

A BILL FOR AN ORDINANCE AMENDING THE)
LEBANON COMPREHENSIVE PLAN MAP)
DESIGNATION TO ESTABLISH THE RESIDENTIAL)
MIXED DENSITY DESIGNATION FOR THE)
PROPERTY (12S-02W-21, TAX LOT 112))
File CPMA-20-01; ROCKHILL, LLC)

ORDINANCE BILL NO. 2020-16
ORDINANCE NO. 2956

WHEREAS, the City of Lebanon has received a submission by written request to amend the Comprehensive Plan Map Designation from Industrial to Residential Mixed Density for the property herein described in Exhibit “A”; and

WHEREAS, on November 18, 2020, the Planning Commission for the City of Lebanon conducted a hearing on Planning File No. CPMA-20-01, making findings recommending establishment of the Residential Mixed Density (C-RM) designation; and,

WHEREAS, after conducting the hearing and considering all objections or remonstrance regarding the proposed Comprehensive Plan Map designation, and further considering the recommendation of the Lebanon Planning Commission, the City Council finds that the proposed Comprehensive Plan 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.

Section 2. Comprehensive Plan Map Amendment. Based upon the findings adopted herein, the Lebanon Comprehensive Plan Map is hereby amended, such that the property herein described in Exhibit “A” shall be designated Residential Mixed Density (C-RM).

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 by a vote of 6 for and 0 against and approved by the Mayor this 9th day of December 2020.

Paul R. Aziz

Paul R. Aziz, Mayor
 Jason Bolen, Council President

Attested:

Kim Scheafer

Kim Scheafer, MMC, City Recorder

EXHIBIT "A"

