

OFFICE OF THE SECRETARY OF STATE

Bev Clarno
SECRETARY OF STATE

Jeff Morgan
Deputy Secretary of State



ARCHIVES DIVISION
STEPHANIE CLARK
DIRECTOR

800 Summer Street NE
Salem, Oregon 97310
(503) 373-0701
Facsimile (503) 378-4118

March 19, 2020

City of Lebanon
925 S Main St
Lebanon, Oregon 97355

Dear Recorder:

Please be advised that we have received and filed, as of **March 19, 2020** the following records annexing territory to the following:

Ordinance/Resolution Number(s)

ORD #2944

Our File Number

AN 2020-0023

For your records please verify the effective date through the applicable ORS.

Our assigned file number(s) are included in the above information.

Sincerely,

Dani Morley
Official Public Documents
Cc: Department of Revenue
Population Research Center

*** Proof of Publication ***

State of Oregon
ss)
County of Linn

NOTICE OF PUBLIC HEARING
LEBANON CITY COUNCIL

NOTICE IS HEREBY GIVEN that a public hearing will be held before the Lebanon City Council on March 11, 2020 at 6:00 p.m. in the Santiam Travel Station located at 750 S 3rd Street, to afford interested persons and the general public an opportunity to be heard and give testimony concerning the following matter:

Planning Case No.: A-20-01
Applicant: 3A Construction, LLC
Location: E Grant
Map & Tax Lot No.: 12S02W12C 00105
Request: Annexation
Decision Criteria: Lebanon Development Code Chapters: 16.05, 16.20 & 16.26

Request: The applicant is requesting Annexation of approximately 1.96 acres comprised of one tax lot. The property is designated Residential Mixed Density (C-RM) on the Comprehensive Plan Map and will be assigned a Residential Mixed Density (Z-RM) zoning designation upon Annexation.

Planning Commission Recommendation: A public hearing was held before the Planning Commission on February 19, 2020. The Commission voted to recommend City Council approval of the zone change.

Obtain Information: A copy of the application, all documents and evidence relied upon by the applicant, and applicable criteria are available for inspection at no cost and will be provided at the cost of 25 cents per single-sided page. If you have questions or would like additional information, please contact City of Lebanon Community Development Department, 925 Main Street; phone 541-258-4906; email cdc@ci.lebanon.or.us.

Providing Comments: CITIZENS ARE INVITED TO ATTEND the public hearings and give written or oral testimony (after presentation of the staff report) that addresses applicable decision criteria during that part of the hearing process designated for testimony in favor of, or opposition to, the proposal. If additional documents or evidence are provided in support of the application subsequent to notice being sent, a party may, prior to the close of the hearing, request that the record remain open for at least seven days, so such material may be reviewed.

Appeals: Failure to raise an issue in the hearings, in person or by letter, or failure to provide sufficient specificity to afford the decision-makers an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue. Please contact our office should you have any questions about the appeals process.

The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to 541-258-4906.

#120970

PUBLISH: 02/26, 03/04/2020

City of Lebanon/Planning

925 S Main St.
Lebanon, OR 97355

ORDER NUMBER 120970

I, Pam Burrignt, being first duly sworn depose and say, that I am the Legal Clerk of the Lebanon Express, a newspaper of general circulation, as defined by section 193.010 O.R.S., published at 90 E Grant, Lebanon, OR, in the aforesaid county and state; that a copy is hereto Annexed, was published in the entire issue of said newspaper.

Section: Public Notices

Category: 990 Public Notice

PUBLISHED ON: 02/26/2020, 03/04/2020

TOTAL AD COST: 315.34

FILED ON: 3/12/2020


Pam Burrignt
Pam Burrignt
Legal Clerk

Cyndi Rae Sprinkel-Hart
Subscribed and sworn to before me on March 12,
2020
Cyndi Sprinkel-Hart, Notary



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 March 2020.



Paul Aziz, Mayor
Jason Bolen, Council President



Attested:



Kim Scheafer, MMC, City Recorder

EXHIBIT "A"
ANNEXATION LEGAL DESCRIPTION & MAP

Parcel 1:

The North one-half of Lot 6, in LEBANON HEIGHTS ADDITION TO LEBANON.

Parcel 2:

The Easterly 30 feet of even width of Lot 6, LEBANON HEIGHTS, Linn County, Oregon.

Parcel 3:

Beginning at a 5/8" iron rod marking the Northeast corner Tract 7, LEBANON HEIGHTS, in Southwest 1/4, Section 12, Township 12 South, Range 2 West, Willamette Meridian, Linn County, Oregon; thence North 8° 40' East 155.45 feet to a 5/8" rod; thence South 86° 18' East 400.0 feet; thence South 3° 40' West 155.22 feet to a point on the North line of Tract 4, said LEBANON HEIGHTS; thence North 86° 20' West 400.0 feet to the point of beginning.

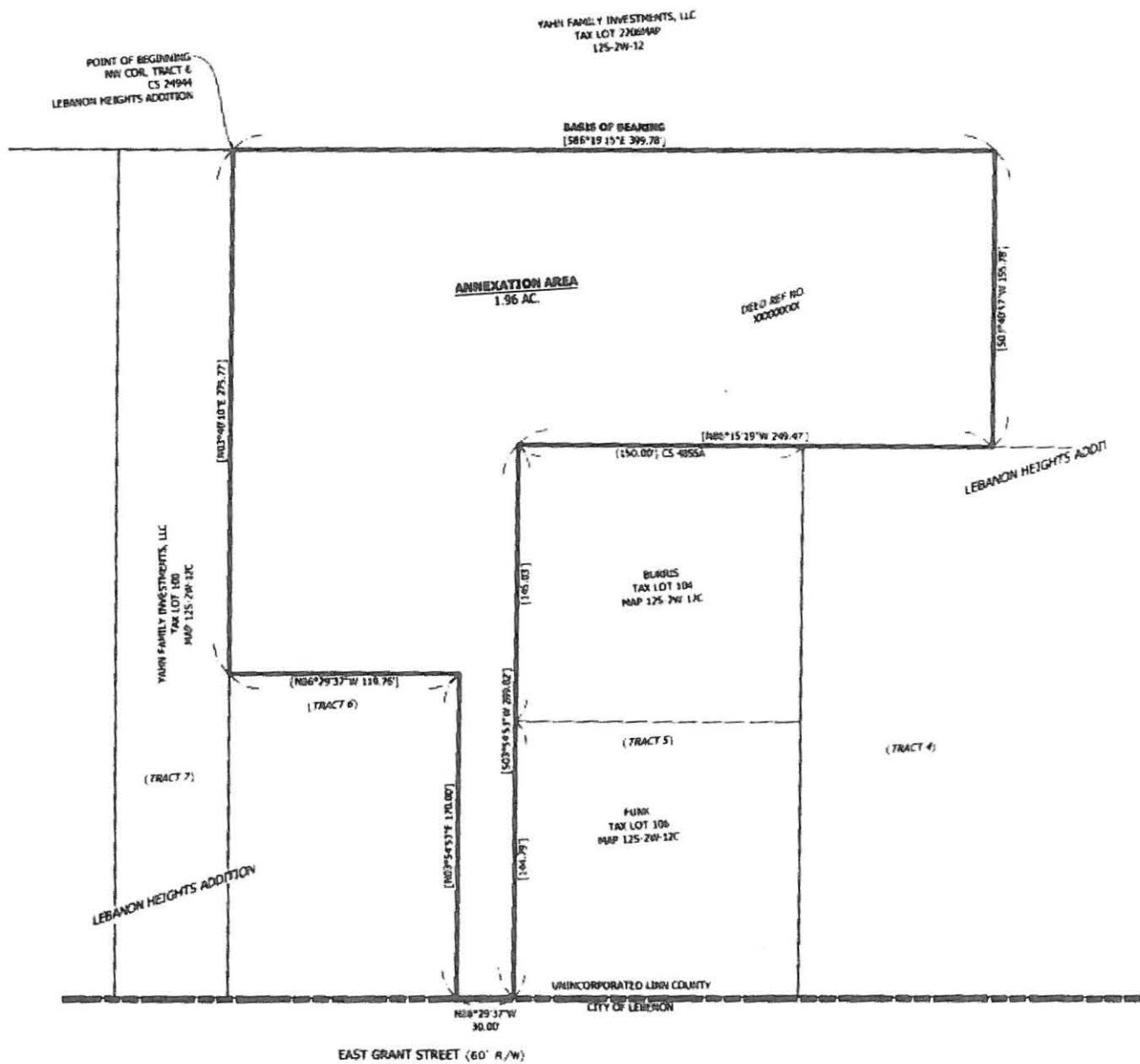


EXHIBIT A

EXHIBIT B LEBANON CITY COUNCIL FINDINGS

I. NATURE OF THE APPLICATION

This matter comes before the Lebanon Planning Commission on the application of the 3A Construction, LLC to Annex property on East Grant Street and establish the applicable Residential Mixed Density (Z-RM) zone.

II. GENERAL INFORMATION

A. Site Location

The subject property is located on East Grant Street, located on the east side of the South Santiam River. The County Assessor Map places the parcel within Township 12 South; Range 2 West; Section 12C; Tax Lot 105.

B. Site Development and Zoning

The subject property is 1.96 acres in size located on East Grant Street. The property observes a 30-foot property frontage on East Grant Street, which is within the city limits, which designates the subject property eligible for annexation. The property is currently vacant. There has been no concurrent development proposal. City water service is available, but the property would be serviced by an existing septic system if development were to occur. Upon development proposal, storm drainage would need to be addressed. 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

Surrounding the subject property: to the north is vacant land within the county, outside the city's Urban Growth Boundary (UGB) and within the County's Exclusive Farm Use zone; to the east are properties within the UGB with a comprehensive plan designation of Residential Mixed Density (C-RM) and uses include single-family dwellings, and the City's water reservoir; to the south are properties incorporated in the City with a zoning designation of Residential Mixed-Density (Z-RM) and the land is largely vacant; and to the west are properties within the UGB with a comprehensive plan designation of C-RM, and includes vacant property and single-family dwellings further west.

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 February 19, 2020, the Lebanon Planning Commission held a public hearing on this application. At the hearing, Planning File A20-01 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 March 11, 2020, the Lebanon City Council held a public hearing on this application. At the hearing, Planning File No. A20-01 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 City Council voted to approve the proposed Annexation and corresponding Zoning Designation. The Council found the annexation and zoning designation 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 3A Construction, LLC on behalf of the property owner.
- B. The subject area is comprised of a single property on East Grant Street, east of the South Santiam River. The County Assessor Map places the parcel within Township 12 South; Range 2 West; Section 12C; Tax Lot 105.
- C. The total area contains 1.96 acres.
- D. The subject parcel is accessed from East Grant Street. The lot is currently vacant, but previously had a single-family residence with a septic system. The septic system is still in place on the subject property. There is City water service available to the site.
- E. The subject site includes portions within the Steep Slope Overlay for the eastern portion of the property. The easterly 150-feet of the property is sloped at approximately 20% or above, and the easterly 60-feet is approximately 40% slope. The average buildable area of the site is an approximate 12% gradient downhill to the south of the property, toward East Grant Street.
- F. The land is located within the Lebanon UGB and designated Residential Mixed Density (C-RM).
- G. Properties to the east and west are located within the City's UGB and maintain a Comprehensive Plan designation of Residential Mixed Density. To the north, the properties are outside the City's UGB within the county and designated for Exclusive Farm Use. To the south are properties within the City limits and zoned Residential Mixed Density.
- H. The applicant is requesting approval to Annex the subject property, establishing the

Residential Mixed Density (Z-RM) zone.

- I. 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 1.96-acre property on East Grant 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 southern 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. Portions of the site contain steep slopes and would be subject to the Steep Slope Development Overlay Zone. Portions of the site include slopes at 30% or more, which could be prohibitive to develop on, but may be utilized for open space. Upon development proposal, the development would need to meet the requirements of the Lebanon Development Code (LDC), including specific consideration under the Steep Slope Development Overlay Zone found in Section 16.11.040 of the LDC.

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 a flag lot with approximately 30 lineal feet of street frontage on the north side of East Grant Street. The City boundary line is located along the northern right-of-way line of East Grant Street. The subject site is contiguous with the north side of East Grant Street 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 East Grant Street, which is within City limits, and is therefore contiguous.
 - (b) A public water main is currently within East Grant Street and is eligible for use by the subject site. An existing septic system is on-site for use by a single-family dwelling. Development of a single-family dwelling within the Z-RM zone is permitted outright and constitutes an urban use. Portions of the site not eligible for development without special consideration due to the steep slope, would be able to be used for open space associated with the residential use. Although no development is currently proposed on-site, there are sufficient access to utilities, and development opportunity per the LDC. Utility and public improvements may be required upon development proposal.
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 Z-RM zone, and the Steep Slope Development Overlay 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. Due to lack of sewer infrastructure in the area, the property would utilize septic for sanitary sewer purposes. For water service, an existing 14-inch water main exists in East Grant Street, which would be available for connection to the subject site.

