

**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 16-02-09; CITY OF LEBANON)**

ORDINANCE BILL NO. 2016-10

ORDINANCE NO. 2879

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. 16-02-09, making findings recommending annexation of the subject property and establishment of the Mixed Use (Z-MU) and Residential Mixed Density (Z-RM) zones; 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) and Residential Mixed Density (Z-RM).

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

LINN COUNTY, OREGON	2016-07785
ORD-ANN	05/18/2016 09:14:38 AM
Cnt=1 Stn=38 S. WILSON	
\$60.00 \$11.00 \$20.00 \$19.00 \$10.00	\$120.00
	
00270635201600077850120127	
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

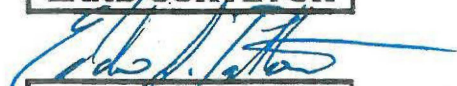
EXHIBIT A

ANNEXATION LEGAL DESCRIPTION

An area of land in the Southwest ¼ of Section 14, Township 12 South, Range 2 West, Willamette Meridian, Linn County, Oregon being more particularly described as follows:

Beginning on the Lebanon city limit line at northeast corner of Lot 30, Block 1 of Ingrid Subdivision to the City of Lebanon, Oregon; thence, North 0°9' East along the city limit line 50 feet to the north right of way line of Russell Drive; thence, North 89°42' East along said north right of way line 712.04 feet more or less to the southwest corner of that land described in Linn County Deed Reference 2007-04372; thence, North 210 feet more or less along the west boundary of said land described in Linn County Deed Reference 2007-04372 to the northwest corner of said land on the city limit line; thence, North 89°39'20" East 90 feet along said city limit line to the northeast corner of said land described in Linn County Deed Reference 2007-04372; thence, South 0°29' West along the city limit line 259.92 feet to the south right of way line of Russell Drive; thence, South 89°40'40" West 12.3 feet more or less along the city limit line on the south right of way line of Russell Drive to the east right of way line of Porter Street; thence, South 89°42' West along said south right of way line of Russell Drive 59.43 feet to the west right of way line of Porter Street; thence, South 22°50' East along the west right of way line of Porter Street 315.97 feet more or less to the northeast corner of Lot 5, Block 4, Ingrid Subdivision to the City of Lebanon, Oregon; thence, South 89°42' West along the south right of way of Taylor Street 379.3 feet to the west right of way line of Willow Street; thence, North 0°18' West along the west right of way line of Willow Street 290 feet to the south right of way line of Russell Drive; thence, South 89°42' West along said south right of way line of Russell Drive 470 feet more or less to the point of beginning.

**REGISTERED
PROFESSIONAL
LAND SURVEYOR**



**OREGON
JULY 11, 2000
EDDIE J. PATTON
46905**

RENEWAL DATE: 12/31/16

EXHIBIT B

LEBANON CITY COUNCIL FINDINGS

I. NATURE OF THE APPLICATION

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

II. BACKGROUND INFORMATION

A. Site Location

The subject area involves two parcels on Russell Drive. The first is located on the north side, approximately opposite its intersection with Porter Street. The property address is 295 Russell Drive (Township 12 South; Range 2 West; Section 14CB; Tax Lot 7000). The second parcel is located on the southwest corner of the intersection of Russell Drive and Porter Street. The property address is 2240 Porter Street (Township 12 South; Range 2 West; Section 14CB; Tax Lot 3500). In addition to these two parcels, the subject area includes the Russell Drive right-of-way from Primrose Street to the east boundary of Tax Lot 7000; and, the Willow Street and Taylor Street right-of-way surrounding Tax Lot 3500.

B. Site Development and Zoning

Tax Lot 7000 contains a vacant single family home while Tax Lot 3500 is a City park (Porter Park). Public services are located along Russell Drive. The subject area is located within the City's Urban Growth Boundary, and zoned Urban Growth Management by Linn County. Tax Lot 7000 is designated Mixed Use (C-MU) in the Lebanon Comprehensive while Tax Lot 5 3500 is designated Residential Mixed Density (C-RM). Tax Lot 7000 contains 0.43 acres; Tax Lot 3500, 1.42 acres; and, there are 1.63 acres of right-of-way for a total of 3.48 acres.

