

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 A20-08; STOREIT, LLC

) ORDINANCE BILL NO. 2021-04
)
)
) ORDINANCE NO. 2960
)
)

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 January 20, 2021, the Planning Commission for the City of Lebanon conducted a hearing on Planning File No. A20-08, making findings recommending annexation of the subject property and establishment of the Industrial (Z-IND) 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 Industrial (Z-IND).

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


2021-05601
03/05/2021 12:18:15 PM

LINN COUNTY, OREGON
 ORD-ANN
 Cnt=1 Stn=10131 S. WILSON
 \$20.00 \$11.00 \$60.00 \$19.00 \$10.00 **\$120.00**



00401422202100056010040046

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 10th day of February 2021.

CITY OF LEBANON, OREGON



Paul R. Aziz, Mayor
Jason Bolen, Council President

Attested:



Kim Scheafer, MMC, City Recorder

EXHIBIT "A"
ANNEXATION LEGAL DESCRIPTION & MAP

A tract of land and right-of-way located in the Southwest One-Quarter of Section 3, Township 12 South, Range 2 West, Willamette Meridian, City of Lebanon, Linn County, Oregon, and being more particularly described as follows:

Beginning at the northwest corner of Parcel 1 of Partition Plat 2013-06 (Assessor's Map 12 0W 03C);

1. Thence along the westerly line of said Parcel 1, Southerly 203 feet, more or less, to the northeast corner of Document Number 2014-11363, also being the True Point of Beginning (Assessor's Map 12 2W 03C);
2. Thence along the easterly line of said Deed, Southerly 333 feet, more or less, to the southeast corner of said Deed (Assessor's Map 12 2W 03C);
3. Thence along the southerly line of said Deed, Westerly 654 feet, more or less, to the southwest corner of said Deed, also being on the easterly right-of-way line of Hansard Avenue (Assessor's Map 12 2W 03C);
4. Thence along said easterly right-of-way line, Southerly 265 feet, more or less, to the southwest corner of Document Number 2016-00326 (Assessor's Map 12 2W 03C);
5. Thence along the westerly extension of the southerly line of said Deed, Westerly 65 feet, more or less, to the westerly right-of-way line of Hansard Avenue (Assessor's Map 12 2W 03C);
6. Thence along said westerly right-of-way line, Northerly 598 feet, more or less, to the westerly extension of said Document Number 2014-11363 (Assessor's Map 12 02W 03C);
7. Thence along the said westerly extension and said northerly line, Easterly 719 feet, more or less, to the True Point of Beginning.

The above described tract of land contains 5.89 acres, more or less.

