

A BILL FOR AN ORDINANCE AMENDING THE) **ORDINANCE BILL NO. 2021-13**
LEBANON COMPREHENSIVE PLAN MAP)
DESIGNATION TO ESTABLISH THE) **ORDINANCE NO. 2969**
MIXED USE DESIGNATION FOR THE)
PROPERTY (12S-02W-23D, TAX LOT 8500))
File CPMA-21-01; JULIE MOORE)

WHEREAS, the City of Lebanon has received a submission by written request to amend the Comprehensive Plan Map Designation from Commercial to Mixed Use for the property herein described in Exhibit "A"; and

WHEREAS, on August 18, 2021, the Planning Commission for the City of Lebanon conducted a hearing on Planning File No. CPMA-21-01, 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 Mixed Use (C-MU).

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 5 for and 0 against and approved by the Mayor this 8th day of September 2021.

CITY OF LEBANON, OREGON

Paul Aziz, Mayor
 Jason Bolen, Council President

Attested:

Kim Scheafer, MMC, City Recorder

EXHIBIT "A"
PROPERTY SUBJECT TO COMPREHENSIVE PLAN MAP
AMENDMENT

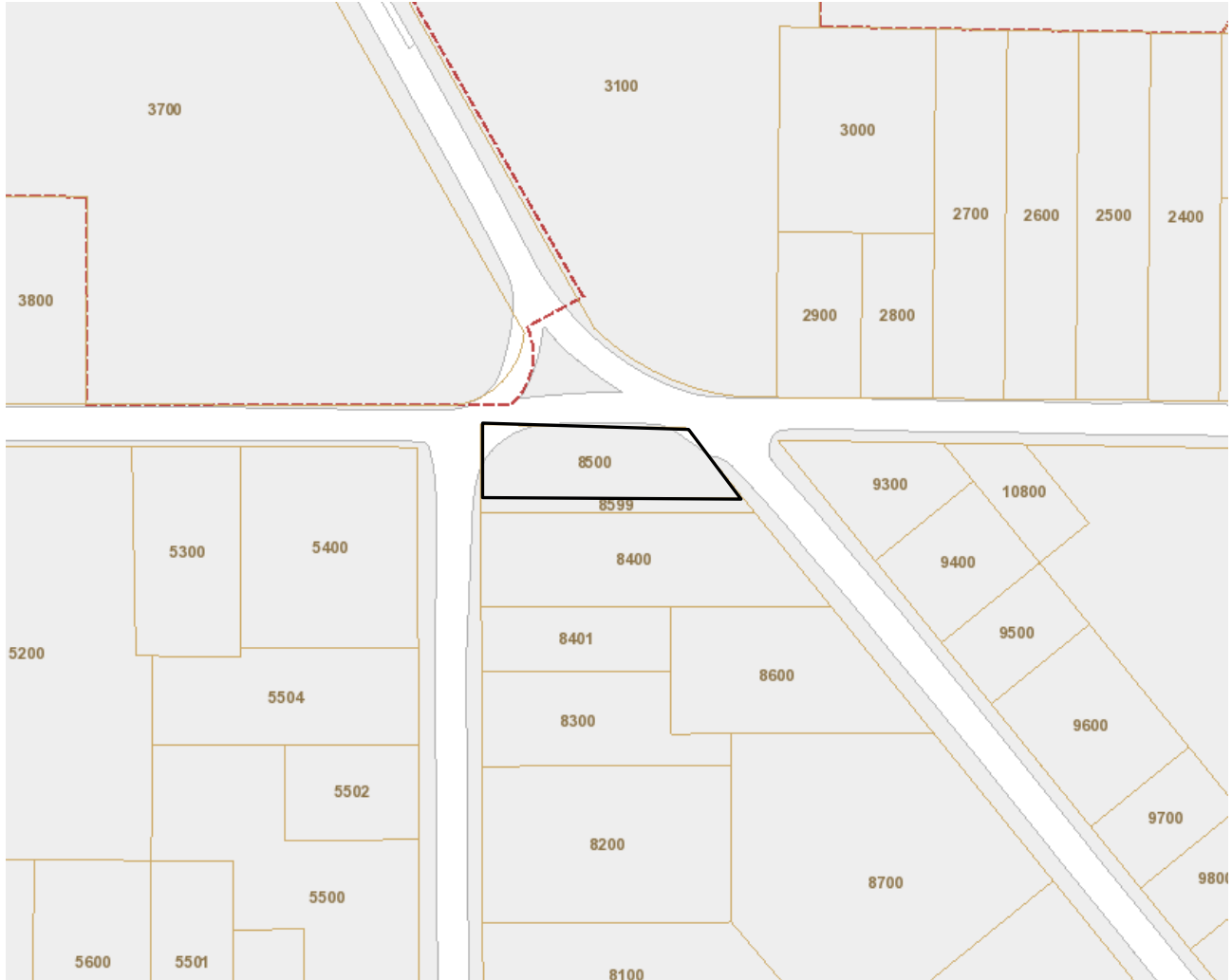


EXHIBIT B LEBANON CITY COUNCIL FINDINGS

I. NATURE OF THE APPLICATION

This matter comes before the Lebanon City Council on the application of Julie Moore to amend the comprehensive plan map designation from Commercial to Mixed Use for the subject property.

II. GENERAL INFORMATION

A. Site Location

The subject property is located on the south side of Crowfoot Road between Central Avenue and Cascade Drive with the property address of 333 Crowfoot Road. The County Assessor Map places the parcels within Township 12 South; Range 2 West; Section 23D; tax lot 8500.

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 no development proposal.

The property is currently designated as Commercial (C-CM). The Applicant is requesting authorization to change the land use designation to Mixed Use (C-MU)

The Planning Commission consideration is whether to amend the Comprehensive Plan Map designation for the property from Commercial to Mixed Use.

C. Adjacent Zoning and Land Uses

The subject property is located at the intersection of Central Avenue, Crowfoot Road, and Cascade Drive. The property is located within the County and currently designated as Commercial. The properties to the west and east are located within the County in the Urban Growth Boundary (UGB) with a Comprehensive Plan designation of Residential Mixed Density (C-RM) and are generally improved with single-family residences. To the south is property within the UGB with a Comprehensive Plan designation of Commercial (C-CM) and the properties are generally improved with a mixture of commercial and residential uses. To the north, within city limits is the Seven Oaks middle school within the Public Use (Z-PU) zone, and the Crowfoot Baptist Church within the County in the Residential Mixed Density (C-RM) designation.