C. Adjacent Zoning and Land Uses

Property to the north is zoned Mixed Use and contains a mixture of commercial buildings and a residence. To the east is Residential Mixed zoned land containing a single family home. All remaining adjacent land is located within Linn County and contains single family homes.

D. Proposal

The applicant is requesting annexation approval, establishing the Mixed Use (Z-MU) zone on Tax Lot 7000 and the Residential Mixed Density (Z-RM) zone on Tax Lot 3500. The annexation also includes the identified right-of-way.

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 16-02-09 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 respective zones. 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 16-02-09 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 respective zones. 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 City of Lebanon.
- B. The subject area involves two parcels on Russell Drive. The first is located on the north side, approximately opposite its intersection with Porter Street. The property address is 295 Russell Drive (Township 12 South; Range 2 West; Section 14CB; Tax Lot 7000). The second parcel is located on the southwest corner of the intersection of Russell Drive and Porter Street. The property address is 2240 Porter Street (Township 12 South; Range 2 West; Section 14CB; Tax Lot 3500). In addition to these two parcels, the subject area includes the Russell Drive right-of-way from Primrose Street to the east boundary of Tax Lot 7000; and, the Willow Street and Taylor Street right-of-way surrounding Tax Lot 3500.
- C. Tax Lot 7000 contains 0.43 acres; Tax Lot 3500, 1.42 acres; and, there are 1.63 acres of right-of-w for a total of 3.48 acres.
- D. Tax Lot 7000 contains a vacant single family home while Tax Lot 3500 is a City park (Porter Park). Public services are located along Russell Drive.
- E. The subject area is located within the City's Urban Growth Boundary, and zoned Urban Growth Management by Linn County. Tax Lot 7000 is designated Mixed Use (C-MU) in the Lebanon Comprehensive while Tax Lot5 3500 is designated Residential Mixed Density (C-RM).

- F. Property to the north is zoned Mixed Use and contains a mixture of commercial buildings and a residence. To the east is Residential Mixed zoned land containing a single family home. All remaining adjacent land is located within Linn County and contains single family homes.
- G. The applicant is requesting annexation approval, establishing the Mixed Use (Z-MU) zone on Tax Lot 7000 and the Residential Mixed Density (Z-RM) zone on Tax Lot 3500. The annexation also includes the identified right-of-way.
- 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 proposal would annex the subject parcels and right-of-way, establishing the Mixed Use zone on Tax Lot 7000 and the Residential Mixed Density zone on Tax Lot 3500. Tax Lot 7000 will be incorporated into the new Airport Road extension while Tax Lot 3500 will be developed as a City park.
- 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 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 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. This annexation is somewhat unusual as it involves both developed property and street right-of-way. The Development Code decision criteria are designed to address only developable property and not right-of-way. However, Russell Drive, Willow and Taylor Streets are located within the City's UGB and contain an underlying Plan designation. Therefore, while the criteria effectively apply to developable property, the determination of zoning also applies to the adjacent right-of-way.

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 predominately located to the north and east 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) Plans are in place to develop these parcels for urban uses: Tax Lot 7000 is part of the East Airport Road extension while a City park will be developed on Tax Lot 3500.

(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: Services within Russell Drive can serve future development.

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 are available.

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 parcels are designated Mixed Use (Tax Lot 7000) and Residential Mixed Density (Tax Lot 3500) in the Comprehensive Plan. Consistent with the Matrix, the only possible applicable zones are Mixed Use and Residential Mixed Density, respectively.

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 respective zones.

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 existing urbanizable land 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 either zone. Further, the various rights-of-way do not contain structures or non-conforming uses.
- 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: Tax Lot 7000 is designated Mixed Use (C-MU) by the City's Comprehensive Plan, while Tax Lot 3500 is designated Residential Mixed Density (C-RM). According to Table 16.26-1, the only applicable zones are, respectively, the Mixed Use (Z-MU) zone and the Residential Mixed Density (Z-RM) zone. Therefore, upon annexation, the parcels will contain a zone classification consistent with the Plan designation.

VII. CONCLUSION

The City Council concludes the proposed Annexation, including establishment of the applicable Mixed Use and Residential Mixed Density zones, complies with the applicable decision criteria.

EXHIBIT C

