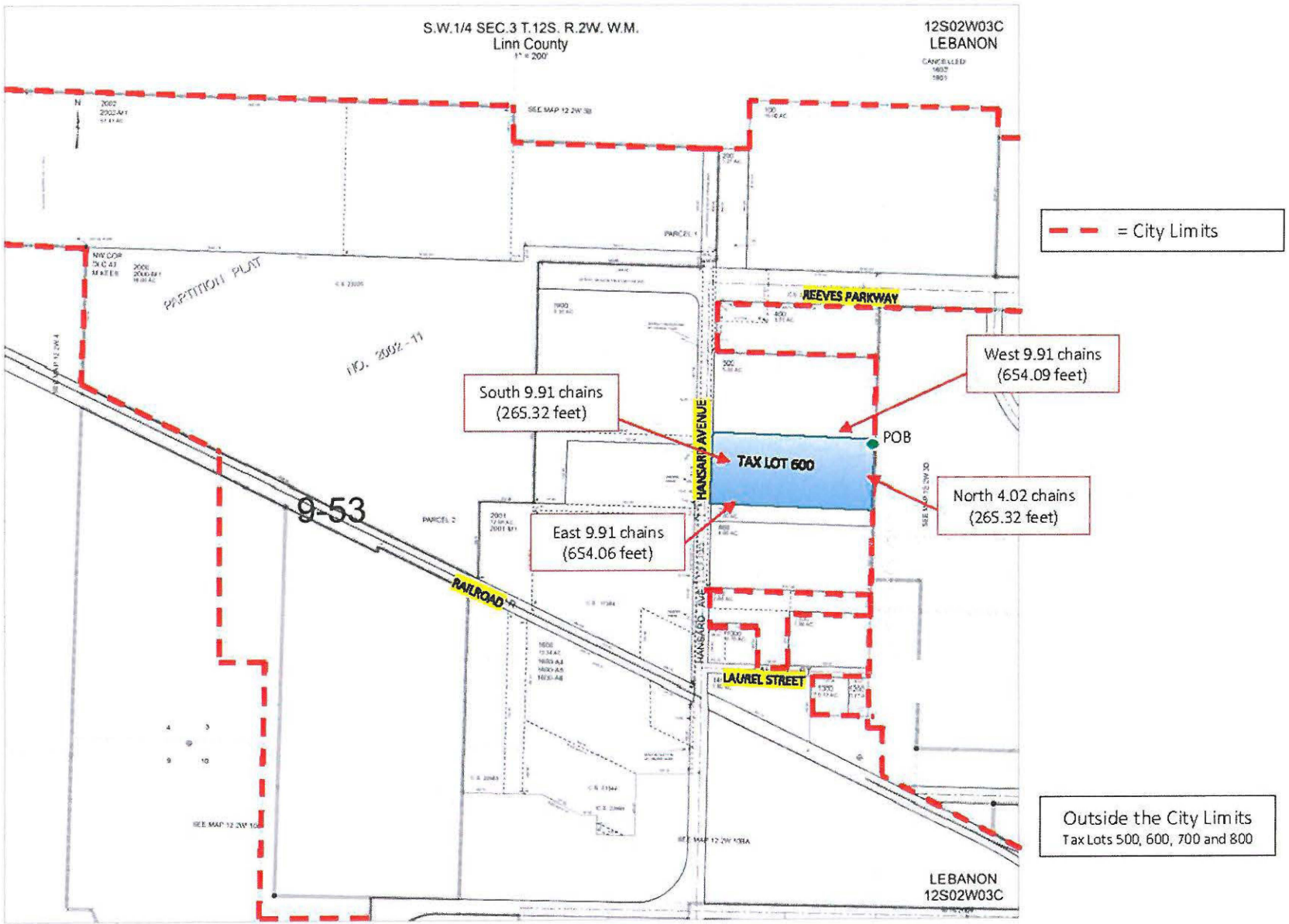


EXHIBIT A

ANNEXATION LEGAL DESCRIPTION

METES AND BOUNDS DESCRIPTION

TAX LOT 600, MAP 12S 2W SECTION 3C

555 HANSARD AVENUE

Beginning at a point which is East 47.51 chains distant and South 10.09 chains distant from the Northwest corner of the Donation Land Claim of Morgan Kees and wife, same being Notification No. 2035 and Claim No. 43 in Township 12 South, Range 2 West of the Willamette Meridian in Linn County, Oregon; and running thence West 9.91 chains; thence South 4.02 chains; thence East 9.91 chains; thence North 4.02 chains to the place of beginning.

