



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us

NOTICE OF ADOPTED AMENDMENT

August 16, 2007

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Lebanon Plan Amendment
DLCD File Number 001-07



The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Copies of the adopted plan amendment are available for review at DLCD offices in Salem, the applicable field office, and at the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: August 30, 2007

This amendment was submitted to DLCD for review with less than the required 45-day notice because the jurisdiction determined that emergency circumstances required expedited review. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE DATE SPECIFIED ABOVE.**

cc: Gloria Gardiner, DLCD Urban Planning Specialist
Marguerite Nabeta, DLCD Regional Representative
Terry M Lewis, City of Lebanon

<paa> ya/

FORM 2

DLCD

Notice of Adoption

THIS FORM **MUST BE MAILED** TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18

In person electronic mailed

DATE
STAMP

DEPT OF
AUG 09 2007
LAND CONSERVATION
AND DEVELOPMENT

For DLCD Use Only

Jurisdiction: **City of Lebanon**

Local file number: **ZTA-07-01**

Date of Adoption: **8/8/2007**

Date Mailed: **8/9/2007**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: **6/1/2007**

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

This Zoning Ordinance Text Amendment establishes a zone corresponding to the Public Use Comprehensive Plan and Map category (C-PU), correcting a long-standing omission in the City's Zoning Ordinance. The City's 2003 Annexation Ordinance as well as the applicable 2004 Comprehensive Plan narrative text, goals, and policies all required the establishment of the Public Use Zone. The Zoning Ordinance Section number of this new Public Use Zone (PU) is Section 4.320. **No Zoning Map changes were involved in this text amendment.**

Does the Adoption differ from proposal? **NO**

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location:

Acres Involved:

Specify Density: Previous:

New:

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD file No. 001-07 (16151)

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

DLCD, ODOT

Local Contact: Terry M. Lewis, Senior Planner Phone: (541) 258 -4256 Extension:
Address: 853 Main Street Fax Number: 541-258-4955
City: Lebanon Zip: 97355-3221 E-mail Address: tlewis@ci.lebanon.or.us

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO Complete Copies (documents and maps) of the Adopted Amendment to:

ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540
2. **Electronic Submittals:** At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: webserver.lcd.state.or.us. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing mara.ulloa@state.or.us.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at <http://www.lcd.state.or.us/>. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to mara.ulloa@state.or.us - ATTENTION: PLAN AMENDMENT SPECIALIST.

ZTA -07-01, Lebanon City Council, August 8, 2007

(By Ordinance Bill No. 13 for 2005/Ordinance No. 2741)

The Adopted Zoning Ordinance Text Amendment

(An addition to the current Lebanon Zoning Ordinance)

SECTION 4.320 PUBLIC USE ZONE (PU)

In a PU Zone the following regulations shall apply:

- (1) Purpose To provide areas suitable for a variety of public uses such as schools and community centers, parks, City facilities, and facilities for religious organizations.
- (2) Uses Permitted Outright
 - (a) Accessory Structures (with a permitted use) no taller than 25 ft. and no larger and 1,000 square ft. of building footprint
 - (b) State Regulated Special Residential Units – Group Living Home of 5 or fewer or Group Facility of 6-15
 - (c) City offices and facilities, Community Development Center, and Utility Offices
- (3) Uses Permitted in Accordance with Administrative Review Procedures Section 5.500
 - (a) Accessory structures (with a permitted use) taller than 25 ft or larger than 1,000 square ft. of building footprint
 - (b) State Regulated Special Residential Units – Group Living Home or Group Facility of up to 19
 - (c) Boat launching areas, recreational trails, water towers and reservoirs
 - (d) Cemeteries
 - (e) Transportation Facilities (if implemented as part of City's adopted Facilities Plan) – operation, maintenance, preservation and construction
- (4) Any uses involving more than 2-1/2 acres shall be reviewed by the full Planning Commission.
- (5) Conditional Uses Permitted In the PU Zone the following uses and their accessory uses may be permitted when authorized in accordance with Article 6, and after a public hearing has been held.
 - (a) Botanical Gardens
 - (b) Bus Barns
 - (c) City Maintenance Shops
 - (d) Community Centers
 - (e) Hospitals and Large Medical Complexes
 - (f) Municipal Courts
 - (g) Museums
 - (h) Nursery Schools, Preschools
 - (i) Parks and Open space – pedestrian amenities, parks and recreation facilities, other open space
 - (j) Public Safety Facilities including Fire/Emergency Medical Services and Police Stations, and Emergency Communication Broadcast Facilities

