

Recording Cover Sheet

All Transactions (ORS 205.234)

After Recording Return To:

City of Lebanon
925 main st
Lebanon OR 97355

Mail Tax Statements To:

LINN COUNTY, OREGON

2014-06415

ORD-ANN

Cnt=1 Str=38 S. WILSON

06/02/2014 11:06:17 AM

\$60.00 \$11.00 \$20.00 \$19.00 \$10.00

\$120.00



00225554201400064150120125

I, Steve Druckenmiller, County Clerk for Linn County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.

Steve Druckenmiller - County Clerk



1. Name / Title of Transaction (ORS 205.234 (1a))

Ordinance Annexing & zoning Property

2. Grantor / Direct Party Name and Address (ORS 205.125 (1b), 205.160 & 205.234 (1b))

City of Lebanon

3. Grantee / Indirect Party Name and Address (ORS 205.125 (1b), 205.160 & 205.234 (1b))

Samaritan Lebanon Community Hospital

4. True and Actual Consideration (ORS 93.030)

5. If this instrument is being re-recorded, complete the following statement (ORS 205.244)

Re-recorded at the request of _____

to correct _____

Previously recorded in Book _____ and page _____ or DN _____

A BILL FOR AN ORDINANCE ANNEXING AND)	ORDINANCE BILL NO. 2014-3
ZONING PROPERTY FOLLOWING CONSENT)	
FILED WITH THE CITY COUNCIL BY)	
LANDOWNERS IN SAID AREA PURSUANT TO)	ORDINANCE NO. 2851
ORS 222.120 AND ORS 222.170)	
File 12-09-46; SAMARATIN LEBANON)	
COMMUNITY HOSPITAL)	

WHEREAS, the City of Lebanon has received a submission by written request for annexation of real property to the City of Lebanon, herein described in Exhibit "A"; and,

WHEREAS, on April 16, 2014, the Planning Commission for the City of Lebanon conducted a hearing on Planning File No. 14-02-09, making findings recommending annexation of the subject property and establishment of the Public Use (Z-PU) zone; and,

WHEREAS, after conducting the hearing and considering all objections or remonstrance with reference to the proposed annexation, and further considering the recommendation of the Lebanon Planning Commission, the City Council finds that this annexation is in the best interest of the City and of the contiguous territory.

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. Annexation Area. Based upon the findings contained above and in Exhibit "B", the contiguous territory described in Exhibit "A" and incorporated herein by this reference as if fully set forth at this point is hereby proclaimed to be annexed to the City of Lebanon, and zoned as indicated in accordance with the Lebanon Development Code, and assigned the zoning of Public Use (Z-PU).

Section 3. Record. The City Recorder shall submit to the Oregon Secretary of State a copy of this Ordinance. The City Recorder is further ordered to send a description by metes and bounds, or legal subdivision, and a map depicting the new boundaries of the City of Lebanon within ten (10) days of the effective date of this annexation ordinance to the Linn County Assessor, Linn County Clerk and the Oregon State Department of Revenue.

Passed by the Lebanon City Council by a vote of 3 for and 0 against and approved by the Mayor this 14th day of May, 2014.



Paul Aziz, Mayor

Bob Elliott, Council President



Attested:



Linda Kaser, City Clerk / Recorder

EXHIBIT A

Lebanon Community Hospital Corporation

Annexation Territory

Legal Description

An area of land in the Southwest 1/4 of Section 2 and Southeast 1/4 of Section 3, Township 12 South, Range 2 West, Willamette Meridian, Linn County, Oregon. Being more particularly described as follows:

