



PLANNING COMMISSION MEETING AGENDA

September 20, 2023

Chair:

Don Robertson

Vice Chair:

Lory Gerig-Knurowski

Commissioners:

David McClain
Kristina Breshears
Karisten Baxter
Don Fountain
Marcellus Angellford
Shyla Malloy
Mike Miller

Community

Development Director
Kelly Hart

Regular Meeting:
6:00 p.m.

REGULAR SESSION – 6:00 p.m.

1. Call to Order / Flag Salute
2. Roll Call
3. Minutes –
 - a. July 19, 2023
 - b. August 16, 2023
4. Citizen Comments – *Restricted to items not on the agenda*
5. Commission Review:
 - a. **Public Hearing – Planning File CPMA-23-02, ZMA-23-02, and MLP-23-04**
A Partition to separate 1.33 acres from the 5.68 acre parcel, and to change the comprehensive plan and zoning map designation from Mixed Use to Highway Commercial.
(12S 02W 23B, Tax Lot 100)
 - b. **Public Hearing – Planning File A-23-04**
Proposed annexation of a 0.33 acre parcel and assign the initial zoning of Residential Mixed Density (Z-RM).
(12S 02W 14CB, Tax Lot 3000, 155 Taylor Street)
 - c. **Public Hearing – Planning File A-23-05**
Proposed annexation of two parcels totaling 0.31 acres and assigning the initial zoning of Residential Mixed Density (Z-RM).
(12S 02W 10CD, Tax Lots 3400 and 3500, 645 and 685 W B Street)
 - d. **Public Hearing – Planning File A-23-06**
Proposed annexation of a 0.37 acre parcel and assigning the initial zoning of Residential Mixed Density (Z-RM).
(12S 02W 15CD, Tax Lot 3200, 870 Wassom Street)
6. Commission Business & Comments
 - a. Planning Commission Training - Conflict of Interest, Bias, and Public Meeting Law – presented by City Attorney Tre Kennedy
7. Adjournment

Planning Commission meetings are recorded and available on the City's YouTube page at <https://www.youtube.com/user/CityofLebanonOR>. 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 the Community Development Center at 541.258.4906



City of Lebanon
Planning Commission
Meeting Minutes
July 19, 2023

Members Present: Chairman Don Robertson, Vice-Chair Lori Gerig-Knurowski, Commissioners Dave McClain, Tina Breshears, Karisten Baxter, Marcellus Angellford, Shyla Malloy, Don Fountain, and Mike Miller.

Staff Present: Community Development Director Kelly Hart, Engineering Director Ron Whitlatch, and City Attorney Tre Kennedy.

1. CALL TO ORDER/FLAG SALUTE

Chairman Robertson called the meeting of the Lebanon Planning Commission to order at 6:00pm at the Santiam Travel Station. The meeting was also provided on Zoom for a virtual platform, and on YouTube (streaming delayed).

2. ROLL CALL

Roll call was taken. All commissioners were present.

3. APPROVAL OF MEETING MINUTES

March 15, 2023 – approved as written
April 19, 2023 – approved as written
April 26, 2023 – approved with correction of date on title page.
May 17, 2023 – approved as written
May 17, 2023 – Historic Landmark Commission – approved as written

4. CITIZEN COMMENTS – None

5. COMMISSION REVIEW

A. Planning File No. S -22-04 – Proposed 48-lot, 2-tract subdivision of the property located north of Vaughan Lane between Stoltz Hill Road and S 12th Street, directly west of the Clearview Subdivision and the current terminuses of both Mazama and Fuji Lanes – (2925 Stoltz Hill Road - 12S 02W 22B, tax lot 300)

Chairman Robertson opened the public hearing. City Attorney Kennedy read into the record the quasi-judicial/legislative hearing procedures and the raise it or waive it

provisions of public meeting law.

Chairman Robertson asked the Commissioners whether they had any additional ex-parte communications, conflicts of interest or bias. Seeing no disclosures, Chairman Robertson requested staff to present the application.

Director Hart presented the staff report and discussed an overview of the decision criteria outlined in the agenda packet for consideration. In addition, Director Hart indicated that a public comment had been received from Build Lebanon Trails requesting trails be constructed through the subdivision. Director Hart identified that the master plan did not call for a trail through the subdivision site, but along Stoltz Hill Road, and the Engineering Department did not identify a condition of development to require the trail to be improved as part of the development. At the conclusion of the staff report, Chairman Robertson opened the discussion up for questions of staff.

Commissioner Marcellus asked for clarification of the fire access lane. Director Hart identified the access route needed to be a 20-foot lane with hard compacted surface, and the final design would be stipulated during the construction document review by the fire department.

Commissioner Marcellus asked whether the fire access lane could be part of the trail system. Director Hart answer it is not intended for trail purposes.

Seeing no further discussion, Chair Robertson opened the public hearing and asked the applicant to speak.

Laura LaRoque, Udell Engineering and representative of the applicant spoke. Information was provided regarding Fire Code that determines how the fire access road is designed. The fire access road would be on private property and would not be open to the public and could not be used as a public trail.

The street system is defined and designed to allow for extension in the future. The transportation study reviewed the new intersections, and intersections in the general area to make sure the traffic does not exceed what the intersection can accommodate with any mitigation measures. The traffic study evaluated for 53 lots, and no mitigation would be needed so the lesser project of 48-units would be in compliance.

A wetland delineation was also provided and the permitting process was discussed.

Chair Robertson asked whether any commissioners had any questions.

Commissioner Fountain asked about the traffic study, and concern that the amount of trips was too many for the local streets and S 12th Street. Laura LaRoque responded by describing local street standards, and how they are designed to accommodate the level of traffic. Also noted the 500 trips per day were spread out over the entirety of the day, with only 50 trips during the peak hours.

Chair Robertson asked for clarification on the tracts proposed as part of the development, who maintains the tracts, and not wanting the excess tracts to become a nuisance. Discussion was had regarding the responsibilities of a homeowners

association to maintain ownership and maintenance of the tracts, and concerns over maintenance of the large excess tract for the riparian area. Commissioners identified different options to possibly redesign the tracts to put the tract under separate ownership versus the responsibility of all lots in the subdivision. Ultimately, it was determined the proposal as it sits meets code, and it could stand.

Commissioner Marcellus identified concern that the riparian area/excess tract would be used for homeless. City Attorney Tre responded that the homeowner association would be able to provide trespass letters to the police department for enforcement.

Vice-Chair Gerig-Knurowski asked for the definition of natural resources in this instance. Laura LaRoque responded it included wetlands, floodplains, and Oak Creek.

Commissioner Fountain asked about Oak Creek flooding. City Engineer Whitlatch indicated that it does flood, and as part of the grading and site design, the subdivision would address any flooding.

Chair Robertson asked about having detention ponds in the floodplain and how that design works. Laura LaRoque identified that the detention ponds are intended to address a 10-year flood event. City Engineer Whitlatch identified the large flooding events would be addressed in the same way as other areas in the city. When a 100-year flood event occurs, the detention ponds would hold up to the 10-year flood event, then the excess flooding would flow to the street gutters and the storm drainage system.

Chair Robertson asked how the lot owners would be notified that the properties they are purchasing are within a floodplain. Laura LaRoque and Director Hart responded that the property owner would need to get insurance, and as part of the insurance process, they check floodplain status. In addition, upon submittal of permits for construction, the lots are identified as in the floodplain and would be subject to a floodplain permit with the city.

Seeing no further questions for the applicant, Chair Robertson opened the hearing for public in favor. Seeing none, the hearing was opened for those in opposition.

Michael McClanalance spoke in opposition. Resides adjacent to the proposed subdivision. Identified concerns about the number of lots, the amount of traffic, and that Fuji Lane is too narrow to accommodate that level of traffic. The resident also spoke about concerns with the floodplain and wetlands, and the subdivision property being lowlands, with a 4-foot drop off from his property, and that there is a pond right next to him that acts as a detention pond to avoid flooding.

Seeing no further comments from the public, the Chair asked for applicant rebuttal. Laura LaRoque spoke about the process to develop the subdivision, and once the planning commission approves the concept, topography maps and grading plans are developed to address historical water flows and detention. Laura also responded to comments about the streets being too narrow, indicating the travel lanes are the standard width to accommodate the traffic. Finally, with the wetland delineation, there is a proposal to remove some wetlands from the property, which may include the

pond the resident referenced.

Chair Robertson closed the public hearing at the conclusion of the rebuttal. All comments were between commissioners and staff.

Commissioners spoke regarding the concerns of the public, how the applicant addressed them, and the merits of the project meeting the criteria.

With no further discussion from the Planning Commission, Commissioner Robertson asked for a motion.

Commissioner Breshears moved to approve the project with the written findings and conditions of development as identified in the staff report.

Commissioner Baxter seconded the motion.

The motion passed 9-0.

B. Planning File No. A-23-02 – Proposal to annex a 1.21 acre area on the west side of S 12th Street, between D Street and F Street and establish the applicable Mixed Use (Z-MU) zone. (12S 02W 16A, portion of tax lots 700 and 802)

Chairman Robertson opened the public hearing. City Attorney Kennedy read into the record the quasi-judicial/legislative hearing procedures and the raise it or waive it provisions of public meeting law.

Chairman Robertson asked the Commissioners whether they had any additional ex-parte communications, conflicts of interest or bias. Seeing no disclosures, Chairman Robertson requested staff to present the application.

Director Hart presented the staff report and discussed an overview of the decision criteria outlined in the agenda packet for consideration. At the conclusion of the staff report, Chairman Robertson opened the discussion up for questions of staff.

Seeing no questions for staff, Chairman Robertson opened the hearing and invited the applicant to speak.

Laura LaRoque from Udell Engineering, representing the applicant, provided a brief project summary and support of the application, and provided clarification on the project boundaries for the annexation versus what was identified in the public notice, and stated availability to answer any questions.

Seeing no questions for the applicant, the Chair opened the hearing for those in support or opposition of the application.

Seeing no comments, the Chair closed the hearing, all further commentary was limited to the Commission and staff.

Chairman Robertson asked whether the project met the decision criteria.

Commissioners indicated with head nods that the application met the decision criteria.

Commissioner McClain identified the project addressed a good public need.

Chairman Robertson requested a motion.

Commissioner Malloy moved to recommend the City Council approve the annexation based on the written findings in the staff report.

Commissioner Fountain seconded the motion.

The motion passed 9-0.

C. Planning File No. A-23-03 – Proposal to annex a 0.62 acre parcel on the east side of S 12th Street, north of Turtledove Loop and establish the applicable Residential Mixed Density (Z-RM) zone. (12S 02W 15BC, tax lot 2400)

Chairman Robertson opened the public hearing. City Attorney Kennedy read into the record the quasi-judicial/legislative hearing procedures and the raise it or waive it provisions of public meeting law.

Chairman Robertson asked the Commissioners whether they had any additional ex-parte communications, conflicts of interest or bias. Chair Robertson reported that he is a trustee in the property ownership of the property across the street from the subject site but identified no bias or conflict of interest. Seeing further no disclosures, Chairman Robertson requested staff to present the application.

Director Hart presented the staff report and discussed an overview of the decision criteria outlined in the agenda packet for consideration. At the conclusion of the staff report, Chairman Robertson opened the discussion up for questions of staff.

Seeing no questions for staff, Chairman Robertson opened the hearing and invited the applicant to speak.

Laura LaRoque from Udell Engineering, representing the applicant, stated availability to answer any questions.

Seeing no questions for the applicant, the Chair opened the hearing for those in support or opposition of the application.

Seeing no comments, the Chair closed the hearing, all further commentary was limited to the Commission and staff.

Chairman Robertson asked whether the project met the decision criteria. Commissioners indicated with head nods that the application met the decision criteria.

Commissioner McClain identified the project addressed a good public need.

Chairman Robertson requested a motion.

Commissioner Malloy moved to recommend the City Council approve the annexation based on the written findings in the staff report.

Commissioner Breshears seconded the motion.

6. COMMISSION BUSINESS & COMMENTS

Director Hart identified the originally planned second special meeting in July was no longer needed, and the regular August meeting was back on the schedule. Three public hearings were scheduled for the August meeting.

Director Hart identified the City Council authorized the submittal of a Department of Land Conservation and Development grant to contract with a consulting firm to help put together some of the development code changes associated with the Housing Production Strategy.

Director Hart identified City Manager Nancy Brewer had resigned recently, and City Engineer Whitlatch has been appointed Interim City Manager.

Chair Robertson welcomed new Planning Commissioner Mike Miller to the Planning Commission and was excited for the expertise and knowledge the planning commissioners bring to the proceedings.

Seeing no further comments or questions, Chair Robertson adjourned the meeting.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 6:25 pm.

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



City of Lebanon
Planning Commission
Meeting Minutes
August 16, 2023

Members Present: Chairman Don Robertson, Commissioners Dave McClain, Tina Breshears, Karisten Baxter, Shyla Malloy, and Don Fountain.

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

1. CALL TO ORDER/FLAG SALUTE

Chairman Robertson called the meeting of the Lebanon Planning Commission to order at 6:00pm at the Santiam Travel Station. The meeting was also provided on Zoom for a virtual platform, and live streamed on YouTube.

2. ROLL CALL

Roll call was taken. Vice Chair Lory Gerig-Knurowski, and Commissioners Mike Miller and Marcellus Angellford were excused.

3. APPROVAL OF MEETING MINUTES

None.

4. CITIZEN COMMENTS – *None*

5. COMMISSION REVIEW

A. Planning File CPTA-23-01 – Proposed Comprehensive Plan Text Amendment to modify Chapter Five: Economic Development to update goals and policies and adopt the 2023 Economic Opportunity Analysis.

Chair Robertson opened the public hearing and asked for staff to provide a report.

Director Hart provided a summary of the report, and the proposed actions to be taken by the Planning Commission.

Chair Robertson asked if there were any comments or questions from the commission. Seeing none, the public hearing was opened for comment. No public comments were provided. The hearing was closed.

Seeing no questions or concerns, Chair Robertson asked for a motion.

Commissioner Baxter moved to recommend approval of the Economic Opportunity Analysis with the written findings in the agenda report.

Commissioner Malloy seconded the motion.

The motion passed 6-0.

B. CPTA-23-02 – Proposed Comprehensive Plan Text Amendment to modify Chapter Six: Housing to update goals and policies and adopt the 2019 Housing Needs/Capacity Analysis.

Chair Robertson opened the public hearing and asked for staff to provide a report.

Director Hart provided a summary of the report, and the proposed actions to be taken by the Planning Commission.

Chair Robertson asked if there were any comments or questions from the commission. Seeing none, the public hearing was opened for comment. No public comments were provided. The hearing was closed.

Seeing no questions or concerns, Chair Robertson asked for a motion.

Commissioner Baxter moved to recommend approval of the Housing Needs Analysis with the written findings in the agenda report.

Commissioner Breshears seconded the motion.

The motion passed 6-0.

C. HPS-23-01 – Proposed adoption of the city's Housing Production Strategy to implement housing policies to promote housing production to meet the housing need based on the Housing Needs/Capacity Analysis.

Chair Robertson opened the public hearing and asked for staff to provide a report.

Director Hart provided a summary of the report.

Chair Robertson asked if there were any comments or questions from the commission.

Commissioner Fountain asked about the inclusion of Tiny Homes on Wheels (THOW) into the document, and whether approving the document meant that we would have to approve them. Commissioner Fountain further indicated he was not in favor of THOWs as Accessory Dwelling Units (ADUs), but if the city were able to put special standards, then it might be worth considering.

Director Hart indicated that if the strategy in the Housing Production Strategy (HPS)

used affirmative words, such as “allow” versus investigative terms, such as “evaluate” the intent is to allow for that specific use, subject to development standards that are still to be created. For the THOW strategy, it states to allow THOWs under specific regulatory strategies. Two options to consider is to allow THOWs as ADUs, or to be sited in a manufactured home park or cottage cluster if they meet certain standards. Director Hart indicated the HPS is only approving the strategies to pursue, and that there is extensive work to still be completed over the next eight years, and the Planning Commission will have a key role in what the regulatory standards would look like moving forward.

Seeing no further discussion, Chair Robertson opened the hearing for public comment.

Lebanon resident Regina Thompson spoke to encourage the city to allow and expand opportunities for accessory dwelling units to provide for much needed affordable housing.

Seeing no further discussion, Chair Robertson closed the public hearing and asked for any further commissioners’ comments.

Commissioner Breshears asked how the Planning Commission will be updated on the status of implementation of the HPS. Director Hart indicated they would have a regular active role in the implementation for the land use strategies, but for the other strategies, a semi-annual or annual update could be provided.

Commissioner Baxter moved to recommend approval of the HPS with the written findings in the agenda report.

Commissioner Malloy seconded the motion.

The motion passed 6-0.

6. COMMISSION BUSINESS & COMMENTS

Director Hart identified there is one item scheduled for the September City Council meeting. Additional information was provided regarding the slow down in the number of applications currently being submitted for development.

Chair Robertson asked for the status of Dairy Queen. Director Hart provided a status update for Chipotle, Panda Express, and Dairy Queen, indicating all were in the process of development, and city permits were all ready to be issued.

Seeing no further comments or questions, Chair Robertson adjourned the meeting.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 6:30 pm.

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

AGENDA ITEM

5.a.





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 Date: September 1, 2023
From: Kelly Hart, Community Development Director
Subject: Comprehensive Plan and Zoning Map Amendments, and Minor Land Partition
CPMA-23-02, ZMA-23-02 and MLP-23-04

I. BACKGROUND

The subject property is located on the east side of South Santiam Highway, north and west of Burdell Blvd. and northwest the Walgreens development. There is no street address assigned. The County Assessor Map places the parcel within Township 12 South; Range 2 West; Section 23B; Tax Lot 100. The property is currently within city limits and is designated in the comprehensive plan and zoned Mixed Use (C/Z-MU).

The Applicant is requesting authorization to partition the 5.68 acre property to separate off 1.33 acres, then change the land use and zoning designation of the partitioned 1.33 acres from Mixed Use (C-MU) to Commercial and process a zone change to zone the property to Highway Commercial (C-CM/Z-HCM).

II. CURRENT REPORT

PROJECT PROPOSAL: The project proposal consists of three applications are under consideration: (1) a Minor Land Partition subject to Planning Commission decision; (2) Comprehensive Plan Map Amendment and (3) Zoning Map Amendment, both subject to Planning Commission recommendation and City Council decision. Ultimately, if the comprehensive plan and zoning map amendments are approved, the property owner intends to apply for development and operation of a car wash facility.

SURROUNDING PROPERTIES AND USES: The property is in a generally developed neighborhood. To the northwest of the subject property is the future site of a Dairy Queen restaurant, miscellaneous commercial uses in the Highway Commercial (Z-HCM) zone, and a vacant parcel in the Mixed Use (Z-MU) zone. To the northeast of the site, across the railroad tracks is a vacant property, formerly containing plywood manufacturing and mill facility. To the southeast is Walgreens development in the Mixed Use (Z-MU) zone, and to the southwest, across the highway, is the Walmart development in the Mixed Use (Z-MU) zone.

MINOR LAND PARTITION: The current property is proposed to be divided into two parcels, Parcel 1 (southern parcel) would maintain property frontage on S Santiam Highway (approx. 147

feet) and Burdell Blvd. (approx. 163 feet) with an average property width of 155 feet. Total gross area for Parcel 1 would be approximately 1.33 acres. Parcel 2 would consist of the remainder of the existing parcel. Parcel 2 would maintain property frontage on S Santiam Highway for approximately 320 feet before reaching the boundary of the adjacent northern parcel. Parcel 2 surrounds the adjacent northern parcel and maintains frontage on S Santiam Highway to the north of the adjacent parcel for an additional approximate 215 feet. Frontage along the existing Burdell Blvd. improvement and the future alignment is also provided on the eastern portion of Parcel 2. The total area for Parcel 2 is approximately 4.35 acres.

