

A BILL FOR AN ORDINANCE ANNEXING AND)
ZONING PROPERTY FOLLOWING CONSENT)
FILED WITH THE CITY COUNCIL BY LAND-)
OWNERS IN SAID AREA PURSUANT TO ORS)
222.120 AND ORS 222.170, AND AMENDING)
THE LEBANON COMPREHENSIVE PLAN MAP)
AND ZONING MAP FROM RESIDENTIAL LOW)
DENSITY TO RESIDENTIAL MIXED DENSITY)
File 18-04-10; SALLY J. KIRKELIE TRUST)

ORDINANCE BILL NO. 2018-4

ORDINANCE NO. 2911

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

WHEREAS, concurrent with the Annexation request, the City of Lebanon received a submission by written request to amend the Comprehensive Plan Map and Zoning Map from Residential Low Density to Residential Mixed Density for the property herein described in Exhibit "A"; and,


WHEREAS, on May 16, 2018, the Planning Commission for the City of Lebanon conducted a hearing on Planning File No. 18-04-10, making findings recommending annexation of the subject property and establishment of the Residential Mixed Density Comprehensive Plan designation (C-RM) and Residential Mixed Density (Z-RM) zone; and,

WHEREAS, after conducting the hearing and considering all objections or remonstrance regarding the proposed annexation, and further considering the recommendation of the Lebanon Planning Commission, the City Council finds that this annexation and of the contiguous territory and attendant Comprehensive Plan Map Amendment and Zone Map Amendment 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.

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

LINN COUNTY, OREGON		2018-13239
ORD-ANN		07/26/2018 11:11:02 AM
Cnt=1 Stn=38 S. WILSON		
\$95.00 \$11.00 \$60.00 \$19.00 \$10.00		\$195.00
		
00328759201800132390190199		
I, Steve Druckenniller, County Clerk for Linn County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.		
Steve Druckenniller - 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 is hereby proclaimed to be annexed to the City of Lebanon.

Section 3. 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 (Exhibit "A") 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.

Section 4. Comprehensive Plan Map Amendment. Based upon the findings adopted herein, the Lebanon Comprehensive Plan Map is hereby amended, such that the portion of land located in Township 12 South; Range 2 West; Section 14AC; Tax Lot 700; and, Township 12 South; Range 2 West; Section 14CD; Tax Lot 6500 shall be designated Residential Mixed Density (C-RM).

Section 5. Zone Map Amendment. Based upon the findings adopted herein, the Lebanon Zone Map is hereby amended, such that the portion of land located in Township 12 South; Range 2 West; Section 14AC; Tax Lot 700; and, Township 12 South; Range 2 West; Section 14CD; Tax Lot 6500 shall be zoned Residential Mixed Density (Z-RM).

Section 6. 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 by a vote of 5 for and 0 against and executed by the Mayor this 13th day of June, 2018.



Paul Aziz, Mayor ☒
Bob Elliott, Council President ☐

Attested:



Linda Kaser, City Clerk / Recorder

EXHIBIT "A"
ANNEXATION LEGAL DESCRIPTION & MAP

KIRKELIE ANNEXATION

LEGAL DESCRIPTION

AN AREA OF LAND IN THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 12 SOUTH, RANGE 2 WEST OF THE WILLAMETTE MERIDIAN, IN THE CITY OF LEBANON, OREGON, JN LINN COUNTY MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1 1/2 INCH IRON PIPE MARKING THE SOUTHEAST CORNER OF THE PROPERTY DESCRIBED IN LINN COUNTY DEED DOCUMENT 2017-00365, THENCE SOUTH 89°27'03" WEST 268.95 FEET TO A POINT ON THE EAST RIGHT OF WAY OF THE ALBANY AND EASTERN RAILROAD THENCE ALONG SAID RIGHT OF WAY NORTH 27°41'55" WEST 1134.10 FEET TO THE SOUTH RIGHT OF WAY OF RUSSELL DRIVE; THENCE ALONG SAID RIGHT OF WAY NORTH 89°56'48" WEST 113.00 FEET TO THE WEST RIGHT OF WAY OF THE ALBANY AND EASTERN RAILROAD; THENCE ALONG SAID RIGHT OF WAY, NORTH 27°41'55" WEST 56.50 FEET TO THE NORTH RIGHT OF WAY OF RUSSELL DRIVE; THENCE ALONG SAID RIGHT OF WAY SOUTH 89°56'48" EAST 376.97 FEET; THENCE NORTH 00°08'44" EAST 3.13 FEET; THENCE ALONG THE ARC OF A 13.50 FOOT RADIUS CURVE TO THE LEFT FOR 14.80 FEET (CHORD BEARS SOUTH 58°53'45" EAST 14.07 FEET); THENCE SOUTH 00°17'28" EAST 0.50 FEET; THENCE NORTH 89°42'32" EAST 124.75 FEET; THENCE SOUTH 00°17'28" EAST 45.00 FEET; THENCE SOUTH 22°48'00" EAST 1087.30 FEET TO THE POINT 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 Sally J. Kirkelie Living Trust for approval to Annexation property and amend the Comprehensive Plan Map Amendment and Zone Map from Residential Low Density to Residential Mixed Density.