- (k) Public Squares, Plazas
 - (l) Publicly Owned Swimming Pools
 - (m) Radio frequency transmission facilities
 - (n) Religious meeting facilities or related facilities
 - (o) Schools – public and private, Colleges, Universities, Community Colleges, and Adult Education Facilities
 - (p) Senior Centers, Social Service Facilities, Soup Kitchens
 - (q) Shelters for Short Term or Emergency Housing (e.g., Homeless Shelters) when operated by a Public or Non-profit Agency
 - (r) State Regulated Special Residential Units – Group Living Home or Group Facility of up to 19
 - (s) Surplus Food Distribution Centers
 - (t) Transit Centers
 - (u) Transportation Facilities – operation, maintenance, preservation and construction
 - (v) Treatment plants and facilities
 - (w) Utility Substations
 - (x) Vocational Training for the Physically or Mentally Challenged
 - (y) Youth Club facilities
- (6) Limitation on Use All conditional uses shall meet all applicable standards and regulations of the Oregon State Board of Health, the Oregon Department of Environmental Quality, and other public agency having appropriate regulatory jurisdiction. Prior to approval of conditional use applications or building permits, evidence shall be submitted to the City indicating that the proposed activity has been approved by all appropriate regulatory agencies.
- (7) Lot Sizes
- (a) Lot sizes for residential land uses shall be as required in Sections 4.010 and 4.020.
 - (b) There shall be no minimum lot size for other uses.
- (8) Yard Requirements Yards shall be required as if the use proposed was in the RL, RM, CN, CB, CH, ML or MG zone. The placement of the use in a zone with respect to yard requirements shall be by the Planning Official.
- (9) Clear Vision Area A clear vision area shall be maintained as provided in Section 5.030. A 20 foot (6.09 m.) triangle at intersections.

A BILL FOR AN ORDINANCE AMENDING)
THE TEXT OF THE LAND USE REGULATIONS)
FOR THE CITY OF LEBANON, ADOPTING)
FINDINGS, AND DECLARING AN EMERGENCY)

ORDINANCE BILL NO. 13
for 2007

ORDINANCE NO. 2741

WHEREAS, the Planning Commission for the City of Lebanon conducted a hearing and made findings recommending an amendment to the text of the Land Use Regulations for the City of Lebanon on August 1, 2007; and

WHEREAS, the City Council, pursuant to the provisions of the Lebanon Municipal Code, after appropriate notice given, has conducted a hearing to take testimony, hear arguments and to consider all of the evidence concerning such proposed text amendment, such hearing being conducted on August 8, 2007; and

WHEREAS, the City Council has considered all relevant evidence and deliberated.

NOW, THEREFORE, the City of Lebanon ordains as follows:

Section 1. In addition to the findings referred to above, the City Council does hereby adopt and find those matters contained in Exhibit "A" which is incorporated herein by this reference as if fully set forth at this point.

Section 2. Based upon the findings adopted herein, a new section is hereby added to the Lebanon Zoning Ordinance. The new section is entitled SECTION 4.320 PUBLIC USE ZONE (PU), which shall read as follows:

SECTION 4.320 PUBLIC USE ZONE (PU)

In a PU Zone the following regulations shall apply:

- (1) Purpose To provide areas suitable for a variety of public uses such as schools and community centers, parks, City facilities, and facilities for religious organizations.
- (2) Uses Permitted Outright
 - (a) Accessory Structures (with a permitted use) no taller than 25 ft. and no larger and 1,000 square ft. of building footprint
 - (b) State Regulated Special Residential Units – Group Living Home of 5 or fewer or Group Facility of 6-15
 - (c) City offices and facilities, Community Development Center, and Utility Offices
- (3) Uses Permitted in Accordance with Administrative Review Procedures Section 5.500
 - (a) Accessory structures (with a permitted use) taller than 25 ft or larger than 1,000 square ft. of building footprint
 - (b) State Regulated Special Residential Units – Group Living Home or Group Facility of up to 19
 - (c) Boat launching areas, recreational trails, water towers and reservoirs
 - (d) Cemeteries
 - (e) Transportation Facilities (if implemented as part of City's adopted Facilities Plan) – operation, maintenance, preservation and construction
- (4) Any uses involving more than 2-1/2 acres shall be reviewed by the full Planning Commission.
- (5) Conditional Uses Permitted In the PU Zone the following uses and their accessory uses may be permitted when authorized in accordance with Article 6, and after a public hearing has been held.
 - (a) Botanical Gardens
 - (b) Bus Bams
 - (c) City Maintenance Shops
 - (d) Community Centers
 - (e) Hospitals and Large Medical Complexes
 - (f) Municipal Courts
 - (g) Museums
 - (h) Nursery Schools, Preschools
 - (i) Parks and Open space – pedestrian amenities, parks and recreation facilities, other open space


- (j) *Public Safety Facilities including Fire/Emergency Medical Services and Police Stations, and Emergency Communication Broadcast Facilities*
 - (k) *Public Squares, Plazas*
 - (l) *Publicly Owned Swimming Pools*
 - (m) *Radio frequency transmission facilities*
 - (n) *Religious meeting facilities or related facilities*
 - (o) *Schools – public and private, Colleges, Universities, Community Colleges, and Adult Education Facilities*
 - (p) *Senior Centers, Social Service Facilities, Soup Kitchens*
 - (q) *Shelters for Short Term or Emergency Housing (e.g., Homeless Shelters) when operated by a Public or Non-profit Agency*
 - (r) *State Regulated Special Residential Units – Group Living Home or Group Facility of up to 19*
 - (s) *Surplus Food Distribution Centers*
 - (t) *Transit Centers*
 - (u) *Transportation Facilities – operation, maintenance, preservation and construction*
 - (v) *Treatment plants and facilities*
 - (w) *Utility Substations*
 - (x) *Vocational Training for the Physically or Mentally Challenged*
 - (y) *Youth Club facilities*
- (6) Limitation on Use *All conditional uses shall meet all applicable standards and regulations of the Oregon State Board of Health, the Oregon Department of Environmental Quality, and other public agency having appropriate regulatory jurisdiction. Prior to approval of conditional use applications or building permits, evidence shall be submitted to the City indicating that the proposed activity has been approved by all appropriate regulatory agencies.*
- (7) Lot Sizes
- (a) *Lot sizes for residential land uses shall be as required in Sections 4.010 and 4.020.*
 - (b) *There shall be no minimum lot size for other uses.*
- (8) Yard Requirements *Yards shall be required as if the use proposed was in the RL, RM, CN, CB, CH, ML or MG zone. The placement of the use in a zone with respect to yard requirements shall be by the Planning Official.*
- (9) Clear Vision Area *A clear vision area shall be maintained as provided in Section 5.030. A 20 foot (6.09 m.) triangle at intersections.*

Section 3. This amendment shall become a part of the Lebanon Land Use Regulations, and shall be incorporated into the Code.