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: East Grant Street maintains a right-of-way width of 60-feet, which exceeds the minimum right-of-way width required for a local residential street. As such, no additional right-of-way dedication from the subject property is unnecessary for the annexation. Upon development proposal, the City Engineer would determine what, if any, public improvements would be required, based on the scope of the development proposal.

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 includes steep slopes greater than 30%. As such, no development would be able to occur in areas with slopes greater than 30% without special consideration. If special consideration is not requested or given upon time of development, the steep slope area would be able to be maintained as open space for the uses on the property.

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 urbanizable parcel into the City limits.

VII. CONCLUSION

corresponding Residential Mixed Density zone, complies with the applicable decision criteria.

State of Oregon
ss)
County of Linn

City of Lebanon/Planning

925 S Main St.

Lebanon, OR 97355

ORDER NUMBER 120155

I, Pam Burright, being first duly sworn depose and say, that I am the Legal Clerk of the Lebanon Express, a newspaper of general circulation, as defined by section 193.010 O.R.S., published at 90 E Grant, Lebanon, OR, in the aforesaid county and state; that a copy is hereto Annexed, was published in the entire issue of said newspaper.

**NOTICE OF PUBLIC HEARING
LEBANON PLANNING COMMISSION**

NOTICE IS HEREBY GIVEN that a public hearing will be held before the Lebanon Planning Commission on February 19, 2020 at 6:00 p.m. in the Santiam Travel Station located at 750 S 3rd Street, to afford interested persons and the general public an opportunity to be heard and give testimony concerning the following matter:

Planning Case No.: A-20-01
Applicant: 3A Construction, LLC
Location: E Grant St
Map & Tax Lot No.: 12S02W12C 00105
Request: Annexation

Decision Criteria: Lebanon Development Code Chapters: 16.05, 16.20 & 16.26

Request: The applicant is requesting Annexation of approximately 1.96 acres comprised of one tax lot. The property is designated Residential Mixed Density (C-RM) on the Comprehensive Plan Map and will be assigned a Residential Mixed Density (Z-RM) zoning designation upon Annexation.

Providing Comments: CITIZENS ARE INVITED TO ATTEND the public hearings and give written or oral testimony (after presentation of the staff report) that addresses applicable decision criteria during that part of the hearing process designated for testimony in favor of, or opposition to, the proposal. If additional documents or evidence are provided in support of the application subsequent to notice being sent, a party may, prior to the close of the hearing, request that the record remain open for at least seven days so such material may be reviewed.

Action of the Planning Commission and Appeals: The role of the Commission is to review the proposal and make a recommendation to the Lebanon City Council. A public hearing before the Council will be subsequently scheduled and notice provided. The Council decision is the final decision unless appealed to the Land Use Board of Appeals (LUBA). Failure to raise an issue in the hearing, orally or in writing, or failure to provide sufficient specificity to afford the decision makers an opportunity to respond to the issue precludes appeal to LUBA based on that issue.

Obtain Information: A copy of the application, all documents and evidence relied upon by the applicant, and applicable criteria are available for inspection at no cost and will be provided at the cost of 25 cents per single-sided page. If you have questions or would like additional information, please contact City of Lebanon Community Development Department, 925 Main Street; phone 541-258-4906; email cdc@ci.lebanon.or.us.

The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to 541-258-4906.

#120155

PUBLISH: 02/05/2020

Section: Public Notices

Category: 990 Public Notice

PUBLISHED ON: 02/05/2020

TOTAL AD COST: 190.67

FILED ON: 2/6/2020

Pam Burright

Pam Burright
Legal Clerk

Cyndi Rae Sprinkel-Hart

Subscribed and sworn to before me on February 6,
20 20

Cyndi Sprinkel-Hart, Notary





925 S. Main Street
Lebanon, Oregon 97355

TEL: 541.258.4906
cdc@ci.lebanon.or.us
www.ci.lebanon.or.us

MEMORANDUM

Community Development

To: File No. A-20-01
From: Tammy Dickey, Development Services Specialist
Subject: Certificate of Mailing

Date: February 20, 2020

Applicant: 3A Construction LLC

I HEREBY CERTIFY that on February 20, 2020, I did personally mail, via US mail with first class postage prepaid and/or email the following:

Notice of Public Hearing - City Council for Annexation regarding the property at E Grant Street also

known as Township 12S - Range 2W - Sect; 12C Tax Lot(s) 00105;

to the following:

- ☒ Property owners within ²⁵⁰100 feet of the subject property as indicated on the attached list; and
- ☒ Persons and/or Entities on the City of Lebanon's Notice Distribution List; and
- ☒ The applicant and its representatives; and
- ☐ Any other interested party who provided testimony or requested a copy of the notice of decision: Click here to enter text.

Signature



NOTICE DISTRIBUTION LIST

Planning File No.: A-20-01
Applicant Name: 3A Construction LLC
Notice Type: Annexation

Staff:

1. Bulletin Boards (x3): Library, Police, Senior Center
2. Frank Stevenson, Police Chief
3. Jason Bolen, Fire District
4. John Tre' Kennedy, City Attorney
5. Kelly Hart, Community Development Director
6. Kim Scheafer, City Recorder
7. Kindra Oliver, Senior Services Director
8. Ron Whitlatch, Engineering Services Director
9. Shana Olson, Engineering Associate

Other Agencies:

1. Albany Democrat Herald
2. CenturyLink
3. Consumer Powers, Inc.
4. Boys & Girls Club
5. ODOT - Region 2 Headquarters
6. KGAL
7. Lebanon Chamber of Commerce
8. Lebanon Express
9. Lebanon School District
10. Linn Co. Board of Commissioners
11. Linn Co. Planning Dept.
12. NW Natural Gas
13. Pacific Power
14. Republic Services

Site Specific Notice:

1. Albany Canal, City of Albany ☐
2. Applicant(s) and Professional Representative(s)
3. Linn Co. Surveyor ☐
4. OR Department of Aviation ☐
5. City Council ☒
6. Linn Co. Road Department (x2) ☐
7. Grand Prairie Water District ☐
8. Lee NW Publishing "To be published the 14 business days before hearing." ☒
9. Oregon Pilots Association, Lebanon Chapter ☐
10. Planning Commission Members ☐
11. Surrounding Property Owners - (100 feet ☐ 250 feet ☒)



NOTICE OF PUBLIC HEARING LEBANON CITY COUNCIL

NOTICE IS HEREBY GIVEN that a public hearing will be held before the Lebanon City Council on March 11, 2020 at 6:00 p.m. in the Santiam Travel Station located at 750 S 3rd Street, to afford interested persons and the general public an opportunity to be heard and give testimony concerning the following matter:

Planning Case No.:	A-20-01
Applicant:	3A Construction, LLC
Location:	E Grant St
Map & Tax Lot No.:	12S02W12C 00105
Request:	Annexation
Decision Criteria:	Lebanon Development Code Chapters: 16.05, 16.20 & 16.26

Request: The applicant is requesting Annexation of approximately 1.96 acres comprised of one tax lot. The property is designated Residential Mixed Density (C-RM) on the Comprehensive Plan Map and will be assigned a Residential Mixed Density (Z-RM) zoning designation upon Annexation.

Planning Commission Recommendation: A public hearing was held before the Planning Commission on February 19, 2020. The Commission voted to recommend City Council approval of the zone change.

Obtain Information: A copy of the application, all documents and evidence relied upon by the applicant, and applicable criteria are available for inspection at no cost and will be provided at the cost of 25 cents per single-sided page. If you have questions or would like additional information, please contact City of Lebanon Community Development Department, 925 Main Street; phone 541-258-4906; email cdc@ci.lebanon.or.us.



Providing Comments: *CITIZENS ARE INVITED TO ATTEND* the public hearings and give written or oral testimony (after presentation of the staff report) that addresses applicable decision criteria during that part of the hearing process designated for testimony in favor of, or opposition to, the proposal. If additional documents or evidence are provided in support of the application subsequent to notice being sent, a party may, prior to the close of the hearing, request that the record remain open for at least seven days, so such material may be reviewed.

Appeals: Failure to raise an issue in the hearings, in person or by letter, or failure to provide sufficient specificity to afford the decision-makers an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue. Please contact our office should you have any questions about the appeals process.

The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to 541-258-4906.



**NOTICE OF LEBANON PLANNING COMMISSION RECOMMENDATION
PLANNING FILE No. A20-01**

I. BACKGROUND

- A. APPLICANT: 3A Construction, LLC
- B. PROPERTY LOCATION: The subject property is located on East Grant Street, on the east side of the South Santiam River. The County Assessor Map places the parcel within Township 12 South; Range 2 West; Section 12C; Tax Lot 105.
- C. PARCEL SIZE: 1.96 acres.
- D. EXISTING DEVELOPMENT: The site is accessed by a 30-foot flag on East Grant Street. The lot is currently vacant, but was previously developed with a single-family residence with a septic system. The septic system is still in place on the subject property. There is City water service available to the site.
- E. ZONING: The land is located within the Lebanon UGB and designated Residential Mixed Density (C-RM).
- F. REQUEST: The applicant is requesting approval to Annex the subject property and establishing the Residential Mixed Density (Z-RM) zone.
- G. DECISION CRITERIA: The decision to approve or deny shall be based on criteria contained in the Lebanon Development Code, Chapter 16.26 – Annexations.
- H. PLANNING COMMISSION HEARING DATE: February 19, 2020.

II. PLANNING COMMISSION RECOMMENDATION

The Planning Commission reviewed the application and concluded the proposed application for Annexation and establishment of the corresponding Residential Mixed Density zone complies with the applicable decision criteria.

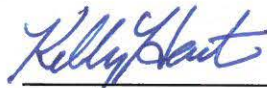
Therefore, it is the decision of the Lebanon Planning Commission to recommend the City Council approve the proposed Annexation and associated Zone Change.

III. CITY COUNCIL ACTION

This notice of the Commission's Order of Recommendation appears only as a matter of record. The Lebanon City Council will conduct a second hearing on this application at a date and time to be noticed.

Should you have any questions or comments regarding this project, please contact Community Development Department, at (541) 258-4906, for further information.

Sincerely,



Kelly Hart
Community Development Director

February 20, 2020

Date

BEFORE THE LEBANON PLANNING COMMISSION
PLANNING FILE No. A20-01

zone; to the east are properties within the UGB with a comprehensive plan designation of Residential Mixed Density (C-RM) and uses include single-family dwellings, and the City's water reservoir; to the south are properties incorporated in the City with a zoning designation of Residential Mixed-Density (Z-RM) and the land is largely vacant; and to the west are properties within the UGB with a comprehensive plan designation of C-RM, and includes vacant property and single-family dwellings further west.

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 February 19, 2020, the Lebanon Planning Commission held a public hearing on this application. At the hearing, Planning File A20-01 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 will be held before the City Council at a date, time and place to be announced. At the hearing, the City Council has the following options:

- (1) Adopt the Commission's findings and recommendation;
- (2) Adopt the recommendation with modified findings;
- (3) Reject the Planning Commission's findings and recommendations; or,
- (4) Remand the matter to the Commission for additional review and comment.

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 3A Construction, LLC on behalf of the property owner.
- B. The subject area is comprised of a single property on East Grant Street, east of the South Santiam River. The County Assessor Map places the parcel within Township 12 South; Range 2 West; Section 12C; Tax Lot 105.
- C. The total area contains 1.96 acres.

- D. The subject parcel is accessed from East Grant Street. The lot is currently vacant, but previously had a single-family residence with a septic system. The septic system is still in place on the subject property. There is City water service available to the site.
- E. The subject site includes portions within the Steep Slope Overlay for the eastern portion of the property. The easterly 150-feet of the property is sloped at approximately 20% or above, and the easterly 60-feet is approximately 40% slope. The average buildable area of the site is an approximate 12% gradient downhill to the south of the property, toward East Grant Street.
- F. The land is located within the Lebanon UGB and designated Residential Mixed Density (C-RM).
- G. Properties to the east and west are located within the City's UGB and maintain a Comprehensive Plan designation of Residential Mixed Density. To the north, the properties are outside the City's UGB within the county and designated for Exclusive Farm Use. To the south are properties within the City limits and zoned Residential Mixed Density.
- H. The applicant is requesting approval to Annex the subject property, establishing the Residential Mixed Density (Z-RM) zone.
- I. 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 1.96-acre property on East Grant 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 southern 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.

