

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 17-04-11; DAVE & JOYCE STAUP) **ORDINANCE BILL NO. 2017-13**
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) **ORDINANCE NO. 2901**
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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 June 21, 2017, the Planning Commission for the City of Lebanon conducted a hearing on Planning File No. 17-04-11, making findings recommending annexation of the subject property and establishment of the Residential Mixed Density (Z-RM) zone; and,

WHEREAS, after conducting the hearing and considering all objections or remonstrance regarding 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.

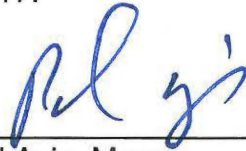
Section 2. Annexation Area. Based upon the findings contained above and in Exhibit "B", the contiguous territory described in Exhibit "A" and incorporated herein by this reference as if fully set forth at this point is hereby proclaimed to be annexed to the City of Lebanon, and zoned as indicated in accordance with the Lebanon Development Code, and assigned the zoning of 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	2017-13126
ORD-ANN	
Crit=1 Stn=38 S. WILSON	07/24/2017 04:20:29 PM
\$50.00 \$11.00 \$20.00 \$19.00 \$10.00	\$110.00
	
00302076201700131260100108	
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 by a vote of 4 for and 0 against and approved by the Mayor this 12th day of July, 2017.



Paul Aziz, Mayor
Bob Elliott, Council President

Attested:



Linda Kaser, City Clerk / Recorder

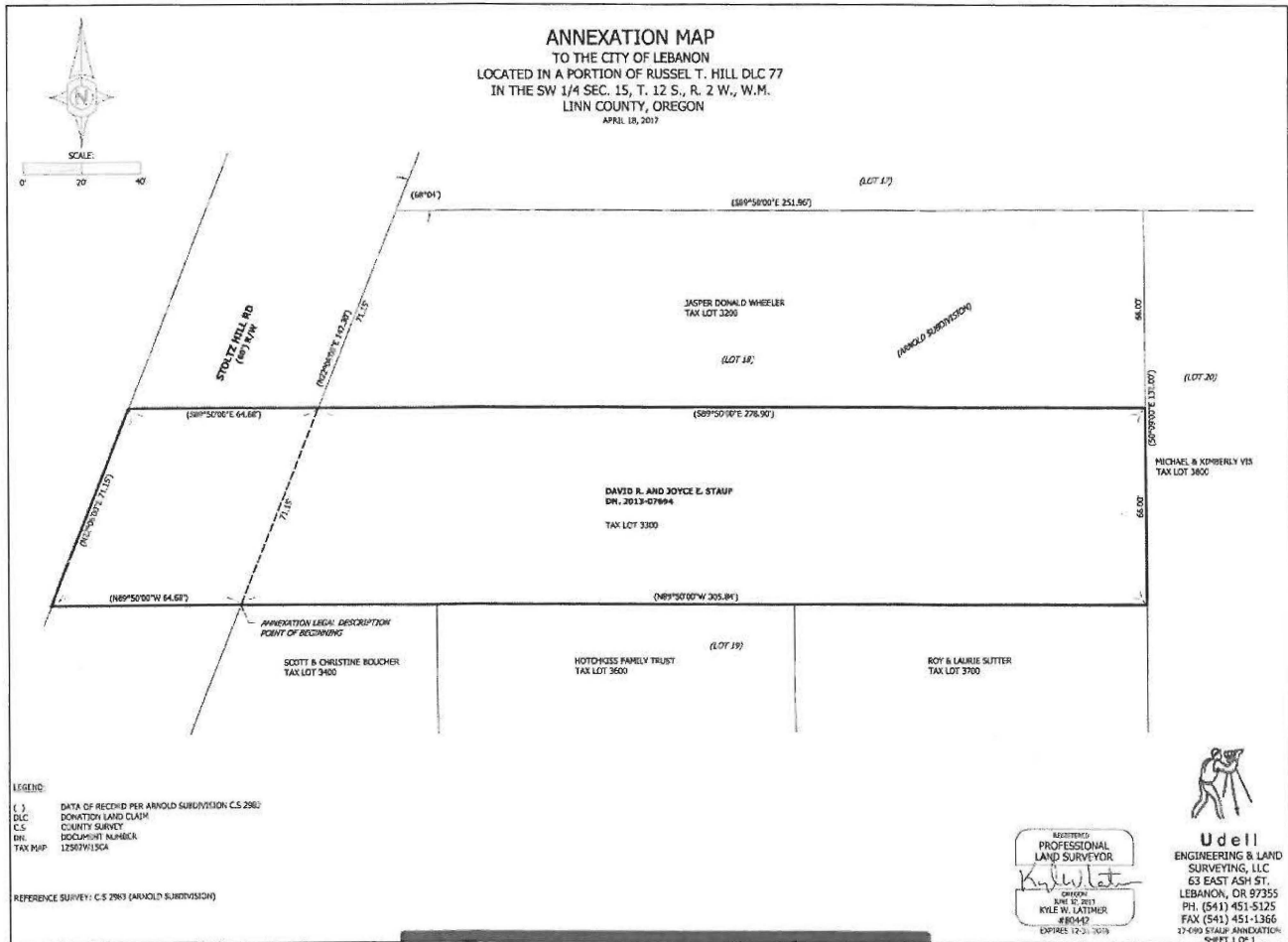
EXHIBIT "A"