Section 4. A copy of this ordinance shall be forwarded to Linn County, Oregon, to the Oregon Land Conservation and Development Commission and any other entities as required by law for their review.

Section 5. Inasmuch as it is necessary for the City of Lebanon's Land Use Regulations to be in compliance with the Council-adopted Comprehensive Plan of 2004, an emergency is hereby declared to exist to preserve the peace, health and safety of the citizens of the City of Lebanon, and this Ordinance shall have immediate effect and shall be in full force following its adoption by the Council and approval by the Mayor.

Passed by the Lebanon City Council by a vote of 5 for and 0 against and approved by the Mayor this 8th day of August, 2007


Kenneth I. Toombs, Mayor
Bob Elliott, Council President

ATTEST:


Linda Kaser, City Clerk/Recorder

FINDINGS**Criterion #1****1980 Zoning Ordinance****SECTION 3.050 ZONING OF ANNEXED AREAS**

All areas annexed to the City shall be placed in a zoning classification in accordance with the adopted Comprehensive Plan. If a zoning designation other than one in accordance with the Comprehensive Plan is requested by an applicant, the zoning requested shall not be granted until the Plan is amended to reflect concurrence.

SECTION 9.010 Authorization to Initiate Amendments

An amendment to the text of this Ordinance or to a zoning map may be initiated by the City Council, the City Planning Commission or by application of a property owner. The request by a property owner for an amendment shall be accomplished by filing an application with the Planning Official using forms prescribed pursuant to Section 2.070.

SECTION 9.020 Public Hearings on Amendments

All requests for amendment to the text or zoning map of this Ordinance shall comply with the following public hearing procedures:

- (1) Notice of public hearing shall be as specified in Section 2.100.*
- (2) The Planning Commission shall conduct a public hearing on the proposed amendment at its earliest practicable meeting after it is proposed.*
- (3) The Planning Commission shall, within 40 days after the initial hearing date, recommend to the City Council approval, disapproval or modification of the proposed amendment.*
- (4) After receiving the recommendation of the Planning Commission, the City Council shall hold a public hearing on the proposed amendment in conformity with the notice provision of Section 2.100*
- (5) All public hearing procedures shall be in accordance with the City procedures for the conduct of hearings before the Planning Commission and the City Council.*
- (6) Within seven (7) days after a decision has been rendered with reference to an amendment, the Planning Official shall provide the applicant with written notice of the decision. This procedure shall apply to recommendations made by the Planning Commission and to final action made by the City Council.*

SECTION 9.030 Record of Amendments

The City Recorder shall maintain records of amendments to the text and zoning map of this Ordinance.

Finding #1

The proposed amendment complies with the above noted criteria given that City polices and procedures require consistency between the comprehensive plan designation and zoning designations. Appropriate authorization and procedures for this amendment comply with LZO Sections 9.010, 9.020, and 9.030.

Criterion # 2

LCP Chapter 1 Introduction

Narrative:

1.8: Implementing measures, such as zoning and development ordinances, are specific approaches or techniques for implementing Comprehensive Plan policies. They delineate the criteria and standards for development addressed within the broad outlines of the Comprehensive Plan.

General Policies

P-2: The Comprehensive Plan is the controlling planning instrument for the City. All other land use, development and management plans shall be in conformance with the Comprehensive Plan. All local ordinances shall be in conformance with the City's Comprehensive Plan.

P-3: Planning and development actions within the City's Urban Growth Boundary shall comply with the City's Comprehensive Plan.

P-6: The City shall follow relevant policies when amending the Comprehensive Plan or developing other plans or ordinances that affect land use, such as public facility plans, zoning, and development standards.

Finding #2

The proposed amendment complies with the above noted criteria given that City policies and procedures require consistency between the Comprehensive plan designations and zoning designations. The goals and policies outlined above identify the zoning ordinance as the implementation tool for policies outlined in the Comprehensive Plan. The proposed amendment would fulfill these requirements.

Criteria #3

LCP Chapter 3 Urbanization

3.1.2: The act of annexation, in and of itself, has two primary purposes and two primary consequences, both of which occur simultaneously when the City approves an annexation. The first purpose/consequence is that jurisdiction over the annexation territory transfers from Linn County to the City of Lebanon. The second purpose/consequence is that a City of Lebanon land use zoning map designation that is consistent with the City's Comprehensive Plan Map designation is assigned for the first time to the annexation territory as it is incorporated into the City Limits.

3.4.1 Unannexed property in the Urban Growth Area does not have a City zoning designation, but does have a City Comprehensive Plan Map designation that indicates the long-term planned use for the property.

3.4.3 Upon annexation, an annexation territory will automatically be assigned City zoning classifications in accordance with the adopted Comprehensive Plan Map, as shown in the City's Annexation Zoning Matrix (see Table 4-2 in Chapter 4: Land Use). Such zoning assignments, in and of themselves, are not a Zoning Map change and do not require approval of a Zoning Map Amendment, or a separate proceeding.

