

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 19-07-48; GARY HODGSON/CINDY PHELPS
) **ORDINANCE BILL NO. 2019-10**
) **ORDINANCE NO. 2933**
)
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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 August 21, 2019, the Planning Commission for the City of Lebanon conducted a hearing on Planning File No. 19-07-48, 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 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 corresponding 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 **2019-16407**
ORD-ANN
Cnt=1 Ssn=49 S. WILSON 09/24/2019 11:04:04 AM
\$60.00 \$11.00 \$60.00 \$19.00 \$10.00 **\$160.00**



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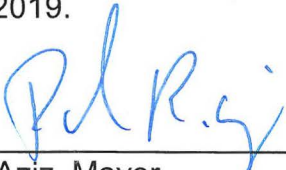
I, Steve Druckenmiller, County Clerk for Linn County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.

Steve Druckenmiller - County Clerk



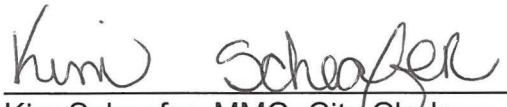
Section 3. Record. The City Recorder shall submit to the Oregon Secretary of State a copy of this Ordinance. The City Recorder is further ordered to send a description by metes and bounds, or legal subdivision, and a map (Exhibit "A") depicting the new boundaries of the City of Lebanon within ten (10) 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 6 for and 0 against and approved by the Mayor this 11th day of September 2019.



Paul R. Aziz, Mayor
Jason Bolen, Council President

Attested:



Kim Scheafer, MMC, City Clerk

EXHIBIT "A"
ANNEXATION LEGAL DESCRIPTION & MAP

Block 27 and 28 of Hyland addition to the City of Lebanon located in the William H. Ralston Donation Land Claim No. 48, in the South $\frac{1}{2}$ of Section 10 and the North $\frac{1}{2}$ of Section 15, Township 12 South, Range 2 West, Willamette Meridian, Linn County, Oregon more particularly described as follows;

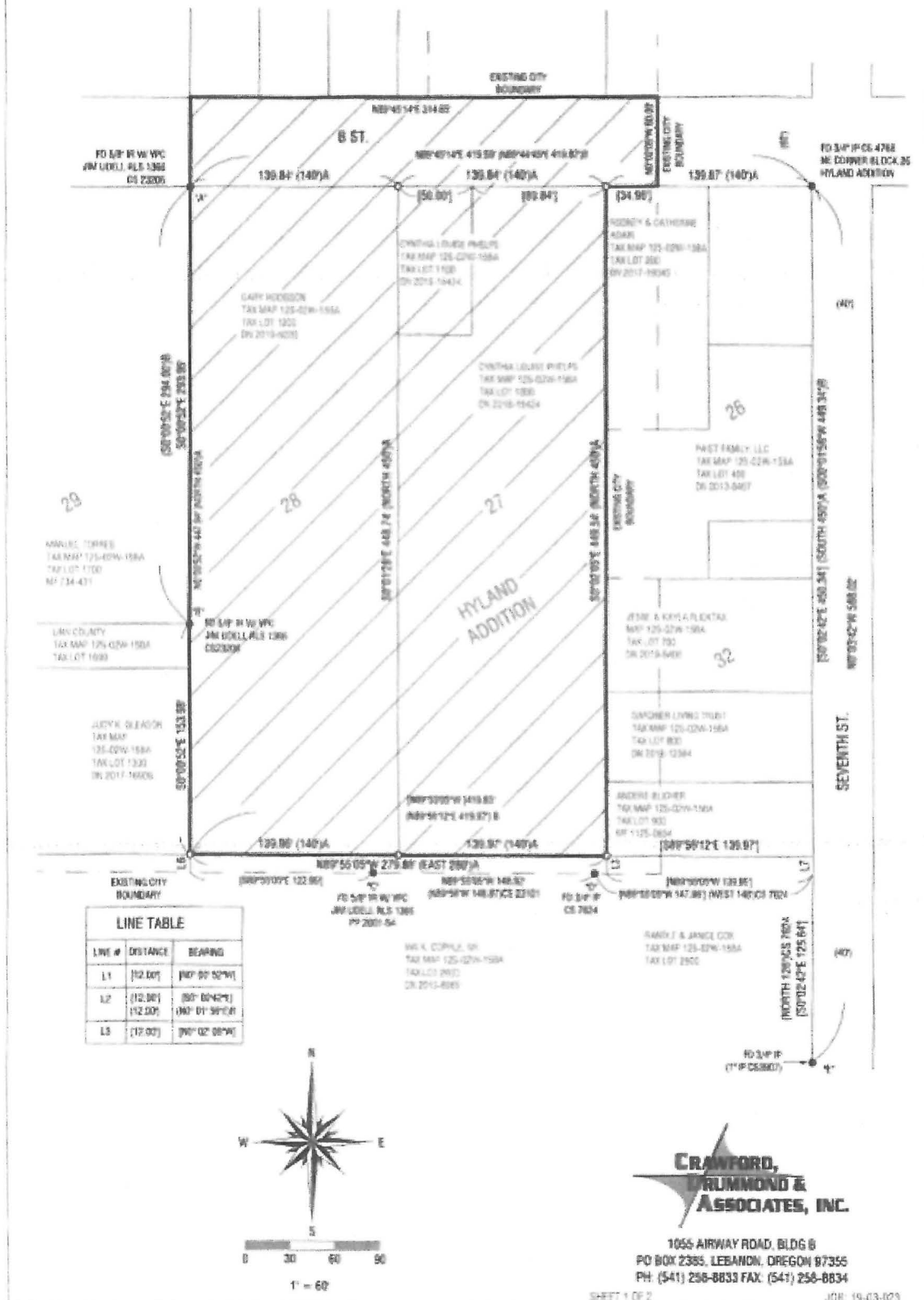
Beginning at point on the south right-of-way of B Street, at the northeast corner of Block 27, Hyland addition to the City of Lebanon, point of which bears south $89^{\circ}45'14''$ west 139.87 feet from a $\frac{3}{4}$ " iron pipe marking the northeast corner of Block 26 of Hyland addition to the City of Lebanon, in the South $\frac{1}{2}$ of Section 10 and the North $\frac{1}{2}$ of Section 15, Township 12 South, Range 2 West, Willamette Meridian, Linn County, Oregon; thence leaving said right-of-way along the west line of said Block 26 South $00^{\circ}02'05''$ east 449.54 feet to the southeast corner of said Block 27; thence North $89^{\circ}55'05''$ West 279.88 feet to the Southeast corner of Block 29 of said Hyland addition; thence along the east line of said Block 29 North $00^{\circ}00'52''$ West 507.94 feet to a point on the north right-of-way of B Street; thence along said right-of-way north $89^{\circ}45'14''$ East 314.65 feet; thence south $00^{\circ}02'05''$ East 60.00 feet to a point on the South right-of-way of B Street; thence along said right-of-way South $89^{\circ}45'14''$ West 34.96 feet the point of beginning.