RECOMMENDED 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.

RECOMMENDED 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.)

RECOMMENDED FINDING: The subject site is located within the Urban Growth Boundary and contiguous to city limits, therefore is eligible for annexation. Portions of the site contain steep slopes and would be subject to the Steep Slope Development Overlay Zone. Portions of the site include slopes at 30% or more, which could be prohibitive to develop on, but may be utilized for open space. Upon development proposal, the development would need to meet the requirements of the Lebanon Development Code (LDC), including specific consideration under the Steep Slope Development Overlay Zone found in Section 16.11.040 of the LDC.

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.

RECOMMENDED FINDING: The subject site is a flag lot with approximately 30 lineal feet of street frontage on the north side of East Grant Street. The City boundary line is located along the northern right-of-way line of East Grant Street. The subject site is contiguous with the north side of East Grant Street 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).

RECOMMENDED FINDINGS: The proposed annexation complies with the above noted criteria as follows:

- (a) The site is contiguous with East Grant Street, which is within City limits, and is therefore contiguous.

- (b) A public water main is currently within East Grant Street and is eligible for use by the subject site. An existing septic system is on-site for use by a single-family dwelling. Development of a single-family dwelling within the Z-RM zone is permitted outright and constitutes an urban use. Portions of the site not eligible for development without special consideration due to the steep slope, would be able to be used for open space associated with the residential use. Although no development is currently proposed on-site, there are sufficient access to utilities, and development opportunity per the LDC. Utility and public improvements may be required upon development proposal.

- 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.

RECOMMENDED 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 Z-RM zone, and the Steep Slope Development Overlay 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.

RECOMMENDED 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. Due to lack of sewer infrastructure in the area, the property would utilize septic for sanitary sewer purposes. For water service, an existing 14-inch water main exists in East Grant Street, which would be available for connection to the subject site.

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.

RECOMMENDED 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.

RECOMMENDED FINDING: East Grant Street maintains a right-of-way width of 60-feet, which exceeds the minimum right-of-way width required for a local residential street. As such, no additional right-of-way dedication from the subject property is unnecessary for the annexation. Upon development proposal, the City Engineer would determine what, if any, public improvements would be required, based on the scope of the development proposal.

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.

RECOMMENDED 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.

RECOMMENDED 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.

RECOMMENDED FINDING: The subject site includes steep slopes greater than 30%. As such, no development would be able to occur in areas with slopes greater than 30% without special consideration. If special consideration is not requested or given upon time of development, the steep slope area would be able to be maintained as open space for the uses on the property.

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.

RECOMMENDED 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.

RECOMMENDED 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).

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

VII. CONCLUSION AND ORDER OF RECOMMENDATION

It is hereby found that the proposed Annexation, and establishment of the corresponding Residential Mixed Density zone, complies with the applicable decision criteria contained in the Lebanon Development Code.

THEREFORE, it is the decision of the Lebanon Planning Commission to recommend the City Council annex the subject property and establish the corresponding Residential Mixed Density zone on the newly annexed property.

VIII. APPEAL DATES

This Order of Recommendation appears only as a matter of record. The Lebanon City Council will conduct a second hearing on this application at a date and time to be noticed.

APPROVED BY A 4-0 VOTE OF THE LEBANON PLANNING COMMISSION ON THE 19th DAY OF FEBRUARY 2020.

DATED at Lebanon, Oregon, this 19th day of February, 2020.

SIGNED:



- Jeremy Salvage, Planning Commission Chair
- Don Robertson, Planning Commission Vice Chair

ATTEST:



Kelly Hart, Community Development Director



PLANNING COMMISSION AGENDA

February 19, 2020

Chair:

Jeremy Salvage

Vice Chair:

Don Robertson

Commissioners:

John Brown

David McClain

Todd Prenoveau

Samuel Brackeen

Joshua Galka

Josh Port

Community

Development Director

Kelly Hart

Meeting Location:

Santiam Travel Station

750 S Third Street

Lebanon, Oregon 97355

Regular Meeting:

6:00 p.m.

1. Call to Order / Flag Salute
2. Roll Call
3. Minutes: January 15, 2020
4. Citizen Comments
(restricted to items not on the Agenda)
5. Commission Review:
 - a. **Planning File A-20-01**
– Annexation
6. Commission Business & Comments
7. Adjournment



City of Lebanon
Planning Commission
Meeting Minutes
January 15, 2020

Members Present: Chairman Salvage, Vice-Chair Don Robertson and Commissioners John Brown, David McClain, Josh Port, Todd Prenoveau and alternate Commissioner Samuel Brackeen.

Staff Present: Community Development Director Kelly Hart; and Tre' Kennedy, City Attorney.

1. CALL TO ORDER/ FLAG SALUTE

Chairman Salvage called the meeting of the Lebanon Planning Commission to order at 6:00 pm in the Santiam Travel Station Board Room at 750 3rd Street and led the assembly in the flag salute.

2. ROLL CALL

Roll call was taken. Commissioner Galka were excused.

3. APPROVAL OF MEETING MINUTES

December 18, 2019 minutes were approved as submitted.

4. CITIZEN COMMENTS - None

5. PUBLIC HEARINGS

A. Planning File 19-10-63 – Land Partition & Class III Variance (1360-1390 Grove Street – Nate Knapp)

Prior to the opening of the public hearing, Director Hart discussed the modified agenda packet procedures regarding Planning Commission Orders, Decision Criteria, and required findings. Discussion occurred between the Planning Commissioners and staff for clarification on the revised procedures.

Chairman Salvage opened the hearing for Planning File No. 19-10-63. City Attorney Kennedy reviewed the hearings procedures and asked the Commission if there was any ex-parte communication, conflict of interest or bias regarding the application. All Commissioners indicated there was no ex-parte communications, conflicts or bias.

Director Hart presented staff's report for the proposed application. The subject

property is located at 1360-1390 Grove Street and is within the High-Density Residential zone. Surrounding the subject property are a mix of residential uses including single-family residences and the Queen Anne Apartment complex.

For the site, there are three existing residential structures. Two of the residential structures would be categorized as legal non-conforming due to the existing setbacks of the structures.

For the application, the Applicant is requesting approval of a land partition to divide the existing 11,645 square foot parcel into two parcels, one being 5,000 square feet, and the second, 6,645 square feet. The proposal for the land partition would not expand the non-conformity as the new proposed lot line would not impede further on the existing setbacks with the nonconformity. The applicant is also requesting approval of a Class III Variance for a 5% reduction in the minimum parcel size for two residences. Per the development code, the minimum lot size for a parcel with a duplex or two residences is 7,000 square feet, and the minimum lot size for a single-family parcel is 5,000 square feet. The applicant is proposing a 5,000 square foot parcel with one single family residence in full compliance with the code, while the second parcel would contain two existing residences and would be 6,645 square feet, 355 square feet short of the minimum required 7,000.

In order to approve a land partition, the required decision criteria are that the site meets the criteria of the development code, is able to be serviced by all utilities, meets the minimum access requirements, and requirements for fire protection services. For the land partition aspect, the site is already fully developed and serviced by all utilities, and the public right-of-way is fully improved. The proposed location of the partition line would provide for appropriate setbacks of the structures to the new proposed lot lines. The non-conforming structures are the southern and northern houses, and they are non-conforming for the rear setback on the northern house, and the southern side lot line for the southern house. The proposed partition line would not impact the existing non-conforming setbacks, so it is compliant with the development code, and finally with approval of the variance, the proposed lot partition would meet the requirements of the development code.

Director Hart continued, for the decision criteria for the variance, the applicant needs to demonstrate that the variance isn't materially detrimental to other policies and standards for other properties in the vicinity, has experienced a hardship that other properties in the vicinity or zone do not have, the use would otherwise be permitted, existing physical systems and traffic would not be impacted, the hardship was not self-imposed, and the variance is the minimum requested variance to alleviate the hardship.

The proposed order goes into detailed analysis for these findings, which was also included in the staff report, but the crux of the justification is two-fold:

1. The site has already been developed with three residences, so the variance would not result in an intensification of use of the property beyond the existing condition, which means there would be no further impact on the physical condition, traffic, utilities, or city services.
2. If the right-of-way dedication for the "D Street" expansion did not exist, the site

would have sufficient area to partition without the required variance. D Street is no longer identified in the Transportation Systems Plan for expansion, largely due to the development of the Queen Anne Apartments. As such, there is an excess portion of land directly adjacent to the site that would have been part of the site if not identified for future right-of-way. This creates a unique hardship that is not experienced largely by other properties in the vicinity and was not self-imposed.

Director Hart concluded the staff report with a list of potential Planning Commission actions and offered to answer any questions the Commission may have.

Commissioner McClain indicated that it looks like one of the houses that exists was previously a garage. Commissioner McClain wanted to clarify whether it was the intention to redevelop the property and place a larger duplex on the property than the existing condition.

Director Hart indicated that there is currently no development proposal that has been identified, but the applicant is available to speak to the matter. From staff's understanding, he is just looking to sell each of the properties in their existing condition. If new development were proposed, it would still have to meet all the development standards in the code, save for the property size.

Commissioner Brackeen indicated he thinks there may be a future development. For the land partition, the intention is to separate the property to be sold separately, and the variance is for the land size reduction. Commissioner Brackeen indicated support of the variance, but further analyzed the land partition. Commissioner Brackeen was requesting clarification of a performance guarantee for the partition.

Director Hart indicated that the performance guarantee in the development code was related to required public and facility improvements. A performance guarantee to develop two homes on the property would not be required, and further review by the planning commission for the development of two homes on the property would also not be required. If the planning commission were to approve the variance, the Planning Commission is identifying the site, at a lesser property size, is acceptable for the use of two residential dwellings. As such, the action before the planning commission, if approved, would be the only action necessary to authorize two dwellings on the newly created lot. Attorney Tre concurred, stating that once the legal lot is created, no further variance would be required.

Director Hart clarified further that the action before the Planning Commission is to authorize the land division so the property to the south with a single-family home would be able to be sold separately, and the property to the north would have two residential units on the one property. Those units could be lived in, or future owner could develop the site, but they would be required to meet all development standards, except for the lot size requirement for the two-units.

Commissioner McClain indicated we should focus on the partition and variance since there is no development proposal at this time.

Commissioner Prenoveau stated he believed it was a slippery slope to allow variances for rules or lot sizes, because it is a rule, and asked what threshold,

percentage wise, where it is not acceptable.

Director Hart indicated it is not a variance when all aspects of the code could be met. In the Development Code for a Class II Variance, it authorizes a 15% reduction in property size based on the decision criteria: can the property meet all other development standards, is the property fully serviced by utilities, can it be improved with the appropriate right-of-way if needed. In this case, all those aspects already exist. The subject property is in a fully developed neighborhood, on fully improved streets, with all utility services, and is serviced by the Fire District. So, the determination whether to approve the variance is based on the decision criteria. For the slippery slope aspect, if the Planning Commission is making a decision without a sound basis, then the slippery slope exists. If the proposal were to request for a greater variance above the 15%, it would jump to a higher variance classification that would be reviewed by the Planning Commission. In review of the proposal, the Planning Commission would analyze the request and its potential impacts on the property, surrounding properties, and zone, and would evaluate the decision based on the decision criteria and the exact situation before them for consideration. You avoid a slippery slope by evaluating each request based on the specific request, the specific site and neighborhood, and the decision criteria.

Commissioner McClain indicated that if you include the D Street right-of-way the property would be over the 7,000 square feet. It was asked who owned the right-of-way. Director Hart indicated the City owned it. Commissioner McClain asked why the right-of-way is not just vacated.

Director Hart indicated that the City would be willing to vacate the right-of-way, but it would need to be initiated by the applicant, and the process is more expensive, and would require more public notification, along with two hearings before the Planning Commission and the City Council.

Commissioner McClain indicated that the City was never going to develop the right-of-way. Commissioner Brown asked why the City wouldn't just initiate the vacation process.

Director Hart indicated it is not intended to develop the right-of-way, and the City could initiate the vacation process, but that has not happened. Therefore, the applicant is requesting consideration of the application tonight in order to move forward with the sale of the property.

Commissioner Prenoveau asked what the definition of dwelling was.

Director Hart indicated it could be a house, duplex, apartment, it is a housing unit. For example, a duplex is the equivalent of two dwelling units, but it is within one structure.

Chairman Salvage asked whether there were any additional questions of staff. Seeing none, the applicant was invited to speak if he wished. The applicant indicated he did not wish to speak.

Chairman Salvage closed the public testimony portion.

Chairman Salvage noted that if it was not in combination of the two applications, the application would not even be presented to the Commission and would have been handled at staff level. But since the partition and the variance are proposed at the same time, it has been increased to a Class III Variance and presented to the Planning Commission for review. Further, with the variance, the 5% reduction, not only does it meet the decision criteria, but it is a common-sense item, and the application cleans up the property.