Beginning at a point at the Southeast corner of that land annexed into the City of Lebanon per City of Lebanon Ordinance No. 1387, Ordinance Bill No. 27, recorded 1970 said point bears North 89°49'00" East 149.60 from a 1" iron pipe marking the Southeast corner of that land described as parcel 1 of Linn County deed records microfilm volume 589, page 10; thence South 89°49'00" West 149.60 feet to a 1" iron pipe; thence South 00°11'00" East 94.81 feet to a point; thence North 89°49'00" East 439.91 feet to a point on the West bank of the Albany Santiam Canal; thence along said West bank North 31°05'33" East 110.94 feet to a point; thence continuing along said West bank North 31°06'30" East 211.90 feet to a point; thence continuing along said West bank North 21°23'00" East 61.96 feet to a point; thence continuing along said West bank North 20°38'30" West 100.01 feet to a point; thence continuing along said West bank North 30°23'00" West 193.61 feet to a point witnessed by a 1" iron pipe which bears South 89°49'00" West 17.30 feet; thence leaving said West bank South 89°49'00" West 355.00 feet to a point at the Northeast corner of that land annexed into the City of Lebanon per City of Lebanon Ordinance No. 1387, Ordinance Bill No. 27, recorded 1970; thence South 00°56'27" East 499.78 feet to the point of beginning.

Containing 5.88 acres more or less.



EXHIBIT B

LEBANON CITY COUNCIL FINDINGS

I. NATURE OF THE APPLICATION

This matter comes before the Lebanon City Council on the application of the Samaritan Lebanon Community Hospital to annex property and establish the Public Use (Z-PU) zone.

II. BACKGROUND INFORMATION

A. Site Location

The subject property is located on the east side of North Santiam Highway, approximately midway between Industrial Way and Reeves Parkway. The property address is 525 North Santiam Highway and the County Assessor map places the subject property within Township 12 South; Range 2 West; Section 3D; Tax Lot 1001 and a portion of Tax Lot 1100.

B. Site Development and Zoning

The subject property is located on the east side of North Santiam Highway, approximately midway between Industrial Way and Reeves Parkway. The property address is 525 North Santiam Highway and the County Assessor map places the subject property within Township 12 South; Range 2 West; Section 3D; Tax Lot 1001. The site is within the Urban Growth Boundary, designated Public Use (C-PU) in the Lebanon Comprehensive Plan and zoned Urban Growth Management by Linn County. The combined area totals 5.88 acres.

C. Adjacent Zoning and Land Uses

Property to the west and south is also part of the Hospital campus and zoned Public Use while land to the east is zoned Industrial and contains the Rick Franklin Corporation. To the north is property within the County containing rural residences.

D. Proposal

The applicant is requesting approval to annex the property, establishing the Public Use (Z-PU) zone on the annexed property.

III. PUBLIC HEARING

A. Planning Commission Action

A public hearing was duly held on this application before the Lebanon Planning Commission on April 16, 2014. At the hearing, Planning File 14-02-09 was made a part of the record. Notice of the hearing was provided pursuant to Chapter 16.20 of the Lebanon Development Code. No objection was raised as to jurisdiction, evidence or testimony presented at the hearing. At the conclusion of the hearing, the Planning Commission deliberated on the issue and voted to recommend the City Council approve the proposed Annexation and establishment of the Public Use zone. The Commission found the proposal consistent with the applicable decision criteria.

B. City Council Action

On May 14, 2014 the Lebanon City Council held a public hearing on this application. At the hearing, Planning File 14-02-09 was made a part of the record. Notice of the hearing was provided pursuant to Chapter 16.20 of the Lebanon Development Code. No objection was raised as to jurisdiction, evidence or testimony presented at the hearing. At the conclusion of the hearing, the City Council deliberated on the issue and voted to approve the proposed Annexation and establishment of the Public Use zone. The Council found the proposed requests consistent with the applicable decision criteria.

IV. FINDINGS OF FACT-GENERAL

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

- A. The applicant is the Samaritan Lebanon Community Hospital.
- B. The subject property is located on the east side of North Santiam Highway, approximately midway between Industrial Way and Reeves Parkway. The property address is 525 North Santiam Highway and the Assessor map places the subject property within Township 12 South; Range 2 West; Section 3D; Tax Lot 1001 and part of Tax Lot 1100.
- C. The combined subject area contains 5.88 acres.
- D. The site contains part of the Lebanon Community Hospital facility. Access to a public street is available and the site is served by City public facilities.
- E. The site is within the Urban Growth Boundary, designated Public Use (C-PU) in the Lebanon Comprehensive Plan and zoned Urban Growth Management by Linn County.
- F. Property to the west and south is also part of the Hospital campus and zoned Public Use while land to the east is zoned Industrial and contains the Rick Franklin Corporation. To the north is property within the County containing rural residences.
- G. The applicant is requesting approval to annex the property, establishing the Public Use (Z-PU) zone on the annexed property.
- H. The decision to approve or deny shall be based on criteria contained in the Lebanon Development Code, Chapter 16.26 – Annexations.