II. GENERAL INFORMATION

A. Site Location

The subject area is located on the southeast corner of the intersection of Russell Drive and the Albany & Eastern Railroad right-of-way. There is no property address and the County Assessor map places the property within Township 12 South; Range 2 West; Section 14AC; Tax Lot 700; and, Township 12 South; Range 2 West; Section 14CD; Tax Lot 6500.

B. Site Development and Zoning

Sewer and water services were recently installed along Russell Drive and are available to serve the 7.42 acres of vacant property. The property is located within the Lebanon UGB and designated Residential Low Density.

C. Adjacent Zoning and Land Uses

Land to the northwest, north and east is in the County; land to the northwest is designated Residential Mixed Density while land to the north and east is designated Residential Low Density. These areas contain single-family homes on large parcels. Vacant Industrial zoned land is located to the south while the Albany & Eastern right-of-way borders the west side of the site. West of the tracks is an apartment complex on land zoned Residential Mixed Density and single-family homes in the County on property designated Residential Mixed Density.

D. Proposal

The applicant is requesting approval of the following: (1) Annexation of the 7.42-acre site; and, (2) a Comprehensive Plan Map Amendment and Zone Change to establish the Residential Mixed Density designation and Residential Mixed Density zone.

III. PUBLIC HEARING

A. Planning Commission Action

On May 16, 2018, the Lebanon Planning Commission held a public hearing on this application. At the hearing, Planning File 18-04-10 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 Annexation, Comprehensive Plan Map Amendment to

establish the Residential Mixed Density (C-RM) designation and Zone Map Amendment to establish the Residential Mixed Density (Z-RM) zone. The Commission found the proposed changes consistent with the applicable decision criteria.

B. City Council Action

On June 13, 2018, the Lebanon City Council held a public hearing on this application. At the hearing, Planning File 18-04-10 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 Annexation, the Comprehensive Plan Map Amendment to establish the Residential Mixed Density (C-RM) designation and the Zone Map Amendment to establish the Residential Mixed Density (Z-RM) 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 the Sally J. Kirkelie Living Trust.
- B. The subject area is located on the southeast corner of the intersection of Russell Drive and the Albany & Eastern Railroad right-of-way. There is no property address and the County Assessor map places the property within Township 12 South; Range 2 West; Section 14AC; Tax Lot 700; and, Township 12 South; Range 2 West; Section 14CD; Tax Lot 6500.
- C. Parcel sizes are as follows: Tax Lot 700 – 5.15 acres; Tax Lot 6500 – 2.27 acres; 7.42 acres total.
- D. Sewer and water services were recently installed along Russell Drive and are available to serve the vacant properties.
- E. The property is within the Lebanon UGB and designated Residential Low Density.
- F. Land to the northwest, north and east is in the County; land to the northwest is designated Residential Mixed Density while land to the north and east is designated Residential Low Density. These areas contain single-family homes on large parcels. Vacant Industrial zoned land is located to the south while the Albany & Eastern right-of-way borders the west side of the site. West of the tracks is an apartment complex on land zoned Residential Mixed Density and single-family homes in the County on property designated Residential Mixed Density.
- G. The applicant is requesting approval of the following: (1) Annexation of the 7.42-acre site; and, (2) a Comprehensive Plan Map Amendment and Zone Change to establish the Residential Mixed Density designation and Residential Mixed Density zone.
- H. The decision to approve or deny shall be based on criteria contained in the Lebanon

V. APPLICATION SUMMARY

- A. The request would annex both parcels into the City limits. Concurrent with the annexation, the applicant is requesting the Plan map be changed from Residential Low Density (C-RL) to Residential Mixed Density (C-RM) and the corresponding zone to Residential Mixed Density (Z-RM).
- B. The Department sent requests for comments to affected agencies area property owners and the Department of Land Conservation and Development. Engineering Services offered no comments and no other agency or owner responded.

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. Annexations require a hearing before the Planning Commission and City Council.
- 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.
- 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. For the record, the application includes 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. The findings are combined to avoid duplication:

1. Annexation Ordinance Section 1. – This Section identifies the document as the Annexation Ordinance for the City 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 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 and can be developed for urban uses.

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 UGB.

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 UGB.

FINDINGS: City limits are located to the west of the subject property; 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) Public utilities are located within Russell Drive. Connection to these services would permit urban levels of development.

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: The application does not include a concurrent development proposal.

8. Annexation Ordinance Section 8. - As part of the annexation process of developed property, 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: As noted, City services are available.

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: Services can be extended to the site and there are no identified *capacity* issues regarding existing or potential development of the property.

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 creates an increased demand for the benefits provided by additional rights-of-way dedication.

FINDINGS: Additional right-of-way dedication and street improvements are unnecessary for 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.

FINDINGS: The applicable zone is Residential Low Density (Z-RL). However, the request includes a Plan map amendment and zone change to establish the Residential Mixed Density (Z-RM) zone (see Section IV).