Commissioner McClain concurred with the Chair's statements.

Commissioner Brown indicated the application makes sense based on the surrounding development.

Vice Chair Robertson asked about the southern property, and the intrusion of the structure into the city's right-of-way, and whether that was legal, or would cause an issue.

Director Hart indicated it was a patio structure and was likely constructed without permits. The structure could be a code enforcement issue, or the Commission could include a condition as part of the decision that the structure be removed.

Commissioner Brown said they could just move forward with the street vacation rather than demolish the structure.

Chairman Salvage clarified, that by approving the application, it is not approving the overhang. That the structure could still be a code enforcement issue. Director Hart and City Attorney Tre clarified that it does not permit or authorize the unpermitted structure.

Chairman Salvage, seeing no other comments or questions entertained a motion.

Commissioner McClain motioned to recommend approval of the proposed code amendments as drafted.

Commissioner Brown seconded the motion.

The motion passed 6-0.

6. WORK SESSION - None

7. COMMISSION BUSINESS & COMMENTS

Director Hart indicated that there were currently no items scheduled for the February meeting. However, there is a potential annexation that may make the cure.

8. ADJOURNMENT:

There being no further business, the meeting was adjourned at 6:50pm.

[Meeting minutes prepared by Kelly Hart, Community Development Director]



925 S. Main Street
Lebanon, Oregon 97355

TEL: 541.258.4906
cdc@ci.lebanon.or.us
www.ci.lebanon.or.us

MEMORANDUM

Community Development

To: Lebanon Planning Commission
From: Kelly Hart, Community Development Director
Subject: Planning File No. A-20-01

Date: February 12, 2020

I. BACKGROUND

Under consideration is the proposed annexation of a property on East Grant Street (12S 02W 12C, tax lot 105), located on the east side of the South Santiam River. The subject property is a flag lot, 1.96 acres in size, with approximately 30 feet of street frontage along East Grant Street. The East Grant Street right-of-way is located within the city limits; therefore, the site is contiguous to city boundary limits and is eligible for annexation.

Surrounding the subject property: to the north is vacant land within the county, outside the city's Urban Growth Boundary (UGB) and within the County's Exclusive Farm Use zone; to the east are properties within the UGB with a comprehensive plan designation of Residential Mixed Density (C-RM) and uses include single-family dwellings, and the City's water reservoir; to the south are properties incorporated in the City with a zoning designation of Residential Mixed-Density (Z-RM) and the land is largely vacant; and to the west are properties within the UGB with a comprehensive plan designation of C-RM, and includes vacant property and single-family dwellings further west.

The subject site is currently vacant. Per County records, there was a previous residence on the property, with a permitted septic system. Although the house structure no longer exists, records indicate the septic system is still in place. There are no City sewer mains located on the east side of the South Santiam River, so there is currently no capability to connect to City sewer. City water is available, with a 14-inch water main located in East Grant Street, along the property frontage. East Grant Street is currently a gravel road. There is concurrent development proposed with the application. At time of development proposal, public improvements may be required, but are not a condition of annexation.

The subject site includes portions within the Steep Slope Overlay for the eastern portion of the property. The easterly 150-feet of the property is sloped at approximately 20% or above, and the easterly 60-feet is approximately 40% slope. The average buildable area of the site is an approximate 12% gradient downhill to the south of the property, toward East Grant Street.

II. CURRENT REPORT

The Applicant is proposing to annex the subject property. The Comprehensive Plan Designation for the site is Residential Mixed Density (C-RM). Per Table 16.26-1 in Section 16.24.040 of the

Lebanon Development Code (LDC), the designated zoning classification for the site would be Residential Mixed Density (Z-RM). The Applicant has indicated acceptance of the zoning designation of Z-RM and is not proposing a Comprehensive Plan Map Amendment.

In accordance with Section 16.24.040 of the LDC, anticipated urban densities (according to the automatic City Zoning assignment upon annexation) within the Urban Growth Area are already accounted for in the City's Facilities Plans, including the Transportation System Plan. Annexation of the land in the Urban Growth Area is already factored into the City's Facility Plans, and no revisions of those plans are necessitated when, following annexation, an area is assigned the zoning classification that is in accordance with the adopted Comprehensive Plan Map designation. As the Applicant is proposing to accept the automatic zoning designation of Residential Mixed Use, no further analysis of modification to the Facility or Transportation Plan is necessary.

III. REVIEW CRITERIA AND RECOMMENDED 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.

RECOMMENDED 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.

RECOMMENDED 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.)

RECOMMENDED FINDING: The subject site is located within the Urban Growth Boundary and contiguous to city limits, therefore is eligible for annexation. Portions of the site contain steep slopes and would be subject to the Steep Slope Development Overlay Zone. Portions of the site include slopes at 30% or more, which could be prohibitive to develop on, but may be utilized for open space. Upon development proposal, the development would need to meet the requirements of the Lebanon Development Code (LDC), including specific consideration under the Steep Slope Development Overlay Zone found in Section 16.11.040 of the LDC.

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.

RECOMMENDED FINDING: The subject site is a flag lot with approximately 30 lineal feet of street frontage on the north side of East Grant Street. The City boundary line is located along the northern right-of-way line of East Grant Street. The subject site is contiguous with the north side of East Grant Street 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).

RECOMMENDED FINDINGS: The proposed annexation complies with the above noted criteria as follows:

- (a) The site is contiguous with East Grant Street, which is within City limits, and is therefore contiguous.
- (b) A public water main is currently within East Grant Street and is eligible for use by the subject site. An existing septic system is on-site for use by a single-family dwelling. Development of a single-family dwelling within the Z-RM zone is permitted outright and constitutes an urban use. Portions of the site not eligible for development without special consideration due to the steep slope, would be able to be used for open space associated with the residential use. Although no development is currently proposed on-site, there are sufficient access to utilities, and development opportunity per the LDC. Utility and public improvements may be required upon development proposal.

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.

RECOMMENDED 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 Z-RM zone, and the Steep Slope Development Overlay 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.

RECOMMENDED 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. Due to lack of sewer infrastructure in the area, the property would utilize septic for sanitary sewer purposes. For water service, an existing 14-inch water main exists in East Grant Street, which would be available for connection to the subject site.

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.

RECOMMENDED 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.

RECOMMENDED FINDING: East Grant Street maintains a right-of-way width of 60-feet, which exceeds the minimum right-of-way width required for a local residential street. As

such, no additional right-of-way dedication from the subject property is unnecessary for the annexation. Upon development proposal, the City Engineer would determine what, if any, public improvements would be required, based on the scope of the development proposal.

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.

RECOMMENDED 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.

RECOMMENDED 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.

RECOMMENDED FINDING: The subject site includes steep slopes greater than 30%. As such, no development would be able to occur in areas with slopes greater than 30% without special consideration. If special consideration is not requested or given upon time of development, the steep slope area would be able to be maintained as open space for the uses on the property.

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.

RECOMMENDED 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.

RECOMMENDED 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).

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

IV. CONCLUSION AND RECOMMENDATION

Staff finds the proposal complies with the decision criteria for an Annexation and the establishment of the applicable zone. Therefore, staff recommends the Planning Commission recommend the City Council approve the Annexation of the subject area and establishment of the respective Residential Mixed Density (Z-RM) zone on the newly annexed property.

V. PLANNING COMMISSION ACTION - ANNEXATION

A. The Planning Commission may either:

1. Recommend City Council approval of the proposed annexation and establishment of the applicable Residential Mixed Density zone, adopting the written findings for the decision criteria contained in the staff report; or
2. Recommend City Council approval of the proposed annexation and establishment of the applicable Residential Mixed Density zone, adopting modified findings for the decision criteria; or
3. Recommend City Council denial of the proposed annexation and establishment of the applicable Residential Mixed Density zone, specifying reasons why the proposal fails to comply with the decision criteria; and
4. Direct staff to prepare an Order of Recommendation for the Chair or Vice Chair's signature incorporating the adopted findings as approved by the Planning Commission.



NOTICE OF PUBLIC HEARING LEBANON PLANNING COMMISSION

NOTICE IS HEREBY GIVEN that a public hearing will be held before the Lebanon Planning Commission on **February 19, 2020 at 6:00 p.m.** in the Santiam Travel Station located at 750 S 3rd Street, to afford interested persons and the general public an opportunity to be heard and give testimony concerning the following matter:

Planning Case No.:	A-20-01
Applicant:	3A Construction, LLC
Location:	E Grant St
Map & Tax Lot No.:	12S02W12C 00105
Request:	Annexation
Decision Criteria:	Lebanon Development Code Chapters: 16.05, 16.20 & 16.26

Request: The applicant is requesting Annexation of approximately 1.96 acres comprised of one tax lot. The property is designated Residential Mixed Density (C-RM) on the Comprehensive Plan Map and will be assigned a Residential Mixed Density (Z-RM) zoning designation upon Annexation.

Providing Comments: *CITIZENS ARE INVITED TO ATTEND* the public hearings and give written or oral testimony (after presentation of the staff report) that addresses applicable decision criteria during that part of the hearing process designated for testimony in favor of, or opposition to, the proposal. If additional documents or evidence are provided in support of the application subsequent to notice being sent, a party may, prior to the close of the hearing, request that the record remain open for at least seven days so such material may be reviewed.



Action of the Planning Commission and Appeals: The role of the Commission is to review the proposal and make a recommendation to the Lebanon City Council. A public hearing before the Council will be subsequently scheduled and notice provided. The Council decision is the final decision unless appealed to the Land Use Board of Appeals (LUBA). Failure to raise an issue in the hearing, orally or in writing, or failure to provide sufficient specificity to afford the decision makers an opportunity to respond to the issue precludes appeal to LUBA based on that issue.

Obtain Information: A copy of the application, all documents and evidence relied upon by the applicant, and applicable criteria are available for inspection at no cost and will be provided at the cost of 25 cents per single-sided page. If you have questions or would like additional information, please contact City of Lebanon Community Development Department, 925 Main Street; phone 541-258-4906; email cdc@ci.lebanon.or.us.

The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to 541-258-4906.



**NOTICE OF A PROPOSED CHANGE
TO A COMPREHENSIVE PLAN OR
LAND USE REGULATION
FORM 1**

FOR DLCD USE

File No.:

Received:

Local governments are required to send notice of a proposed change to a comprehensive plan or land use regulation **at least 35 days before the first evidentiary hearing**. (See [OAR 660-018-0020](#) for a post-acknowledgment plan amendment and [OAR 660-025-0080](#) for a periodic review task). The rules require that the notice include a completed copy of this form.

Jurisdiction: **City of Lebanon**

Local file no.: **A-20-01**

Please check the type of change that best describes the proposal:

- ☐ **Urban growth boundary (UGB) amendment** including more than 50 acres, by a city with a population greater than 2,500 within the UGB
- ☐ **UGB amendment** over 100 acres by a metropolitan service district
- ☐ **Urban reserve designation**, or amendment including over 50 acres, by a city with a population greater than 2,500 within the UGB
- ☐ **Periodic review task** – Task no.:
- ☒ **Any other change** to a comp plan or land use regulation (*e.g.*, a post-acknowledgement plan amendment)

Local contact person (name and title): **Tammy Dickey**

Phone: 541-258-4254 E-mail: tdickey@ci.lebanon.or.us

Street address: 925 S Main Street City: Lebanon Zip: 97355

Briefly summarize the proposal in plain language. Please identify all chapters of the plan or code proposed for amendment (maximum 500 characters):

Request to Annex 1.96. acres to the City of Lebanon and establish the Residential Mixed Density (Z-RM) on the newly annexed property. Proposed Zoning conforms to Comprehensive Plan Map designation.

Date of first evidentiary hearing: **February 19, 2020**

Date of final hearing: **March 11, 2020**

☐ This is a revision to a previously submitted notice. Date of previous submittal:

Check all that apply:

- ☐ Comprehensive Plan text amendment(s)
- ☐ Comprehensive Plan map amendment(s) – Change from _____ to _____
Change from _____ to _____
- ☐ New or amended land use regulation
Zoning map amendment(s) – Change from _____
Change from _____
- ☐ An exception to a statewide planning goal is proposed – goal(s) subject to exception:
- ☒ Acres affected by map amendment: **1.96**

Location of property, if applicable (site address and T, R, Sec., TL): **12S02W12C 00105**

List affected state or federal agencies, local governments and special districts:

NOTICE OF A PROPOSED CHANGE – SUBMITTAL INSTRUCTIONS

1. Except under certain circumstances,¹ proposed amendments must be submitted to DLCD's Salem office at least 35 days before the first evidentiary hearing on the proposal. The 35 days begins the day of the postmark if mailed, or, if submitted by means other than US Postal Service, on the day DLCD receives the proposal in its Salem office. **DLCD will not confirm receipt of a Notice of a Proposed Change unless requested.**

2. A Notice of a Proposed Change must be submitted by a local government (city, county, or metropolitan service district). DLCD will not accept a Notice of a Proposed Change submitted by an individual or private firm or organization.