III. PUBLIC HEARING

A. Planning Commission Action

On August 18, 2021, the Lebanon Planning Commission held a hybrid public hearing on this application. At the hearing, Planning File CPMA-21-01 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.

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 Julie Moore, the property owner.
- B. The subject property is located on the south side of Crowfoot Road between Central Avenue and Cascade Drive with the property address of 333 Crowfoot Road. The County Assessor Map places the parcel within Township 12 South; Range 2 West; Section 23D; Tax Lot 8500.
- C. The total property contains approximately 15,000 square feet. The proposal includes modification of the comprehensive land use designation for the entire parcel from Commercial to Mixed Use.
- D. For City public facilities, there is currently no city sewer facilities in the vicinity. There are future planned public facility projects that would bring sewer in the general vicinity of the subject site. Water is available in Cascade Drive, north of the subject property.
- E. The land is currently located within the Lebanon UGB and designated Commercial (C-CM).
- F. The property is largely surrounded by residential uses to the east and west. To the north are public uses including a school and religious institution, and to the south are properties with a mix of commercial and residential uses.
- G. The applicant is requesting approval to modify the comprehensive plan designation of Commercial to Mixed Use.
- H. 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 subject property from Commercial (C-CM) to Mixed Use (C-MU). 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. No comments were received.

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: The subject property has been previously developed to urban standards and includes commercial structures and parking areas. The property is not located within a designated floodplain, does not contain any steep slopes, is not identified as a scenic or open space resource, and has no known historical value. As such, this chapter does not apply.

