

A BILL FOR AN ORDINANCE ANNEXING)
AND ZONING PROPERTY FOLLOWING)
CONSENT FILED WITH THE CITY COUNCIL)
BY LANDOWNERS IN SAID AREA)
PURSUANT TO ORS 222.120 AND ORS)
222.170. File 16-03-10; ROBERT HASS)
)

ORDINANCE BILL NO. 2016-8

ORDINANCE NO. 2877

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 20, 2016, the Planning Commission for the City of Lebanon conducted a hearing on Planning File No. 16-03-10, making findings recommending annexation of the subject property and establishment of the Mixed Use (Z-MU) 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, BE IT RESOLVED:

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 Mixed Use (Z-MU).

After Recording Return to:
City Clerk's Office
City of Lebanon
925 S. Main Street
Lebanon, OR 97355

LINN COUNTY, OREGON	2016-07786
ORD-ANN	05/18/2016 09:15:17 AM
Cnt=1 Stn=38 S. WILSON	\$120.00
\$60.00 \$11.00 \$20.00 \$19.00 \$10.00	
	
00270636201600077860120124	
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	

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 and executed by the Mayor on this on this 11th day of May, 2016 by a vote of 4 yeas and 0 nays.

CITY OF LEBANON, OREGON



Paul R. Aziz, Mayor



Bob Elliott, Council President



ATTESTED BY:


Linda Kaser, City Clerk

EXHIBIT A

ANNEXATION LEGAL DESCRIPTION

Parcel 1

An area of land in the Northeast quarter of Section 11, in Township 12 South, of Range 2 West of the Willamette Meridian, Linn County, Oregon, described as follows:

Beginning at a point on the West line of and North 555.09 feet from the Southwest corner of the James M. Marks Donation Land Claim No. 44 in Township 12 South, Range 2 West of the Willamette Meridian, Linn County, Oregon; and running thence North 0° 03' West along said Donation Land Claim Line 435.60 feet to a point (from which point a 5/8 inch iron rod bears South 89° 57' East 20.00 feet); thence South 89° 57' East 500.00 feet to a 1 inch hexagonal iron bar; thence South 0° 03' West 435.60 feet to a 3/4 inch iron pipe; thence North 89° 57' West 500.00 feet to the point of beginning, being the Southerly 435.60 feet (measured along the East line and West lines) of the property shown on to Survey No.6852, Linn County, Oregon.

Parcel 2

Beginning at a 5/8" iron rod with a yellow plastic cap marked RLS 2190, said rod being the Northeast corner of Parcel 2, of PARTITION PLAT NO. 1998-40, located in the Northwest 1/4 of the Northeast 1/4 of Section 11, Township 12 South, Range 2 West, of the Willamette Meridian, in Linn County, Oregon; thence North 53° 54' 35" West 61.41 feet to a 1/2" bolt set inside a 3/4" iron pipe; thence South 89° 58' 28" West 499.77 feet more or less, to a point on the West line of and North 00° 01' 40" East 555.09 feet from the Southwest corner of the James M. Marks Donation Land Claim 44, in the same Township, Range and Section as described above, said point also being South 89° 58' 28" West 19.71 feet from a 3/4" iron pipe; thence South 00° 01' 40" West along the West line of said Claim a distance of 21.21 feet to a point which bears North 88° 27' 47" West 19.62 feet from a 5/8" iron rod with a yellow plastic cap marked RLS 2190, said iron rod being the Northwest corner of Parcel 2 of PARTITION PLAT NO. 1998-40; thence South 88° 27' 47" East along the North line of said Parcel 2 a distance of 549.60 feet to the point of beginning.

EXCEPT that portion of the above described property which falls within the bounds of CR 702-A.

EXHIBIT B

LEBANON CITY COUNCIL FINDINGS

I. NATURE OF THE APPLICATION

This matter comes before the Lebanon City Council on the application of the Robert Hass to annex property, establishing the Mixed Use (Z-MU) zone.

II. BACKGROUND INFORMATION

A. Site Location

The subject property is located on the east side of the intersection of Tennessee Road and Wheeler Loop. The property address is 33065 Tennessee Road and the Assessor Map places the property within Township 12 South; Range 2 West; Section 2; Tax Lot 2003.

B. Site Development and Zoning

The parcel contains 9.11 acres of which approximately 5.13 acres are located within the Urban Growth Boundary (UGB). The property contains an old concrete manufacturing plant. Water is available to the site, but not sanitary sewer. The subject area is designated Mixed Use (C-MU) in the Lebanon Comprehensive Plan and zoned Urban Growth Management by Linn County.

