

**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 A20-03; 3A TRAVIS WAGER)**

**) ORDINANCE BILL NO. 2020-08
)
)
) ORDINANCE NO. 2948
)
)**

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 17th and 24th, 2020, the Planning Commission for the City of Lebanon conducted a hearing on Planning File No. A20-03, 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 Recorder’s Office
City of Lebanon
925 S. Main Street
Lebanon, OR 97355*

Reserved for Recording

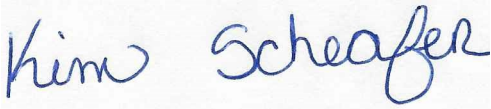
Section 3. Record. The City Recorder shall submit to the Oregon Secretary of State a copy of this Ordinance. The City Recorder is further ordered to send a description by metes and bounds, or legal subdivision, and a map (Exhibit "A") depicting the new boundaries of the City of Lebanon within ten (10) 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 8th day of July 2020.



Paul R. Aziz, Mayor
Jason Bolen, Council President

Attested:



Kim Scheafer, MMC, City Recorder

EXHIBIT "A"
ANNEXATION LEGAL DESCRIPTION & MAP

ANNEXATION TO THE CITY OF LEBANON

(TAX LOT 4700, ASSESSORS MAP 12S2W10CD)

AN AREA OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 10, TOWNSHIP 12 SOUTH, RANGE 2 WEST OF THE WILLAMETTE MERIDIAN, LINN COUNTY, OREGON AND BEING MORE SPECIFICALLY DESCRIBED AS:

BEGINNING AT A POINT WHICH BEARS NORTH 90°00'00" EAST 240.00 FEET FROM THE NORTHWEST CORNER OF BLOCK 63, HYLAND ADDITION TO THE CITY OF LEBANON; THENCE NORTH 90°00'00" EAST 60.00 FEET; THENCE SOUTH 0°20'31" WEST 155.59 FEET; THENCE SOUTH 89°59'13" WEST 60.00 FEET; THENCE NORTH 0°20'31" EAST 155.61 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED AREA CONTAINS 9,336 SQUARE FEET MORE OR LESS.

LINN COUNTY DEED DOCUMENT NO. 2020-021155 WAS USED AS A REFERENCE.