EXHIBIT B
LEBANON CITY COUNCIL FINDINGS

I. NATURE OF THE APPLICATION

This matter comes before the Lebanon City Council on the application of the Oregon Department of Veterans' Affairs to Annex property and amend the Comprehensive Plan Map Amendment and Zone Map to Mixed Use.

II. BACKGROUND INFORMATION

A. Site Location

The subject property is located on the east side of Hansard Avenue approximately midway between Reeves Parkway and the railroad right-of-way. The site address is 555 Hansard Avenue (Township 12 South; Range 2 West; Section 3C; Tax Lot 600).

B. Site Development and Zoning

The 3.93 acre property contains an older residence and accessory buildings with access to Hansard Avenue. Public services are available. The property is designated Industrial in the Lebanon Comprehensive Plan.

C. Adjacent Zoning and Land Uses

To the north and south is Industrial-designated property also located within the City's UGB and containing single family homes. Pennington Seed is located to the west on land zoned Industrial. To the east is the ODVA Veterans' Home on MU zoned land.

D. Proposal

The applicant is requesting: (1) Annexation of the subject property; (2) a Comprehensive Plan Map Amendment to establish the Mixed Use (C-MU) designation; and, (3) and Zone Change to the Mixed Use (Z-MU) zone.

III. PUBLIC HEARING

A. Planning Commission Action

A public hearing was duly held on this application before the Lebanon Planning Commission on September 21, 2016. At the hearing, Planning File 16-08-48 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 Annexation and adopt the proposed amendments to the Lebanon Comprehensive Plan Map and Zone Map. The Commission found the proposed changes consistent with the applicable decision criteria.

B. City Council Action

On October 12, 2016 the Lebanon City Council held a public hearing on this application. At the hearing, Planning File 16-08-48 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 Annexation and adopt the proposed amendments to the Lebanon Comprehensive Plan Map and Zone Map. 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 the Oregon Department of Veterans' Affairs.
- B. The subject property is located on the east side of Hansard Avenue approximately midway between Reeves Parkway and the railroad right-of-way. The site address is 555 Hansard Avenue (Township 12 South; Range 2 West; Section 3C; Tax Lot 600).
- C. The parcel contains 3.93 acres.
- D. The property contains an older residence and accessory buildings. Public services are available.
- E. The site located within the City's Urban Growth Boundary and designated Industrial (C-IND) in the Lebanon Comprehensive Plan and zoned Urban Growth Management by Linn County.
- F. To the north and south is Industrial-designated property also located within the City's UGB and containing single family homes. Pennington Seed is located to the west on land zoned Industrial. To the east is the ODVA Veterans' Home on Mixed Use zoned land.
- G. The applicant is requesting: (1) Annexation of the subject property; (2) a Comprehensive Plan Map Amendment to establish the Mixed Use (C-MU) designation; and, (3) and Zone Change to the Mixed Use (Z-MU) zone.
- H. The decision to approve or deny shall be based on criteria contained in the Lebanon Development Code, Chapter 16.26 – Annexations, and, Chapter 16.27 – Map Amendments.

V. APPLICATION SUMMARY

- A. The applicant wishes to annex the property into the Lebanon City limits. As part of the annexation, the applicant wishes to change both the Comprehensive Plan Map designation and Zoning from Industrial to Mixed Use. This application does not include a concurrent development plan.

- 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 initially noted the findings must comply with provisions in OAR 660-009-0010 regarding the rezoning of more than two acres of industrial-zoned land. In a subsequent response, the Department noted compliance with our 20-year land supply would be adequate to meet the identified OAR standard. No other comments were submitted.
- C. This is a two part application. The first involves an Annexation, the second, the Plan map amendment and zone change. Both are quasi-judicial decisions subject to a review and recommendation by the Planning Commission with a final decision by the City Council.