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: This application includes a change in the Plan designation and zone, which is reviewed in Section VII.

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 area included in the annexation 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 of the City of Lebanon.

FINDINGS: This Section provides 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 does not include a site-specific development proposal.

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 an existing urbanizable parcel 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. The City is not aware of any abatement issues related to the site.
- 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 property.
- 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: As noted, the request includes a change in the Plan designation to Residential Mixed Density (C-RM) and the corresponding Residential Mixed Density (Z-RM) zone. This request is reviewed in the following Section.

VII. CRITERIA AND FINDINGS

COMPREHENSIVE PLAN AND ZONE MAP AMENDMENTS

- 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 RM zone will be consistent with the proposed 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. Per provisions in Section 16.27.030, the City Clerk maintains the official Plan and Zoning maps, including subsequent amendments.
- C. 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.
- 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 relevant Decision Criteria cited 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 application 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 - The 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. 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-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.

FINDINGS: Based on discussions with Engineering Services, 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 public services. 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 RM zoned land but a deficit of RL zoned land. However, both zones allow creation of single family homes. As such, the conversion from Low Density to Mixed Density does not prohibit or otherwise restrict the creation of single family homes on the site but does provide additional options to meet community housing needs.

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. 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 reflects and implements the Comprehensive Plan Map.

FINDINGS: The proposal calls for a Residential Mixed Density Plan designation and RM 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.

5. Chapter 5: Population & Economy – This Chapter addresses population growth and economic development as well as those trends affecting both. Council determined policies in this Chapter did not directly apply to the request.
6. Chapter 6: Housing – This Chapter establishes the City's Goals and Policies related to Housing. The Chapter applies, as it concerns residential zoning.

FINDINGS: Council reviewed the policies finds the following:

9.1 Residential Compatibility – This subsection considers placement of manufactured homes, location of neighbor commercial uses and allowances for home occupations. The subject policies apply to the development of the site and are not directly related to the Plan and zone change requests.

9.2 Neighborhood Appearance - This subsection establishes screening policies for above ground utilities, the placement of street trees and

fencing/landscaping provisions along collector and arterial streets. These policies apply to site development and do not address the matter of the Plan and zone change.

9.3 Housing Density and Affordability – This subsection allows for the creation of density bonuses, cooperation with various agencies to provide affordable housing, and ensure the Development Code provides the variety and type of housing required to meet the community's needs. This last policy (P-11) applies to the request as the zone change to the Residential Mixed Density zone allows a wide range of housing options – including single family - to meet local needs.

9.4 Housing and Open Space – This subsection notes adequate open space must be included in multifamily projects. The policy applies to the site development and not to the request.

9.5 Housing and Transportation Connectivity – The subsection includes policies on placement of schools in residential area; sidewalk and ADA requirements; placement of bikeways and pedestrian trails; development of local street standards and emergency vehicle access. These policies apply to development requirements and not to the Plan and zone change.

9.6 Housing, Public Utilities and Services – Policies call for adequacy of utilities to serve development and undergrounding of all utilities. Further, street lighting is required, street names should be approved by the Fire District and streets should align. Only Policy P-24 regarding public facility provisions directly applies to the request. As noted, services are available to serve development of the property.

9.7 Refinement Plans – This subsection allows creation of neighborhood refinement plans. This policy section does not apply.

Generally, the only policy that directly applies to the request is Policy P-11 calling for the City to provide a variety and type of housing to meet community' needs. This is more likely with the request, as the proposed Plan map and zone allow a greater range of housing options as compared to the existing Residential Low Density designation.

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. Council 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 RM zoning allows a mixture of homes and limited commercial activities which is consistent with these 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. 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, Engineering Services saw no issues with the capacity of the existing street to accommodate traffic from the property.

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. Council 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 Engineering Services comments, services are in place 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.

Evidence is clear that the state of Oregon is facing a housing crunch, especially regarding affordable housing. While the proposed zone change does not proscribe a specific development, it does allow greater options than the Residential Low Density designation and zone to meet those needs (P-4.a, P-5.a and P-5.b). Further, the established of the RM zone does not preclude development of the site with for single family homes.

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: Residential use of the site remains; therefore, there should be no significant impacts on air, water or resource quality than would otherwise occur.

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 RM zone does not preclude employment-type activities on the site.

Goal 10, Housing: This Goal directly applies, as the map amendments create additional opportunities to meet housing needs of the community.

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.

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

Goal 14, Urbanization: Previous findings indicate the change will still allow the City to meet housing needs of the community as the proposed RM zone does not preclude single-family development.

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 the RM zone is not anticipated to adversely impact the City's ability to provide need services. Further, previous findings indicate the existing transportation system can accommodate the Plan and zone 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 "Residential Mixed Density" Plan map designation, and pursuant to this Table, the only allowable zone is Residential Mixed Density (Z-RM). Therefore, the proposed RM 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 Annexation and amendments to the Comprehensive Plan Map and Zone Map comply with the applicable decision criteria.