PROPERTY SUBJECT TO COMPREHENSIVE PLAN MAP AMENDMENT

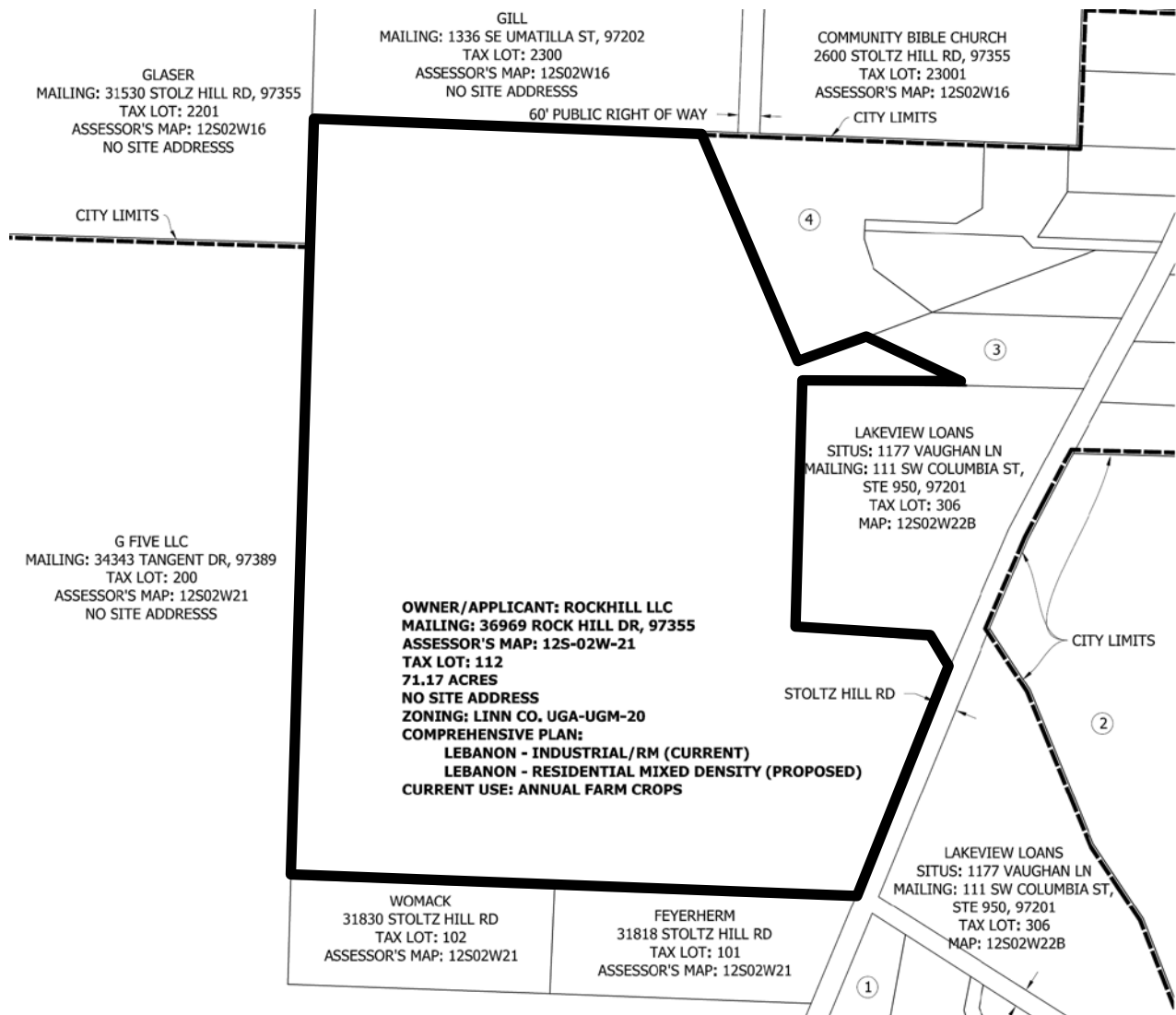


EXHIBIT B LEBANON CITY COUNCIL FINDINGS

I. NATURE OF THE APPLICATION

This matter comes before the Lebanon Planning Commission on the application of Rockhill, LLC to amend the comprehensive plan map designation from Industrial to Residential Mixed Density for the southern 55 acres of the subject property.

II. GENERAL INFORMATION

A. Site Location

The subject property is located on the west side of Stoltz Hill Road, north of Vaughan Lane. There is currently no address assigned to the site. The County Assessor Map places the parcel within Township 12 South; Range 2 West; Section 21; Tax Lot 112.

B. Application Proposal

The property is currently within County unincorporated area within the City's Urban Growth Boundary. There is no proposal to annex the property into the City, and there is no proposal to change the current County zoning designations, and no development proposal.

The property is currently designated with two different comprehensive plan land use designations. The northern 16 acres of the property are currently designated in the comprehensive plan as Residential Mixed Density (C-RM). The remaining 55 acres of the property are currently designated as Industrial (C-IND).

The Planning Commission consideration is whether to amend the Comprehensive Plan Map designation for the southern 55 acres of the property from Industrial to Residential Mixed Density.

C. Adjacent Zoning and Land Uses

The subject property is located at the western boundary of the City's Urban Growth Boundary (UGB). Access to the site is off Stoltz Hill Road. To the west of the property is farmland located in the County, outside of the City's UGB. To the north include Industrial zoned properties with access off Airport Road. To the northeast are residential properties located in County unincorporated areas within the UGB with a Comprehensive Plan designation of Residential Mixed-Density (C-RM). To the east, across Stoltz Hill Road, are residential uses within the City with the zoning designation of Residential Mixed-Density (Z-RM). To the south of the property are existing residential and farmland uses, within the UGB with a Comprehensive Plan designation of Industrial. If the subject property was to be designated as C-RM, the two properties to the south totaling 10.33 acres would be an island of Industrial designated properties, surrounded by residential properties.

