

A BILL AMENDING THE LEBANON
ZONING MAP TO ESTABLISH THE
HIGHWAY COMMERCIAL ZONE
FILE 18-09-39; BRAD BUCKMASTER

) ORDINANCE BILL NO. 2018-15
)
)
) ORDINANCE NO. 2922

WHEREAS, the City of Lebanon received a submission by written request to amend the Zoning Map from Neighborhood Commercial to Highway Commercial for the property herein identified as located within Township 12 South; Range 2 West; Section 23A; Tax Lot 1500; and,

WHEREAS, on November 28, 2018, the Planning Commission for the City of Lebanon conducted a hearing on Planning File No. 18-09-39, making findings recommending establishment of the Highway Commercial zone (Z-HCM); and,

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

Section 2. Zone Map Amendment. Based upon the findings adopted herein, the Lebanon Zone Map is hereby amended, such that the applicable property herein described as located within Township 12 South; Range 2 West; Section 23A; Tax Lot 1500 shall be zoned Highway Commercial (Z-HCM).

Section 3. 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 and executed by the Mayor on this 12th day of December 2018 by a vote of 5 yeas and 0 nays.

CITY OF LEBANON, OREGON



Paul R. Aziz, Mayor
Bob Elliott, Council President

ATTESTED BY:



Linda Kaser, City Clerk

EXHIBIT "A"

LEBANON CITY COUNCIL FINDINGS

I. NATURE OF THE APPLICATION

This matter comes before the Lebanon City Council on the application of Brad Buckmaster for approval to amend the Zone Map to establish the Highway Commercial zone.

II. GENERAL INFORMATION

A. Site Location

The subject property is located between Cascade Drive and South Santiam Highway, approximately 900-feet south of their intersection with Weldwood Drive. The property addresses are 3520 and 3620 South Santiam Highway and the County Assessor map places the parcel in Township 12 South; Range 2 West; Section 23A; Tax Lot 1500.

B. Site Development and Zoning

The 1.35-acre parcel contains commercial/office structures, fronts on two public streets and City services are available. The site is designated "Commercial" in the Comprehensive Plan and zoned Neighborhood Commercial (Z-NCM).

C. Adjacent Zoning and Land Uses

Land to the north is also zoned NCM and contains a commercial building. A manufactured home park is located to the west on land zoned Residential Mixed Density (Z-RM). Single family homes are located to the southwest and south on land zoned Residential Low Density and RM, respectively. County land to the southeast contains single family homes while to the east is Industrial zoned land containing Cheadle Lake Park.

D. Proposal

The applicant is requesting approval of a Zone Change to establish the Highway Commercial zone (Z-HCM) on the property.

III. PUBLIC HEARING

A. Planning Commission Action

On November 28, 2018, the Planning Commission held a public hearing. At the hearing, Planning File 18-09-39 became part of the official record. Notice of the hearing was provided pursuant to Lebanon Development Code, Chapter 16.20. No declarations were made of any *ex parte* contacts, bias or conflicts of interest. At the conclusion of the hearing, the Planning Commission deliberated on the issue and voted to recommend the City Council approve the proposed amendment to the Lebanon Zone Map. The Commission found the proposed change consistent with the applicable decision criteria.

B. City Council Action

On December 12, 2018, the City Council held a public hearing. At the hearing, Planning File 18-09-39 became part of the official record. Notice of the hearing was provided pursuant to Lebanon Development Code, Chapter 16.20. No declarations were made of any *ex parte* contacts, bias or conflicts of interest. At the conclusion of the hearing, the City Council deliberated on the issue and voted to approve the proposed amendment to the Lebanon Zone Map. The Council found the proposed change 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 Brad Buckmaster.
- B. The subject property is located between Cascade Drive and South Santiam Highway, approximately 900-feet south of their intersection with Weldwood Drive. The property addresses are 3520 and 3620 South Santiam Highway and the County Assessor map places the parcel in Township 12 South; Range 2 West; Section 23A; Tax Lot 1500.
- C. The parcel contains 1.35 acres.
- D. The parcel contains commercial/office structures, fronts on two public streets and City services are available.
- E. The site is designated "Commercial" in the Comprehensive Plan and zoned Neighborhood Commercial (Z-NCM).
- F. Land to the north is also zoned NCM and contains a commercial building. A manufactured home park is located to the west on land zoned Residential Mixed Density (Z-RM). Single family homes are located to the southwest and south on land zoned Residential Low Density and RM, respectively. County land to the southeast contains single family homes while to the east is Industrial zoned land containing Cheadle Lake Park.
- G. The applicant is requesting approval of a Zone Change to establish the Highway Commercial zone (Z-HCM) on the property.
- H. The decision to approve or deny shall be based on criteria in the Lebanon Development Code, Chapter 16.27 – Map Amendments.

V. APPLICATION SUMMARY

- A. To increase the potential uses of the site, and recognizing its location on South Santiam Highway, the applicant is requesting approval to change the zone from Neighborhood Commercial to Highway Commercial. The zone change will not alter existing use of the property. For the record, a Comprehensive Plan map amendment is not required as the Commercial designation applies to both the NCM and HCM zones.

- B. The Department sent requests for comments to the Department of Land Conservation and Development, affected agencies and area property owners. No comments were submitted.

VI. CRITERIA AND FINDINGS

- A. This request involves both a Zone Map Amendment. The decision criteria in Chapter 16.27 do not distinguish between the Plan map or zone map amendments. Therefore, since the proposed HCM zone is consistent with the current Plan designation, findings in this report apply only to the zone change.
- B. 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 Zone map application for 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 Plan consists of ten Chapters with each Chapter addressing specific land use issues. 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 does not contain identified natural resources.

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: The site is fully serviced; the zone change does not generate the need for additional improvements.

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 would create the Highway Commercial zone which is consistent with the current Plan designation (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. Statewide Goals

compliance will be reviewed in the Chapter 10 heading.

5. Chapter 5: Population & Economy – This Chapter addresses population growth and economic development as well as those trends affecting both. It was 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: The proposed changes involve commercial zoning and does not impact the ability of the City to provide needed housing.

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 HCM zone allows a greater variety of commercial activities. However, this does not prohibit the new zone from serving neighboring residences.

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 a state highway. Given there is no change in the use of the property, the zone change does not impact highway capacity.

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, 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. 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.

The proposed zone change is effectively neutral with regards to need. However, the location of the site adjacent to a state highway suggests the proposed Highway Commercial zone is more in keeping with the potential use of the property (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: There are no identified resources on the site; further, map changes, by themselves, do not affect these resources.

Goal 6, Air, Water and Land Resource Quality: Commercial 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 continued commercial use of the site while increasing development options on the

property.

Goal 10, Housing: This Goal does not apply as the zone change does not involve or affect the City's ability to provide for needed housing.

Goal 11, Public Facilities and Services: Previous findings indicate services 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 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 HCM zone is not anticipated to 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 site is currently designated "Commercial" and the proposed Highway Commercial zone is consistent with this 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 amendment to the Zone Map complies with the applicable decision criteria.