VI. CRITERIA AND FINDINGS - ANNEXATION

- A. The subject area is located within the City's Urban Growth Boundary (UGB) and is eligible for annexation into the City limits. Annexation application and review requirements are contained in Chapter 16.26 of the Lebanon Development Code. The purpose of the Commission hearing is to review the request and recommend whether the Council should approve or deny the Annexation.
- B. Chapter 16.26 establishes the Annexation review criteria. Sections 16.26.010 and 16.26.020 establish the purpose of an annexation and the first assignment of zoning. The annexation transfers jurisdiction from Linn County to the City and establishes the appropriate zoning on the property consistent with the Plan Map designation. In this case, while the only applicable zone is Industrial, the applicant is also requesting a Plan amendment and zone change to establish the Mixed Use zone.
- C. Section 16.26.030 notes an annexation is necessary to establish the appropriate zone, consistent with the zoning matrix (Table 16.26-1). Plan map amendments are only required if there is a corresponding change in the Plan map. Further, proposed amendments to the Plan map (and corresponding zone map) must conform to provisions in Chapter 16.27. As noted, the application does include a request to change the Plan designation and corresponding zone.
- D. Section 16.26.040 identifies the relationship between annexation and City facility plans. It notes anticipated densities and levels of development are factored into the City's facility plans, including the Transportation System Plan. Therefore, additional inquiries into the sufficiency of these services is not required.
- E. Section 16.26.050 stipulates all annexations be processed as legislative actions requiring hearings before both the Planning and City Council. This Section also lists application requirements. For the record, the application and process are consistent with the provisions in this Section.
- F. Section 16.26.060 contains the decision criteria for an annexation with specific requirements in Section 16.26.060.A. This Section requires compliance with provisions in the City Annexation Ordinance and Lebanon Comprehensive Plan, Chapter 3 – Urbanization. Essentially, the Annexation Ordinance and

Comprehensive Plan decision criteria are the same. To avoid duplication, and where applicable, the findings are combined:

1. Annexation Ordinance Section 1. – This Section identifies the document as the Annexation Ordinance for the City of Lebanon and does not contain decision criteria.
2. Annexation Ordinance Section 2. – All Annexations shall conform to the requirements of the Lebanon Municipal Code, Annexation Ordinance, Lebanon Land Development Ordinance (i.e., Development Code), City of Lebanon/Linn County Urban Growth Management Agreement, and shall be consistent with applicable State law.

Comprehensive Plan Annexation Policy #P-19: [The City shall] recognize and act on the basis that all annexations shall conform to the requirements of the Lebanon Municipal Code, Annexation Ordinance, Lebanon Land Development Ordinance, City of Lebanon/Linn County Urban Growth Management Agreement (UGMA), and shall be consistent with applicable State law.

FINDINGS: For the purpose of this criterion, the proposed annexation application and process conform to the requirements of the Annexation Ordinance.

3. Annexation Ordinance Section 3. – All Annexations shall be consistent with the goals and policies of the Lebanon Comprehensive Plan.

Comprehensive Plan Annexation Policy #P-20: [The City shall] recognize and act on the basis that all annexations shall be consistent with the goals and policies of the Lebanon Comprehensive Plan.

FINDINGS: The Annexation Ordinance policies are consistent with, and often mirror, the Comprehensive Plan Annexation Policies. The State acknowledges that the City's Comprehensive Plan complies with all applicable Statewide Planning Goals and statutes, recognizing the consistency of the Plan goals and policies. Therefore, compliance with the applicable Comprehensive Plan policies ensures compliance with the Annexation Ordinance. Findings in the following Sections detail this proposal's compliance with all applicable policies.

4. Annexation Ordinance Section 4. – All lands included within the Urban Growth Boundary are eligible for annexation and urban development. Areas within the Urban Growth Boundary with designated environmental constraints may be annexed and utilized as functional wetlands, parks, open space and related uses.

Comprehensive Plan Annexation Policy #P-21: [The City shall] recognize and act on the basis that all lands included within the Urban Growth Boundary are eligible for annexation and urban development. (Areas within the Urban Growth Boundary with designated environmental constraints may be annexed and utilized as functional wetlands, parks, open space and related uses.)

FINDINGS: The proposed annexation complies as the subject area is within the City's UGB. Further, being within the UGB, the City identified the subject property as land needed for future urban development.

5. Annexation Ordinance Section 5. – The City shall only annex land that is contiguous to the existing City limits and is within the City's Urban Growth Boundary.

Comprehensive Plan Annexation Policy #P-22: [The City shall] only annex land that is contiguous to the existing City limits and is within the City's Urban Growth Boundary (UGB).

FINDINGS: City limits are located to the east and west of the parcel; therefore, the area is eligible for annexation.