3. **Hard-copy submittal:** When submitting a Notice of a Proposed Change on paper, via the US Postal Service or hand-delivery, print a completed copy of this Form 1 on light green paper if available. Submit **one copy** of the proposed change, including this form and other required materials to:

Attention: Plan Amendment Specialist
Dept. of Land Conservation and Development
635 Capitol Street NE, Suite 150
Salem, OR 97301-2540

This form is available here:

<http://www.oregon.gov/LCD/CPU/Pages/Plan-Amendments.aspx>

4. **Electronic submittals** of up to 20MB may be sent via e-mail. Address e-mails to plan.amendments@state.or.us with the subject line "Notice of Proposed Amendment."

Submittals may also be uploaded to DLCD's FTP site at <http://www.oregon.gov/LCD/CPU/Pages/PAPA-Submittals.aspx>.

E-mails with attachments that exceed 20MB will not be received, and therefore FTP must be used for these electronic submittals. **The FTP site must be used for all .zip files** regardless of size. The maximum file size for uploading via FTP is 150MB.

Include this Form 1 as the first pages of a combined file or as a separate file.

5. **File format:** When submitting a Notice of a Proposed Change via e-mail or FTP, or on a digital disc, attach all materials in one of the following formats: Adobe .pdf (preferred); Microsoft Office (for example, Word .doc or docx or Excel .xls or xlsx); or ESRI .mxd, .gdb, or .mpk. For other file formats, please contact the plan amendment specialist at 503-934-0017 or plan.amendments@state.or.us.

6. **Text:** Submittal of a Notice of a Proposed Change for a comprehensive plan or land use regulation text amendment must include the text of the amendment and any other information necessary to advise DLCD of the effect of the proposal. "Text" means the specific language proposed to be amended, added to, or deleted from the currently acknowledged plan or land use regulation. A general description of the proposal is not adequate. The notice may be deemed incomplete without this documentation.

7. **Staff report:** Attach any staff report on the proposed change or information that describes when the staff report will be available and how a copy may be obtained.

8. **Local hearing notice:** Attach the notice or a draft of the notice required under ORS 197.763 regarding a quasi-judicial land use hearing, if applicable.

9. **Maps:** Submittal of a proposed map amendment must include a map of the affected area showing existing and proposed plan and zone designations. A paper map must be legible if printed on 8½" x 11" paper. Include text regarding background, justification for the change, and the application if there was one accepted by the local government. A map by itself is not a complete notice.

10. **Goal exceptions:** Submittal of proposed amendments that involve a goal exception must include the proposed language of the exception.

¹ 660-018-0022 provides:

(1) When a local government determines that no goals, commission rules, or land use statutes apply to a particular proposed change, the notice of a proposed change is not required [a notice of adoption is still required, however]; and

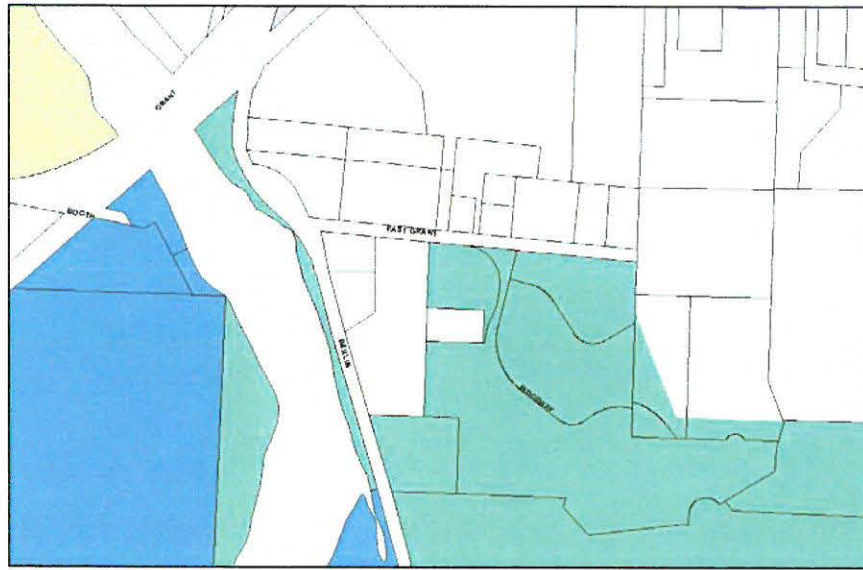
(2) If a local government determines that emergency circumstances beyond the control of the local government require expedited review such that the local government cannot submit the proposed change consistent with the 35-day deadline, the local government may submit the proposed change to the department as soon as practicable. The submittal must include a description of the emergency circumstances.

If you have any questions or would like assistance, please contact your DLCD regional representative or the DLCD Salem office at 503-934-0017 or e-mail plan.amendments@state.or.us.

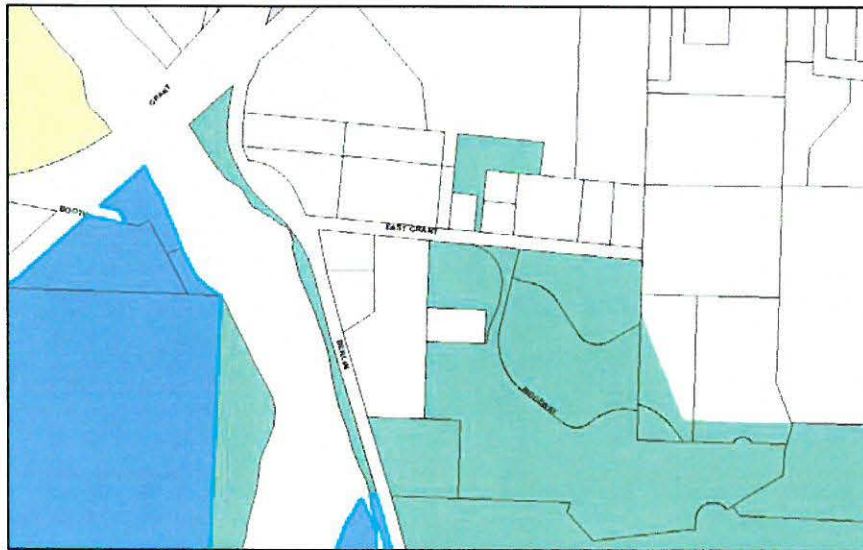
Notice checklist. Include all that apply:

- ☐ Completed Form 1
- ☐ The text of the amendment (e.g., plan or code text changes, exception findings, justification for change)
- ☐ Any staff report on the proposed change or information that describes when the staff report will be available and how a copy may be obtained
- ☐ A map of the affected area showing existing and proposed plan and zone designations
- ☐ A copy of the notice or a draft of the notice regarding a quasi-judicial land use hearing, if applicable
- ☐ Any other information necessary to advise DLCD of the effect of the proposal

CURRENT



PROPOSED



Zoning Map

Legend

- Z-RL : Residential Low Density
 - Z-RM : Residential Mixed Density
 - Z-RH : Residential High Density
 - Z-NMU : Neighborhood Mixed Use
 - Z-MU : Mixed Use
 - Z-NCM : Neighborhood Commercial
 - Z-CCM : Central Business Commercial
 - Z-HCM : Highway Commercial
 - Z-IND : Industrial
 - Z-PU : Public Use
 - Taxlot
 - City Limit
 - Urban Growth Boundary
- (See Urban Development Code, Chapter 15.11 for Ordinance Zones)





LAND USE APPLICATION

PROPERTY INFORMATION	
Site Address(es):	E. Grant St
Assessor's Map & Tax Lot No.(s):	12S 02W 12C 00 105
Comprehensive Plan Designation / Zoning Designation:	County EFU
Current Property Use:	vacant
Project Description:	

APPLICANT / PRIMARY CONTACT INFORMATION	
Applicant:	3A construction LLC
Address:	1690 Harvey Rd SE
City/State/Zip:	Jefferson, OR 97355
I hereby certify that the statements, attachments, exhibits, plot plan and other information submitted as a part of this application are true; that the proposed land use activity does not violate State and/or Federal Law, or any covenants, conditions and restrictions associated with the subject property; and, any approval granted based on this information may be revoked if it is found that such statements are false.	
APPLICANT SIGNATURE	Date: 11/17/2020

PROPERTY OWNER INFORMATION (IF DIFFERENT THAN ABOVE)	
Owner:	Jacque McBride
Address:	75-5719 Alii Drive #109
City/State/Zip:	Kailua Kona HI 96740
OWNER SIGNATURE	Date:

ADDITIONAL CONTACT INFORMATION	
Engineer / Surveyor:	Udell engineering
Address:	63 E Ash St
City/State/Zip:	Lebanon, OR 97355

Architect:	Phone:
Address:	Email:
City/State/Zip:	

Other:	Phone:
Address:	Email:
City/State/Zip:	

THE CITY THAT FRIENDLINESS BUILT

REQUIRED SUBMITTALS

- ☒ Application and Filing Fee
- ☐ Narrative Describing the Proposed Development and addressing the Decision Criteria
 - LDC Article Two Land Uses and Land Use Zones
 - LDC Article Three Development Standards
 - LDC Article Four Review & Decision Requirements
 - LDC Article Five Exceptions to Standards (eg Variance, Non-Conforming Uses)
- ☐ Site Plan(s) drawn to scale with dimensions, Include other drawings if applicable
- ☐ Copy of current Property Deed showing Ownership, Easements, Property Restrictions

FOR OFFICE USE

***If more than one review process is required, applicant pays highest priced fee, then subsequent applications charged at half-price.**

Land Use Review Process		Land Use Review Process	
	Fee		Fee
Administrative Review	\$450	Planned Development – Preliminary	\$2500
Annexation	\$1500	Planned Development – Ministerial	\$200
Code Interpretation	\$100	Planned Development – Final (Administrative)	\$450
Comprehensive Plan Map Amendment	\$2000	Planned Development – Final (Quasi-Judicial)	\$750
Comprehensive Plan Text Amendment	\$2000	Subdivision Tentative	\$2000 + \$15/lot
Conditional Use	\$1500	Subdivision Final	\$800 + \$15/lot
Historic Preservation Review or Register	Varies	Tree Felling Permit (Steep Slopes only)	\$150 + \$5/tree
Land Partition	\$450	Urban Growth Boundary Amendment	Actual Costs
Ministerial Review	\$150	Variance (Class 1 – Minor Adjustment)	\$150
Modification of Approved Plan	25% of Application	Variance (Class 2 – Adjustment)	\$450
Non-Conforming Use/Development	\$450	Variance (Class 3)	\$1000
Property (Lot) Line Adjustment	\$250	Zoning Map Amendment	\$1000

APPLICATION RECEIPT & PAYMENT

Date Received: 1/17/2020 Date Complete: Receipt No.: B307
 Received By: [Signature] Total Fee: 1500- File No.: A-20-01

THE CITY THAT FRIENDLINESS BUILT

Nature of Request:

Petition for Annexation

Applicant:

3A Construction
Jesusandrade3a@gmail.com
971-218-3568

Owner:

Jacquie McBride
PO Box 2524
Lebanon, OR 97355

Subject Property Locations:

No site address assigned, north of 37887 E Grant Street
Tax lot 109, tax map 12s-02w-12C

Comprehensive Plan Designation/Zoning:

City of Lebanon Comprehensive Plan – Residential-Mixed Density (C-RM)
Zoning prior to annexation = UGA-UGM-10 and exclusive farm use (EFU)

Current Land Use:

Currently vacant. Single family residence in the past.

Summary:

The applicant is seeking to annex the subject territory into the City of Lebanon and thereby accepting the City's zoning designation of Mixed Density Residential.