In the Mixed Use zone, when reviewing proposals, the code stipulates to follow the standards provided for the zone which the use/purpose of the proposal is intended. In this case, the proposal is for commercial purposes, so the development standards applied would be for the Highway Commercial zone in Chapter 16.08 of the development code (LDC). Per Table 16.08-7 in Section 16.08.100 of the LDC, the Highway Commercial zone does not establish a minimum or maximum lot area or width, permits 100 % lot coverage (less the setback areas) and establishes a 10-foot front and street side yard setback.

Section 16.12.020 of the LDC identifies a minimum 20 feet of street frontage is required for commercial uses. As identified, each parcel exceeds that standard. Per the Transportation System Plan, on a Collector Road, the minimum driveway spacing is 130 feet. With a proposed property width of 163 feet on Parcel 1, the driveway spacing may be achieved with Parcel 1 and the existing driveway for Walgreens to the south. For Parcel 2, 200 feet of frontage is provided on Burdell Blvd., providing sufficient space to achieve the required spacing.

The partition proposal to separate 1.33 acres from the existing parcel is the area proposed to amend the comprehensive plan and zoning map to Highway Commercial, for the ultimate purpose of developing and operating a car wash facility.

COMPREHENSIVE PLAN AND ZONING MAP AMENDMENTS: The subject property is currently designated and zoned C-MU/Z-MU for Mixed Use which does allow for "Auto Sales and Services" as a Class III Impact land use subject to conditional use permitting. However, "Car Washes" are not specifically listed in LDC Chapter 16.06 for the Z-MU zoning district, and the district does not allow "Other Class III Uses". "Car Washes" is a specifically listed use in LDC Section I 6.03.020 "Alphabetic List of Land Use Examples" and categorized in LDC Section 16.03.040 as a "Commercial Use with Class III Impacts". No zoning district specifically lists "Car Washes" as an allowed use and only the Highway Commercial (Z-HCM) zoning district allows "Other Class III Uses", subject to conditional use permit approval. As such, the request is to amend the comprehensive plan map designation to C-CM and the zoning designation to Z-HCM (Highway Commercial) in order to proceed with an application for conditional use permit to allow the proposed car wash business.

Chapter 16.27 of the Lebanon Development Code identifies the requirements for consideration of an amendment to the Comprehensive Plan Map. In order to approve an amendment to the map designation, the amendment shall be consistent with the City's adopted Comprehensive Plan and Facility Plans, including the Transportation System Plan. The sections below provide a detailed analysis for how the proposed amendment meets the criteria.

III. DECISION CRITERIA AND RECOMMENDED FINDINGS – MINOR LAND PARTITION

The Applicant is requesting consideration of a Minor Land Partition to divide the parcel into two parcels of approximate same size and dimension. Below is an analysis of the review criteria (Section 16.22.090 of the LDC) and recommended findings:

1. The proposed preliminary plat complies with the applicable Development Code Sections and adopted Master Plans. At a minimum, the provisions of this Chapter, and the applicable Chapters and Sections of Article Two (Land Use and Land Use/Development Zones) and Article Three (Community Development and Use Standards) of this Code shall apply. Where a variance is necessary to receive preliminary plat approval, the application shall comply with the relevant Sections of Chapter 16.29.

RECOMMENDED FINDING: The current property is proposed to be divided into two parcels, Parcel 1 (southern parcel) would maintain property frontage on S Santiam Highway (approx. 147 feet) and Burdell Blvd. (approx. 163 feet) with an average property width of 155 feet. Total gross area for Parcel 1 would be approximately 1.33 acres. Parcel 2 would consist of the remainder of the existing parcel. Parcel 2 would maintain property frontage on S Santiam Highway for approximately 320 feet before reaching the boundary of the adjacent northern parcel. Parcel 2 surrounds the adjacent northern parcel and maintains frontage on S Santiam Highway to the north of the adjacent parcel for an additional approximate 215 feet. Frontage along the existing Burdell Blvd. improvement and the future alignment is also provided on the eastern portion of Parcel 2. The total area for Parcel 2 is approximately 4.35 acres.

In the Mixed Use zone, the development standards identify to follow the standards provided for the zone which the use/purpose of the proposal is intended. In this case, the proposal is for commercial purposes, so the development standards applied would be for the Highway Commercial zone in Chapter 16.08 of the development code (LDC). Per Table 16.08-7 in Section 16.08.100 of the LDC, the Highway Commercial zone does not establish a minimum or maximum lot area or width, permits 100 % lot coverage (less the setback areas) and establishes a 10-foot front and street side yard setback.

Section 16.12.020 of the LDC identifies a minimum 20 feet of street frontage is required for commercial uses. As identified, each parcel exceeds that standard. Per the Transportation System Plan, on a Collector Road, the minimum driveway spacing is 130 feet. With a proposed property width of 163 feet on Parcel 1, the driveway spacing may be achieved with Parcel 1 and the existing driveway for Walgreens to the south. For Parcel 2, 200 feet of access is provided on Burdell Blvd., providing sufficient space to achieve the required spacing. With frontage, driveway spacing, and lots large enough to accommodate commercial development with required parking, the partition meets this criterion.

2. The proposed plat name is not already recorded for another subdivision and satisfies the provisions of ORS Chapter 92 and the County Surveyor.

RECOMMENDED FINDINGS: There is no proposed plat name identified as part of the

proposal as the project is not inclusive of a subdivision.

3. The proposed streets, roads, sidewalks, bicycle lanes, pathways, utilities, and surface water management facilities are laid out so as to conform or transition to the plats of subdivisions and of partitions already approved or adjoining property as to width, general direction and in all other respects. All proposed public improvements and dedications are identified on the preliminary plat.

RECOMMENDED FINDINGS: An 8-inch sanitary sewer main, a 16-inch water main, and a 24-inch storm drain public utility system exists in S Santiam Highway on the east side of the street adjacent to the subject parcels. The City recently conducted a model capacity analysis on the westside interceptor for the area to determine whether upsizing of main facilities would be needed to service potential development of the subject site and other neighboring vacant parcels. The conclusion of the report indicated no up-sizing of the existing facility would be needed to accommodate build-out of the area. A Public Facilities and Service Impact Memo from Udell Engineering was provided and reviewed and concurred with by the Engineering Department that indicated the water and storm drainage systems had sufficient capacity to accommodate the proposed comprehensive plan amendment and additional commercial uses that would be authorized with the amendment. As such, there is sufficient utility infrastructure to service the site.

4. All proposed private common areas and improvements (e.g., homeowner association property) are identified on the preliminary plat.

RECOMMENDED FINDINGS: There is no common areas or shared easements proposed, as such this criterion has been met.

5. Evidence that all City, County, State and Federal regulatory agency identified or mapped special management areas have been accurately and effectively identified on the appropriate maps and plans submitted to the City for review.

RECOMMENDED FINDINGS: The property is not located in any special management areas for the City, County, State or Federal regulatory agency based on maps and records available to the City. As such, this criterion has been met.

6. Evidence that improvements or conditions required by the City, road authority, Linn County, special districts, utilities, and/or other service providers, as applicable to the project, have been or can be met.

RECOMMENDED FINDINGS: Upon completion of the partition, all parcels would maintain access from Burdell Blvd. The Engineering Department has reviewed the proposed partition and has identified land dedication may be required for the extension of Burdell Blvd. to complete the loop to Market Street. Conditions have been incorporated to require the dedication and to participate in the public improvements upon development proposal. There are existing fire hydrants at the northern and southern boundary of the site in Burdell Blvd. alignment, as well as two hydrants along the property frontage for S Santiam Highway. Upon development proposal, the Fire District may require additional

fire hydrants depending on the development proposal and will review circulation and access requirements as well. As such, this criterion has been met.

7. If any part of the site is located within a Special Area Plan or District, Overlay Zone, or previously approved Planned Development, it shall conform to the applicable regulations and/or conditions.

RECOMMENDED FINDINGS: The parcels are not located within any flood hazard, riparian protection, or steep slope hazard zones and are not subject to any additional permit regarding the hazard or special management zones.

8. As there is no development proposed, and there is no proposed creation of blocks or public streets, all criteria identified in Section 16.22.090.B.1-7 are satisfied.

IV. DECISION CRITERIA AND RECOMMENDED FINDINGS – COMPREHENSIVE PLAN AND ZONING MAP AMENDMENTS

Section 16.27.050 of the Lebanon Development Code identifies the criteria in which to consider amendments to the Comprehensive Plan Map and Zoning Map. The criteria are the same for each amendment, as such, the findings have been combined.

1. All proposed amendments to the Comprehensive Plan Map or to the Zoning Map shall be consistent with the City of Lebanon's adopted Comprehensive Plan and Facility Plans. The City's Facility plans, including the Transportation System Plan (TSP), are based on the future site service demands according to the Comprehensive Plan Map designation and associated zoning.

The Comprehensive Plan consists of ten Chapters with each Chapter addressing specific land use issues. The applicable policies in each Chapter are reviewed below:

- a. Chapter 1: Introduction - The introductory Chapter describes the Comprehensive Plan, its relationship to the Statewide Land Use Goals, the Citizen Involvement program and key terminology. Goals and policies relate to the organization of the Plan, the continued need for citizen involvement and the relationship of the Plan to State law and implementing codes. These goals and policies are incorporated in the Development Code criteria to determine the appropriateness of a Plan and/or zone change.
- b. Chapter 2: Natural Environment – The Chapter address goals and policies related to the City's natural environment.

RECOMMENDED FINDING: The subject property is not located within a designated flood hazard area, does not contain any identified natural or historic resource, and is not otherwise in an area subject to increased risk to other natural hazards. Therefore, none of the goals or policies in Chapter 2 are found to be directly implicated by this application. Upon any development of the site, the property owner is responsible for

complying with state law, including compliance with the State Historic Preservation Office (SHPO).

- c. Chapter 3: Urbanization – This Chapter provides the basic framework for future urban development within the City. It is found the following policies apply:

P-10: Review all development proposals to ensure that public facilities are available and have adequate capacity to accommodate the proposed development, or that such facilities and their capacities can be made available through appropriate extensions and/or enhancements concurrent with or prior to proposed developments.

P-11: Require that new developments are either served by existing and/or proposed public infrastructure extensions and improvements, and/or are served by privately funded infrastructure extensions and improvements.

RECOMMENDED FINDING: The current Z-MU zoning district already allows for high intensity urban development which the subject Tax Lot 100 has previously accommodated through past partitioning and development of the resulting parcels (Walgreen's, Dairy Queen, and the Oregon Credit Union properties were all divided out from Tax Lot 100). Burdell Boulevard has been constructed along with public storm sewer, sanitary sewer, and water mains through land dedicated from the subject Tax Lot 100 to provide adequate urban services to the subject property. Power, gas and telecommunication utility lines are also available to serve the property. Development of the proposed 1.33 acre parcel to be rezoned to Z-HCM will also be subject to conditional use permit review in order for the proposed car wash to be approved. Adequacy of the existing facilities to serve the use will be considered based on the final development plans to be submitted for that project. Accordingly, it is found that the application complies with Policies P-10 and P-11

P-30: Manage its Urban Growth Boundary and the lands within so as to make available sufficient land for the various uses to ensure choices in the marketplace, through implementation of land use regulations and land use policies.

P-31: Manage its Urban Growth Boundary and the lands within so as to encourage development within urban areas before conversion of urbanizable areas, through implementation of land use regulations and land use policies.

RECOMMENDED FINDING: "Urbanizable Land" is defined in the Comprehensive Plan Glossary. Generally, Urbanizable Lands are those unincorporated areas in the UGB for which a city and county coordinate on assuring will remain available for expansion of the city over the planning period. Mutually adopted urban growth boundary agreements typically govern how and when urbanizable land can be converted to urban use. The subject property, however, is already in the municipal boundary and currently zoned for full urban development under the Mixed Use zone. The uses allowed in the Z-MU zone are generally similar in urban intensity and those allowed in the proposed Z-HCM zone for the 1.33 acres. The remainder of the subject Tax Lot 100 will not be rezoned. Accordingly, it is found that the subject property is

already urban land by existing zoning rather than urbanizable land to be converted to urban use for which Policies P-30 and P-31 would apply. Those policies are therefore not implicated in this case.

- d. Chapter 4: Land Use – This Chapter details the goals and policies to assure the City provides different types of land within City limits that are suitable for a variety of uses. It is found the following policies apply:

P-1: Recognize that the Comprehensive Plan land use designations or categories shall determine zoning.

P-5: To the extent possible, require that the boundaries of land use classifications, as shown on the Zoning Map, generally follow street and alley lines, lot lines, railroad right-of-way, or significant natural features (rivers, creeks, ridge lines, foot of slopes, benches, etc.). In the event that a public street or alley is officially vacated, the regulations applicable to the adjoining property to which it reverts shall apply.

P-6: Require that changes to the Comprehensive Plan Map be consistent with the policies of the Comprehensive Plan, State law, and any adopted intergovernmental agreements.

P-12: Ensure that the Zoning Map reflects and implements the Comprehensive Plan Map.

RECOMMENDED FINDING: The review process, evaluation, and determination of compliance with the Comprehensive Plan as part of the review process addresses compliance with Comprehensive Plan policies (P-6). The State effectively acknowledged the Comprehensive Plan, therefore, conformance with these policies assures conformance with state law. Compliance with Statewide Goals will be reviewed in another finding.

P-26: NOT allow Highway Commercial development with direct access to U.S. Highway 20 (Santiam Highway) south of the intersection of Cascade Drive/Weldwood Drive and U.S. Highway 20 (Santiam Highway).

RECOMMENDED FINDING: FINDING: The subject property is located north of the intersection of Cascade Drive/Weldwood Drive and U.S. Highway 20. Accordingly, the proposed Highway Commercial zoning for the subject 1.33 acres complies with Policy P-26. In any case, the proposed parcel will not take direct access to Highway 20. Instead, indirect access is provided by way of the shared reciprocal access easement with the adjoining tract and otherwise by way of Burdell Boulevard.

- e. Chapter 5: Population & Economy – This Chapter addresses population growth and economic development as well as those trends affecting both.

P-5: Designate enough land in a variety of parcel sizes and locations to meet future employment and commercial needs.

P-9: reserve and protect lands designated for industrial use from incompatible uses by limiting uses on or near sites zoned for specific industrial to those which are compatible with industrial uses.

RECOMMENDED FINDING: This chapter was adopted in 2004 and its population and employment land need projection are now at the end of the 20 year planning period. Since that time, the state has enacted legislation that delegates area population forecasts for urban growth area planning purposes to Portland State University's Population Research Center. Local governments are still responsible for forecasting employment growth in accordance with Statewide Planning Goal 9. Chapter 5 of the Comprehensive Plan summarizes findings from the Economic Opportunities Analysis "EOA" (ECONorthwest's 2004 Lebanon Urbanization Study). However, the City is currently updating the EOA which is scheduled for review and recommendation of the City Council during its September 13, 2023 meeting. The updated EOA when adopted will project the amount of land needed to accommodate future employment growth within Lebanon between 2023 and 2043. The draft EOA finds that Lebanon currently has about 1,104 unconstrained buildable acres of employment land in its commercial or industrial designations. Of those, 454 (21%) are designated for mixed uses and 30 (1.4%) are designated for commercial uses (Executive Summary, page i).

The commercial land need projections in the EOA are generalized based on NAICS classifications -which are accommodated in both the CM and MU comprehensive plan designations. The EOA does find that the types of businesses that have potential for growth include services for residents (such as motor vehicles and parts dealers, restaurants, food and beverage stores, or personal care stores). An automated car wash business as Applicants proposal is similarly a service for residents. As established, car washes are not specifically listed as a land use under any zoning district and only the Z-HCM zone would allow a car wash use under the category "Other Class III Commercial Uses" by conditional use permitting procedure. There are no other vacant or otherwise available CM zoned parcels in the vicinity that are suitable in size and configuration to accommodate the use. Given the relative abundance of the 454 acre inventory of unconstrained MU designated land compared to the 30 remaining CM designated lands, it would be reasonable to redesignate the proposed 1.33 acre parcel to CM consistent with Policy P-5.

With regard to Policy P-9, land to the northeast is designated for industrial use. However, that land is vacant and located beyond both Burdell Boulevard and the railroad right of way. Additionally, the subject site is already zoned for Mixed Use. Uses allowed in the Highway Commercial zone present no more potential for conflict with industrial land uses than those in the Mixed Use zone.

- f. Chapter 6: Housing – This Chapter establishes the City's Goals and Policies related to Housing.

RECOMMENDED FINDING: This proposed amendment would change the comprehensive plan and zoning map designation from mixed-use to commercial.

Residential uses are permissible in the mixed-use zone, while residential uses are limited in the highway commercial designation to above commercial uses only. The amendment would result in a reduction of land designated for housing opportunities by 1.33 acres. In the 2019 Housing Needs Analysis, the City identified the projected housing needs over a 20-year planning period, and conducted a buildable land inventory to identify whether there was sufficient land in the urban growth boundary to accommodate the housing need. Based on the results of the analysis, a total of 2,503 housing units are identified as the 20-year housing need, and the city has 240 acres of low-density land surplus, 0 acres of medium density land surplus, and 63 acres of high-density land surplus. As such, the reduction of 1.33 acres of land that may more readily accommodate housing would not result in an impact to the City's ability to meet the long range housing needs for the community.

- g. Chapter 7: Community Friendly Development & Preservation of Historic Resources - This Chapter focuses on policies creating a built environment suitable for the needs of a diverse population through a variety of uses scaled for the pedestrian, and capable of accommodating the automobile and mass transit. In addition, the Chapter focuses on historical preservation. The focus on Community Friendly design is associated with infill development, promotion of mixed-use opportunities, and development specific standards. The proposal is not inclusive of a development request, as such the development specific goals and policies do not apply. In addition, there are no historical sites on the property, as such, the historical preservation goals are not applicable.
- h. Chapter 8: Transportation – This Chapter addresses the transportation needs of the City with an emphasis of creating a variety of transportation options for pedestrians, bicyclists, vehicles and mass transit. It is found the following policies apply:

RECOMMENDED FINDING: The MU and HC zones both allow a similar array of commercial and residential land uses in regard to traffic generation rates. A change from one zone to the other would not in itself create a significant impact on the area transportation facilities. Specific development applications are evaluated for compliance with applicable transportation related standards. The City's 2018 TSP (Volume 1) includes a project (DIS) to extend Burdell Boulevard to connect with Market Street at US 20 as a Collector street with sidewalks and bike lanes. Burdell is already improved along the 1.33 acre proposed parcel to be re-zoned. The proposed rezoning and related partition would not interfere in any way with the planned extension. The 2018 TSP also establishes Roadway and Access Spacing Standards (Table 9). The proposed partition complies with both the minimum and maximum block standards (being 265 feet and 530 feet, respectively). Driveways along Burdell Boulevard must meet the minimum spacing standard of 130 feet. The proposed parcel width of 147 feet is sufficiently wide to accommodate a driveway access to Burdell Boulevard with minimum spacing of 130 feet from the nearest existing driveway (Walgreen's). Site design for the car wash will be reviewed for related transportation standards through the conditional use permit process. Accordingly, it is concluded that the proposal complies with Chapter 8.

- i. Chapter 9: Public Facilities and Service - The City is required by State law to plan and develop a timely, orderly, and efficient arrangement of public facilities and services to serve as a framework for urban development. Goals and policies in this Chapter address those requirements. It is found the following policies apply:

General Policies

- P-8: Review all development proposals to ensure that public facilities are available and have adequate capacity to accommodate the proposed development, or that such facilities and their capacities can be made available through appropriate extensions and/or enhancements concurrent with or prior to proposed developments. (Duplicated in Chapter 3, Urbanization)
- P-9: Require that new developments are either served by existing and/or proposed public infrastructure improvements, and/or are served by privately funded infrastructure extensions and improvements. (Duplicated in Chapter 3, Urbanization)
- P-10: Consider impacts on key City-provided urban utility services (water, storm drainage, wastewater, and streets) and any other community facilities that are identified by service providers as substantially impacted by the proposal before-development proposals, or rezoning applications are approved.