6. Annexation Ordinance Section 6. – An annexation shall be deemed orderly if the annexation territory is contiguous to the existing City limits. An annexation is efficient if the annexation territory can be developed or redeveloped to an urban use. Urban uses may include wetlands, parks, open space and related uses.

Comprehensive Plan Annexation Policy #P-23: [The City shall] deem an annexation orderly if the annexation territory is contiguous to the existing City Limits, and deem an annexation efficient if the annexation territory can be developed or redeveloped to an urban use (urban uses may include functional wetlands, parks, open space and related uses).

FINDINGS: The proposed annexation complies with the above noted criteria as follows:

- (a) Since the area is contiguous to existing City limits, the annexation is considered orderly.
 - (b) The property has the potential for urban development given the proximity of public services.
 - (c) Based on information contained in the Comprehensive Plan, wetlands may be located on the subject property. However, this issue will be addressed when a development proposal is reviewed by the City. Otherwise, there are no *designated environmental constraints* associated with the subject area.
7. Annexation Ordinance Section 7. – Development proposals are not required for annexation requests.

Comprehensive Plan Annexation Policy #P-24: [The City shall] recognize and act on the basis that development proposals are not required for annexation requests.

FINDINGS: Although the applicant is considering developing the site for additional parking and additional medical-related facilities, the application does not include a concurrent development proposal.

8. Annexation Ordinance Section 8. – As part of the annexation process of developed property or properties, the City shall consider the anticipated demands to access key City-provided urban utility services, which are water, storm drainage, sanitary sewerage, and streets, of existing development within the annexation territory.

Comprehensive Plan Annexation Policy #P-25: [The City shall] consider as part of the annexation process of developed property or properties, the anticipated demands to access key City-provided urban utility services, which are water, storm drainage, sanitary sewerage, and streets, of existing development within the annexation territory.

FINDINGS: Public services are located on Hansard Avenue.

9. Annexation Ordinance Section 9. – As part of the annexation process of developed property or properties, the City shall consider the impacts on key City-provided urban utility services needed to serve these properties, which are water, storm drainage, sanitary sewerage, and streets.

Comprehensive Plan Annexation Policy # P-26: [The City shall] Consider as part of the annexation process of developed property or properties, the impacts on the capacities of key City-provided urban utility services needed to satisfy the anticipated demands of the properties discussed in P-25 above.

FINDINGS: Public service availability was previously noted.

10. Annexation Ordinance Section 10. – Needed Public rights-of-way, as identified in adopted transportation plans as necessary for the safe and efficient movement of traffic, bicycles and pedestrians, shall be dedicated to the City either with annexation or when the property develops and/or redevelops and thus creates an increased demand for the benefits and utility provided by additional rights-of-way dedication.

FINDINGS: Additional right-of-way dedication and street improvements are unnecessary as part of the annexation.

11. Annexation Ordinance Section 11. – Upon annexation, the annexation territory shall be assigned zoning classifications in accordance with the adopted Comprehensive Plan Map, as shown in the City's Annexation Zoning Matrix. Such zoning assignments in and of themselves are not a zoning map change and shall not require approval of a zoning map amendment, or a separate proceeding.

FINDINGS: This subject area is designated Industrial by the Comprehensive Plan. While the only applicable zone is Industrial, the applicant requested a Plan map amendment and zone change to establish the Mixed Use zone.

12. Annexation Ordinance Section 12. – If a zoning designation other than one in accordance with the Comprehensive Plan Map (shown in the Annexation Zoning Matrix) is requested by an applicant, the zoning requested shall not be granted until the Comprehensive Plan Map is appropriately amended to reflect

concurrence. Such an amendment shall require a separate application, hearing and decision, which may be held concurrently with an annexation hearing and will not become effective until the annexation is complete.

FINDINGS: As noted, the request includes a Plan map amendment and zone change to establish the Mixed Use zone.

13. Annexation Ordinance Section 13. – The areas within the Urban Growth Boundary with designated environmental constraints may be annexed and developed as functional wetlands, parks, open space and related uses.

FINDINGS: This Section does not apply, as the subject property does not include environmentally constrained property.

14. Annexation Ordinance Section 14. – An "urban use" is hereby defined as any land use that is authorized under the terms and provisions of the land use regulations, Zoning Ordinance (i.e., Development Code), Subdivision Ordinance, Comprehensive Plan, and other related documents.

FINDINGS: This Section does not apply as the provisions in this Section provide a definition and not a decision criterion.