III. PUBLIC HEARING

A. Planning Commission Action

On November 18, 2020, the Lebanon Planning Commission held a virtual public hearing on this application. At the hearing, Planning File CPMA-20-01 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. The Planning Commission considered written and verbal testimony provided prior to and during the meeting. At the end of the hearing, the Planning Commission deliberated on the issue and voted to recommend the City Council approve the proposed Comprehensive Plan Map Amendment. The Commission found the proposal consistent with the applicable decision criteria.

B. City Council Action

A public hearing will be held before the City Council at a date, time and place to be announced. At the hearing, the City Council has the following options:

- (1) Adopt the Commission's findings and recommendation;
- (2) Adopt the recommendation with modified findings;
- (3) Reject the Planning Commission's findings and recommendations; or,
- (4) Remand the matter to the Commission for additional review and comment.

IV. FINDINGS OF FACT-GENERAL

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

- A. The applicant is Rockhill, LLC, the property owner.
- B. The subject property is located on the west side of Stoltz Hill Road, north of Vaughan Lane. There is currently no address assigned to the site. The County Assessor Map places the parcel within Township 12 South; Range 2 West; Section 21; Tax Lot 112.
- C. The total property contains 71 acres. The proposal includes modification of the comprehensive land use designation for the southern 55 acres.
- D. The subject parcel is accessed from Stoltz Hill Road.
- E. For City public facilities, there is currently no city sewer or water facilities in the region. There are future planned public facility projects that would bring sewer and water in the general vicinity of the subject site.
- F. The land is currently located within the Lebanon UGB and designated Industrial (C-IND).
- G. The property is largely surrounded by residential uses to the northeast, east and south.

- H. There have been modifications to the City's Transportation System Plan to sever the subject property from the other industrial properties, and the site no longer has planned access to designated truck routes.
- I. The applicant is requesting approval to modify the comprehensive plan designation of Industrial to Residential Mixed Density for the southern 55 acres of the subject property.
- J. The decision to approve or deny shall be based on criteria contained in the Lebanon Development Code, Chapter 16.27 – Comprehensive Plan Map and Zoning Map Amendments and Urban Growth Amendments.

V. APPLICATION SUMMARY

- A. The request would change the Comprehensive Plan Map designation for the southern 55 acres of the subject property from Industrial (C-IND) to Residential Mixed Density (C-RM). There is no concurrent annexation or development proposal.
- B. The Department contacted the Department of Land Conservation and Development, affected agencies and area property owners regarding the application. The City received feedback from the Fair Housing Council of Oregon regarding the Goal 10 findings. City staff worked with the Fair Housing Council to modify the language which has been included in the Order.

VI. CRITERIA AND FINDINGS

Section 16.27.050 of the Lebanon Development Code identifies the criteria in which to consider amendments to the Comprehensive Plan Map.

- 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 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 such as housing or natural resources. The *applicable* policies in each Chapter are reviewed below:

- a. 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.
- b. Chapter 2: Natural Environment – The Chapter address goals and policies related to the City's natural environment.

FINDING: A portion of the subject property along the northern boundary is located within the Riparian Protection Zone and the Floodplain Overlay Zone. In addition, according to the State Wetlands Inventory, the site includes soil types that are prominent in wetlands, indicating wetlands may also be located on the site. However, the majority of the site is located outside of the Riparian Protection and Floodplain zones, leave a large area subject to development. In addition, the prevalence of wetlands on a property does not eliminate development opportunity. The existing of the natural areas and possibilities of wetlands does not establish restriction on the types of land uses that may be developed in the vicinity. As such, the land use designation map amendment does not result in an impact on the natural environment and can be found in compliance with Chapter 2 of the Comprehensive Plan.

- c. Chapter 3: Urbanization – This Chapter provides the basic framework for future urban development within the City. Staff 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-11: Require that new developments are either served by existing and/or proposed public infrastructure improvements and/or are served by privately funded infrastructure extensions and improvements.