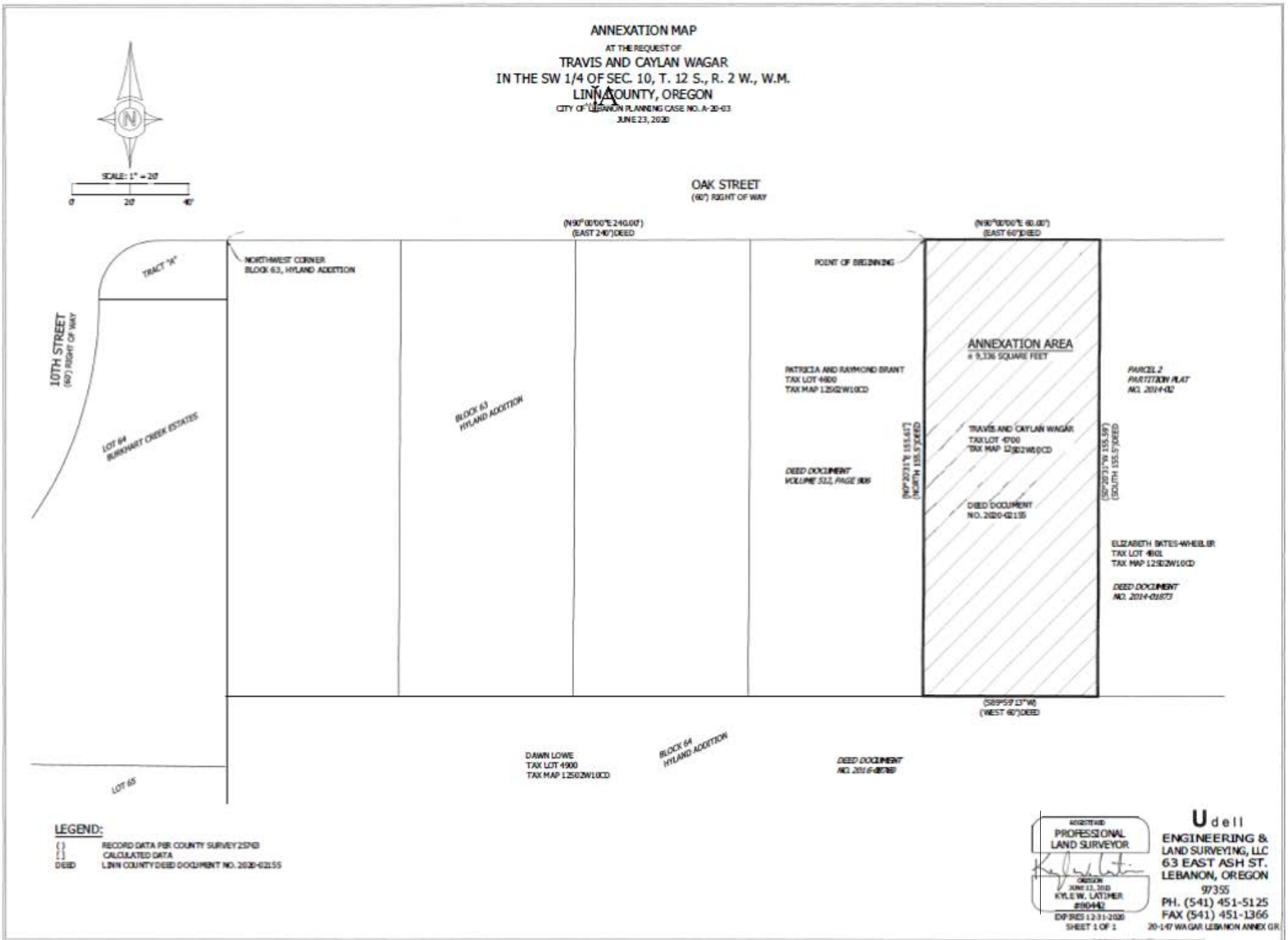


EXHIBIT B LEBANON CITY COUNCIL FINDINGS

I. NATURE OF THE APPLICATION

This matter comes before the Lebanon Planning Commission on the application of the Travis Wager to Annex property at 820 W Oak Street (12S 02W 10CD, tax lot 4700) and establish the applicable Residential Mixed Density (Z-RM) zone.

II. GENERAL INFORMATION

A. Site Location

The subject property is located at 820 W Oak Street, on the south side of Oak Street, between 9th and 10th Streets. The County Assessor Map places the parcel within Township 12 South; Range 2 West; Section 10CD; Tax Lot 4700.

B. Site Development and Zoning

The subject property is 0.21 acres in size located on W Oak Street. Properties to the north and east, including the public right-of-way is located within city limits; therefore, the site is contiguous to city boundary limits and is eligible for annexation. The property is currently improved with a single-family residence. There has been no concurrent development proposal. City water, sewer, and storm drainage is available along the property frontage in Oak Street. 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 property is located in a developed residential neighborhood. To the north and east are residential properties within the City limits with a zoning designation of Residential Mixed-Density (Z-RM). To the south and west are residential properties in the county unincorporated area, within the City's Urban Growth Boundary (UGB) with a Comprehensive Plan designation of Residential Mixed-Density (C-RM).

D. Proposal

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

III. PUBLIC HEARING

A. Planning Commission Action

On June 17, 2020 and June 24, 2020, the Lebanon Planning Commission held a public hearing on this application. At the hearing, Planning File A20-03 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 Commission found the proposal consistent with the applicable decision criteria.

B. City Council Action

A public hearing was held before the City Council on July 8, 2020. 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 City Council deliberated on the issue and found the proposal consistent with the applicable decision criteria.

IV. FINDINGS OF FACT-GENERAL

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

- A. The applicant is Travis Wager, the property owner.
- B. The subject area is comprised of a single property located at 820 W Oak Street. The County Assessor Map places the parcel within Township 12 South; Range 2 West; Section 10CD; Tax Lot 4700.
- C. The total area contains 0.21 acres.
- D. The subject parcel is accessed from W Oak Street. The lot is currently improved with a single-family residence with a septic system. The septic system is failing, which is the impetus for annexation, to connect to the City sewer system. There is City water and sewer service available to the site.
- E. The land is located within the Lebanon UGB and designated Residential Mixed Density (C-RM).
- F. The property is located in a developed residential neighborhood. To the north and east are residential properties within the City limits with a zoning designation of Residential Mixed-Density (Z-RM). To the south and west are residential properties in the county unincorporated area, within the City's Urban Growth Boundary (UGB) with a Comprehensive Plan designation of Residential Mixed-Density (C-RM).
- G. The applicant is requesting approval to Annex the subject 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 annexes a 0.21-acre property on W Oak Street into the city limits. The subject property is located within the urban growth boundary of the City, and contiguous with City limits along the northern and eastern portion of the property. The property is currently designated C-RM (Residential Mixed Density) on the Lebanon

Comprehensive Plan Map. Upon annexation, the land will be zoned Residential Mixed Density (Z-RM). There is no concurrent development proposal.