RECOMMENDED FINDING: An 8-inch sanitary sewer main, a 16-inch water main, and a 24-inch storm drain public utility system exists in S Santiam Highway on the east side of the street adjacent to the subject parcels. The City recently conducted a model capacity analysis on the westside interceptor for the area to determine whether upsizing of main facilities would be needed to service potential development of the subject site and other neighboring vacant parcels. The conclusion of the report indicated no up-sizing of the existing facility would be needed to accommodate build-out of the area. A Public Facilities and Service Impact Memo from Udell Engineering was provided and reviewed and concurred with by the Engineering Department that indicated the water and storm drainage systems had sufficient capacity to accommodate the proposed comprehensive plan amendment and additional commercial uses that would be authorized with the amendment. As such, there is sufficient utility infrastructure to service the site.

- j. Chapter 10: Plan Implementation, Amendment, and Land Use Planning Coordination – This Chapter establishes procedures for amending the Comprehensive Plan Map and Zoning Map. Specific applicable policies include:
 - P-1: The City Council may amend the Comprehensive Plan and/or Map after referral to the Planning Commission public hearing, for action, review, revisions, and recommendations.
 - P-2: Changes to the Plan and/or Map shall be made by ordinance after public hearings as prescribed by state law and local ordinances.

- P-3: Changes in the Plan and/or Map shall be incorporated directly into the document at the appropriate place. A list of all amendments with date of passage shall then become part of the document until the next comprehensive update of the entire Comprehensive Plan.
- P-4: An amendment to the Comprehensive Plan and/or Map may be considered when one or more of the following conditions exist:
- a. Updated data demonstrates significantly different trends than previous data;
 - b. New data reflects new or previously undisclosed public needs;
 - c. New community attitudes represent a significant departure from previous attitudes as reflected by the Planning Commission or City Council;
 - d. Statutory changes significantly affect the applicability or appropriateness of existing plan policies.
- P-5: Residents, property owners, their authorized agents, the Planning Commission, the City Council, or City staff may initiate a Comprehensive Plan amendment. In order to obtain a Comprehensive Plan and/or Map amendment, the applicants shall have the burden of proof that all of the following conditions exist:
- a. There is a need for the proposed change;
 - b. The identified need can best be served by granting the change requested;
 - c. The proposed change complies with the Statewide Planning Goals; and,
 - d. The proposed change is consistent with all other provisions of the City's Comprehensive Plan.

RECOMMENDED FINDING: Policies P-1 through P-3 relate to amendment procedures and do not function as approval criteria. Regarding P-4, the findings in the updated Economic Opportunities Analysis indicate that the inventory of unconstrained buildable Mixed Use land far exceeds the amount of available buildable Commercial Land. Mixed Use constitutes 21% of the total buildable employment land base while only 1.4% of the employment land inventory is Commercial Land. "Services for residents and visitors" is a target industry with comparative advantages in Lebanon, according to the new EOA. Car wash businesses would fall within that sector. However, that use can only be sited in the Highway Commercial zoning district as an "Other Class III Commercial Use" because no zoning district specifically lists car washes as an allowed use and no other commercial zone or mixed use zone allows "Other Class III Commercial Uses". Both the Highway Commercial zoning district and the Mixed Use zoning district allow "Auto Sales and Services". While a car wash might reasonably be construed to be an "Auto Service", its listing as an example of a Class III Commercial Use in LDC Chapter 16.03 limits this particular automobile service to being allowed in only the Highway Commercial Zone. So, while "Auto Services" generally can be developed and operated within the Mixed Use Zoning District - being the only zoning district that can be paired with the Mixed Use comprehensive

plan map designation that includes 21% of the overall inventory of buildable employment land -a car wash can only be established in just one of the three commercial zones allowed under the Commercial comprehensive plan designation that includes only 1.4% of the available employment land base. As such, to support Population and Economy Policy P-5 to "designate enough land in a variety of parcel sizes and locations to meet future employment and commercial needs" the comprehensive plan and zoning map change would be appropriate with regard to car wash services and related employment. Findings here above and below further establish that the change complies with the Statewide Planning Goals and the proposed change is consistent with all other provisions of the City's Comprehensive Plan.

Compliance with the Statewide Goals (P-5.c) is noted as follows:

Goal 1, Citizen Involvement: Public hearings will be held before the Planning Commission on September 20, 2023 and the City Council on October 11, 2023. This is consistent with City procedures, state law, and the intent of the Goal.

Goal 2, Land Use Planning: The proposal does not involve exceptions to the Statewide Goals. Adoption actions are consistent with the acknowledged Comprehensive Plan and Development Code.

Goal 3, Agricultural Lands: This Goal does not apply, as the land is not designated farmland.

Goal 4, Forest Lands: This Goal does not apply, as the land is not designated forestland.

Goal 5, Open Spaces, Scenic and Historic Areas, and Natural Resources: The site has not been designated for open space, a scenic area, or known for having natural resources. As such, this goal is not applicable. Upon any development of the site, the property owner is responsible for complying with state law, including compliance with the State Historic Preservation Office (SHPO).

Goal 6, Air, Water and Land Resource Quality: the map designation would change from a mixed use designation to highway commercial. With the designation change, there are properties in the direct vicinity with the new designation, and the highway commercial maintains similar land use types that are permissible in the mixed-use designation, with an expanded opportunity for additional commercial activities. The applicable uses suited for the site would be similar in terms of air, water, and land resources under the commercial designation as the mixed-use designation, therefore, there should be no significant impacts on air, water or resource quality than would otherwise occur.

Goal 7, Natural Hazards: The site is not located within any designated flood plain, does not contain steep slopes or contain any other identified natural hazard.

Goal 8, Recreational Needs: The proposed map amendments do not reduce the land designated for recreational needs, nor create uses which would adversely impact recreational opportunities.

Goal 9, Economic Development: The goal is to provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens. The proposed change will be from one employment land category (Mixed Use) to another (Commercial) which is in accordance with the City's adopted Economic Opportunities Analysis because both designations are intended to provide sites to accommodate commercial land needs. LCDC implementing rules at OAR Chapter 660, Division 9, are not implicated by changes of less than two acres of employment land designations.

Goal 10, Housing: This proposed amendment would change the comprehensive plan and zoning map designation from mixed-use to commercial. Residential uses are permissible in the mixed-use zone, while residential uses are limited in the highway commercial designation to above commercial uses only. The amendment would result in a reduction of land designated for housing opportunities by 1.33 acres. In the 2019 Housing Needs Analysis, the City identified the projected housing needs over a 20-year planning period, and conducted a buildable land inventory to identify whether there was sufficient land in the urban growth boundary to accommodate the housing need. Based on the results of the analysis, a total of 2,503 housing units are identified as the 20-year housing need, and the city has 240 acres of low-density land surplus, 0 acres of medium density land surplus, and 63 acres of high-density land surplus. As such, the reduction of 1.33 acres of land that may more readily accommodate housing would not result in an impact to the City's ability to meet the long range housing needs for the community. As such, this proposal would comply with Goal 10.

Goal 11, Public Facilities and Services: The goal is to plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural land. The subject property is urban land that is already fully served by urban public facilities and services.

Goal 12, Transportation: Previous findings indicate the map amendments will not significantly affect planned transportation improvements.

Goal 13, Energy Conservation: The map amendments are neutral regarding energy conservation.

Goal 14, Urbanization: Previous findings indicate the change will still allow the city to meet housing needs of the community, as well as not impact the ability to provide industrial opportunities, and expands commercial opportunity along the highway. The land is already within the urban growth boundary and city limits, thus eligible for urbanization.

Goals 15 to 19, Willamette River Greenway, Estuarine Resources, Coastal Shores, Beaches and Dunes, Ocean Resources: The proposals do not involve land within the Willamette Greenway or coastal areas.

Finally, all previous findings indicate the proposal complies with the applicable policies of the City's Comprehensive Plan (P-5.d).

2. Facility plans need to be consistent with the Comprehensive Plan Map as well as the text, and changes to the Map may necessitate changes to a facility plan. For example, changing a Comprehensive Plan Map designation to a higher intensity use may require an amendment to the TSP, sanitary sewer or potable water master plans.

RECOMMENDED FINDINGS: South Santiam Highway (US Route 20) along the southwest side of the subject property is classified as a Principal Arterial Street and Burdell Boulevard is classified as a Collector Street in the Lebanon Transportation System Plan. The TSP shows that Burdell Boulevard is planned to be extended further north in the future to loop back to the highway at its intersection with Market Street to the north, which is also classified as a Collector Street. A reciprocal access easement between the subject Tax Lot 100 and the Walgreen's property extends from the existing Burdell Boulevard driveway access to Walgreens to and then parallel to the S. Santiam Highway frontage ending at a right-in/right-out highway access adjacent to the new Dairy Queen parcel. With the Minor Land Partition, conditions were incorporated to requires the property owners to donate the public right-of-way needed to extend Burdell Blvd. through to Market Street. With the property being dedicated for the extension of the public street system in compliance with the TSP, the roadways would be sized appropriately to accommodate all commercial uses.

The City recently conducted a model capacity analysis on the westside interceptor for the area to determine whether upsizing of main facilities would be needed to service potential development of the subject site and other neighboring vacant parcels. The conclusion of the report indicated no up-sizing of the existing facility would be needed to accommodate build-out of the area. A Public Facilities and Service Impact Memo from Udel Engineering was provided and reviewed and concurred with by the Engineering Department that indicated the water and storm drainage systems had sufficient capacity to accommodate the proposed comprehensive plan amendment and additional commercial uses that would be authorized with the amendment.

3. Applicants proposing amendments to the Zoning Map must request a City Zoning Classification that is consistent with the Comprehensive Plan Map designation for a subject property. If an applicant requests a City Zoning Classification that is not consistent with the Comprehensive Plan Map, the zoning requested shall not be granted until the Comprehensive Plan Map is first appropriately amended to reflect concurrence. (See the Annexation Zoning Matrix, Table 16.26-1.) Such an amendment requires a separate application, hearing and decision; this process may occur concurrently with the Zoning Map Amendment hearing.

RECOMMENDED FINDING: The proposal is to amend the Comprehensive Plan Map and Zoning Map. With the Comprehensive Plan Map amendment to the Highway Commercial designation, the required zoning designation based on Table 16.26-1 of the Lebanon Development Code is Highway Commercial, which is consistent with the proposal by the applicant. As such, the project complies with this decision criteria as the proposed zoning map amendment to Highway Commercial is occurring with a concurrent comprehensive plan map amendment to Commercial.

4. Section 16.27.080.B states that if proposed amendments to the Comprehensive Plan Map or Zoning Map do not comply with the Comprehensive Plan, the Comprehensive Plan must first be amended so that the proposed Map amendment will be consistent with and accurately implement the Plan.

RECOMMENDED FINDING: Previous findings indicate the proposal may comply with the applicable Comprehensive Plan policies and does not require amendments to the Plan text. Therefore, this provision does not apply.

V. PUBLIC NOTIFICATION AND COMMENTS

A public notification for this project was issued on August 17, 2023 for initial consideration by the Planning Commission on September 20, 2023. All public comment received on this application will be presented to the Planning Commission at the scheduled public hearing.

VI. CONCLUSION AND RECOMMENDED CONDITIONS FOR DEVELOPMENT – MINOR LAND PARTITION

Staff finds the proposal complies with the decision criteria for a Minor Land Partition, and recommends approval of the application subject to the adoption of the following Conditions of Development:

- A. The applicant shall record a partition plat. The final partition plat shall be subject to the following:
 1. A final partition plat, complying with provisions in ORS Chapter 92, shall be completed by a registered professional land surveyor and submitted to the City for approval.
 2. The final plat shall substantially conform to the proposal, comply with applicable requirements in the Lebanon Development Code and recorded within three years of the final date of approval.
 3. No onsite grading shall adversely impact storm water run-off from adjacent properties. Grade site to drain all storm water run-off to the street or provide a grading plan for review.
 4. Reciprocal access and maintenance agreements shall be maintained for the

access road parallel to S Santiam Highway.

5. Prior to final plat recording, the property owner for each parcel, shall agree to an Irrevocable Petition stipulating the applicant or future property owner will agree to participate in the right-of-way dedication and improvements for the Burdell Blvd. extension as planning in the City of Lebanon Transportation System Plan. The petition shall be recorded in the county deed records by the applicant at the recording of the final plat.
- B. Compliance with these conditions, and the applicable requirements of the Lebanon Development Code, City Public Works Standards, City Engineering Standards, Lebanon Fire District requirements and adopted building code, shall be the sole responsibility of the property developer.

VII. CONCLUSION AND RECOMMENDATION – COMPREHENSIVE PLAN AND ZONING MAP AMENDMENTS

Staff finds the proposal complies with the decision criteria for a Comprehensive Plan and Zoning Map Amendment and recommends the Planning Commission to recommend the City Council approve the proposal.

VIII. PLANNING COMMISSION RECOMMENDED ACTIONS – MINOR LAND PARTITION

1. Approve the proposed Minor Land Partition (MLP-23-05), subject to approval of annexation adopting the written findings for the decision criteria contained in the staff report with the conditions of development; or
2. Approve the proposed Minor Land Partition (MLP-23-05), subject to approval of annexation, adopting modified findings for the decision criteria and conditions of development; or
3. Deny the proposed Minor Land Partition (MLP-23-05), specifying reasons why the proposal fails to comply with the decision criteria; and
4. Direct staff to prepare an Order of Decision for the Chair or Vice Chair's signature incorporating the adopted findings as approved by the Planning Commission.

IX. PLANNING COMMISSION RECOMMENDED ACTIONS – COMPREHENSIVE PLAN AND ZONING MAP AMENDMENTS

1. Recommend the City Council approve the proposed Comprehensive Plan Map Amendment (CPMA-23-02) and Zoning Map Amendment (ZMA-23-02) to modify the

Comprehensive Plan Map and Zoning Map designation from Mixed Use (C/Z-MU) to Commercial (C-CM/Z-HCM); or

2. Recommend the City Council approve the proposed Comprehensive Plan Map Amendment (CPMA-23-02) and Zoning Map Amendment (ZMA-23-02) to modify the Comprehensive Plan Map and Zoning Map designation from Mixed Use (C/Z-MU) to Commercial (C-CM/Z-HCM), adopting modified findings for the decision criteria and conditions of development; or
3. Recommend the City Council deny the proposed Comprehensive Plan Map Amendment (CPMA-23-02) and Zoning Map Amendment (ZMA-23-02) to modify the Comprehensive Plan Map and Zoning Map designation from Mixed Use (C/Z-MU) to Commercial (C-CM/Z-HCM), 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 **September 20, 2023 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.:	CPMA-23-02, MLP-23-04, ZMA-23-02
Applicant:	KLASH, LLC
Location:	Burdell Boulevard
Map & Tax Lot No.:	12S02W23 00100
Request:	Land Partition, Comprehensive Plan Map and Zone Map Amendments
Decision Criteria:	Lebanon Development Code Chapters: 16.20, 16.22 & 16.27

Request: The applicant is requesting to partition the above-mentioned tax lot and change the Comprehensive Plan Map Designation and Zoning Map Designation on the newly created parcel from Mixed Use (C-MU & Z-MU) to Highway Commercial (C-C & Z-CH).

Providing Comments: The City will be accepting public comment on this item in a number of ways to afford interested persons and the general public an opportunity to give testimony on the subject matter. Written and verbal testimony will be accepted upon issuance of this notice, **until 5:00pm on Tuesday, September 19, 2023.** Written testimony may be emailed to kelly.hart@lebanonoregon.gov or mailed to the City of Lebanon at 925 S. Main Street, Lebanon, OR 97355, or delivered and dropped in the white mailbox in front of City Hall.



The public is invited to either participate in person at the Santiam Travel Station or watch the meeting virtually on **September 20, 2023.**

If you wish to address the Commission under Public Comments or for a Public Hearing, click: https://zoom.us/join/zoom/register/tJ0qdemvqz4pGdMaLY_wUbDYOf0dR98yGfqB to register in advance for the meeting. You will receive a confirmation email containing information about joining the meeting. Attendees will need to register to receive the link to the meeting.

Please register **ONLY** if you wish to address the Commission. If you want to watch or listen to the meeting, please click this link to do so on YouTube: <https://youtube.com/live/GwSziN511Qw>

The agenda and application materials will be available for review on the City's website at <https://www.lebanonoregon.gov/meetings> seven days prior to the hearing.

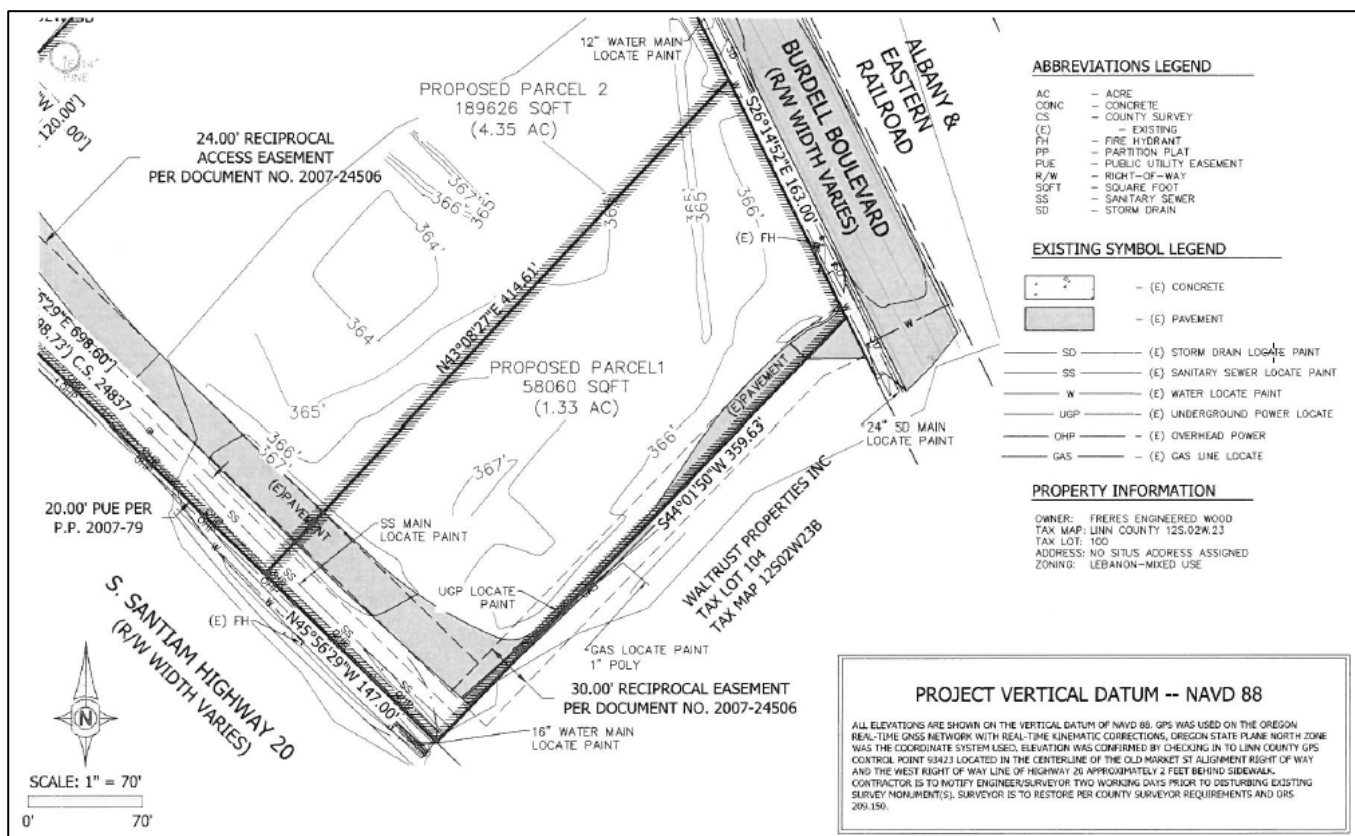
CITIZENS ARE INVITED TO PARTICIPATE in the public hearing and give written or oral testimony as described above that address applicable decision criteria during that part of the hearing process designated for testimony in favor of, or opposition to, the proposal. If additional documents or evidence are 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@lebanonoregon.gov

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.