FINDING: Within the City's existing facility master plans, there are planned projects to extend the City's sewer and water facilities to the vicinity of the subject site. The City sewer main would include a 30-inch main along Stoltz Hill Road. The City water main would include a 12-inch main along Stoltz Hill Road and a 16-inch main along Vaughan Lane. The City Engineer evaluated the planned facility projects and determined the facilities would be able to accommodate future residential development. Extensions from the City facilities to the subject site would be required to be provided by privately funded infrastructure improvements. Although no annexation or development is proposed as part of the Comprehensive Plan Map amendment, there will be public facilities built in the vicinity to accommodate the capacity associated with a residential development, as such, the Map amendment could be consistent with the Urbanization Chapter of the Comprehensive Plan.

- d. 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. Staff finds the following policies apply:

General Policies for Land Use

- 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-19: Permit very low-density residential uses where there are significant site development constraints (such as slopes or areas prone to frequent flooding) that preclude achieving conventional targeted densities.

FINDING: The review process, evaluation, and determination of compliance with the Comprehensive Plan as part of the review process 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 another finding. For the subject property, a large portion of the property is located in the Airport Approach Surface Zone, and is restricted to a lower density development than the conventional target densities. As such, any residential development in the future would comply with (P-19).

- e. Chapter 5: Population & Economy – This Chapter addresses population growth and economic development as well as those trends affecting both. Staff determined policies in this Chapter did not directly apply to the request as the request would establish a residential land use.
- f. Chapter 6: Housing – This Chapter establishes the City’s Goals and Policies related to Housing. The Chapter applies, as it concerns residential zoning.

FINDING: Staff reviewed the policies and provides the following summation:

9.1 Residential Compatibility – This subsection considers placement of manufactured homes, location of neighborhood 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 map 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 map change requests.

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. These policies apply to site development and do not address the matter of the Plan map change requests.

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 policies related to housing are development related and do not directly apply to the request. The City’s 2019 Housing Needs Analysis identifies that

approximately 1,100 low density residential units are needed for development to accommodate the population growth in the City over the next 20 years. This property, as it would be largely restricted to the low density residential development based on the Airport Approach Surface Overlay would be able to accommodate a portion of the lower density residential development needs, while opening up additional property for a greater mix of densities to support population growth within the UGB beyond the 20 year outlook. Any development that would occur on the property would be required to be consistent with the development code. The Development Code was developed to implement the goals of the Comprehensive Plan, and as such, if the Map amendment is approved, and residential development were to occur on the site, it would be consistent with the Comprehensive Plan.

- g. 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. In addition, the Chapter focuses on historical preservation. The focus on Community Friendly design is associated with infill development, promotion of mixed-use opportunities, and development specific standards. The proposal is not inclusive of a development request, as such the development specific goals and policies to not apply. In addition, there are no historical sites on the property, as such, the historical preservation goals are not applicable.
- h. 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. Staff 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.

FINDING: The site fronts an improved “functionally classified” collector street with a future designation of a “minor arterial” street. Given the limited density restrictions of the property based on the Airport Approach Surface Overlay, there are no capacity issues that prohibit site development.

- i. 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. Staff 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.

FINDING: There are currently no City water or sewer services available to the site. As part of the existing water and sewer facility master plans, there are planned projects to bring City utility services to the vicinity. Specifically, a 30-inch sewer main, the Westside Interceptor, is to be constructed along Stoltz Hill Road, then divert to the southeast to Vaughan Lane. This will provide a City sewer line with capacity to accommodate the anticipated buildout growth in the City/UGB, including the subject property. As the property would largely be restricted to low density residential development due to the Airport Approach Surface Overlay, the anticipated sewer capacity for the site would be less than an Industrial development. For water service, a 12-inch line would be extended 3,000 feet south on Stoltz Hill Road to connect to a 16-inch line that would be extended 3,000 feet west on Vaughan Lane. The City Engineer determined a 12-inch line would be able to accommodate the residential development that may occur on the site in the future, once annexation and development occur. Extensions of the public facilities to the subject site would be required, and would be funded by the private developer. The existing street infrastructure includes a collector road, and access to a minor arterial at Airport Road. Stoltz Hill Road maintains a 60-foot right-of-way. Upon annexation and development, additional right-of-way may be required to develop the site and accommodate the future classification of a minor arterial. With the planning public facility improvements, the modified land use designation to residential mixed-density would be accommodated by the public facility plans.