Annexation Policies

P-19: Recognize and act on the basis that all annexations shall conform to the requirements of the Lebanon Municipal Code, Annexation Ordinance, Lebanon Land Development Ordinance, City of Lebanon/Linn County Urban Growth Management Agreement (UGMA), and shall be consistent with applicable State law.

P-20: Recognize and act on the basis that all annexations shall be consistent with the goals and policies of the Lebanon Comprehensive Plan.

Finding #3

The proposed amendment complies with the above noted criteria in that an amendment to the Zoning Ordinance will implement the annexation policies found in Chapter 3 of the Comprehensive Plan. This amendment will also ensure that annexation territories with a Comprehensive Plan designation of Public Use will receive a PU zoning designation upon annexation.

Criteria #4

LCP Chapter 4 Land Use

- 1.2 Land Use Categories and the Comprehensive Plan and Map Designations.** Every parcel of land within the City of Lebanon's Urban Growth Boundary is classified in one of the categories shown in Table 4-1 below. The Comprehensive Plan Map shows where the land categories are located, and Table 4-1 explains each category.
- 1.3 Land Use Categories and the Zoning Ordinance and Map.** Each Comprehensive Plan land use category has corresponding zones in the zoning code (land use ordinance) and Zoning Map. Table 4-2, the Annexation Zoning Matrix -- A Conversion Table for Property Annexed into the City of Lebanon, shows the corresponding land use designations between the Comprehensive Plan (and Map) and the Zoning Ordinance (and Map). This Annexation Zoning Matrix indicates the zones that property would automatically assume upon annexation. The Zoning Ordinance and Zoning Map implement the Comprehensive Plan and the Comprehensive Plan Map. Table 4-3 contains a description of the land use zone designations.
- 1.4 Statewide Planning Goals and Land Use Planning.** Oregon's Statewide Planning Goal 2, Land Use Planning, requires cities to establish a land use planning process and a policy framework that shall act as the basis for all land use decisions and actions. This goal requires cities to include the factual information necessary to make policy decisions in the record of the decision making process. The Comprehensive Plan acts as a policy guide and a basis for implementation of the City's land use policies, codes, and regulations. This Chapter contains information and policies not only relevant to Statewide Planning Goal 2, but also Goal 5 (Natural Resources, Scenic and Historic Areas, and Open Spaces), and Goal 8 (Recreational Needs).
- 2.1 Overview -- Seven Land Use Categories or Designations:** The Comprehensive Plan and Comprehensive Plan Map recognize seven land use designations within the Urban Growth Boundary. Table 4-1 explains each of these land use designations:
- Residential Low Density (C-RL)
 - Residential Mixed Density (C-RM)
 - Mixed Use (C-MU)
 - Neighborhood Mixed Use (C-NMU)
 - Commercial (C-CM)
 - Industrial (C-IND)
 - Public Use (C-PU)
- 2.2 Summary of Purposes for Land Use Categories.** Table 4-1 provides a summary of each of Lebanon's seven Comprehensive Plan Land Use categories or designations. Following Table 4-1 is the new Comprehensive Plan Map.
- 2.3 Conversion of Property Annexed into the City of Lebanon.** All areas annexed into the City are automatically placed in a zoning classification in accordance with the adopted Comprehensive Plan and Map. Table 4-2 provides a summary of the automatic Zoning Map designations for land annexed into the City from each of Lebanon's seven Comprehensive Plan Land Use categories. Such zoning assignments, in and of themselves, are not zoning map changes and shall not require approval of a zoning map amendment, or a separate proceeding. However, if an applicant requests a zone designation other than one in accordance with the Comprehensive Plan and Map, this would require separate proceedings for both a Zoning Map change and a Comprehensive Plan Map Amendment. The zone requested for the annexation territory cannot be granted until the Comprehensive Plan Map designation for the subject property is first amended accordingly.

General Policies

P-4: *Implement the Comprehensive Plan through zoning and development ordinances, capital improvement programming, and other appropriate measures and/or programs.*

P-12: *Ensure that the Zoning Map reflects and implements the Comprehensive Plan Map.*

Finding #4

The proposed amendment complies with the above noted criteria in that an amendment to the Zoning Ordinance will implement the land use policies found in Chapter 4 of the Comprehensive Plan. This amendment will also ensure that the assignment of zoning of annexed territories with a Comprehensive Plan designation of Public Use will be in compliance with the Comprehensive Plan.

Criteria #5

LCP Chapter 10: Plan Implementation, Coordination, and Amendment

Implementation Tools. *The City of Lebanon uses two major tools to implement the goals and policies set forth in the Comprehensive Plan: the Zoning and the Subdivision Ordinances (both are codified chapters in the Lebanon Municipal Code). Other tools for implementing the Comprehensive Plan include other portions of the City's Municipal Code, the Capital Improvement Program, and facility plans including the Transportation System Plan (TSP). Other plans and programs also implement the Comprehensive Plan, or provide background or technical information.*

1.1.1 Regulating the Use of Land. *The Zoning Ordinance regulates the use of land. More specifically, the provisions of the Zoning Ordinance divide the community into residential, commercial, industrial, and other use zones based on the Comprehensive Plan. Each zone has standards and regulations that determine the allowed uses on that land and the standards to which improvements must conform, such as building height, yard setbacks, and lot size. The Zoning Ordinance consists of text and graphics found in the City of Lebanon Municipal Code, and an official Zoning Map.*