C. Adjacent Zoning and Land Uses

To the north and northwest is Industrial zoned land containing a dog park and the City sewage treatment plant. The South Santiam River borders the site to the east. All remaining adjacent property is located within the UGB, containing single family homes.

D. Proposal

The applicant requests approval to annex the property, establishing the Mixed Use (Z-MU) zone.

III. PUBLIC HEARING

A. Planning Commission Action

On April 20, 2016, the Lebanon Planning Commission held a public hearing on this application. At the hearing, Planning File 16-03-10 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. 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 Industrial zone. The Commission found the proposed changes consistent with the applicable decision criteria.

B. City Council Action

On May 11, 2016 the Lebanon City Council held a public hearing on this application. At the hearing, Planning File 16-03-10 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 Industrial 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 Robert Hass.
- B. The subject property is located on the east side of the intersection of Tennessee Road and Wheeler Loop. The property address is 33065 Tennessee Road (Township 12 South; Range 2 West; Section 2; Tax Lot 2003).
- C. The parcel contains 9.11 acres of which approximately 5.13 acres are located within the Urban Growth Boundary (UGB).
- D. The property contains an old concrete manufacturing plant. Water is available to the site, but not sanitary sewer.
- E. The subject area is designated Mixed Use (C-MU) in the Lebanon Comprehensive Plan and zoned Urban Growth Management by Linn County.
- F. To the north and northwest is Industrial zoned land containing a dog park and the City sewage treatment plant. The South Santiam River borders the site to the east. All remaining adjacent property is located within the UGB, containing single family homes.
- G. The applicant requests approval to annex the property, establishing the Mixed Use (Z-MU) zone.
- H. DECISION CRITERIA: 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 Mixed Use (Z-MU) zone upon annexation. This request is limited to the approximate 5.13 acres of land within the UGB.
- B. The Department mailed notice of the application to affected agencies, area property owners and the Department of Land Conservation and Development (DLCD). No agency commented. An area property owner questioned the need to annex the site and potential impact on farming.

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 Mixed 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 is 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. Further, being within the UGB, the City identified the subject property as land needed for future urban development.

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 north 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, open space and related uses.

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 has the potential for urban development as suggested by the proposed Partition.
- (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: While not required, the application includes a concurrent partition request.

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: Water service is available on Tennessee Road. While not currently available, there is the potential to extend sanitary sewer in the future.

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: Public service provisions were previously reviewed.

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 thus creates an increased demand for the benefits and utility provided by additional rights-of-way dedication.

FINDINGS: Additional right-of-way dedication and street improvements are unnecessary as part of the annexation.

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 Mixed Use by the Comprehensive Plan. Consistent with the adopted Matrix, the only possible applicable zone is Mixed 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 Mixed Use zone and does not include a change in the Plan designation or corresponding zone.

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.

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 sites.

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 land within the UGB into the City limits.

