

A BILL AMENDING THE LEBANON) ORDINANCE BILL NO. 2018-10
COMPREHENSIVE PLAN MAP AND ZONING)
MAP TO ESTABLISH THE RESIDENTIAL)
MIXED DENSITY DESIGNATION AND ZONE) ORDINANCE NO. 2917
File 18-05-16; GLEANNS AT RIVER PLACE)

WHEREAS, 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 to Mixed Use for property located within Township 12 South; Range 2 West; Section 14DC; Tax Lot 100; and,

WHEREAS, on June 20, 2018, the Planning Commission for the City of Lebanon conducted a hearing on Planning File No. 18-05-17, making findings recommending establishment of the Residential Mixed Density Comprehensive Plan designation (C-RM) and Residential Mixed Density zone (Z-RM); and,

WHEREAS, after conducting the hearing and considering all objections or remonstrance regarding the proposed Plan and Zone Map amendments, and further considering the recommendation of the Lebanon Planning Commission, the City Council finds that the proposed Comprehensive Plan Map and Zone Map Amendments are 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 "A" which is incorporated herein by this reference as if fully set forth at this point.

Section 2. Comprehensive Plan Map Amendment. Based upon the findings adopted herein, the Lebanon Comprehensive Plan Map is hereby amended, such that the property located within Township 12 South; Range 2 West; Section 14DC; Tax Lot 100; shall be designated Residential Mixed Density (C-RM).

Section 3. Zone Map Amendment. Based upon the findings adopted herein, the Lebanon Zone Map is hereby amended, such that property located within Township 12 South; Range 2 West; Section 14DC; Tax Lot 100; shall be zoned Residential Mixed Density (Z-RM).

Section 4. Said Ordinance shall be forwarded to the Oregon Land Conservation and Development Commission and any other entities as required by law for their review.

Passed by the Lebanon City Council by a vote of 6 for and 0 against and approved by the Mayor this 11th day of July 2018.



 Paul Aziz, Mayor
 Bob Elliott, Council President

Attested:



 Linda Kaser, City Clerk / Recorder

EXHIBIT "A"
LEBANON CITY COUNCIL FINDINGS

I. NATURE OF THE APPLICATION

This matter comes before the Lebanon City Council on the application of The Gleanns at River Place, LLC to amend the Plan Map and Zone Map to establish the Residential Mixed Density Zone.

II. GENERAL INFORMATION

A. Site Location

The subject property is located on the west side of River Road, approximately 350-feet south of its intersection with Mountain River Drive. The County Assessor map places the parcel in Township 12 South; Range 2 West; Section 14DC; Tax Lot 100.

B. Site Development and Zoning

The subject 9.51-acre parcel fronts a public street and is served by public facilities. A majority of the site is designated Residential Low Density (C-RL) and zoned Residential Low Density (Z-RL). The southeast corner of the property is designated Industrial (C-IND) and zoned Industrial (Z-IND).

C. Adjacent Zoning and Land Uses

Land to the west, north and east is located within the County, designated Residential Low Density (west and north) and Residential Mixed Density (east). The dominant land use is large lot or acreage homesites. To the south is Industrial zoned property containing the City's new Water Treatment Plant.

D. Proposal

The applicant is requesting approval for (1) a Comprehensive Plan Map Amendment and Zone Change to establish the Residential Mixed Density zone; (2) a Partition to divide the property into two parcels; and, (3) Subdivision to create a 27-lot single family development on one of the partitioned parcels. 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 June 20, 2018, the Lebanon Planning Commission held a public hearing on this application. At the hearing, Planning File 18-05-16 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. The Commission found the proposed changes consistent with the applicable decision criteria.

B. City Council Action

On July 11, 2018, the Lebanon City Council held a public hearing on this application. At the hearing, Planning File 18-05-16 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 City Council deliberated on the issue and voted to approve the proposed Comprehensive Plan Map Amendment and Zone Change. The Council found the proposed changes consistent with the applicable decision criteria.

IV. FINDINGS OF FACT-GENERAL

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

- A. The applicant is The Gleanns at River Place, LLC.
- B. The subject property is located on the west side of River Road, approximately 350-feet south of its intersection with Mountain River Drive. There is no property address and the County Assessor map places the parcel in Township 12 South; Range 2 West; Section 14DC; Tax Lot 100.
- C. The parcel contains approximately 9.51 acres.
- D. The vacant parcel fronts on a public street and is served by public facilities.
- E. A majority of the site is designated Residential Low Density (C-RL) and zoned Residential Low Density (Z-RL). The southeast corner of the property is designated Industrial (C-IND) and zoned Industrial (Z-IND).
- F. Land to the west, north and east is located within the County, designated Residential Low Density (west and north) and Residential Mixed Density (east). The dominant land use is large lot or acreage homesites. To the south is Industrial zoned property containing the City's new Water Treatment Plant.
- G. The applicant is requesting approval for a (1) a Comprehensive Plan Map Amendment and Zone Change to establish the Residential Mixed Density zone on the entire parcel; (2) a Partition to divide the property into two parcels; and, (3) Subdivision to create a 27-lot single family development on one of the partitioned parcels. The findings and conclusions contained in this Exhibit are limited to the proposed Plan Map and Zone Map amendments.
- H. The decision to approve or deny shall be based on criteria contained in the Lebanon Development Code, Chapter 16.26 – Annexations.

V. APPLICATION SUMMARY

- A. The subject property contains both Residential Low Density and Industrial zoned land. To proceed with residential development of the site, the applicant wishes to amend the Comprehensive Plan Map to establish the Residential Mixed Density designation

and amend the Zone Map to establish the Residential Mixed Density Zone. These changes apply to the entire property.

- B. The Department mailed notice of the application to affected agencies, area property owners and the Department of Land Conservation and Development. No agency or property owner responded.

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 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 document.
- 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.
 - 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. 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: 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 provides additional options to meet community housing needs. This is further supported by the submitted subdivision plan.

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 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. Policies in this Chapter do 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: The application policies are as follows:

- 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 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 specific 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 the property.
- 9.7 Refinement Plans – This subsection allows development of neighborhood refinement plans. This policy section does not apply to the request.

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 and zone.

- 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 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. 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 acreage and development, there are no capacity issues that prohibit site development.

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: 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:
- Updated data demonstrates significantly different trends than previous data;
 - 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 proscribes 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).

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: The purpose of the request is to construct a single-family subdivision. Both the RL and RM zones allow subdivisions and single-family homes. The only difference between the two is the lot area and dimension requirements of the RM zone allow a smaller lot. Effectively, this zone achieves the purpose of the RL zone while simultaneously allowing higher densities.

In addition, based on the adopted housing needs analysis and the building lands inventory conducted as part of the 2004 Comprehensive Plan, it was determined the City does not have an identified shortage as to housing type. To the contrary the City retains a significant surplus of residential land to meet anticipated housing needs. The proposed zone change permits single family development at a higher density, thereby helping maintain the compact urban form encouraged by the State and avoiding unnecessary urban growth expansion onto adjacent resource lands. In addition, the smaller lot sizes are likely to increase affordability for this type of 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.

Goal 13, Energy Conservation: The map amendments are neutral regarding 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 within the UGB.

VII. CONCLUSION

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