1.1.2 Two Major Roles. *The Zoning Ordinance fulfills two major roles.*

- *First, the provisions of the Zoning Ordinance promote the public health, safety, and welfare of the City.*
- *Secondly, the Zoning Ordinance implements the Comprehensive Plan. Oregon Revised Statute 197.175 stipulates that cities will prepare and enact land use regulations to implement their comprehensive plan.*

1.1.3 Short-Term and Long-Term Considerations. *In a broad sense, zoning encourages the orderly development of the community and implements the Comprehensive Plan. Zoning can only partially relate to the long-term aspects of the Plan because, as a regulatory tool, it must relate to the current conditions within the City.*

The Comprehensive Plan provides a general and long-range policy for the City, while the zoning codes serve as a legal ordinance with binding provisions on land development. The various zones have specific boundaries and when drafting the Zoning Ordinance, the City considers how each land parcel will be affected.

1.1.4 Amending the Zoning Ordinance and Zoning Map

Zoning Code provisions and the Zoning Map may be amended, either upon initiation by the City or following a request by an applicant. Amendments shall be consistent with the Comprehensive Plan.

Goals

G-1: *Maintaining an up to date Comprehensive Plan, as well as supporting documents, plans, and implementing ordinances/measures.*

Finding #5

The proposed amendment complies with the above noted criteria in that an amendment to the Zoning Ordinance will implement the goals and policies set forth in the Comprehensive Plan. This amendment will also ensure that the assignment of zoning to territories annexed into the City with a Comprehensive Plan designation of Public Use will be in compliance with the applicable Comprehensive Plan policies. The proposed amendment complies with the above noted criteria in that an amendment to the Zoning Ordinance has been initiated by the City. The facts, statements and conclusions constitute substantial evidence that demonstrates that creating a Public Use zoning designation is consistent with the goals and policies of the Comprehensive Plan.

Criteria #6

LCP Chapter 10: Plan Implementation, Coordination, and Amendment – Narrative Text

Statewide Planning Criteria

Goal-2 – Land Use Planning OAR 660-015-0000(2): *To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions. City, county, state and federal agency and special district plans and actions related to land use shall be consistent with the comprehensive plans of cities and counties and regional plans adopted under ORS Chapter 268.*

Goal 14 – Urbanization OAR 660-015-0000(14): *To provide for an orderly and efficient transition from rural to urban land use.*

Finding # 6

Lebanon's Comprehensive Plan (LCP) has been acknowledged in its entirety, and is therefore in compliance with all applicable Statewide Planning Goals inclusive of Goal 2 and 14. The proposed amendment complies with the above noted criteria given that maintaining consistency between the Zoning Ordinance and the Comprehensive Plan will be in compliance with the Statewide Planning goals.



August 9, 2007

Mr. Larry French
Plan Amendment Specialist
Department of Land Conservation & Development
635 Capitol Street NE STE 150
Salem, OR 97301-2540

Re: DLCD Notice of Adoption (Form 2) – Amending the City of Lebanon’s Land Use Regulations by Amending the Zoning Ordinance Text; DLCD File #: 001-07

Dear Larry:

Please find enclosed the City of Lebanon’s DLCD Notice of Adoption (Form 2) that has established a zone corresponding to the Public Use Comprehensive Plan and Map category (C-PU). The City Council conducted a public hearing on this amendment on August 8, 2007. The City Council unanimously approved the adoption of this Zoning Ordinance Text Amendment creating the Public Use Zone (Z-PU), Section 4.320 of the current Zoning Ordinance.

Brief Overview: This Zoning Ordinance Text Amendment establishes a zone corresponding to the Public Use Comprehensive Plan and Map category (C-PU), correcting a long-standing omission in the City’s Zoning Ordinance. The City’s 2003 Annexation Ordinance as well as the applicable 2004 Comprehensive Plan narrative text, goals, and policies all required the establishment of the Public Use Zone. The Zoning Ordinance Section number of this new Public Use Zone (PU) is Section 4.320. **No Zoning Map changes were involved in this text amendment.**

Specifically this packet contains two copies each of the following:

1. DLCD Notice of Adoption, Form 2 (on green paper)
2. The text of the new Lebanon Zoning Ordinance *Section 4.320 Public Use Zone (PU)*
3. City of Lebanon Ordinance Adopting Lebanon Zoning Ordinance Section 4.320, with the City Council’s Adopted Findings.

Sincerely,

Terry M. Lewis,
Senior Planner

cc: Marguerite Nabeta, DLCD

Enclosures

Planning Division

853 Main Street • Lebanon, Oregon 97355 • 541.258.4906 • 541.258.4955 Fax • www.ci.lebanon.or.us



Notice Of Planning Commission Recommendation
ZONING TEXT AMENDMENT – CITY OF LEBANON

August 7, 2007

File No: ZTA-07-01

NATURE OF REQUEST: To add a Public Use Zoning Section to the City's Zoning Ordinance. The new section will be 4.320 Public Use (PU)

APPLICANT: City of Lebanon

PROPERTY LOCATION: No property is involved in this application

The City of Lebanon Zoning Text Amendment application was acted upon by the City of Lebanon Planning Commission on August 01, 2007. Upon conclusion of the public hearing, the Planning Commission voted unanimously to recommend to the City Council that the City's request be approved in accordance with Staff's Recommendation and findings (a copy of which are attached). The City Council hearing has been tentatively scheduled for August 8, 2007 and you will receive official notice of the hearing in the mail.