PROPOSED PARTITION MAP



BEFORE THE CITY COUNCIL

FOR THE CITY OF LEBANON

LINN COUNTY, OREGON

THE MATTER OF AN APPLICATION)
TO AMEND THE COMPREHENSIVE)
PLAN MAP AND ZONING)
DESIGNATION TO ESTABLISH THE)
HIGHWAY COMMERCIAL)
DESIGNATION AND ZONE FOR A 1.33)
ACRE PARCEL PROPOSED TO BE)
PARTITIONED FROM AN EXISTING)
5.69 ACRE PARCEL (12S-02W-23, TAX)
LOT 100) LOCATED BETWEEN)
SOUTH SANTIAM HIGHWAY AND)
BURDELL BOULEVARD WITHIN THE)
CORPORATE LIMITS OF THE CITY OF)
LEBANON, OREGON.)
)
Applicant: KLASH, LLC)
)
Owner/Co-Applicant: Freres Lumber)
Co., Inc.)
)
Agent: CSA Planning, Ltd.)

**FINDINGS OF FACT AND
CONCLUSIONS OF LAW**
Applicants' Exhibit 1

I

SCOPE AND NATURE OF THE APPLICATION

KLASH LLC (Applicant and Purchaser) proposes to acquire a 1.33 acre parcel to be partitioned from an existing 5.69 acre parcel owned by Freres Lumber Co. Inc. (Co-Applicant) with the objective of constructing and operating an automated car wash facility as a commercial business. The proposed parcel/development site is located between S. Santiam Highway and Burdell Boulevard adjacent and west of an existing Walgreen's Drug Store on Tax Lot 104 (3300 Burdell Boulevard).

The subject property is currently designated and zoned C-MU/Z-MU for Mixed Use which does allow for "Auto Sales and Services" as a Class III Impacts land use subject to conditional use permitting. However, "Car Washes" are not specifically listed in LDC Chapter 16.06 for the Z-MU zoning district and the district does not allow "Other Class III Uses". "Car Washes" is a specifically listed use in LDC Section 16.03.020 "Alphabetic List of Land Use Examples" and categorized in LDC Section 16.03.040 as a "Commercial Use with Class III Impacts". No zoning district specifically lists "Car Washes" as an allowed used and only the Highway Commercial (Z-HCM) zoning district allows "Other Class III Uses", subject to conditional use

permit approval. As such, Owner and Applicant request that the City amend the comprehensive plan map designation to C-CM and the zoning designation to Z-HCM (Highway Commercial) in order to proceed with an application for conditional use permit to allow the proposed car wash business. A partition application is also included with the zone change request as the proposed zoning boundary coincides with Proposed Parcel 1 for the affected 1.33 acres. The remainder of the subject property will be retained as Parcel 2 in the existing Z-MU zoning district.

II

EVIDENCE SUBMITTED WITH APPLICATION

Applicants herewith submit the following evidence in support of this land use application:

- Exhibit 1.** The proposed findings of fact and conclusions of law (this document) which demonstrates how the proposed comprehensive plan and zoning map amendment complies with the relevant substantive approval criteria
- Exhibit 2.** Linn County Assessor's Plat Map 12S-02W-23
- Exhibit 3.** Tentative Partition Map prepared by Udell Engineering and Land Surveying, LLC
- Exhibit 4.** Legal Description for Zone Change Area prepared by Udell Engineering and Land Surveying, LLC
- Exhibit 5.** Existing Zoning Map with Subject 1.33 Acre Site Noted
- Exhibit 6.** Partition Plat No. 2021-57 (CS 27054) – Existing Property Configuration
- Exhibit 7.** Status of Record Title Report for Subject Property
- Exhibit 8.** Signed and Completed Application Form and Agent Authorization.

III

APPLICABLE SUBSTANTIVE CRITERIA

The criteria under which the subject application for a minor comprehensive plan (GLUP) map amendment may be approved are recited verbatim below.

CITY OF LEBANON DEVELOPMENT CODE

Chapter 16.27 Comprehensive Plan Map and Zoning Map Amendments, and Urban Growth Boundary Amendments

16.27.050 Decision Criteria

A. Compliance with Comprehensive Plan and Facility Plans

1. All proposed amendments to the Comprehensive Plan Map or to the Zoning Map shall be consistent with the City of Lebanon's adopted Comprehensive Plan and Facility Plans. The City's Facility plans, including the 2007 Transportation System Plan (TSP), are based on the future site service demands according to the Comprehensive Plan Map designation and zoning.



2. Facility plans need to be consistent with the Comprehensive Plan Map as well as the text, and changes to the Map may necessitate changes to a facility plan. For example, changing a Comprehensive Plan Map designation to a higher intensity use may require an amendment to the TSP, sanitary sewer or potable water master plans.
3. Applicants proposing amendments to the Zoning Map must request a City Zoning Classification that is consistent with the Comprehensive Plan Map designation for a subject property. If an applicant requests a City Zoning Classification that is not consistent with the Comprehensive Plan Map, the zoning requested shall not be granted until the Comprehensive Plan Map is first appropriately amended to reflect concurrence. (See the Annexation Zoning Matrix, **Table 16.26-1**.) Such an amendment requires a separate application, hearing and decision; this process may occur concurrently with the Zoning Map Amendment hearing.

16.27.080 Approval of a Comprehensive Plan Map or Zoning Map Amendment Request

The City may approve a Comprehensive Plan Map or Zoning Map Amendment request if it satisfies all of the relevant Decision Criteria above in Section 16.27.050.

* * * * *

The criteria under which the subject application for Preliminary Partition Plat may be approved are recited verbatim below.

CITY OF LEBANON DEVELOPMENT CODE

Chapter 16.22: Land Divisions (Subdivisions and Partitions) Property Lines and Adjustments

16.22.090 Decision Criteria: Preliminary Plat for Partitions and Subdivisions

A. General Decision Criteria

The City may approve, approve with conditions or deny a preliminary plat based on the following decision criteria:

1. The proposed preliminary plat complies with the applicable Development Code Sections and adopted Master Plans. At a minimum, the provisions of this Chapter, and the applicable Chapters and Sections of Article Two (Land Use and Land Use/Development Zones) and Article Three (Community Development and Use Standards) of this Code shall apply. Where a variance is necessary to receive preliminary plat approval, the application shall also comply with the relevant Sections of Chapter 16.29.
2. The proposed plat name is not already recorded for another subdivision, and satisfies the provisions of ORS Chapter 92 and the County Surveyor.
3. The proposed streets, roads, sidewalks, bicycle lanes, pathways, utilities, and the surface water management facilities are laid out so as to conform or transition to the plats of subdivisions and of partitions already approved for adjoining property as to width, general direction and in all other respects. All proposed public improvements and dedications are identified on the preliminary plat.
4. All proposed private common areas and improvements (e.g., homeowner association property) are identified on the preliminary plat.
5. Evidence that all City, County, State and Federal regulatory agency identified or mapped special management areas have been accurately and effectively identified on the appropriate maps and plans submitted to the City for review.

6. Evidence that improvements or conditions required by the City, road authority, Linn County, special districts, utilities, and/or other service providers, as applicable to the project, have been or can be met.
7. If any part of the site is located within a Special Area Plan or District, Overlay Zone, or previously approved Planned Development, it shall conform to the applicable regulations and/or conditions.

B. Layout and Design of Streets, blocks and Lots

All proposed blocks (i.e., one or more lots bound by public streets), lots and parcels conform to the specific requirements below:

1. All lots shall comply with the lot area, setback, and dimensional requirements of the applicable land use zone (Chapters 16.05 – 16.10), and the standards of Chapter 16.12 (Subsection 16.12.030.K, Street Connectivity and Formation of Blocks).
2. Setbacks shall be as required by the applicable land use zone (Chapters 16.05 – 16.10).
3. Each lot shall conform to the standards of Chapter 16.12 (Access and Circulation).
4. Landscape or other screening may be required to maintain privacy for abutting uses. See Chapters 16.05 – 16.10 (Land Use Zones), and Chapter 16.15 (Landscaping, Street Trees, etc.).
5. In conformance with the Oregon Fire Code, a 20-foot width fire apparatus access drive shall be provided to serve all portions of a building that are located more than 150 feet from a public or private road or approved access drive. See Chapter 16.12 (Access and Circulation).
6. Where a common drive is to be provided to serve more than one lot, a reciprocating access easement and maintenance agreement shall be recorded with the approved subdivision or partition plat.
7. All applicable engineering design standards for streets, utilities, surface water management, and easements shall be met.

C. Conditions of Decision

The City may attach such conditions as are necessary to carry out provisions of this Code and other applicable ordinances and regulations and for the purpose of controlling access to the adjoining undeveloped properties. Also, see Chapter 16.16 (Public Facilities).

IV

FINDINGS OF FACT

The following facts reached and found to be true with respect to this matter:

1. **Property Location:** The subject property located within the city limits between S. Santiam Highway and Burdell Boulevard adjacent and west of an existing Walgreen's Drug Store on Tax Lot 104 (3300 Burdell Boulevard). A situs address has not yet been assigned.
2. **Property Description:** The subject property is identified as Tax Lot 100 on Linn County Assessment Plat 12S-02W-23. The legal description is Parcel 2 or Partition Plat 2021-57, Record of Partition Plats, Linn County, Oregon. The proposed site to be partitioned therefrom and redesignated to C/Z HCM is the southeasterly 147 feet of that parcel.
3. **Property Owner:** Freres Lumber Co., Inc., an Oregon corporation (Robert Freres, President)

4. **Purchaser/Applicant:** KLASH LLC, and Oregon registered domestic limited liability company (Kelly Geiger, Member and Registered Agent)
5. **Existing Land Use:** The subject property is vacant land.
6. **Existing Comprehensive Plan Map Designation:** Mixed Use (C-MU).
7. **Existing Zoning:** Mixed Use (Z-MU).
8. **Zone Change Area Description for Proposed Z-HCM Zone:** A metes and bounds description prepared by Udell Engineering & Land Surveying LLC is provided at Applicants' Exhibit 4.
9. **Adjacent Zoning:** Mixed Use zoning adjoins for land along S. Santiam Highway east to Burdell Boulevard. Further east is the railroad, running parallel to Burdell Boulevard. Land to the east of the railroad is designated Industrial (C/Z-IND). Highway Commercial (C/Z-HCM) designated land is situated along both sides of S. Santiam Highway northwest of the subject Tax Lot 100.

10. Surrounding Land Uses:

Northwest: Vacant land over the remainder of Tax Lot 100; Tax Lot 114 (0.61 acres recently partitioned from Tax Lot 100) is being developed with a fast food restaurant with drive-through lane (Dairy Queen); Used Car Dealer (Crocker Cars) on 0.84 acre Tax Lot 701.

Northeast: Burdell Boulevard borders to the northeast with railroad tracks beyond, and a water tower and vacant lots (former building pads, razed industrial facilities) across the tracks.

Southeast: Walgreen's Drug Store (retail/pharmacy) with drive-through window on 1.58 acre Tax Lot 104 (previously partitioned from Tax Lot 100). Rear of building/loading area of Walgreen's faces the subject property. Burdell Boulevard intersects with S. Santiam Highway beyond the Walgreen's, and across Burdell Boulevard from there on 0.88 acre Tax Lot 105 is an Oregon State Credit Union branch with multiple drive-through lanes.

Southwest: A reciprocal access easement runs parallel to S. Santiam Highway along the southwest side of the subject Tax Lot 100 approximately 400 feet to a right-in/right-out only highway access adjacent to the new Dairy Queen lot. Across South Santiam Highway is a shopping center (Walmart Supercenter, fast food restaurants (Carl's Jr., A&W) with drive-through lanes, drive-through coffee stand (Dutch Bros.), etc....

11. Public Facilities:

- A. **Sanitary Sewage:** A sanitary sewer main runs along the highway frontage of the subject property as shown on the partition plan.
- B. **Water Service:** A 16-inch water main is located within the highway right-of-way adjacent to the subject property and a 12-inch water main is located within the Burdell Boulevard right of way adjacent to the subject property as shown on the partition plan.
- C. **Storm Drainage:** The subject property drains toward Burdell Boulevard where a 24-inch storm drainage main is located as shown on the partition plan.

D. Transportation Facilities: South Santiam Highway (US Route 20) along the southwest side of the subject property is classified as a Principal Arterial Street and Burdell Boulevard is classified as a Collector Street in the Lebanon Transportation System Plan. The TSP shows that Burdell Boulevard is planned to be extended further north in the future to loop back to the highway at its intersection with Market Street to the north, which is also classified as a Collector Street. A reciprocal access easement between the subject Tax Lot 100 and the Walgreen's property extends from the existing Burdell Boulevard driveway access to Walgreens to and then parallel to the S. Santiam Highway frontage ending at a right-in/right-out highway access adjacent to the new Dairy Queen parcel.

12. Natural and Historic Resources:

A. Flood Zone: Review of the FEMA FIRM for the area indicates that the subject property is mapped in "Flood Hazard Zone X-12" (unshaded), being areas of minimal risk outside the one percent and 0.2 percent annual chance floodplains.

B. Wetlands: Review of the National Wetland Inventory data did not identify any wetlands. No Local Wetland Inventory was found on file in the Oregon Wetland Inventory database for the City of Lebanon.

C. Streams/Riparian Habitat: There are no streams or riparian habitat corridors located on or near the subject property.

D. Unique Natural Features: The subject property is not identified in Chapter 2 of the Lebanon Comprehensive Plan as being within any inventoried areas for Unique Natural Features and Opportunities for Environmentally Friendly Development.

E. Historic Resources: The subject property is vacant and is not otherwise inventoried as an historic resource property.

13. Topography: The subject property is generally level. Slope direction is to the northeast. Elevation change is 366 to 364 feet, MSE.

14. Soil: The proposed 1.33 acre parcel is comprised predominantly of Courney gravelly silty clay loam (NRCS Soil Map Symbol 2224A, 0 to 3 percent slopes).

15. Vegetation: There are no trees or significant vegetation other than grass the subject 1.33 acre proposed parcel/zone change area.

V

FINDINGS AND CONCLUSIONS OF LAW

The following conclusions of law and ultimate conclusions are reached with respect to this proposed Comprehensive Plan Map and Zoning Map amendments. The following discussion and conclusions of law are preceded by the criteria to which they relate:

COMPREHENSIVE PLAN MAP AND ZONING MAP AMENDMENTS

CITY OF LEBANON DEVELOPMENT CODE

Chapter 16.27 Comprehensive Plan Map and Zoning Map Amendments, and Urban Growth Boundary Amendments

16.27.050 Decision Criteria

A. Compliance with Comprehensive Plan and Facility Plans

1. All proposed amendments to the Comprehensive Plan Map or to the Zoning Map shall be consistent with the City of Lebanon's adopted Comprehensive Plan and Facility Plans. The City's Facility plans, including the 2007 Transportation System Plan (TSP), are based on the future site service demands according to the Comprehensive Plan Map designation and zoning.

Discussion/Findings: The Comprehensive Plan consists of ten chapters that include policies to implement the City's land use goals. The applicable policies to this proposed map amendment are identified and addressed below in order of chapter:

Chapter 1: Introduction. This chapter describes the use and purpose of the Comprehensive Plan, its relationship to the Statewide Planning Goals, and the City's Citizen Involvement Program. General Goals and Policies are also established therein.

FINDING: None of the goals or policies in Chapter 1 are found to be directly applicable as an approval criterion for the proposed minor comprehensive plan and zoning map amendment.

Chapter 2: Natural Environment. This chapter establishes goals and policies related to the City's natural and historic resources (implementing Statewide Planning Goal 5), land carrying capacity (implementing Statewide Planning Goal 6) and natural hazards (implementing Statewide Planning Goal 7).

FINDING: The subject property is not located within a designated flood hazard area, does not contain any identified natural or historic resource, and is not otherwise in an area subject to increased risk to other natural hazards. Therefore, none of the goals or policies in Chapter 2 are found to be directly implicated by this application.

Chapter 3: Urbanization. This chapter provides the basic framework for future development in the Lebanon area. The following policies are found to be applicable:

9.2 Public Facilities Capabilities Policies

P-10: Review all development proposals to ensure that public facilities are available and have adequate capacity to accommodate the proposed development, or that such facilities and their capacities can be made available through appropriate extensions and/or enhancements concurrent with or prior to proposed developments.

P-11: Require that new developments are either served by existing and/or proposed public infrastructure extensions and improvements, and/or are served by privately funded infrastructure extensions and improvements.

FINDING: The current Z-MU zoning district already allows for high intensity urban development which the subject Tax Lot 100 has previously accommodated through past partitioning and development of the resulting parcels (Walgreen's, Dairy Queen, and the Oregon Credit Union properties were all divided out from Tax Lot 100). Burdell Boulevard has been constructed along with public storm sewer, sanitary sewer, and water mains through land dedicated from the subject Tax Lot 100 to provide adequate urban services to the subject property. Power, gas and telecommunication utility lines are also available to serve the property. Development of the proposed 1.33 acre parcel to be rezoned to Z-HCM will also be subject to conditional use permit review in order for the proposed car wash to be approved. Adequacy of the existing facilities to serve the use will be considered based on the final development plans to be submitted for that project. Accordingly, it is found that the application complies with Policies P-10 and P-11.

9.7 Additional Considerations for Conversion of Urbanizable Land to Urban Uses

P-30: Manage its Urban Growth Boundary and the lands within so as to make available sufficient land for the various uses to ensure choices in the market place, through implementation of land use regulations and land use policies.

P-31: Manage its Urban Growth Boundary and the lands within so as to encourage development within urban areas before conversion of urbanizable areas, through implementation of land use regulations and land use policies.

FINDING: "Urbanizable Land" is defined in the Comprehensive Plan Glossary.¹ Generally, Urbanizable Lands are those unincorporated areas in the UGB for which a city and county coordinate on assuring will remain available for expansion of the city over the planning period. Mutually adopted urban growth boundary agreements typically govern how and when urbanizable land can be converted to urban use. The subject property, however, is already in the municipal boundary and currently zoned for full urban development under the Mixed Use zone. The uses allowed in the Z-MU zone are generally similar in urban intensity and those allowed in the proposed Z-HCM zone for the 1.33 acres. The remainder of the subject Tax Lot 100 will not be rezoned. Accordingly, it is found that the subject property is already urban land by existing zoning rather than urbanizable land to be converted to urban use for which Policies P-30 and P-31 would apply. Those policies are therefore not implicated in this case.

Chapter 4: Land Use. This chapter establishes the land use categories and their relationship with the Zoning Ordinance and Map to assure that the City provides different types of land that are suitable for a variety of uses. The following policies are found to be applicable:

8.0 General Policies for Land Use

¹ URBANIZABLE LAND. Urbanizable lands are those lands within the urban growth boundary and which are identified and

- (a) Determined to be necessary and suitable for future urban uses
- (b) Can be served by urban services and facilities
- (c) Are needed for the expansion of an urban area.

The City shall:

P-1: Recognize that the Comprehensive Plan land use designations or categories shall determine zoning.