General Evaluation Criteria:

- Property must be contiguous to City of Lebanon limits
 - The subject property has frontage on East Grant Street which is the City Limits to the south.
- City of Lebanon zoning designation
 - Upon annexation, the subject property will be converted from Linn County UGA to City of Lebanon mixed density residential. The applicant is aware of this and is not seeking a comprehensive map or zoning designation change at this time.
- City Services

- Though no development is being proposed concurrent with this petition, the following City of Lebanon services are available to the property.
 - City records indicate that there is a domestic water distribution line in East Grant Street (one of the City's storage reservoirs is approximately 200' east of the subject)
 - City records also indicate that a single water service is present in the public right of way
 - Sanitary sewer is not available to the property or to any of the annexed area east of the South Santiam River
 - Public storm drain connections are also not available to the property
 -

Site Specific Evaluation Criteria:

- Steep slopes
 - The site slope varies, but on average the buildable area (slopes < 30%) is a 12% gradient downhill to the south
- Natural hazards
 - The applicant is not aware of any natural hazards
 - The property is outside the 1% flood risk special flood hazard area as delineated on the FIRM panel no. 41043C0567G
- Riparian zones
 - The property does not contain and is not located within the proximity of a waterway or riparian area
- Wetlands
 - The U.S. Fish and Wildlife Service National Wetland Inventory does not indicate wetlands are present
- Water bodies
 - None on site
- Overlay zones

- The property is not impacted by any of the Airport overlay zones
- The property is not affected by the Riparian Protection Overlay zone
- The steep slope development overlay zone affects the eastern portion of property.
The easterly 150' of the property is 20% or above and the easterly 60' of the property is approximately a 40% slope
- Specific infrastructure development proposals
 - Applicant is not aware of any proposed capital improvement or transportation upgrades in the vicinity, in the immediate future.
- Existing nuisance/hazardous conditions
 - The applicant is not aware of any existing nuisances or hazardous conditions on the property.
- Failing on site services
 - Though not failing, the site does include an existing onsite septic disposal system from the prior dwelling.

CITY OF LEBANON ANNEXATION MAP

AT THE REQUEST OF

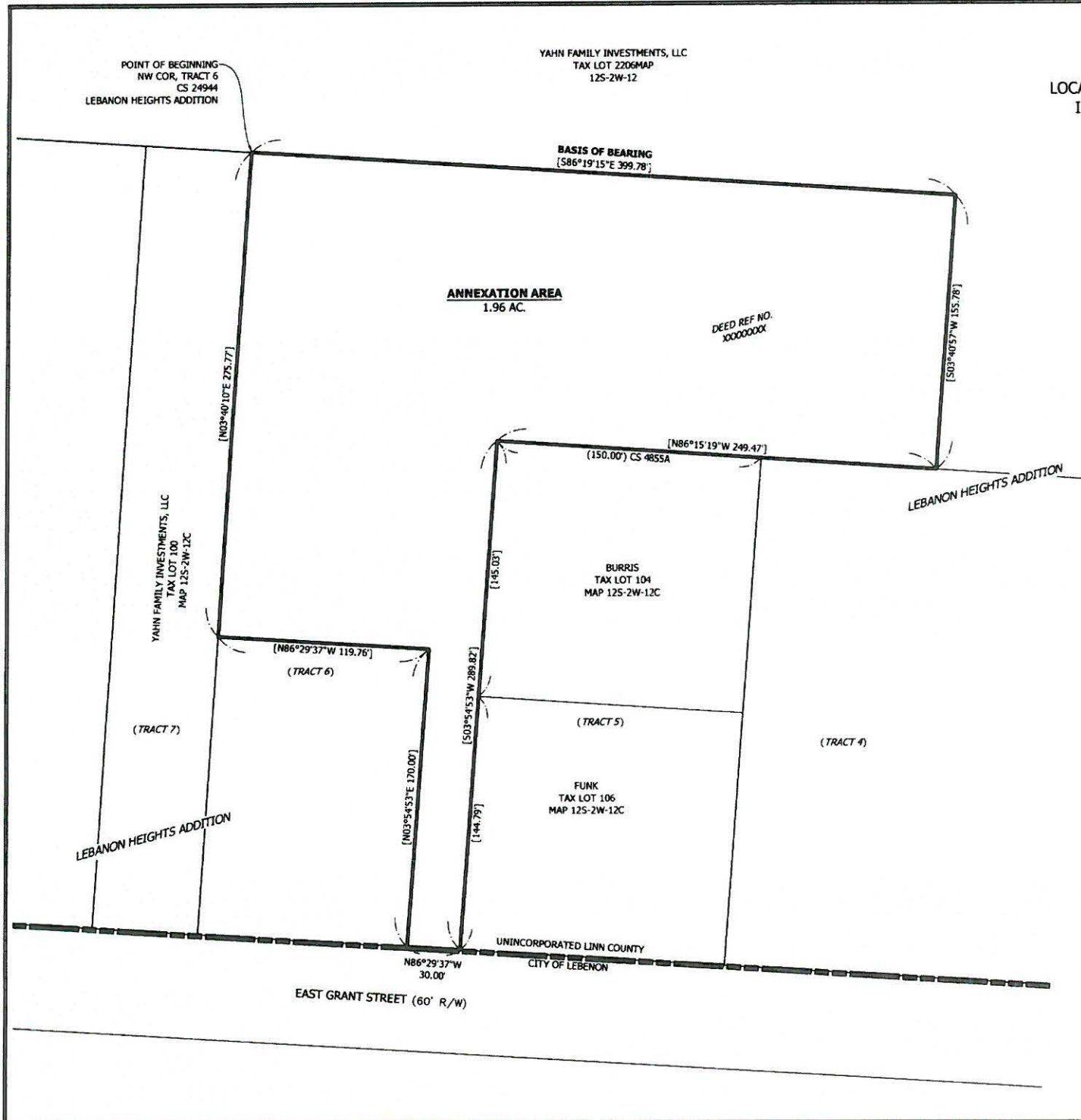
JACQUIE MCBRIDE

LOCATED IN A PORTION OF JAMES RIDGEWAY DLC 46

IN THE SW 1/4 SEC. 12, T. 12 S., R. 2 W., W.M.

LINN COUNTY, OREGON

JANUARY 28, 2020



LEGEND:

POB POINT OF BEGINNING
() RECORD DATA AS NOTED
[] CALCULATED DATA PER CS 24944
DLC DONATION LAND CLAIM
CS COUNTY SURVEY
CR COUNTY ROAD
R/W RIGHT-OF-WAY
PP LINN COUNTY PARTITION PLAT
CITY LIMITS

REFERENCE SURVEY: CS 24944, CS 4855A



SCALE: 1" = 40'

0' 40' 80'

REVIEW COPY ONLY

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JUNE 12, 2013
KYLE W. LATIMER
#80442
EXPIRES 12-31-2020

Udell
ENGINEERING & LAND
SURVEYING, LLC
63 EAST ASH ST.
LEBANON, OR 97355
PH: (541) 451-5125
FAX (541) 451-1366
20-026 ANNEXATION

SHEET 1 OF 1



925 S. Main Street
Lebanon, Oregon 97355

TEL: 541.258.4906
cdc@ci.lebanon.or.us
www.ci.lebanon.or.us

MEMORANDUM

Community Development

To: File No. A-20-01
From: Tammy Dickey, Development Services Specialist
Subject: Certificate of Mailing

Date: January 29, 2020

Applicant: 3A Construction, LLC

I HEREBY CERTIFY that on January 29, 2020, I did personally mail, via US mail with first class postage prepaid and/or email the following:

Notice of Public Hearing - Planning Commission for Annexation regarding the property at E Grant Street also

known as Township 12S – Range 2W – Sect; 12C Tax Lot(s) 00105;
to the following:

- ☒ Property owners within 250 feet of the subject property as indicated on the attached list; and
- ☒ Persons and/or Entities on the City of Lebanon's Notice Distribution List; and
- ☒ The applicant and its representatives; and
- ☐ Any other interested party who provided testimony or requested a copy of the notice of decision: Click here to enter text.



Signature



NOTICE DISTRIBUTION LIST

Planning File No.: A-20-01
Applicant Name: 3A Construction, LLC
Notice Type: Annexation

Staff:

1. Bulletin Boards (x3): Library, Police, Senior Center
2. Frank Stevenson, Police Chief
3. Jason Bolen, Fire District
4. John Tre' Kennedy, City Attorney
5. Kelly Hart, Community Development Director
6. Kim Scheafer, City Recorder
7. Kindra Oliver, Senior Services Director
8. Ron Whitlatch, Engineering Services Director
9. Shana Olson, Engineering Associate

Other Agencies:

1. Albany Democrat Herald
2. CenturyLink
3. Consumer Powers, Inc.
4. Boys & Girls Club
5. ODOT - Region 2 Headquarters
6. KGAL
7. Lebanon Chamber of Commerce
8. Lebanon Express
9. Lebanon School District
10. Linn Co. Board of Commissioners
11. Linn Co. Planning Dept.
12. NW Natural Gas
13. Pacific Power
14. Republic Services

Site Specific Notice:

1. Albany Canal, City of Albany ☐
2. Applicant(s) and Professional Representative(s)
3. Linn Co. Surveyor ☐
4. OR Department of Aviation ☐
5. City Council ☐
6. Linn Co. Road Department (x2) ☐
7. Grand Prairie Water District ☐
8. Lee NW Publishing "To be published the 14 business days before hearing." ☒
9. Oregon Pilots Association, Lebanon Chapter ☐
10. Planning Commission Members ☒
11. Surrounding Property Owners - (100 feet ☐ 250 feet ☒)



NOTICE OF PUBLIC HEARING LEBANON PLANNING COMMISSION

NOTICE IS HEREBY GIVEN that a public hearing will be held before the Lebanon Planning Commission on **February 19, 2020 at 6:00 p.m.** in the Santiam Travel Station located at 750 S 3rd Street, to afford interested persons and the general public an opportunity to be heard and give testimony concerning the following matter:

Planning Case No.:	A-20-01
Applicant:	3A Construction, LLC
Location:	E Grant St
Map & Tax Lot No.:	12S02W12C 00105
Request:	Annexation
Decision Criteria:	Lebanon Development Code Chapters: 16.05, 16.20 & 16.26

Request: The applicant is requesting Annexation of approximately 1.96 acres comprised of one tax lot. The property is designated Residential Mixed Density (C-RM) on the Comprehensive Plan Map and will be assigned a Residential Mixed Density (Z-RM) zoning designation upon Annexation.

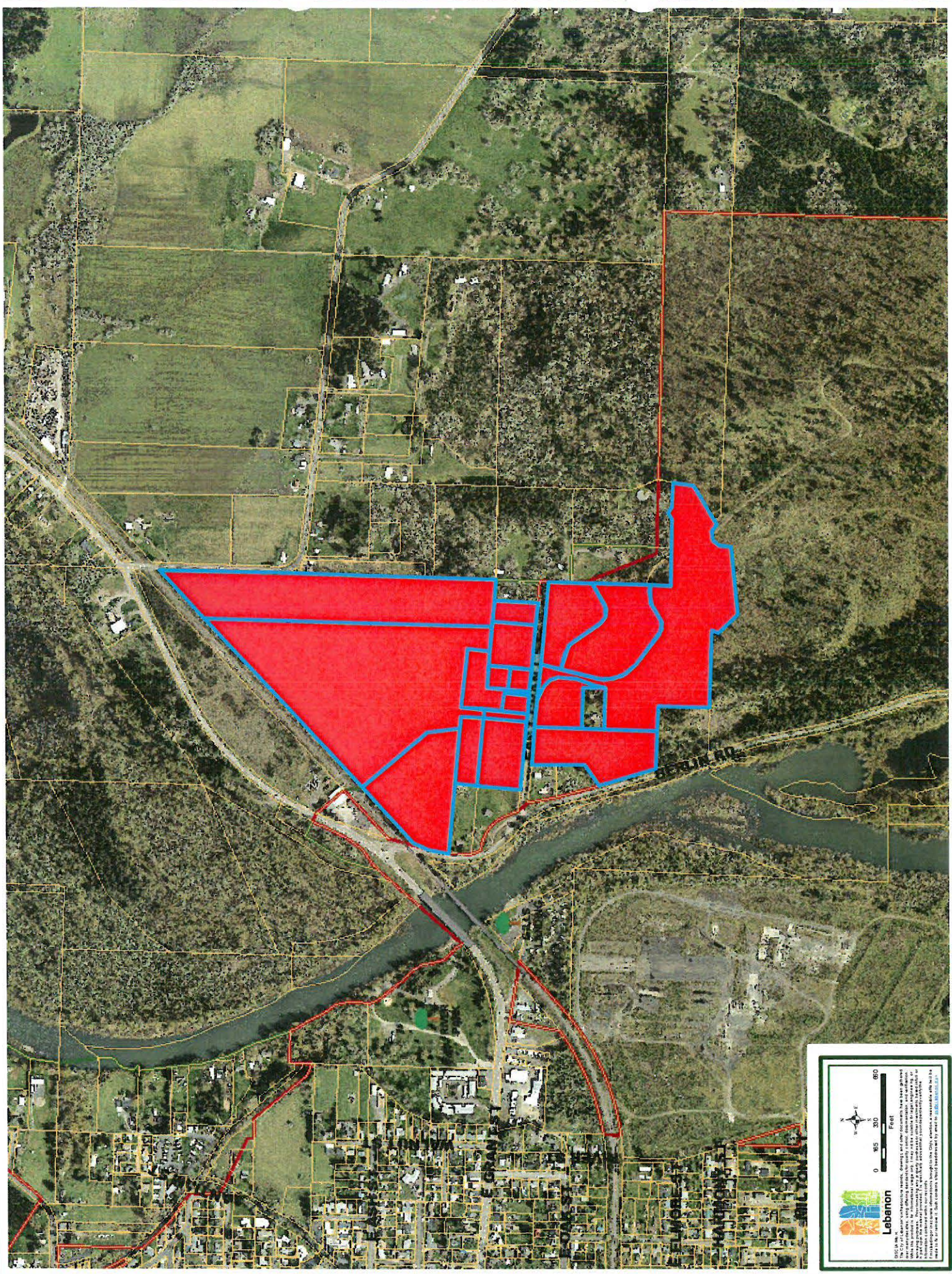
Providing Comments: *CITIZENS ARE INVITED TO ATTEND* the public hearings and give written or oral testimony (after presentation of the staff report) that addresses applicable decision criteria during that part of the hearing process designated for testimony in favor of, or opposition to, the proposal. If additional documents or evidence are provided in support of the application subsequent to notice being sent, a party may, prior to the close of the hearing, request that the record remain open for at least seven days so such material may be reviewed.