Under the provisions of the Lebanon Zoning Ordinance, the action taken by the Planning Commission may be appealed to the City Council. The appeal must be in writing and must set forth in detail the action and grounds by and upon which the applicant or interested party deems itself aggrieved. The appeal must be submitted to the City Recorder within fifteen days of the date of the Planning Commission decision.

Contact the Planning Division at 541-258-4906 if you have any questions or need additional information.

Sincerely,

Terry M. Lewis
Senior Planner

DEPT OF

AUG 09 2007

**LAND CONSERVATION
AND DEVELOPMENT**

cc: Larry French, DLCD
Marguerite Nabeta, DLCD

COMMUNITY DEVELOPMENT DEPARTMENT

Larry FRENCH - DLCD Form 2 submittal

From: "Jamie Libra"
To: ULLOA Mara , "Larry French"
Date: Thursday, August 09, 2007 4:11 PM
Subject: DLCD Form 2 submittal
CC: "Marguerite Nabeta (DLCD Rep)" , "Terry Lewis"
Attachments: "Marguerite Nabeta (DLCD Rep)" , "Terry Lewis"



**853 Main Street
Lebanon, OR 97355
541-258-4906
fax 541-258-4955**

**Mr. Larry French
Plan Amendment Association
Dept. of Land Conservation & Development
635 Capitol Street NE, STE 150
Salem, OR 97301-2540**

Re: DLCD Notice of Adoption (Form 2) – Amending the City of Lebanon’s Land Use Regulations by Amending the Zoning Ordinance Text;
DLCD File #: 001-07

Dear Larry:

Please find enclosed the City of Lebanon’s DLCD Notice of Adoption (Form 2) that has established a zone corresponding to the Public Use Comprehensive Plan and Map category (C-PU). The City Council conducted a public hearing on this amendment on August 8, 2007. The City Council unanimously approved the adoption of this Zoning Ordinance Text Amendment creating the Public Use Zone (Z-PU), Section 4.320 of the current Zoning Ordinance.

Brief Overview: This Zoning Ordinance Text Amendment establishes a zone corresponding to the Public Use Comprehensive Plan and Map category (C-PU), correcting a long-standing omission in the City’s Zoning Ordinance. The City’s 2003 Annexation Ordinance as well as the applicable 2004 Comprehensive Plan narrative text, goals, and policies all required the establishment of the Public Use Zone. The Zoning Ordinance Section number of this new Public Use Zone (PU) is Section 4.320. **No Zoning Map changes were involved in this text amendment.**

Specifically this packet contains two copies each of the following:

1. DLCD Notice of Adoption, Form 2 (on green paper)
2. The text of the new Lebanon Zoning Ordinance *Section 4.320 Public Use Zone (PU)*

Message

Page 2 of 2

3. City of Lebanon Ordinance Adopting Lebanon Zoning Ordinance Section 4.320, with the City Council's Adopted Findings.

Sincerely,

Terry M. Lewis

Terry M. Lewis
Senior Planner

cc: Marguerite Nabeta, DLCD

Attachments

CITY OF LEBANON

PROPOSED FINDINGS

Criterion #1

1980 Zoning Ordinance

SECTION 3.050 ZONING OF ANNEXED AREAS

All areas annexed to the City shall be placed in a zoning classification in accordance with the adopted Comprehensive Plan. If a zoning designation other than one in accordance with the Comprehensive Plan is requested by an applicant, the zoning requested shall not be granted until the Plan is amended to reflect concurrence.

SECTION 9.010 Authorization to Initiate Amendments

An amendment to the text of this Ordinance or to a zoning map may be initiated by the City Council, the City Planning Commission or by application of a property owner. The request by a property owner for an amendment shall be accomplished by filing an application with the Planning Official using forms prescribed pursuant to Section 2.070.

SECTION 9.020 Public Hearings on Amendments

All requests for amendment to the text or zoning map of this Ordinance shall comply with the following public hearing procedures:

- (1) Notice of public hearing shall be as specified in Section 2.100.*
- (2) The Planning Commission shall conduct a public hearing on the proposed amendment at its earliest practicable meeting after it is proposed.*
- (3) The Planning Commission shall, within 40 days after the initial hearing date, recommend to the City Council approval, disapproval or modification of the proposed amendment.*
- (4) After receiving the recommendation of the Planning Commission, the City Council shall hold a public hearing on the proposed amendment in conformity with the notice provision of Section 2.100*
- (5) All public hearing procedures shall be in accordance with the City procedures for the conduct of hearings before the Planning Commission and the City Council.*
- (6) Within seven (7) days after a decision has been rendered with reference to an amendment, the Planning Official shall provide the applicant with written notice of the decision. This procedure shall apply to recommendations made by the Planning Commission and to final action made by the City Council.*

SECTION 9.030 Record of Amendments

The City Recorder shall maintain records of amendments to the text and zoning map of this Ordinance.

Finding #1

The proposed amendment complies with the above noted criteria given that City policies and procedures require consistency between the comprehensive plan designation and zoning designations. Appropriate authorization and procedures for this amendment comply with LZO Sections 9.010, 9.020, and 9.030.