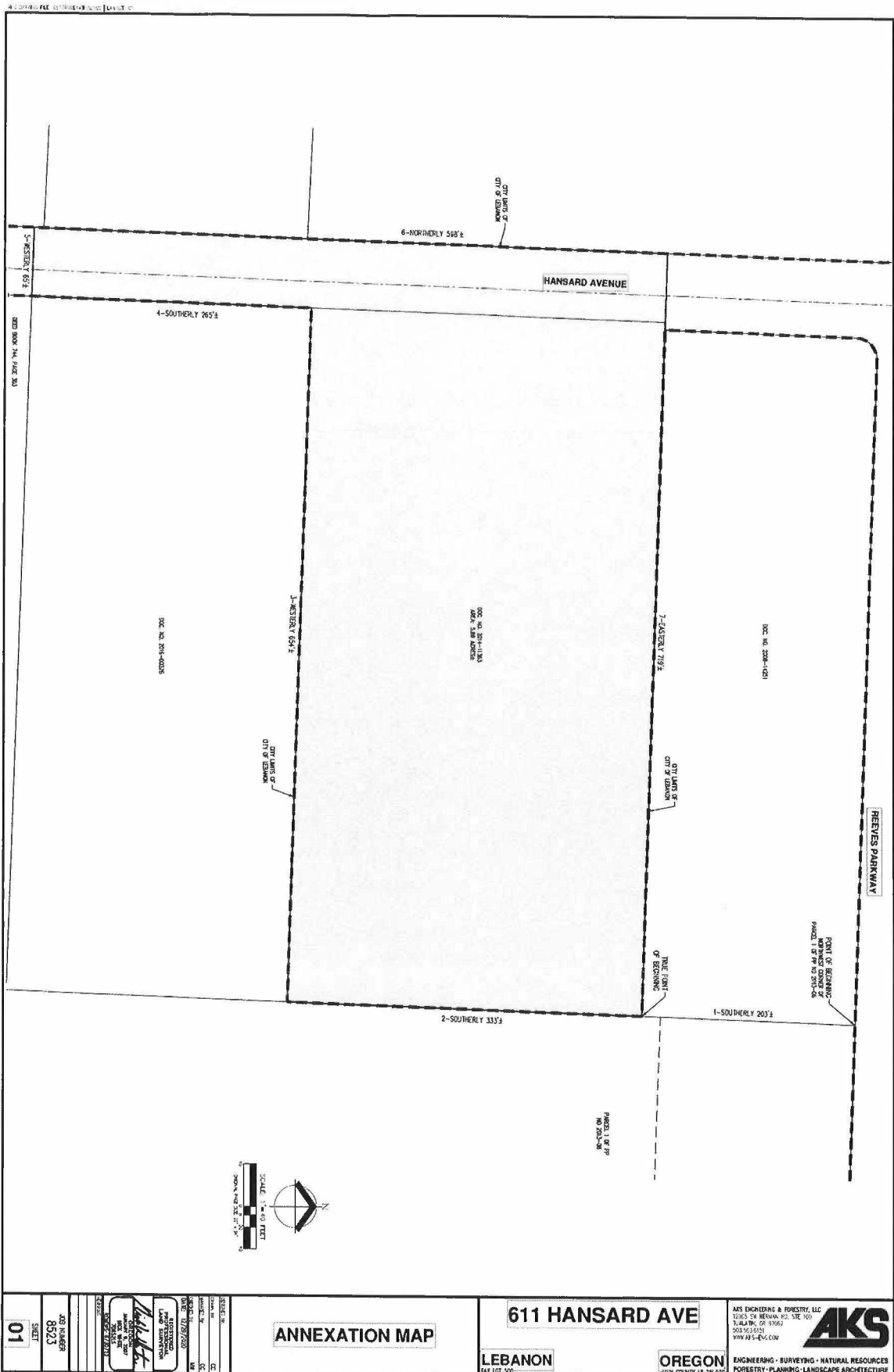


EXHIBIT B LEBANON CITY COUNCIL FINDINGS

I. NATURE OF THE APPLICATION

This matter comes before the Lebanon Planning Commission on the application of the StoreIT, LLC to Annex property on Hansard Avenue and establish the applicable Industrial (Z-IND) zone.

II. GENERAL INFORMATION

A. Site Location

The subject property is located on east side of Hansard Ave., south of Reeves Parkway. The site address is 611 Hansard Ave. The County Assessor Map places the parcel within Township 12 South; Range 2 West; Section 03C; Tax Lot 500.

B. Site Development and Zoning

The subject property is 4.96 acres in size, with approximately 330 feet of street frontage along Hansard Ave. The full width of Hansard Avenue would also be annexed into the City as part of this proposal. Property to the north, south and east 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 and accessory structures. There has been no concurrent development proposal. City utilities are available in Hansard Ave. Upon annexation, the Applicant will be able to extend city utility services to the site. The land is located within the Lebanon UGB and designated in the comprehensive plan as Industrial (C-IND).

C. Adjacent Zoning and Land Uses

The property is in a developed neighborhood with a mix of industrial, agriculture, residential and public uses. To the north and west are vacant parcels in city limits with the Industrial (Z-IND) zoning designation. To the south is a Mixed-Use (Z-MU) designated property improved with a parking lot, and recently improved for the construction of a commercial building including office use and warehousing for the Veterans' Home. To the east is the Oregon Veterans' Home in the Mixed-Use zone.

D. Proposal

The applicant is requesting approval to Annex the subject property and public right-of-way, establishing the Industrial (Z-IND) zone.

III. PUBLIC HEARING

A. Planning Commission Action

On January 20, 2021, the Lebanon Planning Commission held a virtual public hearing on this application. At the hearing, Planning File A-20-08 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

On February 10, 2021, the City Council held a public hearing to consider the annexation. No objection was raised as to jurisdiction, evidence or testimony presented at the hearing. A public comment was received by the Linn County Road authority requesting annexation of the full width of Hansard Avenue. The City Council 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 StoreIT, LLC.
- B. The subject property is located on east side of Hansard Ave., south of Reeves Parkway. The site address is 611 Hansard Ave. The County Assessor Map places the parcel within Township 12 South; Range 2 West; Section 03C; Tax Lot 500.
- C. The total area contains 4.96 acres.
- D. The subject parcel is accessed from Hansard Ave. The lot is currently improved with a single-family residence and accessory structures. City water, sewer and storm drainage is available in Hansard Ave. Upon annexation, the property would be eligible to connect to the City utilities.
- E. The land is currently located within the Lebanon UGB and designated Industrial (C-IND).
- F. The property is in a developed neighborhood with a mix of industrial, agriculture, residential and public uses. To the north and west are vacant parcels in city limits with the Industrial (Z-IND) zoning designation. To the south is a Mixed-Use (Z-MU) designated property improved with a parking lot, and recently improved for the construction of a commercial building including office use and warehousing for the Veterans' Home. To the east is the Oregon Veterans' Home in the Mixed-Use zone.
- G. The applicant is requesting approval to Annex the subject property and adjacent public right-of-way, and establish the Industrial (Z-IND) 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 4.96-acre property on the east side of Hansard Ave., south of Reeves Parkway into the city limits. The subject property is located within the urban

growth boundary of the City, and contiguous with City limits along the north, east, and southern portion of the property. The property is currently designated C-IND (Industrial) on the Lebanon Comprehensive Plan Map. Upon annexation, the land will be zoned Industrial (Z-IND). 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 Industrial, 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 area. There are existing residential and accessory structures on the site. As the site has already been previously developed 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, south 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, eastern and

southern property line.

- (b) The property is located within an already developed and urbanized portion of the Urban Growth Boundary and City. Surrounding the property include residential, agricultural, industrial and public uses. Water, sewer, and storm drainage is available within the Hansard Ave. right-of-way along the property frontage. 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. Any future development proposal would be required to comply with the provisions for the development code for the Industrial 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 Industrial (Z-IND) 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 and sewer available in the immediate vicinity, 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 Industrial (Z-IND) in accordance with the Comprehensive Map designation and therefore, the anticipated impacts 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: Hansard Ave. maintains a right-of-way width of 65-feet. The adopted 2018 Transportation System Plan identified Stoltz Hill Road as a minor arterial, which requires a 75-foot right-of-way. The Engineering Department reviewed the annexation and determined that if the property were to redevelop in the future, any required street dedication would be conditioned at that time. As such, no additional right-of-way dedication from the subject property is necessary 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 Industrial by the Comprehensive Plan. Consistent with the adopted Zoning Matrix, the only possible applicable zone is Industrial (Z-IND). 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 area. There are existing residential and

accessory structures on-site, constituting an urbanized property. As the site has already been previously developed 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 Industrial zone, complies with the applicable decision criteria.