Containing 3.32 acres of land, more or less.

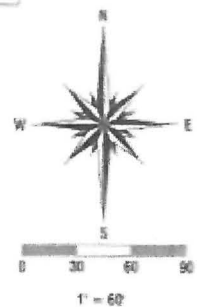
Basis of Bearing CS 23206

ANNEXATION MAP HODGSON/PHELPS

TAX LOTS 1000, 1100, 1200
MAP 125-2W-158A
LINN COUNTY, OREGON



LINE #	DISTANCE	BEARING
L1	(12.00)	(N0°00'00"W)
L2	(12.00)	(S0°00'00"E)
L3	(12.00)	(W0°00'00"E)



**CRAWFORD,
DRUMMOND &
ASSOCIATES, INC.**

1055 AIRWAY ROAD, BLDG B
PO BOX 2385, LEBANON, OREGON 97355
PH. (541) 258-8833 FAX. (541) 258-8834

EXHIBIT B LEBANON CITY COUNCIL FINDINGS

I. NATURE OF THE APPLICATION

This matter comes before the Lebanon City Council on the application of Gary Hodgson and Cindy Phelps to Annex property and establish the applicable Residential Mixed Density Zone.

II. GENERAL INFORMATION

A. Site Location

The subject area includes the three lots located at 630, 636, and 660 W B. Street. The County Assessor Map places the parcels within Township 12 South; Range 2 West; Section 15BA; Tax Lots 1000, 1100, and 1200.

B. Site Development and Zoning

The total site area is inclusive of approximately 2.91 acres of property, and 0.39 acre of B Street to be annexed for public City street purposes. The three parcels are accessed from B Street. Each lot is improved with a single-family home, with Lot 1200 further improved with additional accessory structures within the northern portion of the property. The majority of the area is vacant land. Sanitary sewer, water and storm sewer must be extended to the area. The land is located within the Lebanon UGB and designated in the comprehensive plan as Residential Mixed Density (C-RM).

C. Adjacent Zoning and Land Uses

The properties to the west include residential uses in the UGB with a comprehensive plan designation of residential mixed use (C-RM). To the north includes residential uses in the UGB with a comprehensive plan designation of residential mixed use (C-RM), as well as a religious institution within the city boundaries in the Z-RM zone. To the east and south include properties within the Z-RM zone and are improved with single-family residential homes.

D. Proposal

The applicant is requesting approval to Annex the subject area, establishing the Residential Mixed Density (Z-RM) zone.

III. PUBLIC HEARING

A. Planning Commission Action

On August 21, 2019, the Lebanon Planning Commission held a public hearing on this application. At the hearing, Planning File 19-07-48 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 end of the hearing, the Planning Commission deliberated on the issue and voted to recommend the City Council approve the proposed Annexation and corresponding Zoning Designation. The

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 UGB.

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 UGB.

FINDINGS: City limits are located to the north and east of the subject properties; 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 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) Public utilities are currently unavailable. However, it is possible to extend water and storm water services to the site, thereby allowing urban levels of development.
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: The application does not include a concurrent development 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 availability was previously addressed.

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: There are no identified capacity issues regarding the 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 creates an increased demand for the benefits provided by additional rights-of-way dedication.

FINDINGS: Portions of B Street currently maintained by the County are included in the proposal for annexation to ensure the subject properties have direct access to City streets. Additional right-of-way dedication from the subject properties 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 properties are designated Residential Mixed Density by the Comprehensive Plan. Consistent with the adopted Zoning Matrix, the only possible applicable zone is Residential Mixed Density (Z-RM).

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 does not include a change in the Plan designation or corresponding zone. Therefore, this Section does not apply.

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 area included in the annexation 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 does not contain a concurrent development request.

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 Residential Mixed Density, a zone classification consistent with the Plan designation.

VII. CONCLUSION

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