Action of the Planning Commission and Appeals: The role of the Commission is to review the proposal and make a recommendation to the Lebanon City Council. A public hearing before the Council will be subsequently scheduled and notice provided. The Council decision is the final decision unless appealed to the Land Use Board of Appeals (LUBA). Failure to raise an issue in the hearing, orally or in writing, or failure to provide sufficient specificity to afford the decision makers an opportunity to respond to the issue precludes appeal to LUBA based on that issue.

Obtain Information: A copy of the application, all documents and evidence relied upon by the applicant, and applicable criteria are available for inspection at no cost and will be provided at the cost of 25 cents per single-sided page. If you have questions or would like additional information, please contact City of Lebanon Community Development Department, 925 Main Street; phone 541-258-4906; email cdc@ci.lebanon.or.us.

The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to 541-258-4906.





Lebanon

2023 © City of Lebanon
The City of Lebanon's geographic names, designs and other documents have been placed in the public domain. No trademark or copyright is claimed. All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted, in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without permission in writing from the City of Lebanon. For more information, please contact the City of Lebanon at 603.448.2000 or www.cityoflebanon.org.



0 150 300 450 Feet

SITUS ADDRESS	PIN	OWNER1	OWNER3	AGENT	MAILING ADDRESS 1	MAILING CITY	MAILING STATE	MAILING ZIP	MAP ACRES
	12S02W12C 00300	BRUER MICHAEL J			5280 KINGS VALLEY HWY	DALLAS	OR	97338	17.47
	12S02W12C 00400	BRUER MICHAEL J			5280 KINGS VALLEY HWY	DALLAS	OR	97338	3.82
	12S02W12C 00500	BRUER MICHAEL J			5280 KINGS VALLEY HWY	DALLAS	OR	97338	6.36
37893 E GRANT ST	12S02W12C 00104	BURRIS BILLY			37893 E GRANT ST	LEBANON	OR	97355	0.5
37960 GOLDEN VALLEY DR	12S02W12 02200	FAIR JASON & JENNY			37960 GOLDEN VALLEY DR	LEBANON	OR	97355	15.48
	12S02W12C 00202	FOSTER JILL M			17716 SW MANDEL LN	SHERWOOD	OR	97140	5.59
37897 E GRANT ST	12S02W12C 00106	FUNK TRAVIS & WHITNEY			37897 E GRANT ST	LEBANON	OR	97355	0.5
	12S02W12C 00107	HABJAN WILLIAM F & DIANE M			33103 BERLIN RD	LEBANON	OR	97355	3.07
	12S02W12 02203	HABJAN WILLIAM F & DIANE M			33103 BERLIN RD	LEBANON	OR	97355	1.64
37919 E GRANT ST	12S02W12C 00101	LEBANON CITY OF			925 S MAIN ST	LEBANON	OR	97355	2
	12S02W12C 00105	MCBRIDE JACQUIE			PO BOX 2524	LEBANON	OR	97355	1.96
37955 E GRANT ST	12S02W12C 00110	OCCUPANT			37955 E GRANT ST	LEBANON	OR	97355	0.97
37887 E GRANT ST	12S02W12C 00109	PAYNE JOHN W SR			37887 E GRANT ST	LEBANON	OR	97355	0.47
	12S02W12C 00301	WILSON R F TRUSTEE			PO BOX 99	LYONS	OR	97358	2.33
33121 BERLIN RD	12S02W12 02800	YAHN FAMILY INVESTMENTS LLC	C/O CHRISTIAN YAHN		12205 SW SUMMER CREST DR	TIGARD	OR	97223	7.72
	12S02W12 02206	YAHN FAMILY INVESTMENTS LLC	C/O CHRISTIAN YAHN		12205 SW SUMMER CREST DR	TIGARD	OR	97223	27.94
	12S02W12C 00100	YAHN FAMILY INVESTMENTS LLC	C/O CHRISTIAN YAHN		12205 SW SUMMER CREST DR	TIGARD	OR	97223	0.4



925 S. Main Street
Lebanon, Oregon 97355

TEL: 541.258.4906
cdc@ci.lebanon.or.us
www.ci.lebanon.or.us

MEMORANDUM

Community Development

To: File No. A-20-01
From: Tammy Dickey, Development Services Technician
Subject: Certificate of Mailing

Date: January 17, 2020

Applicant: 3A Construction

I HEREBY CERTIFY that on January 17, 2020, I did personally mail, via US mail with first class postage prepaid and/or email the following:

DLCD Form 1 for the property at E Grant Street also
known as Township 12S – Range 2W – Sect; 12C Tax Lot(s) 00105;
to the following:

☒ DLCD / plan.amendments@state.or.us

Signature



NOTICE OF A PROPOSED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION FORM 1

FOR DLCD USE

File No.:

Received:

Local governments are required to send notice of a proposed change to a comprehensive plan or land use regulation **at least 35 days before the first evidentiary hearing**. (See [OAR 660-018-0020](#) for a post-acknowledgment plan amendment and [OAR 660-025-0080](#) for a periodic review task). The rules require that the notice include a completed copy of this form.

Jurisdiction: **City of Lebanon**

Local file no.: **A-20-01**

Please check the type of change that best describes the proposal:

- ☐ **Urban growth boundary (UGB) amendment** including more than 50 acres, by a city with a population greater than 2,500 within the UGB
- ☐ **UGB amendment** over 100 acres by a metropolitan service district
- ☐ **Urban reserve designation**, or amendment including over 50 acres, by a city with a population greater than 2,500 within the UGB
- ☐ **Periodic review task** – Task no.:
- ☒ **Any other change** to a comp plan or land use regulation (*e.g.*, a post-acknowledgement plan amendment)

Local contact person (name and title): **Tammy Dickey**

Phone: 541-258-4254 E-mail: tdickey@ci.lebanon.or.us

Street address: 925 S Main Street City: Lebanon Zip: 97355

Briefly summarize the proposal in plain language. Please identify all chapters of the plan or code proposed for amendment (maximum 500 characters):

Request to Annex 1.96. acres to the City of Lebanon and establish the Residential Mixed Density (Z-RM) on the newly annexed property. Proposed Zoning conforms to Comprehensive Plan Map designation.

Date of first evidentiary hearing: **February 19, 2020**

Date of final hearing: **March 11, 2020**

☐ This is a revision to a previously submitted notice. Date of previous submittal:

Check all that apply:

- ☐ Comprehensive Plan text amendment(s)
- ☐ Comprehensive Plan map amendment(s) – Change from _____ to _____
Change from _____ to _____
- ☐ New or amended land use regulation
Zoning map amendment(s) – Change from _____
Change from _____
- ☐ An exception to a statewide planning goal is proposed – goal(s) subject to exception:
- ☒ Acres affected by map amendment: **1.96**

Location of property, if applicable (site address and T, R, Sec., TL): **12S02W12C 00105**

List affected state or federal agencies, local governments and special districts:

NOTICE OF A PROPOSED CHANGE – SUBMITTAL INSTRUCTIONS

1. Except under certain circumstances,¹ proposed amendments must be submitted to DLCD's Salem office at least 35 days before the first evidentiary hearing on the proposal. The 35 days begins the day of the postmark if mailed, or, if submitted by means other than US Postal Service, on the day DLCD receives the proposal in its Salem office. **DLCD will not confirm receipt of a Notice of a Proposed Change unless requested.**

2. A Notice of a Proposed Change must be submitted by a local government (city, county, or metropolitan service district). DLCD will not accept a Notice of a Proposed Change submitted by an individual or private firm or organization.

3. **Hard-copy submittal:** When submitting a Notice of a Proposed Change on paper, via the US Postal Service or hand-delivery, print a completed copy of this Form 1 on light green paper if available. Submit **one copy** of the proposed change, including this form and other required materials to:

Attention: Plan Amendment Specialist
Dept. of Land Conservation and Development
635 Capitol Street NE, Suite 150
Salem, OR 97301-2540

This form is available here:

<http://www.oregon.gov/LCD/CPU/Pages/Plan-Amendments.aspx>

4. **Electronic submittals** of up to 20MB may be sent via e-mail. Address e-mails to plan.amendments@state.or.us with the subject line "Notice of Proposed Amendment."

Submittals may also be uploaded to DLCD's FTP site at <http://www.oregon.gov/LCD/CPU/Pages/PAPA-Submittals.aspx>.

E-mails with attachments that exceed 20MB will not be received, and therefore FTP must be used for these electronic submittals. **The FTP site must be used for all .zip files** regardless of size. The maximum file size for uploading via FTP is 150MB.

Include this Form 1 as the first pages of a combined file or as a separate file.

5. **File format:** When submitting a Notice of a Proposed Change via e-mail or FTP, or on a digital disc, attach all materials in one of the following formats: Adobe .pdf (preferred); Microsoft Office (for example, Word .doc or docx or Excel .xls or xlsx); or ESRI .mxd, .gdb, or .mpk. For other file formats, please contact the plan amendment specialist at 503-934-0017 or plan.amendments@state.or.us.

6. **Text:** Submittal of a Notice of a Proposed Change for a comprehensive plan or land use regulation text amendment must include the text of the amendment and any other information necessary to advise DLCD of the effect of the proposal. "Text" means the specific language proposed to be amended, added to, or deleted from the currently acknowledged plan or land use regulation. A general description of the proposal is not adequate. The notice may be deemed incomplete without this documentation.

7. **Staff report:** Attach any staff report on the proposed change or information that describes when the staff report will be available and how a copy may be obtained.

8. **Local hearing notice:** Attach the notice or a draft of the notice required under ORS 197.763 regarding a quasi-judicial land use hearing, if applicable.

9. **Maps:** Submittal of a proposed map amendment must include a map of the affected area showing existing and proposed plan and zone designations. A paper map must be legible if printed on 8½" x 11" paper. Include text regarding background, justification for the change, and the application if there was one accepted by the local government. A map by itself is not a complete notice.

10. **Goal exceptions:** Submittal of proposed amendments that involve a goal exception must include the proposed language of the exception.

¹ 660-018-0022 provides:

(1) When a local government determines that no goals, commission rules, or land use statutes apply to a particular proposed change, the notice of a proposed change is not required [a notice of adoption is still required, however]; and

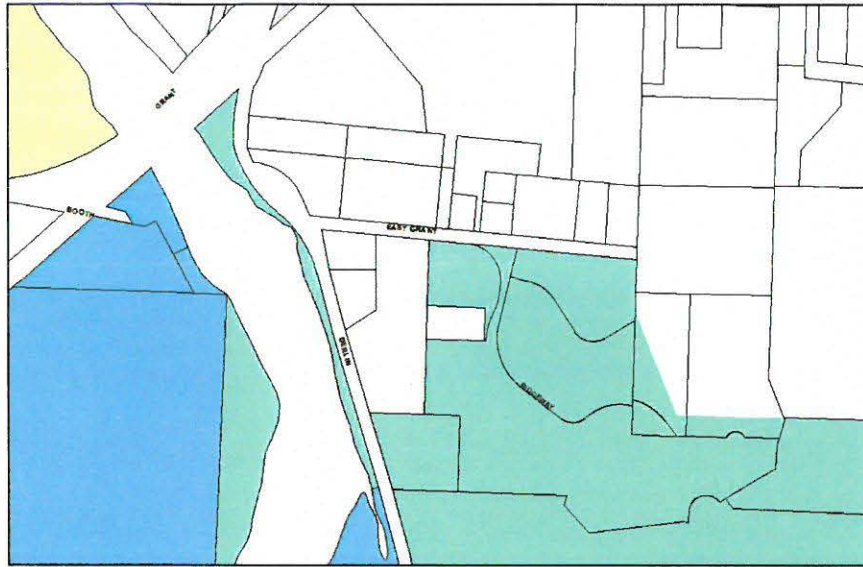
(2) If a local government determines that emergency circumstances beyond the control of the local government require expedited review such that the local government cannot submit the proposed change consistent with the 35-day deadline, the local government may submit the proposed change to the department as soon as practicable. The submittal must include a description of the emergency circumstances.