P-5: To the extent possible, require that the boundaries of land use classifications, as shown on the Zoning Map, generally follow street and alley lines, lot lines, railroad right-of-way, or significant natural features (rivers, creeks, ridge lines, foot of slopes, benches, etc.). In the event that a public street or alley is officially vacated, the regulations applicable to the adjoining property to which it reverts shall apply.

P-6: Require that changes to the Comprehensive Plan Map be consistent with the policies of the Comprehensive Plan, State law, and any adopted intergovernmental agreements.

P-12: Ensure that the Zoning Map reflects and implements the Comprehensive Plan Map.

FINDING: Applicant request concurrent amendment of the Comprehensive Plan Map to Commercial to be paired with a Zoning Map amendment to Highway Commercial (Z-HCM) such that approval of both will comply with Policies P-1 and P-12. A partition application has also been submitted to create a 1.33 acre parcel (Proposed Parcel 1) which will correspond with the proposed zoning boundary description, consistent with Policy P-5. Findings of compliance with all relevant policies of the Comprehensive Plan, State law, and any adopted intergovernmental agreements area include with the application and in accordance with Policy P-6.

10.0 General Policies for Commercial Uses

The City shall:

P-26: NOT allow Highway Commercial development with direct access to U.S. Highway 20 (Santiam Highway) south of the intersection of Cascade Drive/Weldwood Drive and U.S. Highway 20 (Santiam Highway).

FINDING: The subject property is located north of the intersection of Cascade Drive/Weldwood Drive and U.S. Highway 20. Accordingly, the proposed Highway Commercial zoning for the subject 1.33 acres complies with Policy P-26. In any case, the proposed parcel will not take direct access to Highway 20. Instead, indirect access is provided by way of the shared reciprocal access easement with the adjoining tract and otherwise by way of Burdell Boulevard.

Chapter 5: Population & Economy. This chapter reviews growth population and economic growth projections and trends. The following policies are found to apply:

P-5: Designate enough land in a variety of parcel sizes and locations to meet future employment and commercial needs.

P-9: Preserve and protect lands designated for industrial use from incompatible uses by limiting uses on or near sites zoned for specific industrial to those which are compatible with industrial uses.

FINDING: This chapter was adopted in 2004 and its population and employment land need projection are now at the end of the 20 year planning period. Since that time, the state has enacted legislation that delegates area population forecasts for urban growth area planning purposes to Portland State University's Population Research Center. Local governments are still responsible for forecasting employment growth in accordance with Statewide Planning Goal 9. Chapter 5 of the Comprehensive Plan summarizes findings from the Economic Opportunities Analysis "EOA" (ECONorthwest's *2004 Lebanon Urbanization Study*). However, the City is currently updating the EOA which is scheduled for review and recommendation of the Planning Commission during its August 16, 2023 meeting. The updated EOA when adopted will project the amount of land needed to accommodate future employment growth within Lebanon between 2023 and 2043. The draft EOA finds that Lebanon currently has about 1,104 unconstrained buildable acres of employment land in its commercial or industrial designations. Of those, 454 (21%) are designated for mixed uses and 30 (1.4%) are designated for commercial uses [Executive Summary, page i). The commercial land need projections in the EOA are generalized based on NAICS classifications – which are accommodated in both the CM and MU comprehensive plan designations. The EOA does find that the types of businesses that have potential for growth include services for residents (such as motor vehicles and parts dealers, restaurants, food and beverage stores, or personal care stores). An automated car wash business as Applicants propose is similarly a service for residents. The EOA does not provide a fine grain analysis of the distinctions between what commercial services would be provided in the CM rather than the MU plan and zone designations. As previously established above, car washes are not specifically listed as a land use under any zoning district and only the Z-HCM zone would allow a car wash use under the category "Other Class III Commercial Uses" by conditional use permitting procedure. There are no other vacant or otherwise available CM zoned parcels in the vicinity that are suitable in size and configuration to accommodate the use. Given the relative abundance of the 454 acre inventory of unconstrained MU designated land compared to the 30 remaining CM designated lands, it would be reasonable to redesignate the proposed 1.33 acre parcel to CM consistent with Policy P-5. With regard to Policy P-9, land to the northeast is designated for industrial use. However, that land is vacant and located beyond both Burdell Boulevard and the railroad right of way. Additionally, the subject site is already zoned for Mixed Use. Uses allowed in the Highway Commercial zone present no more potential for conflict with industrial land uses than those in the Mixed Use zone.

Chapter 6: Housing. This chapter reviews housing needs and trends and contains goals and policies related to housing.

FINDING: None of the goals and policies in this chapter were found to directly bear on the question of changing from Mixed Use to Highway Commercial which both allow for residential uses in addition to commercial uses. The Housing Chapter, like the Population & Economy Chapter, was adopted in 2004 and the 20-year planning period is now near its end. The city is also currently updating its housing needs analysis. The draft study notes that although the MU

and CM designations allow for residential development, it is recognized that most of that land base is likely to develop with non-residential uses. Only 3% of the MU and CM land is projected in the study to be developed with residential uses. Accordingly, it is concluded that a change to Highway Commercial from Mixed Use for 1.33 acres would not conflict with any comprehensive plan housing goal or policy.

Chapter 7 – Community Friendly Development & Preservation of Historic Resources.

This chapter outlines components of community friendly development and provides for preservation of historic resources. The subject property does not contain any historic resources subject to policies in this chapter. Community friendly development policies in this chapter generally are directed to the city for implantation through inclusion of measures in the development ordinance (e.g., street widths, parking standards, etc...) that are applied at time of development review. None are found to be applicable as approval criteria for zone change applications. City adopted development standards resulting from the policies in this chapter are applied in review of the partition request addressed in findings here below.

Chapter 8 – Transportation. This chapter incorporates the Transportation System Plan (TSP) and established related goals and policies.

FINDING: The MU and HC zones both allow a similar array of commercial and residential land uses in regard to traffic generation rates. A change from one zone to the other would not in itself create a significant impact on the area transportation facilities. Specific development applications are evaluated for compliance with applicable transportation related standards. The City's 2018 TSP (Volume 1) includes a project (D15) to extend Burdell Boulevard to connect with Market Street at US 20 as a Collector street with sidewalks and bike lanes. Burdell is already so improved along the 1.33 acre proposed parcel to be re-zoned. The proposed rezoning and related partition would not interfere in any way with the planned extension. The 2018 TSP also establishes Roadway and Access Spacing Standards (Table 9). The proposed partition complies with both the minimum and maximum block standards (being 265 feet and 530 feet, respectively). Driveways along Burdell Boulevard must meet the minimum spacing standard of 130 feet. The proposed parcel width of 147 feet is sufficiently wide to accommodate a driveway access to Burdell Boulevard with minimum spacing of 130 feet from the nearest existing driveway (Walgreen's). Site design for the car wash will be review for related transportation standards through the conditional use permit. Accordingly, it is concluded that the proposal complies with Chapter 8.

Chapter 9 – Public Facilities and Services. This chapter implements Statewide Planning Goal 11 requiring cities to plan and develop a timely, orderly, and efficient arrangement of public facilities and services to serve as a framework for urban development. The following policies are found to be applicable:

10.1 General Policies

The City shall:

P-8: Review all development proposals to ensure that public facilities are available and have adequate capacity to accommodate the proposed development, or that such facilities and their

capacities can be made available through appropriate extensions and/or enhancements concurrent with or prior to proposed developments. *(Duplicated in Chapter 3, Urbanization)*

P-9: Require that new developments are either served by existing and/or proposed public infrastructure extensions and improvements, and/or are served by privately funded infrastructure extensions and improvements. *(Duplicated in Chapter 3, Urbanization)*

P-10: Consider impacts on key City-provided urban utility services (water, storm drainage, wastewater, and streets) and any other community facilities that are identified by service providers as substantially impacted by the proposal before development proposals, or rezoning applications are approved.

FINDING: The current Z-MU zoning district already allows for high intensity urban development which the subject Tax Lot 100 has previously accommodated through past partitioning and development of the resulting parcels (Walgreen's, Dairy Queen, and the Oregon Credit Union properties were all divided out from Tax Lot 100). Burdell Boulevard has been constructed along with public storm sewer, sanitary sewer, and water mains through land dedicated from the subject Tax Lot 100 to provide adequate urban services to the subject property. Power, gas and telecommunication utility lines are also available to serve the property. Development of the proposed 1.33 acre parcel to be rezoned to Z-HCM will also be subject to conditional use permit review in order for the proposed car wash to be approved. Adequacy of the existing facilities to serve the use will be considered based on the final development plans to be submitted for that project. Accordingly, it is concluded that the application complies with the above policies.

Chapter 10 – Plan Implementation, Amendment, and Land Use Planning Coordination.

This chapter includes a narrative explaining that the comprehensive is implemented through the Zoning and Subdivision Ordinances in combination with the City's Municipal Code, the Capital Improvement Program, and facility plans including the TSP. Section 1.1.4 establishes that amendments to the Zoning Ordinance and Zoning Map must be consistent with the Comprehensive Plan. Applicable policies for map amendments are:

P-1: The City Council may amend the Comprehensive Plan and/or Map after referral to the Planning Commission public hearing, for action, review, revisions, and recommendations.

P-2: Changes to the Plan and/or Map shall be made by ordinance after public hearings as prescribed by state law and local ordinances.

P-3: Changes in the Plan and/or Map shall be incorporated directly into the document at the appropriate place. A list of all amendments with date of passage shall then become part of the document until the next comprehensive update of the entire Comprehensive Plan.

P-4: An amendment to the Comprehensive Plan and/or Map may be considered when one or more of the following conditions exist:

- a. Updated data demonstrates significantly different trends than previous data;

- b. New data reflects new or previously undisclosed public needs;
- c. New community attitudes represent a significant departure from previous attitudes as reflected by the Planning Commission or City Council;
- d. Statutory changes significantly affect the applicability or appropriateness of existing plan policies.

P-5: Residents, property owners, their authorized agents, the Planning Commission, the City Council, or City staff may initiate a Comprehensive Plan amendment. In order to obtain a Comprehensive Plan and/or Map amendment, the applicants shall have the burden of proof that all of the following conditions exist:

- a. There is a need for the proposed change;
- b. The identified need can best be served by granting the change requested;
- c. The proposed change complies with the Statewide Planning Goals; and,
- d. The proposed change is consistent with all other provisions of the City's Comprehensive Plan.

FINDING: Policies P-1 through P-3 relate to amendment procedures and do not function as approval criteria. Regarding P-4, the findings in the updated Economic Opportunities Analysis indicate that the inventory of unconstrained buildable Multi Use land far exceeds the amount of available buildable Commercial Land. Mixed Use constitutes 21% of the total buildable employment land base while only 1.4% of the employment land inventory is Commercial Land. "Services for residents and visitors" is a target industry with comparative advantages in Lebanon, according to the new EOA. Car wash businesses would fall within that sector. However, that use can only be sited in the Highway Commercial zoning district as an "Other Class III Commercial Use" because no zoning district specifically lists car washes as an allowed use and no other commercial zone or mixed use zone allows "Other Class III Commercial Uses". Both the Highway Commercial zoning district and the Mixed Use zoning district allow "Auto Sales and Services". While a car wash might reasonably be construed to be an "Auto Service", its listing as an example of a Class III Commercial Use in LDC Chapter 16.03 limits this particular automobile service to being allowed in only the Highway Commercial Zone. So, while "Auto Services" generally can be developed and operated within the Mixed Use Zoning District – being the only zoning district that can be paired with the Mixed Use comprehensive plan map designation that includes 21% of the overall inventory of buildable employment land – a car wash can only be established in just one of the three commercial zones allowed under the Commercial comprehensive plan designation that includes only 1.4% of the available employment land base. Then, one must find a suitably configured site to accommodate vehicular circulation and approaches and that is also available for lease or acquisition and that is in a marketable convenient location to efficiently serve the public and that is compatible with surrounding uses. As such, the City's existing inventory of Highway Commercial zoned land fails to satisfy Population and Economy Policy P-5 to "designate enough land in a variety of parcel sizes and locations to meet future employment and commercial needs" with regard to car

wash services and related employment. Consequently, it is concluded that new data reflects that this public need is not being adequately met by current land inventories, that there is a need for the proposed change, and that the need can best be served by granting the requested change. Findings here above and below further establish that the change complies with the Statewide Planning Goals and the proposed change is consistent with all other provisions of the City's Comprehensive Plan.

Compliance with the Statewide Planning Goals is met as follows:

Goal 1 – Citizen Involvement

Findings: A minor comprehensive map amendment requires compliance with the overall comprehensive plan as adopted in accordance with the Goal 1 Citizen Involvement program. Procedure for review of minor amendments includes notice to nearby and affected parties and public hearings before the Planning Commission and the City Council for citizens to be heard.

Goal 2 – Land Use Planning

Finding: The City has a land use planning process and policy framework as a basis for all decision and actions related to use of and to assure and adequate base for such decisions. The proposed minor map amendment must comply with the City's adopted comprehensive plan, in accordance with the requirements of Goal 2. Goal 2 also provides a procedure for taking exceptions to Statewide Planning Goals. The exceptions process is not implicated in this case where no exception is requested or required.

Goal 3 – Agricultural Lands

Finding: Goal 3 by its own terms does not apply within urban growth boundaries.

Goal 4 – Forest Lands

Finding: Goal 4 in accordance with LCDC rules does not apply within urban growth boundaries.

Goal 5- Natural Resources, Scenic and Historic Areas, and Open Spaces

Finding: No Goal 5 resource inventory includes or affects the subject property.

Goal 6 – Air, Water and Land Resources Quality

Finding: The property is fully served by the City's water, storm water, and sanitary sewerage systems which have adequate capacity to supply municipal water and to process discharges in compliance with applicable state and federal water quality statutes and licensure. The site is also already zoned Mixed Use for development at similar urban intensities as the proposed Highway Commercial zoning. Accordingly, the air, water and land resource would not be impacted by the proposed change.

Goal 7 – Areas Subject to Natural Hazards

Finding: The subject property is not in an area subject to significant natural hazard subject to Goal 7.

Goal 8 – Recreation



Finding: The subject property is not land that has been planned for recreational use or for destination resort siting under Goal 8.

Goal 9 – Economic Development

Finding: The goal is to provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon’s citizens. The proposed change will be from one employment land category (Mixed Use) to another (Commercial) which is in accordance with the City’s adopted Economic Opportunities Analysis because both designations are intended to provide sites to accommodate commercial land needs. As established above, the proposed change will also function address a particular shortfall of land appropriately zoned and located to accommodate car wash use. LCDC implementing rules at OAR Chapter 660, Division 9, are not implicated by changes of less than two acres of employment land designations.

Goal 10: Housing

Finding: Both the existing MU and the proposed CM designations can be used for housing, and the City’s housing analysis assumes the same (low) propensity for MU and CM lands to be developed with housing rather than non-residential use. That is, only three percent of the inventory for either designation is projected to be developed for housing. Approval of the proposed CM and associated Highway Commercial zoning will not remove any currently designated housing land from the City’s residential land inventory. Development of this vacant site with commercial use similarly would not remove any existing homes.

Goal 11 – Public Facilities and Services:

Finding: The goal is to plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural land. The subject property is urban land that is already fully served by urban public facilities and services.

Goal 12 – Transportation

Finding: As established above, the proposal will not have any significant impact on existing or planned transportation facilities.

Goal 13 – Energy Conservation

Finding: The map amendment is neutral regarding energy conservation.

Goal 14 – Urbanization

Finding: The subject site is already urban land zoned to accommodate employment land needs. The proposed Highway Commercial zoning is also appropriate to the urban land area.

Goals 15 to 19

Finding: Not applicable to Lebanon.

* * * * *

16.27.050 Decision Criteria

A. Compliance with Comprehensive Plan and Facility Plans (cont’d)

2. Facility plans need to be consistent with the Comprehensive Plan Map as well as the text, and changes to the Map may necessitate changes to a facility plan. For example, changing a

Comprehensive Plan Map designation to a higher intensity use may require an amendment to the TSP, sanitary sewer or potable water master plans.

Finding: The property is currently designated as and zoned for Mixed Use which allows for generally the same intensity of uses and development as would be allowed in the proposed Commercial designation and Highway Commercial zoning district. The proposed change to 1.33 acres would not have any impact on existing facility plans.

* * * * *

16.27.050 Decision Criteria

A. Compliance with Comprehensive Plan and Facility Plans (cont'd)

3. Applicants proposing amendments to the Zoning Map must request a City Zoning Classification that is consistent with the Comprehensive Plan Map designation for a subject property. If an applicant requests a City Zoning Classification that is not consistent with the Comprehensive Plan Map, the zoning requested shall not be granted until the Comprehensive Plan Map is first appropriately amended to reflect concurrence. (See the Annexation Zoning Matrix, **Table 16.26-1**.) Such an amendment requires a separate application, hearing and decision; this process may occur concurrently with the Zoning Map Amendment hearing.

Finding: The application includes a request for concurrent change to both the Comprehensive Plan Map and the Zoning Map in accordance with this requirement. Both are to be reviewed simultaneously.

* * * * *

16.27.080 Approval of a Comprehensive Plan Map or Zoning Map Amendment Request

The City may approve a Comprehensive Plan Map or Zoning Map Amendment request if it satisfies all of the relevant Decision Criteria above in Section 16.27.050.

Finding: The findings here above establish compliance with the Decision Criteria in Section 16.27.050.

* * * * *

Conclusion – Comprehensive Plan Map and Zoning Map Amendments: Based on the findings established here above, it is concluded that the proposed Comprehensive Plan Map and Zoning Map Amendments comply with the applicable decision criteria.

* * * * *

LAND PARTITION

CITY OF LEBANON DEVELOPMENT CODE

Chapter 16.22: Land Divisions (Subdivisions and Partitions) Property Lines and Adjustments

16.22.090 Decision Criteria: Preliminary Plat for Partitions and Subdivisions



A. General Decision Criteria

The City may approve, approve with conditions or deny a preliminary plat based on the following decision criteria:

1. The proposed preliminary plat complies with the applicable Development Code Sections and adopted Master Plans. At a minimum, the provisions of this Chapter, and the applicable Chapters and Sections of Article Two (Land Use and Land Use/Development Zones) and Article Three (Community Development and Use Standards) of this Code shall apply. Where a variance is necessary to receive preliminary plat approval, the application shall also comply with the relevant Sections of Chapter 16.29.
2. The proposed plat name is not already recorded for another subdivision, and satisfies the provisions of ORS Chapter 92 and the County Surveyor.
3. The proposed streets, roads, sidewalks, bicycle lanes, pathways, utilities, and the surface water management facilities are laid out so as to conform or transition to the plats of subdivisions and of partitions already approved for adjoining property as to width, general direction and in all other respects. All proposed public improvements and dedications are identified on the preliminary plat.
4. All proposed private common areas and improvements (e.g., homeowner association property) are identified on the preliminary plat.
5. Evidence that all City, County, State and Federal regulatory agency identified or mapped special management areas have been accurately and effectively identified on the appropriate maps and plans submitted to the City for review.
6. Evidence that improvements or conditions required by the City, road authority, Linn County, special districts, utilities, and/or other service providers, as applicable to the project, have been or can be met.
7. If any part of the site is located within a Special Area Plan or District, Overlay Zone, or previously approved Planned Development, it shall conform to the applicable regulations and/or conditions.