ANNEXATION LEGAL DESCRIPTION & MAP

An area of land in the Southwest Quarter Section 15, Township 12 South, Range 2 West, Willamette Meridian, more particularly described as follows:

Beginning at the southwest corner of Lot 18, Arnold Subdivision, Linn County, Oregon, said point also being on the east right of way of Stoltz Hill Road; thence North 89°50'00" West 64.68 feet to the west right of way of Stoltz Hill Road; thence North 22°06'00" East 71.15 feet; thence leaving west right of way South 89°50'00" East 64.68 feet to the East right of way of Stoltz Hill Road; thence South 89°50'00" West 278.90 feet to a point of the east line of said Lot 18; thence along said lot line South 0°09'00" East 66.00 feet to the southeast corner of said Lot 18; thence along the south lot line of said Lot 18 North 89°50'00" West 305.86 feet to the point of beginning.

The above described area contains 23,565 square feet.



LEBANON CITY COUNCIL FINDINGS

I. NATURE OF THE APPLICATION

This matter comes before the Lebanon City Council on the application of the Dave and Joyce Staup to annex property and establish the Residential Mixed Density (Z-RM) zone on the newly annexed property.

II. BACKGROUND INFORMATION

A. Site Location

The subject property is located on the east side of Stoltz Hill Road, approximately 175-feet north of its intersection with Kees Street. The site address is 2245 Stoltz Hill Road and the Linn County Assessor Map places the property within Township 12 South; Range 2 West; Section 15CA; Tax Lot 3300.

B. Site Development and Zoning

The subject 0.44-acre parcel contains a single-family home and fronts on a public street. Services include a private well and sanitary septic system. The property is designated Residential Mixed Density (C-RM) in the Lebanon Comprehensive Plan.

C. Adjacent Zoning and Land Uses

Land to the west is in the City and zoned Residential Mixed Density. All remaining land is within the County and designated C-RM. The dominant land use is single family homes on large lots.

D. Proposal

The applicants are requesting approval to annex the property, establishing the Residential Mixed Density (Z-RM) zone.

III. PUBLIC HEARING

A. Planning Commission Action

On June 21, 2017, the Lebanon Planning Commission held a public hearing on this application. At the hearing, Planning File 17-04-11 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 Residential Mixed Density zone. The Commission found the proposed changes consistent with the applicable decision criteria.

B. City Council Action

On July 12, 2017, the Lebanon City Council held a public hearing on this application. At the hearing, Planning File 17-04-11 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 Residential Mixed Density 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 applicants are Dave and Joyce Staup.
- B. The subject property is located on the east side of Stoltz Hill Road, approximately 175-foot north of its intersection with Kees Street. The site address is 2245 Stoltz Hill Road (Township 12 South; Range 2 West; Section 15CA; Tax Lot 3300).
- C. The parcel contains approximately 0.44 acres.
- D. The property contains a single-family home and fronts on a public street. Services include a private well and sanitary septic system.
- E. The property is designated Residential Mixed Density (C-RM) in the Lebanon Comprehensive Plan.
- F. Land to the west is in the City and zoned Residential Mixed Density. All remaining land is within the County and designated C-RM. The dominant land use is single family homes on large lots.
- G. The applicant is requesting approval to annex the property, establishing the Residential Mixed Density (Z-RM) zone.
- 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 Residential Mixed Density (Z-RM) zone upon annexation. The purpose of the annexation is to allow extension of public sanitary sewer to replace a failed in-ground septic system.
- B. The Department mailed notice of the application to affected agencies, area property owners and the Department of Land Conservation and Development. City Engineering services reviewed the request and offered no comments. No other agency or property owner responded.

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 Residential Mixed Density.
- 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. The findings are combined to avoid duplication:
 - 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 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 can be developed for urban uses.

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 of the subject property; therefore, the site 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 can be served by public utilities and located within an area containing urban-levels of development.
- (c) Based on information in the Comprehensive Plan, there are no *designated environmental constraints* associated with the site.

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: Needed City services (in this case sanitary sewer) can be extended to serve the property.

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: Services can be extended to the site and there are no identified *capacity* issues regarding existing or potential development of 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 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 for 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 Residential Mixed Density in the Comprehensive Plan. Consistent with the adopted Zoning Matrix, the only possible applicable zone is Residential Mixed Density.

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 Section does not apply, as the application is limited to the proposed annexation and establishment of the RM 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 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 urbanizable parcel 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. The City is not aware of any abatement issues related to the site.
- 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 property.
- 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 Residential Mixed Density (C-RM) by the City's Comprehensive Plan. Per Table 16.26-1, the only applicable zone is Residential Mixed Density (Z-RM). Therefore, upon annexation, the property will be zoned RM, a zone classification consistent with the Plan designation.

VII. CONCLUSION

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