V. APPLICATION SUMMARY

- A. The request would annex the property and establish the Public Use (Z-PU) zone upon annexation. This action corrects an earlier annexation error which failed to include this parcel. For the record, the existing medical facility is a permitted use within in the zone (Development Code Section 16.10.080).
- B. Subsequent to the Commission hearing, it was determined an additional 0.76 acres (part of Tax Lot 1100) was located outside the City limits and not included in the earlier previous annexation. Again, to correct the error this area was included in the request

submitted before the City Council. Findings contained in this Exhibit “B” address both the original 5.12 acre Tax Lot 1001 and the additional 0.76 acre portion of Tax Lot 1100.

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

VI. CRITERIA AND FINDINGS

- A. The subject area is located within the City’s Urban Growth Boundary (UGB) and is eligible for annexation into the City limits. Annexation application and review requirements are contained in Chapter 16.26 of the Lebanon Development Code. Annexations require a hearing before the Planning Commission and City Council. The purpose of the Commission hearing is to review the request and recommend whether the Council should approve or deny the Annexation.
- B. Chapter 16.26 establishes the Annexation review criteria. Sections 16.26.010 and 16.26.020 establish the purpose of an annexation and the first assignment of zoning. The annexation transfers jurisdiction from Linn County to the City and establishes the appropriate zoning on the property consistent with the Plan Map designation. In this case, the only applicable zone is Public Use.
- C. Section 16.26.030 notes an annexation is necessary to establish the appropriate zone, consistent with the zoning matrix (Table 16.26-1). Plan map amendments are only required if there is a corresponding change in the Plan map. Further, proposed amendments to the Plan map (and corresponding zone map) must conform to provisions in Chapter 16.27. For the record, the application does not include a request to change the Plan designation and corresponding zone.
- D. Section 16.26.040 identifies the relationship between annexation and City facility plans. It notes anticipated densities and levels of development are factored into the City’s facility plans, including the Transportation System Plan. Therefore, additional inquiries into the sufficiency of these services are not required.
- E. Section 16.26.050 stipulates all annexations be processed as legislative actions requiring hearings before both the Planning and City Council. This Section also lists application requirements. For the record, the application and process are consistent with the provisions in this Section.
- F. Section 16.26.060 contains the decision criteria for an annexation with specific requirements in Section 16.26.060.A. This Section requires compliance with provisions in the City Annexation Ordinance and Lebanon Comprehensive Plan, Chapter 3 – Urbanization. Essentially, the Annexation Ordinance and Comprehensive Plan decision criteria are the same. To avoid duplication, and where applicable, the findings are combined:
 - 1. Annexation Ordinance Section 1. – This Section identifies the document as the Annexation Ordinance for the City of Lebanon and does not contain decision criteria.

2. Annexation Ordinance Section 2. - All Annexations shall conform to the requirements of the Lebanon Municipal Code, Annexation Ordinance, Lebanon Land Development Ordinance (i.e., Development Code), City of Lebanon/Linn County Urban Growth Management Agreement, and shall be consistent with applicable State law.

Comprehensive Plan Annexation Policy #P-19: [The City shall] 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.

FINDINGS: For the purpose of this criterion, the proposed annexation application and process conform to the requirements of the Annexation Ordinance.

3. Annexation Ordinance Section 3. - All Annexations shall be consistent with the goals and policies of the Lebanon Comprehensive Plan.

Comprehensive Plan Annexation Policy #P-20: [The City shall] recognize and act on the basis that all annexations shall be consistent with the goals and policies of the Lebanon Comprehensive Plan.