COMMUNITY DEVELOPMENT DEPARTMENT

CITY OF LEBANON

Criterion # 2

LCP Chapter 1 Introduction

Narrative:

1.8: *Implementing measures, such as zoning and development ordinances, are specific approaches or techniques for implementing Comprehensive Plan policies. They delineate the criteria and standards for development addressed within the broad outlines of the Comprehensive Plan.*

General Policies

- P-2: *The Comprehensive Plan is the controlling planning instrument for the City. All other land use, development and management plans shall be in conformance with the Comprehensive Plan. All local ordinances shall be in conformance with the City's Comprehensive Plan.*
- P-3: *Planning and development actions within the City's Urban Growth Boundary shall comply with the City's Comprehensive Plan.*
- P-6: *The City shall follow relevant policies when amending the Comprehensive Plan or developing other plans or ordinances that affect land use, such as public facility plans, zoning, and development standards.*

Finding #2

The proposed amendment complies with the above noted criteria given that City polices and procedures require consistency between the Comprehensive plan designations and zoning designations. The goals and policies outlined above identify the zoning ordinance as the implementation tool for policies outlined in the Comprehensive Plan. The proposed amendment would fulfill these requirements.

Criteria #3

LCP Chapter 3 Urbanization

- 3.1.2: *The act of annexation, in and of itself, has two primary purposes and two primary consequences, both of which occur simultaneously when the City approves an annexation. The first purpose/consequence is that jurisdiction over the annexation territory transfers from Linn County to the City of Lebanon. The second purpose/consequence is that a City of Lebanon land use zoning map designation that is consistent with the City's Comprehensive Plan Map designation is assigned for the first time to the annexation territory as it is incorporated into the City Limits.*
- 3.4.1 *Unannexed property in the Urban Growth Area does not have a City zoning designation, but does have a City Comprehensive Plan Map designation that indicates the long-term planned use for the property.*
- 3.4.3 *Upon annexation, an annexation territory will automatically be assigned City zoning classifications in accordance with the adopted Comprehensive Plan Map, as shown in the City's Annexation Zoning Matrix (see Table 4-2 in Chapter 4: Land Use). Such zoning assignments, in and of themselves, are not a Zoning Map change and do not require approval of a Zoning Map Amendment, or a separate proceeding.*

Annexation Policies

- P-19: *Recognize and act on the basis that all annexations shall conform to the requirements of the Lebanon Municipal Code, Annexation Ordinance, Lebanon Land Development Ordinance, City of Lebanon/Linn County Urban Growth Management Agreement (UGMA), and shall be consistent with applicable State law.*
- P-20: *Recognize and act on the basis that all annexations shall be consistent with the goals and policies of the Lebanon Comprehensive Plan.*

COMMUNITY DEVELOPMENT DEPARTMENT

CITY OF LEBANON

Finding #3

The proposed amendment complies with the above noted criteria in that an amendment to the Zoning Ordinance will implement the annexation policies found in Chapter 3 of the Comprehensive Plan. This amendment will also ensure that annexation territories with a Comprehensive Plan designation of Public Use will receive a PU zoning designation upon annexation.

Criteria #4

LCP Chapter 4 Land Use

- 1.2 Land Use Categories and the Comprehensive Plan and Map Designations.** Every parcel of land within the City of Lebanon's Urban Growth Boundary is classified in one of the categories shown in Table 4-1 below. The Comprehensive Plan Map shows where the land categories are located, and Table 4-1 explains each category.
- 1.3 Land Use Categories and the Zoning Ordinance and Map.** Each Comprehensive Plan land use category has corresponding zones in the zoning code (land use ordinance) and Zoning Map. Table 4-2, the Annexation Zoning Matrix -- A Conversion Table for Property Annexed into the City of Lebanon, shows the corresponding land use designations between the Comprehensive Plan (and Map) and the Zoning Ordinance (and Map). This Annexation Zoning Matrix indicates the zones that property would automatically assume upon annexation. The Zoning Ordinance and Zoning Map implement the Comprehensive Plan and the Comprehensive Plan Map. Table 4-3 contains a description of the land use zone designations.
- 1.4 Statewide Planning Goals and Land Use Planning.** Oregon's Statewide Planning Goal 2, Land Use Planning, requires cities to establish a land use planning process and a policy framework that shall act as the basis for all land use decisions and actions. This goal requires cities to include the factual information necessary to make policy decisions in the record of the decision making process. The Comprehensive Plan acts as a policy guide and a basis for implementation of the City's land use policies, codes, and regulations. This Chapter contains information and policies not only relevant to Statewide Planning Goal 2, but also Goal 5 (Natural Resources, Scenic and Historic Areas, and Open Spaces), and Goal 8 (Recreational Needs).
- 2.1 Overview -- Seven Land Use Categories or Designations:** The Comprehensive Plan and Comprehensive Plan Map recognize seven land use designations within the Urban Growth Boundary. Table 4-1 explains each of these land use designations:
 - Residential Low Density (C-RL)
 - Residential Mixed Density (C-RM)
 - Mixed Use (C-MU)
 - Neighborhood Mixed Use (C-NMU)
 - Commercial (C-CM)
 - Industrial (C-IND)
 - Public Use (C-PU)
- 2.2 Summary of Purposes for Land Use Categories.** Table 4-1 provides a summary of each of Lebanon's seven Comprehensive Plan Land Use categories or designations. Following Table 4-1 is the new Comprehensive Plan Map.
- 2.3 Conversion of Property Annexed into the City of Lebanon.** All areas annexed into the City are automatically placed in a zoning classification in accordance with the adopted Comprehensive Plan and Map. Table 4-2 provides a summary of the automatic Zoning Map designations for land annexed into the City from each of Lebanon's seven Comprehensive Plan Land Use categories. Such zoning assignments, in and of themselves, are not zoning map changes and shall not require approval of a zoning map amendment, or a separate proceeding. However, if an applicant requests a zone designation other than one in accordance with the Comprehensive Plan and Map, this would require separate proceedings for both a Zoning Map change and a Comprehensive Plan Map Amendment. The zone requested for the annexation territory cannot be granted until the Comprehensive Plan Map designation for the subject property is first amended accordingly.