15. Annexation Ordinance Section 15. – At the applicant's discretion and with the City's concurrence, a development or redevelopment proposal for an annexation territory may be acted upon by the Planning Commission immediately following the Commission's hearing on the annexation proposal and a decision of recommendation of approval to the City Council. However, any approval of the Planning Commission of such a development or redevelopment proposal must be contingent upon subsequent approval of the annexation by City Council.

FINDINGS: The request is limited to the proposed annexation and does not contain a development or redevelopment proposal specific to the sites.

16. Comprehensive Plan Annexation Policy # P-27: Expand the City Limits as necessary to accommodate development, including housing, commercial, industrial, and services (that will in turn accommodate population growth).

FINDINGS: This Policy does not directly apply as the proposal simply incorporates land within the UGB into the City limits.

- G. Section 16.26.060.B allows the City to require the abatement of non-conforming uses and/or structures prior to hearing an annexation request. Other provisions of this Code and the Lebanon Municipal Code may require abatement of certain kinds of situations before an annexation request can be approved. This Section does not apply as existing use (residence) is permitted in the proposed Mixed Use zone.

- H. Section 16.26.060.C, allows the City to identify additional site-specific evaluation criteria based on the Lebanon Comprehensive Plan, the provisions of this Code, and the Lebanon Municipal Code. Site-specific criteria could include, but not be limited to, the following: steep slopes, natural hazards, riparian zones, wetlands water bodies,

overlay zones, infrastructure development, existing conditions and failing on-site services. Such site-specific criteria do not affect the eligibility of properties for annexation, but serve as an advisory to applicants of factors that may affect future development. There are no site-specific, evaluation criteria that apply to the subject area.

- I. Upon annexation, Section 16.26.020 requires the subject property to be placed in the appropriate zone. Upon annexation, the territory will automatically be assigned a City zone in accordance with the adopted Comprehensive Plan Map, and Annexation Zoning Matrix (Development Code Table 16.26-1). The only decision criterion in this process is that the Zone Classification shall be consistent with the adopted Comprehensive Plan Map (Section 16.26.020.D).

FINDINGS: While the Industrial zone is the only one applicable, the applicant requested a Plan map and zone map amendments to establish the Mixed Use zone.

VI. CRITERIA AND FINDINGS – MAP AMENDMENTS

- 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 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 such application regarding this property. 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 Exhibit.
- C. 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.
- D. 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.
- E. 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, 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. 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: With the exception of potential wetlands, this Chapter does not apply as the subject property does not contain steep slopes, wildlife habitat or other resources identified as requiring preservation or protection. As previously noted, wetland matters can be addressed at the time of development.

3. Chapter 3: Urbanization – This Chapter provides the basic framework for future urban development. 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: The site is fully serviced and does not require additional system improvements.

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 3.93 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. 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: This action will reduce the amount of available industrial land by 3.93 acres. However, this loss is insignificant as the City retains some 580 to 762 acres of available industrial land within the UGB. 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: The applicant intends to development the site with support facilities for the adjacent ODVA facility, which is also zoned Mixed Use. This will allow seamless utilization of both parcels in support of the Veterans' Home.

5. Chapter 5: Population & Economy – This Chapter addresses population growth and economic development as well as those trends affecting both. 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: The Mixed Use zone allows a greater variety of uses on the site than the current Industrial zone, thereby increasing its development and employment potential (P-5 and P-8). The Mixed Use zone also allows limited industrial uses so that the purpose of the existing zone is not totally eliminated. Finally, planned improvements support the mission of the adjacent ODVA facility thereby improving health care options in the community and region for veterans (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. There are no specific applicable policies.

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 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 existing street is adequate for proposed uses.

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:

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 the site is fully serviced and does not require improvements to existing public facilities, the request 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.

Full development of the ODVA facility to the east would indicate the trend is not toward redevelopment of this site (and adjacent sites) to industrial uses. The trend appears to support development of this site (and potentially adjacent sites) for facilities that support the ODVA Veterans' Home or other medical-related facilities (P-4.a).

Based on the existing improvements and relatively small size of the parcel, its utility for industrial purposes is limited, although may still remain possible with the Mixed Use zone. 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. 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).

- F. 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.

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. The 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.

- G. 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 proposed designation.

- H. 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.

- I. 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.

VIII. CONCLUSION

The City Council concludes the proposed Annexation and amendments to the Comprehensive Plan Map and Zone Map comply with the applicable decision criteria.