- 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 the Westside Interceptor that would service the southern portion of the city. The City water main would include a 16-inch main along Cascade Drive. The City Engineer evaluated the planned facility projects and determined the facilities would be able to accommodate any development opportunity of the subject property. 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 the site, 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-40: Encourage a mix of commercial and residential uses within individual buildings, lots, and neighborhoods, in order to promote a compact, pedestrian friendly environment. Industrial uses should be allowed to mix with residential and commercial uses where there are limited potentials for nuisance or jeopardy to the public health, safety and welfare.

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, the site is currently limited for commercial opportunity and development, and the change to the Mixed-Use designation would allow for a greater opportunity of compact pedestrian friendly development and a mix of commercial and residential uses within the neighborhood. (P-40).

- 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 as well as existing commercial opportunities.
- 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. 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, any development to occur on the site 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 three improved rights-of-way of Crowfoot Road, Cascade Drive, and Central Ave. There is a planned roundabout at this intersection within the City master plans. This roundabout would not require any land dedication from the property. With the change in designation for the property to Mixed Use, there is not an anticipated significant increase in traffic from historical patterns based on the size and previous uses of the property. As such, with the planned improvements, and size and

condition of the property, the amendment would be compliant with this chapter.

- 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: 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 the Westside Interceptor that would service the southern portion of the city. The City water main would include a 16-inch main along Cascade Drive. The City Engineer evaluated the planned facility projects and determined the facilities would be able to accommodate any development opportunity of the subject property. 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 the site. With the planned public facility improvements, the modified land use designation to mixed-use 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 2,500 new residential dwellings are needed to accommodate the 20-year population growth projection (P-4). By changing the property to Mixed Use, additional housing opportunities would be available, in a largely residential area with limited commercial activities. In addition, based on the site characteristics, unless lot consolidation is pursued with neighboring property owners, a viable commercial use would be difficult to pursue on the property. Due to the site characteristics, there is a need for the proposed change to allow for a greater opportunity for urbanized development. By changing the designation to Mixed-Use, this expands the opportunity for needed housing, while preserving the opportunity for future commercial development if a lot consolidation project were to be feasible in the future.

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 is fully developed with no known wetlands or historic areas. The site has not been designated for open space, a scenic area, or known for having natural resources. Has such, this goal is not applicable.

Goal 6, Air, Water and Land Resource Quality: the map designation would change from a commercial designation to mixed use. With the designation change, similar land use types are permissible in the mixed-use designation as the commercial. The industrial uses they may be permissible in the mixed-use designation would be considered light industrial, oriented more toward storage uses and light manufacturing. However, the size of the subject site would not be conducive to an industrial use, but rather a commercial or residential use. The applicable uses suited for the site would be consistent under the mixed-use designation as the commercial designation, 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 within any designated flood plain, does not contain steep slopes or contain any other identified natural hazard.

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 and provide opportunities for residential and commercial uses.

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. The proposal is to change the designation from Commercial to Mixed Use, which would allow residential development subject to the Residential Mixed Density standards upon annexation. This change would increase housing opportunities, as such, this proposal would comply with Goal 10.

Goal 11, Public Facilities and Services: Previous findings indicate services would be 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: The change in the designation from Commercial to Mixed-Use would allow for the property to be developed consistent with the commercial designation or provide additional opportunities for development of the small parcel that would otherwise likely require lot consolidation to create a viable commercial development. With the change to Mixed-Use, the property would be able to be developed to an urbanized standard as an individual parcel but would maintain the consistent land use opportunity as adjacent parcels for a future lot consolidation and development. As such, the change in designation would allow for greater urbanization of the parcel.

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. 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 property is currently designated as Commercial, and the proposal includes a revised designation to Mixed Use. The Mixed-Use designation allows for a mix of uses including commercial, residential, and light industrial. The property is approximately 15,000 square feet, and is not located on a truck route, as such would not be suitable for industrial development. The property was previously utilized as a commercial meeting hall, and potential uses for the property under the Mixed-Use designation would be similar commercial uses, or small residential uses. Based on the size of the property, and the similar uses permitted and feasible on the property, the existing facility plans would not require amendment.

3. 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: The proposal is to amend the Comprehensive Plan Map. 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 only, the project complies with this decision criteria as the action is occurring before any proposed zone change

VII. CONCLUSION

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