COMMUNITY DEVELOPMENT DEPARTMENT

CITY OF LEBANON

General Policies

P-4: Implement the Comprehensive Plan through zoning and development ordinances, capital improvement programming, and other appropriate measures and/or programs.

P-12: Ensure that the Zoning Map reflects and implements the Comprehensive Plan Map.

Finding #4

The proposed amendment complies with the above noted criteria in that an amendment to the Zoning Ordinance will implement the land use policies found in Chapter 4 of the Comprehensive Plan. This amendment will also ensure that the assignment of zoning of annexed territories with a Comprehensive Plan designation of Public Use will be in compliance with the Comprehensive Plan.

Criteria #5

LCP Chapter 10: Plan Implementation, Coordination, and Amendment

Implementation Tools. The City of Lebanon uses two major tools to implement the goals and policies set forth in the Comprehensive Plan: the Zoning and the Subdivision Ordinances (both are codified chapters in the Lebanon Municipal Code). Other tools for implementing the Comprehensive Plan include other portions of the City's Municipal Code, the Capital Improvement Program, and facility plans including the Transportation System Plan (TSP). Other plans and programs also implement the Comprehensive Plan, or provide background or technical information.

1.1.1 Regulating the Use of Land. The Zoning Ordinance regulates the use of land. More specifically, the provisions of the Zoning Ordinance divide the community into residential, commercial, industrial, and other use zones based on the Comprehensive Plan. Each zone has standards and regulations that determine the allowed uses on that land and the standards to which improvements must conform, such as building height, yard setbacks, and lot size. The Zoning Ordinance consists of text and graphics found in the City of Lebanon Municipal Code, and an official Zoning Map.

1.1.2 Two Major Roles. The Zoning Ordinance fulfills two major roles.

- First, the provisions of the Zoning Ordinance promote the public health, safety, and welfare of the City.
- Secondly, the Zoning Ordinance implements the Comprehensive Plan. Oregon Revised Statute 197.175 stipulates that cities will prepare and enact land use regulations to implement their comprehensive plan.

1.1.3 Short-Term and Long-Term Considerations. In a broad sense, zoning encourages the orderly development of the community and implements the Comprehensive Plan. Zoning can only partially relate to the long-term aspects of the Plan because, as a regulatory tool, it must relate to the current conditions within the City.

The Comprehensive Plan provides a general and long-range policy for the City, while the zoning codes serve as a legal ordinance with binding provisions on land development. The various zones have specific boundaries and when drafting the Zoning Ordinance, the City considers how each land parcel will be affected.

1.1.4 Amending the Zoning Ordinance and Zoning Map

COMMUNITY DEVELOPMENT DEPARTMENT

CITY OF LEBANON

Zoning Code provisions and the Zoning Map may be amended, either upon initiation by the City or following a request by an applicant. Amendments shall be consistent with the Comprehensive Plan.

Goals

G-1: *Maintaining an up to date Comprehensive Plan, as well as supporting documents, plans, and implementing ordinances/measures.*

Finding #5

The proposed amendment complies with the above noted criteria in that an amendment to the Zoning Ordinance will implement the goals and policies set forth in the Comprehensive Plan. This amendment will also ensure that the assignment of zoning to territories annexed into the City with a Comprehensive Plan designation of Public Use will be in compliance with the applicable Comprehensive Plan policies. The proposed amendment complies with the above noted criteria in that an amendment to the Zoning Ordinance has been initiated by the City. The facts, statements and conclusions constitute substantial evidence that demonstrates that creating a Public Use zoning designation is consistent with the goals and policies of the Comprehensive Plan.

Criteria #6

LCP Chapter 10: Plan Implementation, Coordination, and Amendment -- Narrative Text

Statewide Planning Criteria

Goal-2 – Land Use Planning OAR 660-015-0000(2): *To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions. City, county, state and federal agency and special district plans and actions related to land use shall be consistent with the comprehensive plans of cities and counties and regional plans adopted under ORS Chapter 268.*

Goal 14 – Urbanization OAR 660-015-0000(14): *To provide for an orderly and efficient transition from rural to urban land use.*

Finding # 6

Lebanon's Comprehensive Plan (LCP) has been acknowledged in its entirety, and is therefore in compliance with all applicable Statewide Planning Goals inclusive of Goal 2 and 14. The proposed amendment complies with the above noted criteria given that maintaining consistency between the Zoning Ordinance and the Comprehensive Plan will be in compliance with the Statewide Planning goals.

COMMUNITY DEVELOPMENT DEPARTMENT

853 Main Street • Lebanon Oregon 97355 • 541.258.4906 • 541.258.4955 FAX • www.ci.lebanon.or.us