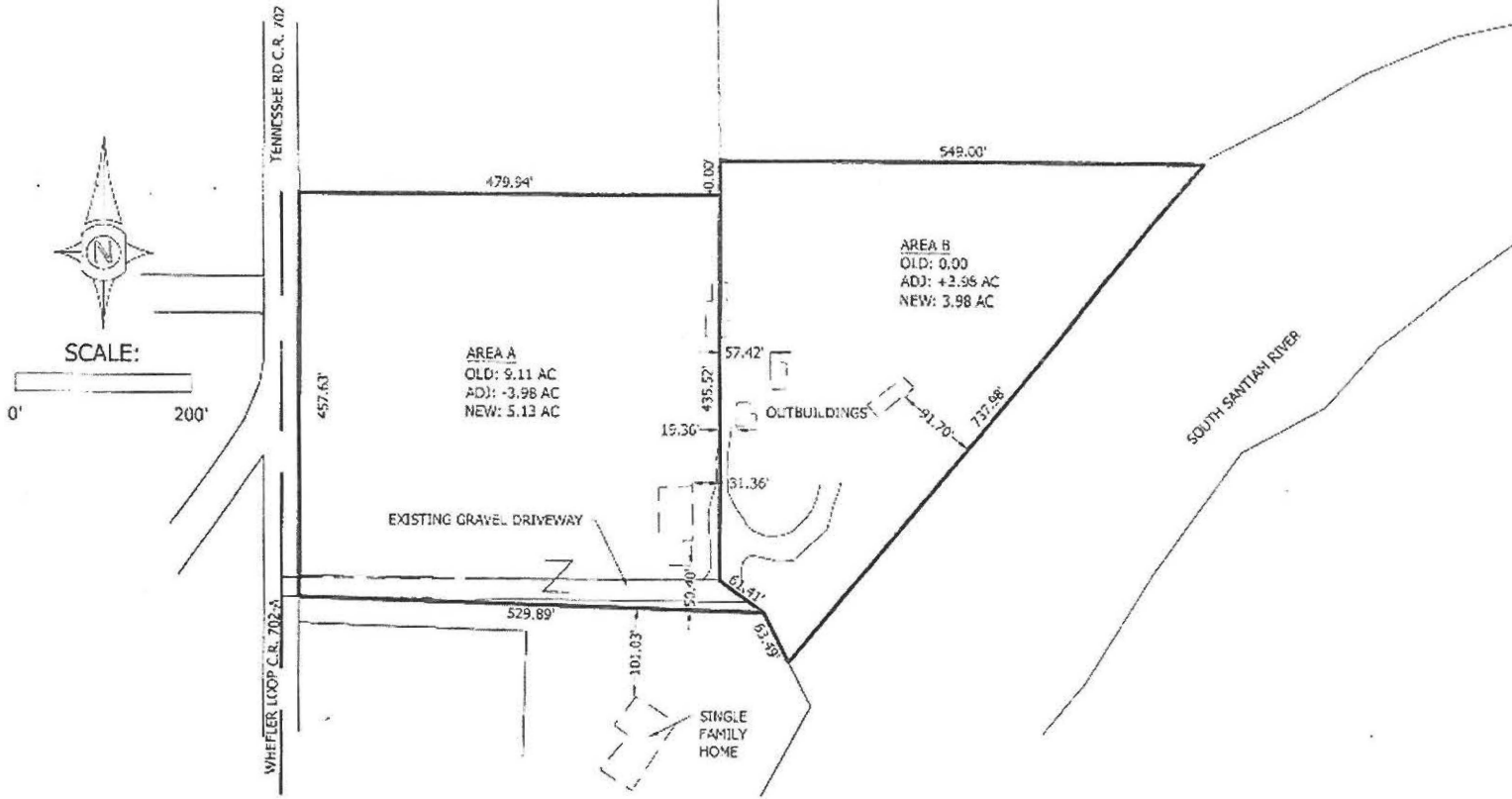
- G. Section 16.26.060.B allows the City to require the abatement of non-conforming uses and/or structures prior to hearing an annexation request. Other provisions of this Code and the Lebanon Municipal Code may require abatement of certain kinds of situations before an annexation request can be approved. This Section does not apply as existing uses are either permitted or conditionally permitted in the Mixed Use zone. Further, the Mill Street right-of-way does not contain structures or non-conforming uses and can be improved only as a local street.
- 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, overlay zones, infrastructure development, existing conditions and failing on-site services. Site-specific criteria do not affect the eligibility of properties for annexation, but serve as an advisory to applicants of factors that may affect development. There are no site-specific issues 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 Mixed Use (C-MU) by the City's Comprehensive Plan. According to Table 16.26-1, the only applicable zone is the Mixed Use (Z-MU) zone.

VII. CONCLUSION

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

EXHIBIT C



PROPERTY INFORMATION

AREA A
 ZONING: UGM-10
 LAND USE: VACANT
 OWNER: ROBERT HAAS
 ASSESSORS MAP: 11SQ2W02
 TAX LOT: 2003, 2099

AREA B
 ZONING: HI
 LAND USE: VACANT
 OWNER: ROBERT HAAS
 ASSESSORS MAP: 11SQ2W02
 TAX LOT: 2003

NOTE: GRAVEL DRIVEWAY SERVING AREA B AND BUILDING FOOTPRINTS DRAWN BY SUPERIMPOSING AN AERIAL PHOTO. LOCATIONS ARE APPROXIMATE.

LEGEND

- OLD PROPERTY LINE
- R/W RIGHT OF WAY
- CO COUNTY
- RD ROAD
- AC ACRES

UDELL ENGINEERING AND LAND SURVEYING, LLC
 63 EAST ASH ST.
 LEBANON, OREGON, 97355
 541-451-5125

TENTATIVE PLA MAP
ROBERT HAAS
 33065 TENNESSEE RD
 LINN COUNTY, OREGON

DATE: 6/20/11
 PROJECT: ROBERT HAAS
 DRAWN BY: B. L. L. L.
 CHECKED BY: B. L. L. L.
 SCALE: AS NOTED