- j. 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, and the 2019 Housing Needs Analysis identifies that over 1,100 new low-density residential dwellings are needed to accommodate the 20-year population growth projection (P-4). As a large portion of the site would be restricted to a lower density residential development, this would allow for other properties to develop at greater densities, while meeting the development of housing needs for low density housing as identified in the Housing Needs Analysis.

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. In addition, portions of the site along the northern boundary are located in the Riparian Protection Zone. However, the map changes, by themselves, do not affect these resources.

Goal 6, Air, Water and Land Resource Quality: the map designation would change from an Industrial designation to residential. With the density restrictions on the site associated with the Airport Overlay, there would be less population and less intensity in the use than the previous designation, therefore, there should be no significant impacts

on air, water or resource quality than would otherwise occur.

Goal 7, Natural Hazards: A portion of the site is located within the Floodplain zone. However, most of the site is outside the Floodplain and eligible for development. If development were proposed in the floodplain, the applicant would need to proceed with specific development applications and considerations under the Floodplain Ordinance.

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. The City has an adopted Comprehensive Plan that projects the housing needs for the City through 2025. In addition, the City commissioned the 2019 Housing Needs Analysis which identified how the City is able to accommodate the projected housing needs over a 20-year period. The Housing Needs Analysis identified that the City had a surplus of land available to accommodate the projected housing needs. Specifically, a total of 2,503 housing units are identified as the housing need within the City's UGB, including 1,320 low density units, 643 medium density units and 540 high density units. To accommodate the need, a total of 437 acres of buildable land was needed to accommodate the housing demand. The City identified a total of 735 acres available, as such, there is a surplus of available housing. In terms of the surplus, there is 240 acres of low-density surplus, 0 acres of medium density surplus, and 63 acres of high-density surplus. Most of the property is located within the Airport Approach Surface Overlay zone, which would restrict most of the property to a maximum of 4 units to the acre. Therefore, this property would increase the opportunity to provide low-density residential housing demand, and would allow other properties in the Residential Mixed Density zone to accommodate other housing densities. As such, this proposal would comply with Goal 10.

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).

2. 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.

FINDING: The property is currently designated as Industrial, and the proposal includes a revised designation to Residential Mixed Density. Based on the development limitations associated with the Airport Overlay, the housing densities permitted is anticipated to generate less demand on public facilities than an Industrial Use. In addition, with the planned projects to expand the City's public facilities, and the capacity of the facility expansion, the residential land use would be able to be accommodated by the public facilities as evaluated by the City Engineer and discussed in previous findings. In addition, with the functional classification as a collector street and the TSP classification of a minor arterial, Stoltz Hill Road will be able to accommodate the additional traffic associated with any future residential development, as previously discussed in the findings.

3. 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.

FINDING: The proposal is to amend the Comprehensive Plan Map Amendment. Once the Comprehensive Plan Map is amendment, the zoning will automatically be designated based on Table 16.26-1 of the Lebanon Development Code. As this is an application for an amendment to the comprehensive plan map, the project complies with this decision criteria as the action is occurring before any proposed zone change.

4. 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.

FINDING: Previous findings indicate the proposal may comply with the applicable Comprehensive Plan policies and does not require amendments to the Plan text. Therefore, this provision does not apply.

VII. CONCLUSION

The City Council concludes the Comprehensive Plan Map Amendment to designate the subject property as Residential Mixed Density (C-RM), complies with the applicable decision criteria.