If you have any questions or would like assistance, please contact your DLCD regional representative or the DLCD Salem office at 503-934-0017 or e-mail plan.amendments@state.or.us.

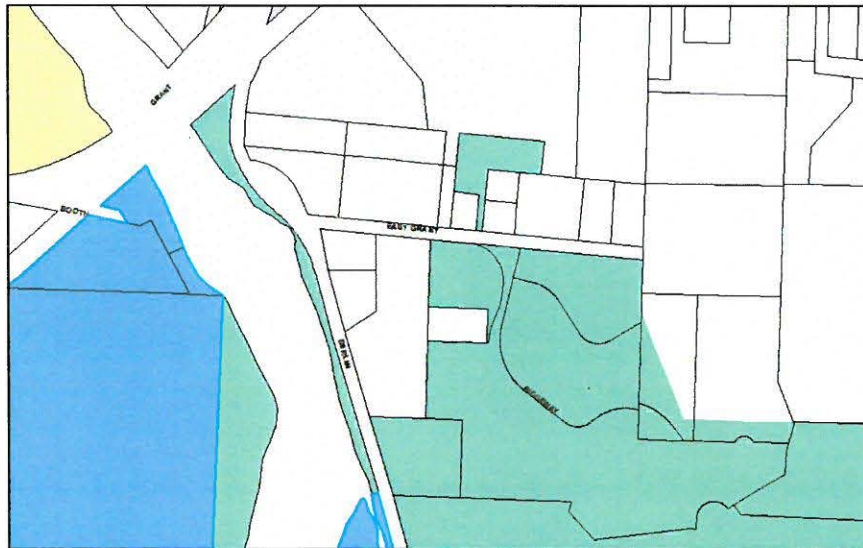
Notice checklist. Include all that apply:

- ☐ Completed Form 1
- ☐ The text of the amendment (e.g., plan or code text changes, exception findings, justification for change)
- ☐ Any staff report on the proposed change or information that describes when the staff report will be available and how a copy may be obtained
- ☐ A map of the affected area showing existing and proposed plan and zone designations
- ☐ A copy of the notice or a draft of the notice regarding a quasi-judicial land use hearing, if applicable
- ☐ Any other information necessary to advise DLCD of the effect of the proposal

CURRENT



PROPOSED



Zoning Map

Legend

- Z-RL : Residential Low Density
- Z-RM : Residential Mixed Density
- Z-RH : Residential High Density
- Z-NMU : Neighborhood Mixed Use
- Z-MU : Mixed Use
- Z-NCM : Neighborhood Commercial
- Z-CCM : Central Business Commercial
- Z-HCM : Highway Commercial
- Z-IND : Industrial
- Z-PU : Public Use
- Taxlot
- City Limit
- Urban Growth Boundary

(See Urban Development Code
Chapter 19.11 for Overlay Zones)





LAND USE APPLICATION

PROPERTY INFORMATION

Site Address(es): E. Grant St
Assessor's Map & Tax Lot No.(s): 12S 02W 12C 00 105
Comprehensive Plan Designation / Zoning Designation: County EFU
Current Property Use: vacant
Project Description:

APPLICANT / PRIMARY CONTACT INFORMATION

Applicant: 3A construction LLC Phone: 971 218 3568
Address: 1690 Harvey Rd SE Email: Jesus Andrade 3A@gmail.com
City/State/Zip: Jefferson, OR 97355

I hereby certify that the statements, attachments, exhibits, plot plan and other information submitted as a part of this application are true; that the proposed land use activity does not violate State and/or Federal Law, or any covenants, conditions and restrictions associated with the subject property; and, any approval granted based on this information may be revoked if it is found that such statements are false.

APPLICANT SIGNATURE [Signature] Date: 11/17/2020

PROPERTY OWNER INFORMATION (IF DIFFERENT THAN ABOVE)

Owner: Jacquie McBride Phone: 541 409 6614
Address: 75-5719 Alii Driv #109 Email: Jmebride077@gmail.com
City/State/Zip: Kailua Kona HI 96740

OWNER SIGNATURE Jacquie McBride Date: [Signature]

dotloop verified
01/16/20 10:43 AM
HST
7H51-003J-F0Y6-KJ4P

ADDITIONAL CONTACT INFORMATION

Engineer / Surveyor: Udell engineering Phone: 541-451-5125
Address: 63 E Ash St Email: kyle@udellentk.com
City/State/Zip: Lebanon, OR 97355

Architect: Phone:
Address: Email:
City/State/Zip:

Other: Clayton Homes Phone: 541 967 8555
Address: 1437 century dr Email: HC613@claytonHomes.com
City/State/Zip: Albany, OR 97321

THE CITY THAT FRIENDLINESS BUILT

REQUIRED SUBMITTALS

- ☒ Application and Filing Fee
- ☐ Narrative Describing the Proposed Development and addressing the Decision Criteria
 - LDC Article Two Land Uses and Land Use Zones
 - LDC Article Three Development Standards
 - LDC Article Four Review & Decision Requirements
 - LDC Article Five Exceptions to Standards (eg Variance, Non-Conforming Uses)
- ☐ Site Plan(s) drawn to scale with dimensions, Include other drawings if applicable
- ☐ Copy of current Property Deed showing Ownership, Easements, Property Restrictions

FOR OFFICE USE

*If more than one review process is required, applicant pays highest priced fee, then subsequent applications charged at half-price.

Land Use Review Process	Fee	Land Use Review Process	Fee
Administrative Review	\$450	Planned Development – Preliminary	\$2500
Annexation	\$1500	Planned Development – Ministerial	\$200
Code Interpretation	\$100	Planned Development – Final (Administrative)	\$450
Comprehensive Plan Map Amendment	\$2000	Planned Development – Final (Quasi-Judicial)	\$750
Comprehensive Plan Text Amendment	\$2000	Subdivision Tentative	\$2000 + \$15/lot
Conditional Use	\$1500	Subdivision Final	\$800 + \$15/lot
Historic Preservation Review or Register	Varies	Tree Felling Permit (Steep Slopes only)	\$150 + \$5/tree
Land Partition	\$450	Urban Growth Boundary Amendment	Actual Costs
Ministerial Review	\$150	Variance (Class 1 – Minor Adjustment)	\$150
Modification of Approved Plan	25% of Application	Variance (Class 2 – Adjustment)	\$450
Non-Conforming Use/Development	\$450	Variance (Class 3)	\$1000
Property (Lot) Line Adjustment	\$250	Zoning Map Amendment	\$1000

APPLICATION RECEIPT & PAYMENT

Date Received: 1/17/2020 Date Complete: Receipt No.: 0307
 Received By: [Signature] Total Fee: 1500- File No.: A-20-01

THE CITY THAT FRIENDLINESS BUILT

ANNEXATION TO CITY OF LEBANON

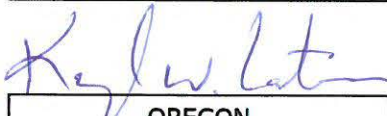
(TAX LOT 105, MAP 12S-02W-12C)

AN AREA OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 12, TOWNSHIP 12 SOUTH, RANGE 2 WEST OF THE WILLAMETTE MERIDIAN AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF TRACT 5 OF LEBANON HEIGHTS ADDITION; THENCE SOUTH $03^{\circ}54'53''$ WEST 289.82 FEET TO THE NORTH LINE OF EAST GRANT STREET; THENCE NORTH $86^{\circ}29'3''$ WEST 30.00 FEET; THENCE NORTH $3^{\circ}54'53''$ EAST 170.00 FEET; THENCE NORTH $86^{\circ}29'37''$ WEST 119.76 FEET TO THE WEST LINE OF TRACT 6 OF LEBANON HEIGHTS ADDITION; THENCE NORTH $3^{\circ}40'10''$ EAST 275.77 FEET TO THE NORTHWEST CORNER OF THE LAND DESCRIBED IN LINN COUNTY DEED RECORDS VOLUME 233, PAGE 556; THENCE SOUTH $86^{\circ}19'15''$ EAST 399.78 FEET; THENCE SOUTH $3^{\circ}40'57''$ WEST 155.78 FEET TO THE NORTH LINE OF LEBANON HEIGHTS ADDITION; THENCE NORTH $86^{\circ}15'19''$ WEST 249.47 FEET TO THE POINT OF BEGINNING

AREA DESCRIBED ABOVE IS 1.96 ACRES

REGISTERED
PROFESSIONAL
LAND SURVEYOR



OREGON
JUNE 12, 2013
KYLE W. LATIMER
80442

EXPIRES 12-31-2020

Udell Engineering & Land Surveying, LLC
63 East Ash Street, Lebanon, OR 97355
Ph: 541-451-5125 • Fax: 541-451-1366

Annexation on Grant

- need to mention that portions of the property are within the steep slope overlay (15% or more slope), and if development were to occur within the steep slope area, special engineering consideration and review would be required
- mention available utilities - water line only, no sewer - septic
- street access is currently gravel

Staff Report

- Property location / description

change motion sheets, keep finding in same SR?

- list as recommended findings
- email PC, indicate based on comments, additional research was conducted, will incorporate recommended written findings in SR, but modify motion to reference written findings and direct staff to incorporate findings

Nature of Request:

Petition for Annexation

Applicant:

3A Construction
Jesusandrade3a@gmail.com
971-218-3568

Owner:

Jacquie McBride
PO Box 2524
Lebanon, OR 97355

Subject Property Locations:

No site address assigned, north of 37887 E Grant Street

Tax lot 105, tax map 12s-02w-12C

Comprehensive Plan Designation/Zoning:

City of Lebanon Comprehensive Plan – Residential-Mixed Density (C-RM)

Zoning prior to annexation = UGA-UGM-10 and exclusive farm use (EFU)

Current Land Use:

Currently vacant. Single family residence in the past.

Summary:

The applicant is seeking to annex the subject territory into the City of Lebanon and thereby accepting the City's zoning designation of Mixed Density Residential.

General Evaluation Criteria:

- Property must be contiguous to City of Lebanon limits
 - The subject property has frontage on East Grant Street which is the City Limits to the south.
- City of Lebanon zoning designation
 - Upon annexation, the subject property will be converted from Linn County UGA to City of Lebanon mixed density residential. The applicant is aware of this and is not seeking a comprehensive map or zoning designation change at this time.
- City Services
 - Though no development is being proposed concurrent with this petition, the following City of Lebanon services are available to the property.
 - City records indicate that there is a domestic water distribution line in East Grant Street (one of the City's storage reservoirs is approximately 200' east of the subject)
 - City records also indicate that a single water service to the property is present in the public right of way
 - Sanitary sewer is not available to the property or to any of the annexed area east of the South Santiam River. A Linn County permitted onsite septic system for a previous single family dwelling is located on the property.
 - Public storm drain connections are also not available to the property
 - The property has 30' of public road frontage on East Grant Street, a 60' wide City of Lebanon right of way with an unpaved travel surface

Site Specific Evaluation Criteria:

- Steep slopes
 - The site slope varies, but on average the buildable area (slopes < 30%) is a 12% gradient downhill to the south
- Natural hazards
 - The applicant is not aware of any natural hazards
 - The property is outside the 1% flood risk special flood hazard area as delineated on the FIRM panel no. 41043C0567G
- Riparian zones
 - The property does not contain and is not located within the proximity of a waterway or riparian area
- Wetlands
 - The U.S. Fish and Wildlife Service National Wetland Inventory does not indicate wetlands are present

- Water bodies
 - None on site
- Overlay zones
 - The property is not impacted by any of the Airport overlay zones
 - The property is not affected by the Riparian Protection Overlay zone
 - The steep slope development overlay zone affects the eastern portion of property. The easterly 150' of the property is 20% or above and the easterly 60' of the property is approximately a 40% slope
- Specific infrastructure development proposals
 - Applicant is not aware of any proposed capital improvement or transportation upgrades in the vicinity, in the immediate future.
- Existing nuisance/hazardous conditions
 - The applicant is not aware of any existing nuisances or hazardous conditions on the property.
- Failing on site services
 - Though not failing, the site does include an existing onsite septic disposal system from the prior dwelling.