- B. The Department contacted the Department of Land Conservation and Development, affected agencies and area property owners regarding the application. No comments were submitted.

VI. CRITERIA AND FINDINGS

The subject property 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.

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 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.

FINDING: The application site is located within the City of Lebanon Urban Growth Boundary and is contiguous with city limits, therefore eligible for annexation per the Annexation Ordinance, and the Municipal and Development Codes. The annexation is not inclusive of a Comprehensive Plan Map Amendment and is accepting of the initial zoning designation of Residential Mixed Density, consistent with the Comprehensive Plan Designation and the pre-designation identified in the Lebanon Development Code. With the assignment accepted as identified in the Comprehensive Map, it is determined that the annexation has already been accounted for in the City's Facilities Plan, including the Transportation System Plan. The site complies with the Annexation requirements.

2. 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.

FINDING: 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.

3. 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.)

FINDING: The subject site is located within the Urban Growth Boundary and contiguous to city limits, therefore is eligible for annexation. The subject site is generally flat, with no steep slopes or environmental constraints, and generally within a developed neighborhood. There is existing development on the site, including a single-family residence, which is proposed to be maintained. As the site is already improved with urban development, and does not contain any known environmental constraints, the property is eligible for annexation.

4. 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.

FINDING: The subject site is contiguous with the city boundary on the north and east side of the property, and is therefore contiguous with existing City limits and eligible for annexation.

5. 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) The site is contiguous with city limits along the northern and eastern property lines.

(b) The property is located within an already developed and urbanized portion of the Urban Growth Boundary and City. Surrounding the property include residential development. The site can be serviced by city water, sewer, and has developed storm drainage within the Oak Street right-of-way. As the property can be serviced by city facilities and transportation system, and is already improved with an urban development, the property would be eligible for annexation.

6. 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.

FINDING: The application does not include a concurrent development proposal and is currently improved with a single-family residence. Any future development or redevelopment proposal would be required to comply with the provisions for the development code for the Z-RM zone, as applicable.

7. 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 sewer, 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 sewer, and streets, of existing development within the annexation territory.

FINDING: Section 16.26.040 of the Lebanon Development Code states “anticipated urban densities (according to the automatic City Zoning assignment upon annexation) within the UGA are already accounted for in the City’s Facilities Plans, including the Transportation System Plan.” No revisions to the plans are necessitated, when following annexation, an area is assigned the zoning classification that is in accordance with the adopted Comprehensive Plan Map designation. The subject site is assigned the zoning classification of Z-RM in accordance with the Comprehensive Map designation and therefore, the anticipated demands to access key City-provided urban utilities have already been considered. There is existing city water, sewer and storm drainage available for connection to the site, and the existing transportation system can accommodate the inclusion of the property and the existing development.

8. 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 sewer, 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.

FINDING: Section 16.26.040 of the Lebanon Development Code states “anticipated urban densities (according to the automatic City Zoning assignment upon annexation) within the UGA are already accounted for in the City’s Facilities Plans, including the Transportation System Plan.” No revisions to the plans are necessitated, when following annexation, an area is assigned the zoning classification that is in accordance with the adopted Comprehensive Plan Map designation. The subject site is assigned the zoning classification of Z-RM in accordance with the Comprehensive Map designation and therefore, the anticipated demands to access key City-provided urban utilities have already been considered.

9. 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.

FINDING: Oak Street maintains a right-of-way width of 58-feet, which meets the minimum right-of-way width required for a local residential street. The street is already improved with sidewalk, and curb and gutter on both sides of the street. As such, no additional right-of-way dedication from the subject property is unnecessary for the annexation.

10. 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.

FINDING: This subject property is 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). The Applicant accepts the applicable zoning designation and is not proposing a Comprehensive Plan Map Amendment.

11. 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.

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

12. 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.

FINDING: The subject site is generally flat, with no steep slopes or environmental constraints, and generally within a developed neighborhood. There is existing development on the site, including a single-family residence, which is proposed to be

maintained. As the site is already improved with urban development, and does not contain any known environmental constraints, the property is eligible for annexation.

13. 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.

FINDING: This Section does not apply as the provisions in this Section provide a definition and not a decision criterion.

14. 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.

FINDING: The request does not contain a concurrent development request.

15. 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).

FINDING: This Policy does not directly apply as the proposal simply incorporates an existing urbanized parcel into the City limits.

VII. CONCLUSION

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