FINDINGS: The Annexation Ordinance policies are consistent with, and often mirror, the Comprehensive Plan Annexation Policies. The State acknowledges that the City's Comprehensive Plan complies with all applicable Statewide Planning Goals and statutes, recognizing the consistency of the Plan goals and policies. Therefore, compliance with the applicable Comprehensive Plan policies ensures compliance with the Annexation Ordinance. Findings in the following Sections detail this proposal's compliance with all applicable policies.

4. Annexation Ordinance Section 4. - All lands included within the Urban Growth Boundary are eligible for annexation and urban development. Areas within the Urban Growth Boundary with designated environmental constraints may be annexed and utilized as functional wetlands, parks, open space and related uses.

Comprehensive Plan Annexation Policy #P-21: [The City shall] recognize and act on the basis that all lands included within the Urban Growth Boundary are eligible for annexation and urban development. (Areas within the Urban Growth Boundary with designated environmental constraints may be annexed and utilized as functional wetlands, parks, open space and related uses.)

FINDINGS: The proposed annexation complies as the subject area is within the City's UGB and developed with an urban use.

5. Annexation Ordinance Section 5. - The City shall only annex land that is contiguous to the existing City limits and is within the City's Urban Growth Boundary.

Comprehensive Plan Annexation Policy #P-22: [The City shall] only annex land that is contiguous to the existing City limits and is within the City's Urban Growth Boundary (UGB).

FINDINGS: City limits are located to the west and south of the subject area; therefore, the area is eligible for annexation.

6. Annexation Ordinance Section 6. - An annexation shall be deemed orderly if the annexation territory is contiguous to the existing City limits. An annexation is efficient if the annexation territory can be developed or redeveloped to an urban use. Urban uses may include functional wetlands, parks and open space.

Comprehensive Plan Annexation Policy #P-23: [The City shall] deem an annexation orderly if the annexation territory is contiguous to the existing City Limits, and deem an annexation efficient if the annexation territory can be developed or redeveloped to an urban use (urban uses may include functional wetlands, parks, open space and related uses).

FINDINGS: The proposed annexation complies with the above noted criteria as follows:

- (a) Since the area is contiguous to existing City limits, the annexation is considered orderly.
- (b) The property contains an urban use (hospital) and served by public utilities.
- (c) Based on information contained in the Comprehensive Plan, there are no *designated environmental constraints* associated with the subject area.

7. Annexation Ordinance Section 7. - Development proposals are not required for annexation requests.

Comprehensive Plan Annexation Policy #P-24: [The City shall] recognize and act on the basis that development proposals are not required for annexation requests.

FINDINGS: This application does not include a concurrent development or redevelopment proposal.

8. Annexation Ordinance Section 8. - As part of the annexation process of developed property or properties, the City shall consider the anticipated demands to access key City-provided urban utility services, which are water, storm drainage, sanitary sewerage, and streets, of existing development within the annexation territory.

Comprehensive Plan Annexation Policy #P-25: [The City shall] consider as part of the annexation process of developed property or properties, the anticipated demands to access key City-provided urban utility services, which are water, storm drainage, sanitary sewerage, and streets, of existing development within the annexation territory.

FINDINGS: City services currently serve the site.

9. Annexation Ordinance Section 9. - As part of the annexation process of developed property or properties, the City shall consider the impacts on key City-provided urban utility services needed to serve these properties, which are water, storm drainage, sanitary sewerage, and streets.

Comprehensive Plan Annexation Policy # P-26: [The City shall] Consider as part of the annexation process of developed property or properties, the impacts on the capacities of key City-provided urban utility services needed to satisfy the anticipated demands of the properties discussed in P-25 above.

FINDINGS: As noted, public services serve the property.

10. Annexation Ordinance Section 10. - Needed Public rights-of-way, as identified in adopted transportation plans as necessary for the safe and efficient movement of traffic, bicycles and pedestrians, shall be dedicated to the City either with annexation or when the property develops and/or redevelops and creates an increased demand for the utility provided by additional rights-of-way dedication.

FINDINGS: As the property is currently developed, additional right-of-way dedication and street improvements are unnecessary.