Finding: The subject property is Parcel 2 of Partition Plat No. 2021-57 which is 5.69 acres in size. *See, Applicants' Exhibit 6 – Partition Plat No. 2021-57.* The current proposal is to partition the subject property into two parcels. *See, Applicants' Exhibit 3 – Tentative Partitino Map.* Proposed Parcel 1 will have 1.33 acres consisting of the southeasterly 147 feet of the existing parcel. Proposed Parcel 2 will include the remainder 4.35 acres. The application is for a partition rather than a subdivision, so there will be no plat name. The application is filed concurrently with a request to amend the comprehensive plan map designation for the 1.33 acre Proposed Parcel 1 to Commercial and to amend the Zoning Map for that 1.33 acres to Z-HCM. Proposed Parcel 2 will remain in the existing Mixed Use zone. Both zoning districts utilize the lot design standards in LDC 16.08 for commercial uses. No minimum or maximum lot area standards apply per Table 16.08-7. The property is vacant so no setback issues are implicated by the proposed partition. Proposed Parcel 1 is intended for development of an automated drive through car wash for which a conditional use permit application will be filed. Siting standards for that will be addressed in the conditional use permit application. Accordingly, it is concluded that the proposed partition complies with the General Decision Criteria for approval of the land division.

B. Layout and Design of Streets, blocks and Lots

All proposed blocks (i.e., one or more lots bound by public streets), lots and parcels conform to the specific requirements below:



1. All lots shall comply with the lot area, setback, and dimensional requirements of the applicable land use zone (Chapters 16.05 – 16.10), and the standards of Chapter 16.12 (Subsection 16.12.030.K, Street Connectivity and Formation of Blocks).
2. Setbacks shall be as required by the applicable land use zone (Chapters 16.05 – 16.10).
3. Each lot shall conform to the standards of Chapter 16.12 (Access and Circulation).
4. Landscape or other screening may be required to maintain privacy for abutting uses. See Chapters 16.05 – 16.10 (Land Use Zones), and Chapter 16.15 (Landscaping, Street Trees, etc.).
5. In conformance with the Oregon Fire Code, a 20-foot width fire apparatus access drive shall be provided to serve all portions of a building that are located more than 150 feet from a public or private road or approved access drive. See Chapter 16.12 (Access and Circulation).
6. Where a common drive is to be provided to serve more than one lot, a reciprocating access easement and maintenance agreement shall be recorded with the approved subdivision or partition plat.
7. All applicable engineering design standards for streets, utilities, surface water management, and easements shall be met.

Finding: As established above, both proposed parcels will comply with the lot design standards of LDC 16.08 as applicable to this site. Both parcels will be double fronted as the subject parcel is, being situated between U.S. 20 and Burdell Boulevard. The applicable block standard is 600-800 feet in length and 1,600-2,000 feet in perimeter. The proposed partition line location does not implicate the need for a new street connection to form a block. A reciprocal access easement was recorded previously at the time the adjacent Walgreen's parcel was developed and will continue to serve the proposed parcels and does extend northwest to the Dairy Queen property. Each also will have sufficient width to meet the minimum access spacing standard for new driveways along Burdell Boulevard so as not to unduly concentrate traffic at the Walgreen's driveway. A conditional use permit will be filed to review the site design details in relation to applicable standards. Therefore, it is concluded that the proposed partition complies with the above requirements.

C. Conditions of Decision

The City may attach such conditions as are necessary to carry out provisions of this Code and other applicable ordinances and regulations and for the purpose of controlling access to the adjoining undeveloped properties. Also, see Chapter 16.16 (Public Facilities).

Finding: Applicants understands that conditions of approval may be imposed.

* * * * *

VI

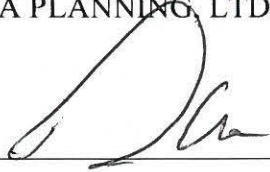
ULTIMATE CONCLUSIONS

Based upon the foregoing findings of fact and conclusions of law, it is ultimately concluded that the criteria prerequisite to a Comprehensive Plan Map Amendment from *C-MU (Mixed Use)* to *C-CM (Commercial)*, a Zoning Map Amendment from *Z-MU* to *Z-HCM* on a 1.33 acre portion of land identified as Map 12S-02W-23, Tax Lot 100 has been substantiated for each of the relevant criteria cited herein above. It is further concluded that the proposed partition to create a 1.33 acre parcel corresponding to the proposed zoned change area complies

with all relevant substantive approval criteria.

Respectfully submitted on behalf of Applicants:

CSA PLANNING, LTD.



Dated: 11 August 2023



Udell Engineering & Land Surveying, LLC



63 East Ash Street, Lebanon, OR 97355
Ph: 541-451-5125 • Fax: 541-451-1366

Memorandum Public Facilities and Services Impact

To: Ron Whitlatch PE, Engineering Services Director for City of Lebanon
From: Brian Vandetta PE, PLS
Date: August 14, 2023
Re: Public Facilities and Services Impact for Zone Change

Mr. Whitlatch;

This memo is prepared to explain the anticipated impact to public facilities and services based on the subject property's zoning designation being changed from Mixed Use to Highway Commercial.

The Mixed-Use Zone and the Highway Commercial Zone both allow uses that have similar impacts on public facilities and services such as storm drainage, sanitary sewer and water. Therefore, it is my professional opinion that converting the zoning of the land from Mixed Use to Highway Commercial will not have a measurable impact on the public facilities and services owned by the City of Lebanon. Below is a summary of available utilities in the area to serve the subject property.

Public Sanitary Sewer:

There is an existing 8-inch diameter public sanitary sewer main across the entire Highway 20 frontage. The existing 8-inch has capacity to serve the proposed 1.33 acre \pm Highway Commercial Parcel.

Public Water:

There is an existing 16-inch diameter public water main across the entire Highway 20 frontage. The existing 16-inch has capacity to serve the proposed 1.33 acre \pm Highway Commercial Parcel.

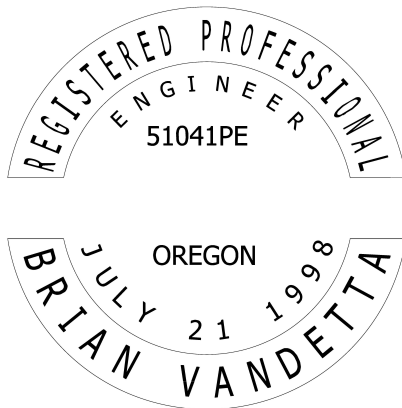
Public Storm Drainage:

There is an existing 24-inch diameter public storm drain main across the entire Burdell Boulevard frontage. The existing 24-inch has capacity to serve the proposed 1.33 acre ± Highway Commercial Parcel.

Conclusion:

Converting the zoning of the subject property from Mixed Use to Highway Commercial will not create a measurable impact of the existing public facilities and services.

Respectfully,



RENEWAL JUNE 30, 2024

Brian Vandetta PE, PLS
Udell Engineering and Land Surveying, LLC
63 East Ash Street
Lebanon, OR 97355
Phone: 541-451-5125
Fax: 541-451-1366



LAND USE APPLICATION

PROPERTY INFORMATION

Site Address(es): No Situs Address Assigned Yet.
Assessor's Map & Tax Lot No.(s): 12S-02W-23, Tax Lot 100
Comprehensive Plan Designation / Zoning Designation: C-MU Mixed Use / Z-MU Mixed Use
Current Property Use: Vacant
Project Description:
Partition Subject Parcel (TL 100) into two parcels having 1.33 acres and 4.35 acres, respectively. Comp Plan Map Amendment/Zone Change to C-CM / Z-HCM for proposed 1.33 acre parcel to allow for car wash use. Conditional Use Permit will be submitted for approval contingent on zone change.

APPLICANT / PRIMARY CONTACT INFORMATION

Applicant: KLASH, LLC (Kelly Geiger, Member/Registered Agent)	Phone: (541) 944-3102
Address: P.O. Box 5658	Email: geigerkwng@gmail.com
City/State/Zip: Central Point, OR 97502	
<i>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.</i>	

APPLICANT SIGNATURE 	Date: 8/9/23
--	--------------

PROPERTY OWNER INFORMATION (IF DIFFERENT THAN ABOVE)

Owner: Freres Lumber Company, Inc. (Robert Freres, President)	Phone:
Address: P.O. Box 276	Email:
City/State/Zip: Lyons, OR 97358	
OWNER SIGNATURE	Date:

ADDITIONAL CONTACT INFORMATION

Engineer / Surveyor: Kyle Latimer PLS, PE (Udell Engineering & Land Surveying, Inc.)	Phone: (541) 451-5125
Address: 63 East Ash Street	Email: kyle@udelleng.com
City/State/Zip: Lebanon, OR 97355	

Architect: Brian Westerhout, Ron Grimes Architects PC	Phone: (541) 772-3000
Address: 14 North Central, Ste. 106	Email: brian@gwearch.com
City/State/Zip: Medford, OR 97501	

Other: CSA Planning, Ltd (Land Use Planner/Applicant's Agent)	Phone: (541) 779-0569
Address: 4497 Brownridge Terrace, Ste. 101	Email: raul@csaplanning.com
City/State/Zip: Medford, OR 97504	

THE CITY THAT FRIENDLINESS BUILT

REQUIRED SUBMITTALS

- ☒ Application and Filing Fee
- ☒ Narrative Describing the Proposed Development and addressing the Decision Criteria *Applicant's Findings*
 - 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 *Tentative Partition Map*
- ☒ Copy of current Property Deed showing Ownership, Easements, Property Restrictions *Title Report*

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	\$750	Planned Development – Preliminary	\$2,500
Administrative Review (Planning Commission)	\$1,500	Planned Development – Final (Ministerial)	\$250
Annexation	\$2,500	Planned Development – Final (Administrative)	\$750
Code Interpretation	\$250	Planned Development – Final (Quasi-Judicial)	\$1,500
X Comprehensive Plan Map/Text Amendment	\$2,500	Subdivision Tentative	\$1,500
Conditional Use	\$1,500	Subdivision Final	\$750
X Fire District Plan Review	\$100	Tree Felling Permit (Steep Slopes only)	\$150 + \$5/tree
Historic Preservation Review or Register	Varies	UGB Amendment	Actual Cost
X Land Partition	\$750	Variance (Class 1 – Minor Adjustment)	\$250
Ministerial Review	\$250	Variance (Class 2 – Adjustment)	\$750
Non-Conforming Use/Development	\$750	Variance (Class 3)	\$1,500
Property (Lot) Line Adjustment	\$250	X Zoning Map Amendment	\$2,500

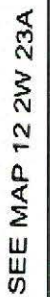
APPLICATION RECEIPT & PAYMENT

Date Received: *Aug 11, 2023* Date Complete: _____ Receipt No.: *31435*

Received By: *[Signature]* Total Fee: *\$4225.* File No.: *CMA 23.02*

2MA 23.02
MP 23.04

THE CITY THAT FRIENDLINESS BUILT



THIS MAP IS FURNISHED AS AN ACCOMMODATION STRICTLY FOR THE PURPOSES OF GENERALLY LOCATING THE LAND. IT DOES NOT REPRESENT A SURVEY OF THE LAND OR IMPLY ANY REPRESENTATIONS AS TO THE SIZE, AREA OR ANY OTHER FACTS RELATED TO THE LAND SHOWN THEREOF

EXHIBIT 3

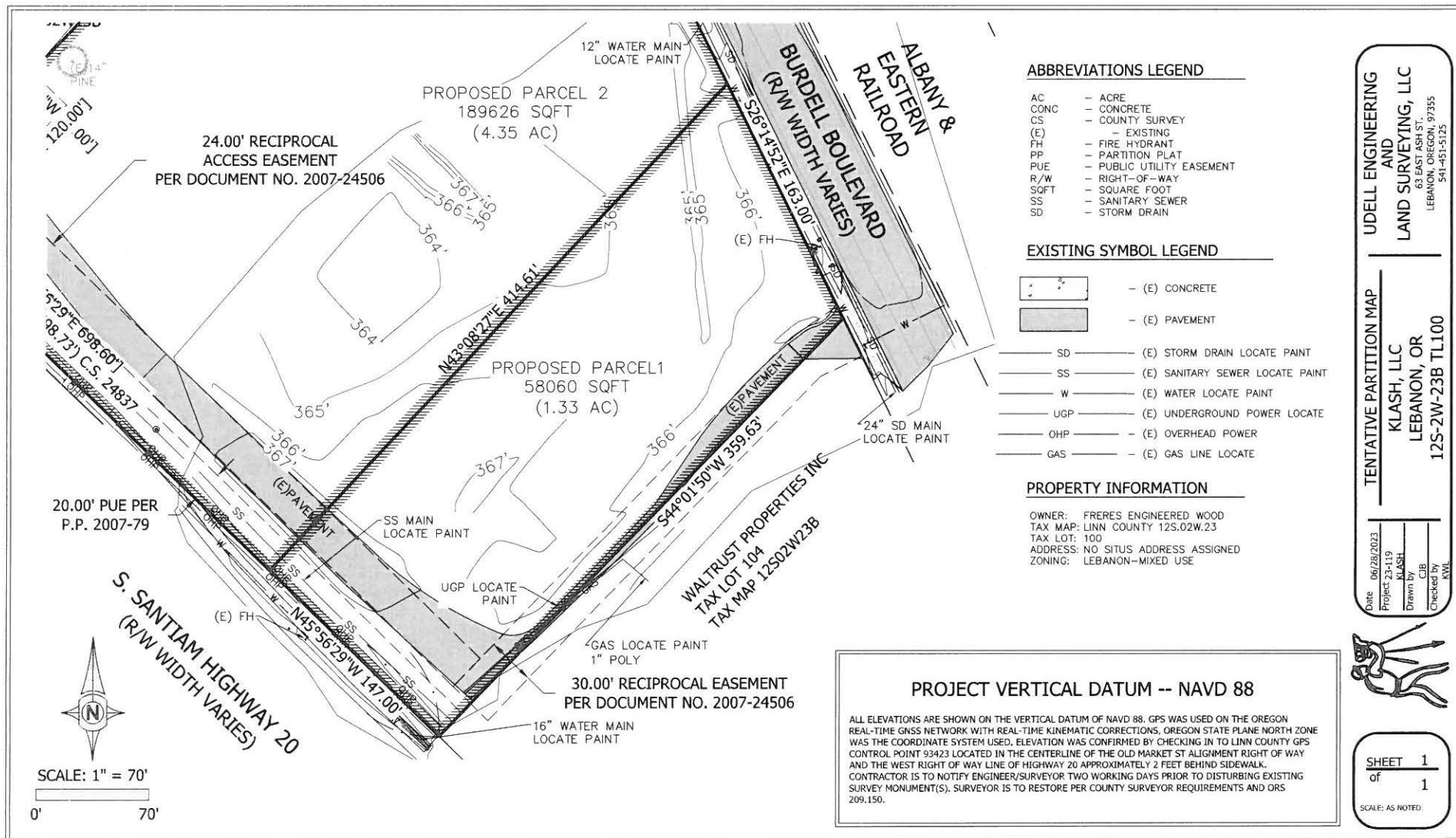
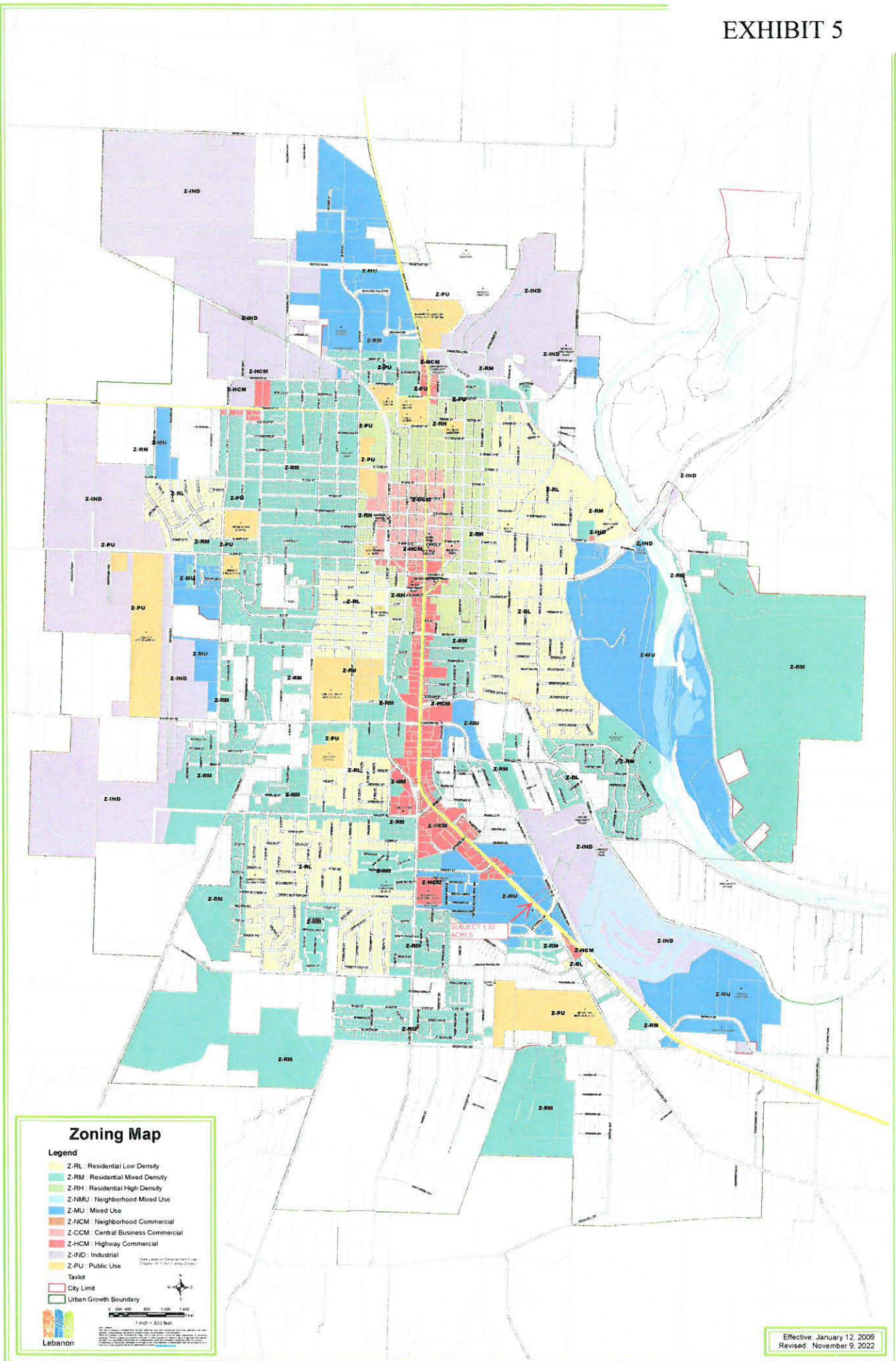


EXHIBIT '4'

ZONE CHANGE AREA DESCRIPTION

AN AREA OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 12 SOUTH, RANGE 2 WEST OF THE WILLAMETTE MERIDIAN, IN THE CITY OF LEBANON, LINN COUNTY, OREGON AND BEING MORE SPECIFICALLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF PARCEL 1, PARTITION PLAT NO. 2007-79 AND ON THE NORTHERLY RIGHT-OF-WAY OF U.S HIGHWAY 20; THENCE NORTH $44^{\circ} 01' 50''$ EAST FOR A DISTANCE OF 359.63 FEET TO WESTERLY RIGHT-OF-WAY OF BURDELL BOULEVARD; THENCE ALONG SAID RIGHT-OF-WAY, NORTH $26^{\circ} 14' 52''$ WEST FOR A DISTANCE OF 163.00 FEET; THENCE DEPARTING SAID RIGHT-OF-WAY, SOUTH $43^{\circ} 08' 27''$ WEST FOR A DISTANCE OF 414.61 FEET TO THE NORTHERLY RIGHT-OF-WAY OF SAID HIGHWAY; THENCE SOUTH $45^{\circ} 56' 29''$ EAST A DISTANCE OF 147.00 FEET TO THE POINT OF BEGINNING.