11. Annexation Ordinance Section 11. - Upon annexation, the annexation territory shall be assigned zoning classifications in accordance with the adopted Comprehensive Plan Map, as shown in the City's Annexation Zoning Matrix. Such zoning assignments in and of themselves are not a zoning map change and shall not require approval of a zoning map amendment, or a separate proceeding.

FINDINGS: This subject area is designated Public Use by the Comprehensive Plan. Consistent with the adopted Zoning Matrix, the only possible applicable zone is Public Use.

12. Annexation Ordinance Section 12. - If a zoning designation other than one in accordance with the Comprehensive Plan Map (shown in the Annexation Zoning Matrix) is requested by an applicant, the zoning requested shall not be granted until the Comprehensive Plan Map is appropriately amended to reflect concurrence. Such an amendment shall require a separate application, hearing and decision, which may be held concurrently with an annexation hearing and will not become effective until the annexation is complete.

FINDINGS: This application is limited to the proposed annexation and establishment of the Public Use zone and does not include a change in the Plan designation or corresponding zone. Therefore, this Section does not apply to the request.

13. Annexation Ordinance Section 13. - The areas within the Urban Growth Boundary with designated environmental constraints may be annexed and developed as functional wetlands, parks, open space and related uses.

FINDINGS: This Section does not apply, as the subject property does not include environmentally constrained property.

14. Annexation Ordinance Section 14. - An “urban use” is hereby defined as any land use that is authorized under the terms and provisions of the land use regulations, Zoning Ordinance (i.e., Development Code), Subdivision Ordinance, Comprehensive Plan, and other related documents of the City of Lebanon.

FINDINGS: This Section does not apply as the provisions in this Section provide a definition and not a decision criterion. For the record, the site contains a part of the Lebanon Community Hospital facility – clearly an urban use.

15. Annexation Ordinance Section 15. - At the applicant’s discretion and with the City’s concurrence, a development or redevelopment proposal for an annexation territory may be acted upon by the Planning Commission immediately following the Commission’s hearing on the annexation proposal and a decision of recommendation of approval to the City Council. However, any approval of the Planning Commission of such a development or redevelopment proposal must be contingent upon subsequent approval of the annexation by City Council.

FINDINGS: The request is limited to the proposed annexation and does not contain a development or redevelopment proposal specific to the site.

16. Comprehensive Plan Annexation Policy # P-27: Expand the City Limits as necessary to accommodate development, including housing, commercial, industrial, and services (that will in turn accommodate population growth).

FINDINGS: This Policy does not directly apply as the proposal simply incorporates an existing urban use into the City limits.

- G. Section 16.26.060.B allows the City to require the abatement of non-conforming uses and/or structures prior to hearing an annexation request. Other provisions of this Code and the Lebanon Municipal Code may require abatement of certain kinds of situations before an annexation request can be approved. This Section does not apply as the existing use is permitted in the Public Use zone.
- H. Section 16.26.060.C, allows the City to identify additional site-specific evaluation criteria based on the Lebanon Comprehensive Plan, the provisions of this Code, and the Lebanon Municipal Code. Site-specific criteria could include, but not be limited to, the following: steep slopes, natural hazards, riparian zones, wetlands water bodies, overlay zones, infrastructure development, existing conditions and failing on-site services. Such site-specific criteria do not affect the eligibility of properties for annexation, but serve as an advisory to applicants of factors that may affect future development. There are no site-specific, evaluation criteria that apply to the subject area.
- I. Upon annexation, Section 16.26.020 requires the subject property to be placed in the appropriate zone. Upon annexation, the territory will automatically be assigned a City zone in accordance with the adopted Comprehensive Plan Map, and Annexation Zoning Matrix (Development Code Table 16.26-1). The only decision criterion in this process is that the Zone Classification shall be consistent with the adopted Comprehensive Plan Map (Section 16.26.020.D).

FINDINGS: The subject property is designated Public Use (C-PU) by the City's Comprehensive Plan. According to Table 16.26-1, the only applicable zone is the Public Use (Z-PU) zone. Therefore, upon annexation, the property will be zoned Public Use, a zone classification consistent with the Plan designation.

VII. CONCLUSION

The City Council concludes the proposed Annexation, including establishment of the Public Use zone, complies with the applicable decision criteria.