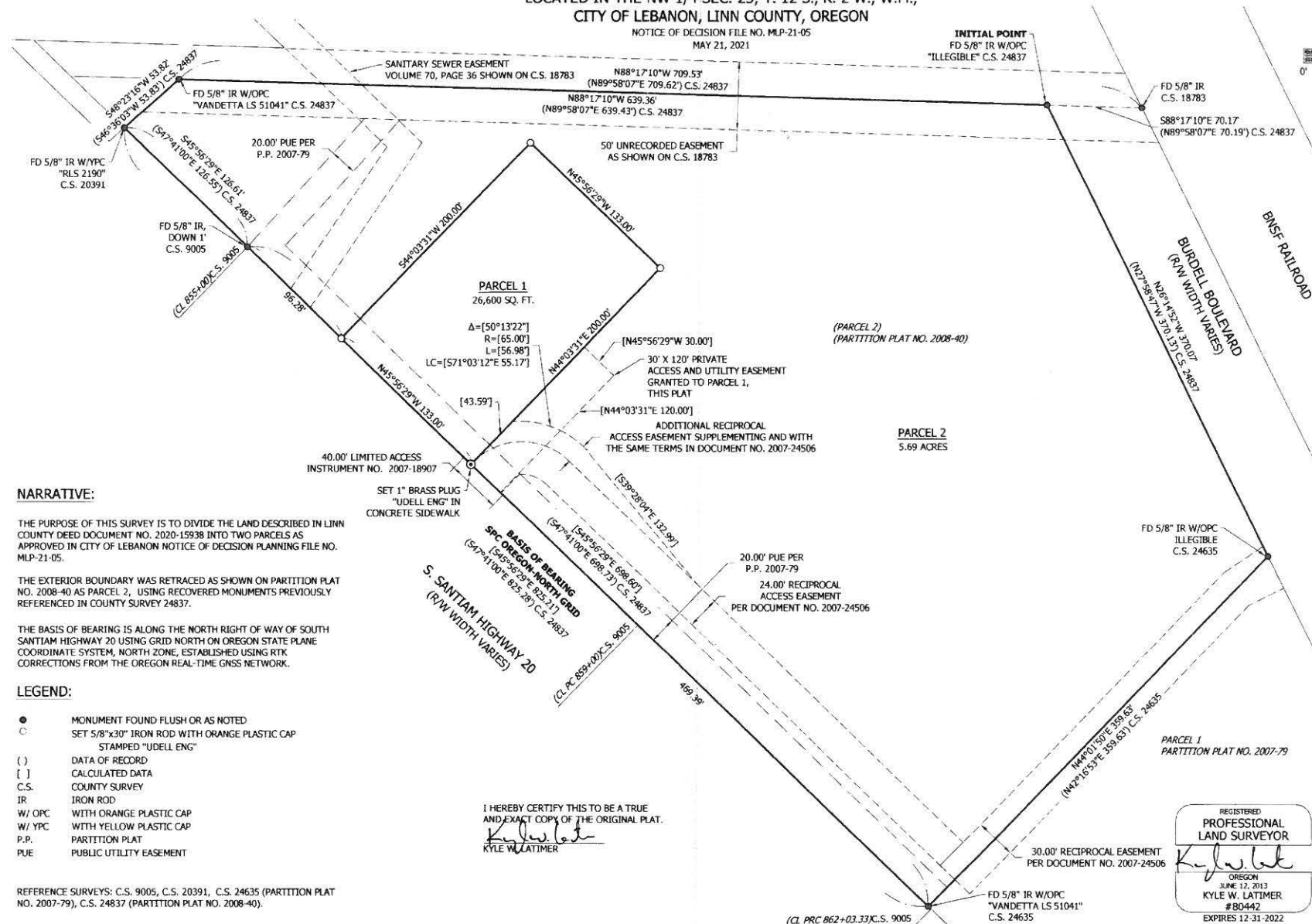
C.S. 27054

PARTITION PLAT NO. 2021-57
FOR FRERES LUMBER CO INC
A REPLAT OF PARCEL 2, PARTITION PLAT NO. 2008-40
LOCATED IN THE NW 1/4 SEC. 23, T. 12 S., R. 2 W., W.M.,
CITY OF LEBANON, LINN COUNTY, OREGON

NOTICE OF DECISION FILE NO. MLP-21-05
MAY 21, 2021



SCALE: 1" = 50'



NARRATIVE:

THE PURPOSE OF THIS SURVEY IS TO DIVIDE THE LAND DESCRIBED IN LINN COUNTY DEED DOCUMENT NO. 2020-15938 INTO TWO PARCELS AS APPROVED IN CITY OF LEBANON NOTICE OF DECISION PLANNING FILE NO. MLP-21-05.

THE EXTERIOR BOUNDARY WAS RETRACED AS SHOWN ON PARTITION PLAT NO. 2008-40 AS PARCEL 2, USING RECOVERED MONUMENTS PREVIOUSLY REFERENCED IN COUNTY SURVEY 24837.

THE BASIS OF BEARING IS ALONG THE NORTH RIGHT OF WAY OF SOUTH
SANTIAM HIGHWAY 20 USING GRID NORTH ON OREGON STATE PLANE
COORDINATE SYSTEM, NORTH ZONE, ESTABLISHED USING RTK
CORRECTIONS FROM THE OREGON REAL-TIME GNSS NETWORK.

LEGEND:

- | | |
|--------|---|
| ● | MONUMENT FOUND, FLUSH OR AS NOTED |
| C. | SET 5/8"x30" IRON ROD WITH ORANGE PLASTIC CAP
STAMPED "DELL ENG" |
| () | DATA OF RECORD |
| [] | CALCULATED DATA |
| C.S. | COUNTY SURVEY |
| IR | IRON ROD |
| W/ OPC | WITH ORANGE PLASTIC CAP |
| W/ YPC | WITH YELLOW PLASTIC CAP |
| P.P. | PARTITION PLAT |
| PUE | PUBLIC UTILITY EASEMENT |

REFERENCE SURVEYS: C.S. 9005, C.S. 20391, C.S. 24635 (PARTITION PLAT NO. 2007-79), C.S. 24837 (PARTITION PLAT NO. 2008-40).

I HEREBY CERTIFY THIS TO BE A TRUE
AND EXACT COPY OF THE ORIGINAL PLAT.

Kyle W. Latimer

PARCEL 1
PARTITION PLAT NO. 2007-79

REGISTERED
PROFESSIONAL
LAND SURVEYOR

build

OREGON
JUNE 12, 2013

KYLE W. LATIMER
#80442
EXPIRES 12-31-2022

SHEET 1 OF 2



Udell
**ENGINEERING &
LAND SURVEYING, LLC**
63 EAST ASH ST.
LEBANON, OREGON
97355
PH. (541) 451-5125
FAX (541) 451-1366
21-125 FRERES LEBANON GSR

C.S. 27054

PARTITION PLAT NO. 2021-57
FOR FRERES LUMBER CO INC
A REPLAT OF PARCEL 2, PARTITION PLAT NO. 2008-40
LOCATED IN THE NW 1/4 SEC. 23, T. 12 S., R. 2 W., W.M.,
CITY OF LEBANON, LINN COUNTY, OREGON
NOTICE OF DECISION FILE NO. MLP-21-05
MAY 21, 2021

SURVEYOR'S CERTIFICATE:

I, KYLE W. LATIMER, BEING A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF OREGON CERTIFY THAT I HAVE CORRECTLY SURVEYED AND MARKED WITH PROPER MONUMENTS THE LANDS REPRESENTED HEREON PER ORS 92, THE EXTERIOR BOUNDARY OF WHICH IS DESCRIBED AS FOLLOWS:

PARCEL 2, PARTITION PLAT NO. 2008-40, CITY OF LEBANON, LINN COUNTY, OREGON.

THE ABOVE DESCRIBED TRACT OF LAND CONTAINS 6.30 ACRES OF LAND, MORE OR LESS.

EASEMENTS OF RECORD:

A TITLE REPORT PREPARED BY FIRST AMERICAN TITLE REPORT COMPANY ORDER NO. 7101-3713186 REVEALED THE FOLLOWING EASEMENTS OF RECORD:

1. LIMITED ACCESS PROVISION, RECORDED AUGUST 6, 2007 AS INSTRUMENT NO. 2007-18907. AFFECTS PROPERTY AS SHOWN IN SHEET 1
2. SANITARY SEWER AND PIPELINE EASEMENT GRANTED TO THE CITY OF LEBANON ON AUGUST 23, 1973 IN VOLUME 70, PAGE 36. AFFECTS PROPERTY AS SHOWN IN SHEET 1
3. 50' UNRECORDED EASEMENT AS SHOWN ON LINN COUNTY COUNTY SURVEY 18783, FILED AUGUST 27, 1985. AFFECTS PROPERTY AS SHOWN IN SHEET 1
4. EASEMENT AS SHOWN ON THE RECORDED PLAT PARTITION PLAT NO. 2008-40, PUBLIC UTILITY EASEMENT. AFFECTS PROPERTY AS SHOWN IN SHEET 1
5. PUBLIC ACCESS AND UTILITY EASEMENT, GRANTED TO THE CITY OF LEBANON, RECORDED JULY 30, 2004 AS VOLUME 1608, PAGE 565. DOES NOT AFFECT PROPERTY
6. RECIPROCAL ACCESS EASEMENT, RECORDED ON OCTOBER 15, 2007 IN INSTRUMENT NO. 2007-24506. AFFECTS PROPERTY AS SHOWN IN SHEET 1
7. PUBLIC ACCESS AND UTILITY EASEMENT, RECORDED DECEMBER 12, 2008 AS INSTRUMENT NO. 2008-23004. DOES NOT AFFECT PROPERTY

30.00' PRIVATE JOINT USE ACCESS & UTILITY EASEMENT:

A 30 FEET BY 120 FEET STRIP AS SHOWN AND DIMENSIONED HEREON IS GRANTED TO PARCEL 1 AS A PRIVATE, PERPETUAL, NON-EXCLUSIVE, JOINT-USE ACCESS AND UTILITY EASEMENT FOR THE USE BY OWNERS OF PARCELS 1 & 2 OF THIS PLAT. THE OWNERS ACKNOWLEDGE THAT THE PRIVATE DRIVEWAY IS NOT A PART OF THE CITY MAINTAINED ROAD NETWORK AND THE OWNER(S) OF PARCELS 1, THEIR HEIRS, SUCCESSORS, OR ASSIGNS SHALL BE RESPONSIBLE FOR MAINTENANCE OF THE PRIVATE DRIVEWAY IN THE EASEMENT AREA. MAINTENANCE OF ANY UTILITY CONSTRUCTED, UNDERGROUND OR OTHERWISE, TO SERVE EITHER PARCEL 1 OR PARCEL 2 SHALL BE THE SOLE RESPONSIBILITY OF THE PARTY BEING SERVED BY THE UTILITY. THE REPAIR OF ANY DAMAGE CAUSED TO THE DRIVEWAY, UTILITIES, OR LANDSCAPING WITHIN THE EASEMENT AREA SHALL BE THE SOLE RESPONSIBILITY OF THE PARTY WHICH CAUSED THE DAMAGE TO OCCUR. NO PERMANENT STRUCTURES SHALL BE CONSTRUCTED WITHIN THE LIMITS OF THESE EASEMENTS. NO GATES OR DRIVEWAY MODIFICATIONS THAT MAY BE CONSIDERED OBSTRUCTIVE OR HINDER ACCESS TO THE PROPERTY IN ANY WAY SHALL BE ALLOWED UNLESS WRITTEN CONSENT IS PROVIDED FROM ALL PARTIES BEING SERVED BY THE EASEMENT AREA.

OWNER'S DECLARATION:

KNOW ALL PERSONS THAT FRERES LUMBER CO. INC., AN OREGON CORPORATION IS THE OWNER OF THE LAND DESCRIBED HEREON AND HAS CAUSED THE SAME TO BE PARTITIONED INTO PARCELS WITH A PRIVATE JOINT ACCESS AND UTILITY EASEMENT AS SHOWN.

Robert Freres, Jr. 6-28-2021
SIGNATURE DATE

Robert Freres, Jr. President
NAME, TITLE
FRERES LUMBER CO. INC.

ACKNOWLEDGMENT:

STATE OF OREGON)
COUNTY OF LINN) SS

THIS IS TO CERTIFY THAT ON THIS 28th DAY OF June, 2021, BEFORE ME A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED (NAME) Robert Freres, Jr., IN THE ABOVE CAPACITY, WHO IS KNOWN TO ME TO BE THE IDENTICAL PERSON NAMED IN AND WHO EXECUTED THE FOREGOING DECLARATION AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME FREELY AND VOLUNTARILY FOR THE USES AND PURPOSES HEREIN NAMED.

Amanda Albert
NOTARY SIGNATURE

Amanda Albert
NOTARY PUBLIC - OREGON
(PRINT NAME)

COMMISSION NO. 1004109

MY COMMISSION EXPIRES: September 20, 2024

APPROVALS:

CITY OF LEBANON NOTICE OF DECISION PLANING FILE NO. MLP-21-05, WE THE UNDERSIGNED HAVE EXAMINED AND APPROVED THE PORTION OF THIS PARTITION AS REQUIRED BY THE DESIGNATED AUTHORITY OF OUR RESPECTIVE OFFICES.

Kelly Platt 6/29/2021
COMMUNITY DEVELOPMENT DIRECTOR,
CITY OF LEBANON DATE

Fun Whitlatch 6/29/2021
ENGINEER, CITY OF LEBANON DATE

Kim Long 6/29/2021
LINN COUNTY SURVEYOR DATE

RECORDER'S STATEMENT:

STATE OF OREGON)
COUNTY OF LINN) SS

I HEREBY CERTIFY THAT THE PARTITION PLAT WAS RECEIVED AND DULY RECORDED BY ME IN THE LINN COUNTY RECORD OF PARTITION PLATS AS

PLAT NO. 2021-57, ON THIS 30th DAY OF JUNE, 2021, AT 9:46 O'CLOCK AM, TARGET SHEET RECORDED IN DEED

RECORDS DOCUMENT NO. 2021-15619

STEVE DRUCKENMILLER BY: Samir W. Deputy Clerk
LINN COUNTY CLERK

ASSESSOR'S STATEMENT:

TAXES ON THE HEREIN DESCRIBED PROPERTY HAVE BEEN PAID AS OF THE 29th DAY OF JUNE, 2021.

Christopher Bonn Deputy
LINN COUNTY TAX COLLECTOR/ASSESSOR

I HEREBY CERTIFY THIS TO BE A TRUE AND EXACT COPY OF THE ORIGINAL PLAT.
Kyle W. Latimer
KYLE W. LATIMER



ENGINEERING &
LAND SURVEYING, LLC
63 EAST ASH ST.
LEBANON, OREGON
97355
PH. (541) 451-5125
FAX (541) 451-1366
21-125 FRERES LEBANON GSR

AGENDA ITEM

5.b.





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-23-04

Date: August 30, 2023

I. BACKGROUND

Under consideration is the proposed annexation of the property on the situated between Russell Drive to the north, Taylor Street to the south, and generally mid-block between Willow Street to the east and Primrose Street to the west (12S 02W 14CB, tax lot 3000, address 155 Taylor Street). The subject property is approximately 0.33 acres, with 60 feet of street frontage along Russell Drive and Taylor Street. The properties to the north are located within city limits; therefore, the site is contiguous to city boundary limits and is eligible for annexation.

The property is located in a developed residential neighborhood. To the south, west, and east are residential properties improved with single-family homes within the County with a comprehensive plan designation of Residential Mixed Density (C-RM). To the north are single-family residential uses in city limits with the zoning designation of Residential Mixed Density (Z-RM).

The subject property is improved with a single-family dwelling with additional accessory structures. City utility services are located in Taylor Street. Upon annexation, the Applicant will be able to connect utility service to the site.

II. CURRENT REPORT

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.

More Specifically, this annexation supports the goals and policies under Chapter 4: Land Use, and Chapter 6: Housing. In Section 2.3 of Chapter 4 of the Comprehensive Plan, all areas annexed into the City are automatically placed in a zoning classification in accordance with the Adopted Comprehensive Plan and Map. The adopted comprehensive plan map identifies the subject property as Residential Mixed-Density, with the zoning designation of Residential Mixed-Density. As the annexation does not include a proposal to modify the zoning designation, the annexation is consistent with the land use goals established by the Comprehensive Plan. In addition, Table 6-5 in Chapter 6 of the Comprehensive Plan identifies the total number of estimated housing needs by type through 2025. The subject property is currently improved with a single-family dwelling and accessory structures; being zoned Residential Mixed Density and over 9,000 square feet in size, the site can accommodate all different housing types from single-family detached to multi-family development. Based on the 2019 Housing Needs Assessment completed by the City, there is a need for 291 acres of low-density development acreage, 92 acres of medium density, and 39 acres of high density. In the City and the Urban Growth Boundary, there is an identified surplus of 735 acres of residential land in the City, and 298 acres of residential land in the UGB to accommodate the residential development anticipated to accommodate the population growth. The annexation of this property, and the classification for residential mixed density would accommodate the identified need for any of the residential classifications, and upon development, could be built to provide affordable units, as such, would be consistent with the goals and policies of the Comprehensive Plan.

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. The subject site is generally flat, with no steep slopes or environmental constraints, and generally within a developed neighborhood. The site is currently improved with a single-family

dwelling and accessory structures. As the site is located within a developed neighborhood, and does not contain any known environmental constraints, the property is eligible for annexation.

4. Annexation Ordinance Section 5. - The City shall only annex land that is contiguous to the existing City limits and is within the City's UGB.

Comprehensive Plan Annexation Policy #P-22: [The City shall] only annex land that is contiguous to the existing City limits and is within the City's UGB.

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

5. Annexation Ordinance Section 6. - An annexation shall be deemed orderly if the annexation territory is contiguous to the existing City limits. An annexation is efficient if the annexation territory can be developed or redeveloped to an urban use. Urban uses may include wetlands, parks, open space and related uses.

Comprehensive Plan Annexation Policy #P-23: [The City shall] deem an annexation orderly if the annexation territory is contiguous to the existing City Limits and deem an annexation efficient if the annexation territory can be developed or redeveloped to an urban use (urban uses may include functional wetlands, parks, open space and related uses).

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

- (a) The site is contiguous with city limits along the northern property line.
- (b) The property is located within an already developed and urbanized portion of the Urban Growth Boundary and City. Surrounding the property include residential development with single family dwellings. The site can be serviced by city water, sewer, and storm drainage with the extension of utility facilities. As the property can be serviced by city facilities and transportation system, and the neighborhood is already improved with urban development, the property would be eligible for annexation.

6. Annexation Ordinance Section 7. - Development proposals are not required for annexation requests.

Comprehensive Plan Annexation Policy #P-24: [The City shall] recognize and act on the basis that development proposals are not required for annexation requests.

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, 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 UGB are already accounted for in the City’s Facilities Plans, including the Transportation System Plan.” No revisions to the plans are necessitated, when following annexation, an area is assigned the zoning classification that is in accordance with the adopted Comprehensive Plan Map designation. The subject site is assigned the zoning classification of Z-RM in accordance with the Comprehensive Map designation and therefore, the anticipated demands to access key City-provided urban utilities have already been considered. There is capacity in the utility systems and utility master plans to extend utilities to the site, and the existing transportation system can accommodate the inclusion of the property and the anticipated residential uses.

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 UGB 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 impacts to access key City-provided urban utilities have already been considered.

9. Annexation Ordinance Section 10. - Needed Public rights-of-way, as identified in adopted transportation plans as necessary for the safe and efficient movement of traffic, bicycles and pedestrians, shall be dedicated to the City either with annexation or when the

property develops and/or redevelops and creates an increased demand for the benefits provided by additional rights-of-way dedication.

RECOMMENDED FINDING: Russell Drive maintains a right-of-way width of 50-feet. The adopted 2018 Transportation System Plan (TSP) identifies Russell Drive as a collector, which requires a minimum 60-foot right-of-way with on-street parking provided. Taylor Street maintains a right-of-way width of 48-feet. The TSP identifies Taylor Street as a local roadway, which requires a minimum 58-foot right-of-way. The Engineering Department reviewed the annexation and determined that no additional right-of-way dedication from the subject property is necessary for the annexation. Upon redevelopment of the site, additional right-of-way may be required.

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 is generally flat, with no steep slopes or environmental constraints, and within a generally developed neighborhood. The site is currently improved with a single-family dwelling and accessory structures. As the neighborhood has already been previously developed with urban development, and the site does not contain any known environmental constraints, the property is eligible for annexation.

13. Annexation Ordinance Section 14. - An “urban use” is hereby defined as any land use that is authorized under the terms and provisions of the land use regulations, Zoning Ordinance (i.e., Development Code), Subdivision Ordinance, Comprehensive Plan, and other related documents of the City of Lebanon.

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 urbanized 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.

V. PLANNING COMMISSION ACTION - ANNEXATION

A. The Planning Commission may either:

1. Recommend City Council approval of the proposed property 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 property 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 property 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 **September 20, 2023 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-23-04
Applicant:	Matthew McElravy
Location:	155 Taylor Street
Map & Tax Lot No.:	12S02W14CB03000
Request:	Annexation
Decision Criteria:	Lebanon Development Code Chapters: 16.20 & 16.26

Request: The applicant is requesting Annexation of approximately .33 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: The City will be accepting public comment on this item in a number of ways to afford interested persons and the general public an opportunity to give testimony on the subject matter. Written and verbal testimony will be accepted upon issuance of this notice, **until 5:00pm on Tuesday, September 19, 2023**. Written testimony may be emailed to kelly.hart@lebanonoregon.gov or mailed to the City of Lebanon at 925 S. Main Street, Lebanon, OR 97355, or delivered and dropped in the white mailbox in front of City Hall.



The public is invited to either participate in person at the Santiam Travel Station or watch the meeting virtually on **September 20, 2023**.

If you wish to address the Commission under Public Comments or for a Public Hearing, click: https://zoom.us/join/zoom/register/tJ0qdemvqz4pGdMaLY_wUbDYOf0dR98yGfqB to register in advance for the meeting. You will receive a confirmation email containing information about joining the meeting. Attendees will need to register to receive the link to the meeting.

Please register **ONLY** if you wish to address the Commission. If you want to watch or listen to the meeting, please click this link to do so on YouTube: <https://youtube.com/live/GwSziN5l1Qw>

The agenda and application materials will be available for review on the City's website at <https://www.lebanonoregon.gov/meetings> seven days prior to the hearing.

CITIZENS ARE INVITED TO PARTICIPATE in the public hearing and give written or oral testimony as described above that address 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@lebanonoregon.gov

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.

ANNEXATION APPLICATION

Submitted to: City of Lebanon
Planning Department
925 S. Main Street
Lebanon, Oregon 97355

Property Owner/Applicant: Matthew McElravy
5822 Santiam Hwy. SE
Albany, OR 97322

Applicant's Representative: Udell Engineering and Land Surveying, LLC
63 E. Ash Street
Lebanon, OR 97355

Contact: Laura LaRoque
Email: laura@udelleng.com
Phone: (541) 990-8661

Site Location: 155 Taylor Street, Lebanon, OR 97355

Linn County Assessor's Map No.: 12S-02W-14CB Tax Lot 3000

Site Size: 14,400 square feet

Existing Land Use: Residential Single-Family

Zone Designation: UGA-UGM-10

Comprehensive Plan Designation: Residential Mixed Density (C-RM)

Surrounding Zoning: North: MU / UGA-UGM-10
South: UGA-UGM-10
East: UGA-UGM-10
West: UGA-UGM-10

Surrounding Uses: North: Residential Single-Family Dwelling
South: Residential Single-Family Dwelling
East: Residential Single-Family Dwelling
West: Residential Single-Family Dwelling



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155 Taylor Street
Annexation Application

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APPLICATION SUMMARY

The applicant requests annexation of a ±14,400 square foot parcel known as, Linn County Tax Assessor's Map No. 12S-02W-14CB Tax Lot 3000 with a concurrent Zone Map Amendment to assign the Residential Mixed Density (Z-RM) designation upon annexation.

The subject property is generally located between Russell Drive and Taylor Street, west of Willow Lane and east of Primrose Street. The site address is 155 Taylor Street. The subject parcel's north property boundary is contiguous with the Lebanon city limits. All adjacent properties in unincorporated Linn County are zoned Linn County UGA-UGM. All adjacent properties in the Lebanon city limits are zoned Residential Mixed Density with a Lebanon Comprehensive Plan designation of Residential Mixed Density (C-RM).

The Comprehensive Plan designation for the site is Residential Mixed Density (C-RM). In accordance with the Annexation Zoning Matrix of Table 16.26-1 in LDC 16.24.040 of the Lebanon Development Code (LDC), the proposed zoning classification for the site upon annexation is Residential Mixed Density (C-RM).

The subject property is improved with a residential single-family dwelling. City water and sewer mains are available along the frontage of the property within Russel Drive right-of-way. There is also a storm drainage main along the frontage of the property within Russel Drive right-of-way.

LEGISLATIVE REVIEW OF ANNEXATION

- A. The subject property is located within Lebanon's Urban Growth Boundary (UGB) and is eligible for annexation into the City limits. Annexation application and review requirements are contained in LDC Chapter 16.26 of the Lebanon Development Code. Annexations require a hearing before the Planning Commission and City Council. The purpose of the Commission hearing is to review the request and recommend whether the Council should approve or deny the Annexation.
- B. LDC Chapter 16.26 establishes the Annexation review criteria. LDC 16.26.010 and LDC 16.26.020 establish the purpose of an annexation and the first assignment of zoning. The annexation transfers jurisdiction from Linn County to the City and establishes the appropriate zoning on the property consistent with the Plan Map designation. In this case, the applicable zone is Residential Mixed Density.
- C. LDC 16.26.030 notes an annexation is necessary to establish the appropriate zone, consistent with the Annexation Zoning Matrix (Table 16.26-1). Plan map amendments are only required if there is a corresponding change in the Plan map. Further, proposed amendments to the Plan map (and corresponding zone map) must conform to provisions in Chapter 16.27. For the record, the application does not include a request to change the Plan designation and corresponding zone.
- D. LDC 16.26.040 identifies the relationship between annexation and City facility plans. It notes anticipated densities and levels of development are factored into the City's facility plans, including the Transportation System Plan. Therefore, additional inquiries into the sufficiency of these services are not required.



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155 Taylor Street
Annexation Application

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- E. LDC 16.26.050 stipulates all annexations be processed as legislative actions requiring hearings before both the Planning and City Council. This Section also lists application requirements. For the record, the application and process are consistent with the provisions in this Section.
- F. LDC 16.26.060 contains the decision criteria for an annexation with specific requirements in LDC16.26.060(A). This Section requires compliance with provisions in the City Annexation Ordinance and Lebanon Comprehensive Plan, Chapter 3 – Urbanization. The Annexation Ordinance and Comprehensive Plan decision criteria are essentially the same. To avoid duplication, and where applicable, the findings are combined. The decision criteria are written in **bold** followed by findings and conclusions.

1. Annexation Ordinance Section 1. This ordinance shall be known as the Annexation Ordinance for the City of Lebanon.

FINDING: This Section identifies the document as the Annexation Ordinance for the City of Lebanon and does not contain decision criteria.

2. Annexation Ordinance Section 2. All Annexations shall conform to the requirements of the Lebanon Municipal Code, Annexation Ordinance, Lebanon Land Development Ordinance (i.e., Development Code), City of Lebanon/Linn County Urban Growth Management Agreement and shall be consistent with applicable State law.

Comprehensive Plan Annexation Policy #P-19: [The City shall] recognize and act on the basis that all annexations shall conform to the requirements of the Lebanon Municipal Code, Annexation Ordinance, Lebanon Land Development Ordinance, City of Lebanon/Linn County Urban Growth Management Agreement (UGMA) and shall be consistent with applicable State law.

FINDING: In accordance with Oregon Revised Statutes (ORS) 222.111, the applicant proposes annexation of a property known as Linn County Tax Assessor's Map No. 12S-02W-14CB Tax Lot 3000 into the Lebanon City Limits by petition to the legislative body.

The subject property is contiguous to the city limits along the north property boundary. It is, therefore, eligible for annexation per ORS 222.111(1) and the Lebanon Annexation Ordinance. Findings in response to LDC 16.26.060(A) of the Lebanon Development Code, Lebanon Annexation Ordinance, and applicable Comprehensive Plan policies are provided below and incorporated here by reference.

3. Annexation Ordinance Section 3. All Annexations shall be consistent with the goals and policies of the Lebanon Comprehensive Plan.

Comprehensive Plan Annexation Policy #P-20: [The City shall] recognize and act on the basis that all annexations shall be consistent with the goals and policies of the Lebanon Comprehensive Plan.

FINDING: The Annexation Ordinance policies are consistent with, and often reflect the Comprehensive Plan Annexation Policies. The Oregon Department of Land Conservation Development acknowledges that the City's Comprehensive Plan complies with all applicable Statewide Planning Goals and statutes, recognizing the consistency of the Plan goals and policies. Therefore, compliance with the applicable Comprehensive Plan policies ensures compliance with the Annexation Ordinance. Findings in the following Sections detail this proposal's compliance with all applicable policies.

4. **Annexation Ordinance Section 4. All lands included within the Urban Growth Boundary are eligible for annexation and urban development. Areas within the Urban Growth Boundary with designated environmental constraints may be annexed and utilized as functional wetlands, parks, open space, and related uses.**

Comprehensive Plan Annexation Policy #P-21: [The City shall] recognize and act on the basis that all lands included within the Urban Growth Boundary are eligible for annexation and urban development. (Areas within the Urban Growth Boundary with designated environmental constraints may be annexed and utilized as functional wetlands, parks, open space, and related uses.)

FINDING: The subject site is located within the Urban Growth Boundary and contiguous to city limits along the north property boundary and, therefore, eligible for annexation.

5. **Annexation Ordinance Section 5. The City shall only annex land that is contiguous to the existing City limits and is within the City's UGB.**

Comprehensive Plan Annexation Policy #P-22: [The City shall] only annex land that is contiguous to the existing City limits and is within the City's UGB.

FINDING: The subject site is located within the Urban Growth Boundary and contiguous to city limits along the north property boundary and, therefore, eligible for annexation.

6. **Annexation Ordinance Section 6. An annexation shall be deemed orderly if the annexation territory is contiguous to the existing City limits. An annexation is efficient if the annexation territory can be developed or redeveloped to 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 subject site is located within the Urban Growth Boundary and contiguous to city limits along the north property boundary and, is therefore, deemed orderly based on this Section.

The 14,400 square foot site is currently improved with a residential single-family dwelling. At urban densities, the site is large enough to be further developed or redeveloped. City water

and sewer services are available along the frontage of the property within the Russell Drive right-of-way. There is also a storm drainage main along the frontage of the property within the Russell Drive right-of-way. Therefore, the proposed annexation is also efficient.

Based on information contained in the Comprehensive Plan, there are no designated environmental constraints associated with the subject area.

7. **Annexation Ordinance Section 7. Development proposals are not required for annexation requests.**

Comprehensive Plan Annexation Policy #P-24: [The City shall] recognize and act on the basis that development proposals are not required for annexation requests.

FINDING: The application does not include a concurrent development proposal, nor is one required per this Section or Policy.

8. **Annexation Ordinance Section 8. As part of the annexation process of developed property or properties, the City shall consider the anticipated demands to access key City provided urban utility services, which are water, storm drainage, sanitary 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: The subject property is improved with a residential single-family dwelling. City water and sewer services are available along the frontage of the property within the Russell Drive right-of-way. There is also a storm drainage main along the frontage of the property within the Russell Drive right-of-way. The site also has adequate frontage on and access to Taylor Street.

9. **Annexation Ordinance Section 9. As part of the annexation process of developed property or properties, the City shall consider the impacts on key City-provided urban utility services needed to serve these properties, which are water, storm drainage, sanitary 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: The subject property is improved with a residential single-family dwelling. City water and sewer services are available along the frontage of the property within the Russell Drive right-of-way. There is also a storm drainage main along the frontage of the property within the Russell Drive right-of-way. The site also has adequate frontage on and access to Taylor

Street. The impacts from future residential development on the subject site will be minimal on City-provided services.

10. **Annexation Ordinance Section 10.** Needed Public rights-of-way, as identified in adopted transportation plans as necessary for the safe and efficient movement of traffic, bicycles and pedestrians, shall be dedicated to the City either with annexation or when the property develops and/or redevelops and creates an increased demand for the benefits provided by additional rights-of-way dedication.

FINDING: Russel Drive maintains a variable width right-of-way. The adopted 2018 Transportation System Plan identifies Taylor Street as a Collector Street, without on-street parking, with a typical right-of-way of 60-feet. Based on the existing development pattern a 10-foot right-of-way dedication may be required along property to the north of Russell Drive upon future development to meet the street right-of-way width standard.

Taylor Street maintains a right-of-way width of 50 feet. The adopted 2018 Transportation System Plan identifies Taylor Street as a Local Street, with a typical right-of-way of 58-feet. Therefore, a minimum 4-foot right-of-way dedication may be required upon future development to meet the local street right-of-way width standard.

11. **Annexation Ordinance Section 11.** Upon annexation, the annexation territory shall be assigned zoning classifications in accordance with the adopted Comprehensive Plan Map, as shown in the City's Annexation Zoning Matrix. Such zoning assignments in and of themselves are not a zoning map change and shall not require approval of a zoning map amendment, or a separate proceeding.

FINDING: This subject property is designated Residential Mixed Density (C-RM) by the Comprehensive Plan. The applicant proposes the establishment of the Residential Mixed Density designation upon annexation in accordance with the Annexation Zoning Matrix, Table 16.26-1 of the LDC.

12. **Annexation Ordinance Section 12.** If a zoning designation other than one in accordance with the Comprehensive Plan Map (shown in the Annexation Zoning Matrix) is requested by an applicant, the zoning requested shall not be granted until the Comprehensive Plan Map is appropriately amended to reflect concurrence. Such an amendment shall require a separate application, hearing and decision, which may be held concurrently with an annexation hearing and will not become effective until the annexation is complete.

FINDING: This application is limited to the proposed annexation and establishment of the Residential Mixed Density designation and does not include a Comprehensive Plan amendment or corresponding zone amendment.

13. **Annexation Ordinance Section 13.** The areas within the Urban Growth Boundary with designated environmental constraints may be annexed and developed as functional wetlands, parks, open space, and related uses.

FINDING: This Section does not apply, as the subject property does not include environmentally constrained property.

14. **Annexation Ordinance Section 14.** An “urban use” is hereby defined as any land use that is authorized under the terms and provisions of the land use regulations, Zoning Ordinance (i.e., Development Code), Subdivision Ordinance, Comprehensive Plan, and other related documents of the City of Lebanon.

FINDING: This Section is not applicable, as it provides a definition and not a decision criterion.

15. **Annexation Ordinance Section 15.** At the applicant’s discretion and with the City’s concurrence, a development or redevelopment proposal for an annexation territory may be acted upon by the Planning Commission immediately following the Commission’s hearing on the annexation proposal and a decision of recommendation of approval to the City Council. However, any approval of the Planning Commission of such a development or redevelopment proposal must be contingent upon subsequent approval of the annexation by City Council.

FINDING: The request is limited to the proposed annexation and does not contain a development or redevelopment proposal.

16. **Comprehensive Plan Annexation Policy # P-27:** Expand the City Limits as necessary to accommodate development, including housing, commercial, industrial, and services (that will in turn accommodate population growth).

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

17. **Section 16.26.060** allows the city to require the abatement of non-conforming uses and/or structures prior to hearing an annexation request. Other provisions of this Code and the Lebanon Municipal Code may require abatement of certain kinds of situations before an annexation request can be approved.

FINDING: The applicant is not aware of any abatement issues related to the site.

18. **Section 16.26.060(C)** allows the City to identify additional site-specific evaluation criteria based on the Lebanon Comprehensive Plan, the provisions of this Code, and the Lebanon Municipal Code. Site-specific criteria could include, but not be limited to, the following: steep slopes, natural hazards, riparian zones, wetlands water bodies, overlay zones, infrastructure development, existing conditions and failing on-site services. Such site-specific criteria do not affect the eligibility of properties for annexation but serve as an advisory to applicants of factors that may affect future development.

FINDING: There are no site-specific evaluation criteria that apply to the subject property.

19. Upon annexation, **Section 16.26.020** requires the subject property to be placed in the appropriate zone. Upon annexation, the territory will automatically be assigned a City zone in accordance with the adopted Comprehensive Plan Map, and Annexation Zoning Matrix (Development Code Table 16.26-1). The only decision criterion in this process is that the Zone

Classification shall be consistent with the adopted Comprehensive Plan Map (Section 16.26.020(D)).

FINDINGS: This subject property is designated Residential Mixed Density (C-RM) by the Comprehensive Plan. The applicant proposes to have the Residential Mixed Density designation assigned to the subject property upon annexation in accordance with the Annexation Zoning Matrix, Table 16.26-1 of the LDC.

Overall Conclusion

As proposed, the application for Annexation with concurrent zone map amendment to assign the Residential Mixed Density zone designation complies with the applicable review criteria as outlined above. Therefore, the applicant requests that the Planning Commission recommend the City Council approve the subject application.

Exhibits

- A. Annexation Map
- B. Legal Description

Acronyms

C-RM	Residential Mixed Density Comprehensive Plan Designation
LDC	Lebanon Development Code
Z-RM	Residential Mixed Density Zoning District





LAND USE APPLICATION

PROPERTY INFORMATION	
Site Address(es): 155 Taylor Street, Lebanon, OR 97355	
Assessor's Map & Tax Lot No.(s): 12S-02W-14CB Tax Lot 3000	
Comprehensive Plan Designation / Zoning Designation: C-RM / Z-RM	
Current Property Use: Residential	
Project Description:	
Annexation	
APPLICANT / PRIMARY CONTACT INFORMATION	
Applicant: Laura LaRoque, Udell Engineering & Land Surveying, LLC	Phone: (541) 990-8661
Address: 63 E. Ash Street	Email: laura@udelleng.com
City/State/Zip: Lebanon, OR 97355	
<i>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.</i>	
APPLICANT SIGNATURE <i>Laura LaRoque</i>	Date: 8/22/23
PROPERTY OWNER INFORMATION (IF DIFFERENT THAN ABOVE)	
Owner: Matthew McElravy	Phone: (503) 409-8342
Address: 5822 Santiam Hwy. SE	Email: mac24m@gmail.com
City/State/Zip: Albany, OR 97322	
OWNER SIGNATURE <i>Matthew McElravy</i> <small>Matthew McElravy (Aug 22, 2023 16:21 PDT)</small>	Date: Aug 22, 2023
ADDITIONAL CONTACT INFORMATION	
Engineer / Surveyor: Kyle Latimer, Udell Engineering & Land Surveying, LLC	Phone: (541) 451-5125
Address: 63 E. Ash Street	Email: kyle@udelleng.com
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

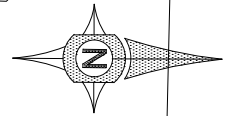
***If more than one review process is required, applicant pays highest priced fee, then subsequent applications charged at half-price.**

Land Use Review Process		Fee	Land Use Review Process		Fee
	Administrative Review	\$750		Planned Development – Preliminary	\$2,500
	Administrative Review (Planning Commission)	\$1,500		Planned Development – Final (Ministerial)	\$250
X	Annexation	\$2,500		Planned Development – Final (Administrative)	\$750
	Code Interpretation	\$250		Planned Development – Final (Quasi-Judicial)	\$1,500
	Comprehensive Plan Map/Text Amendment	\$2,500		Subdivision Tentative	\$1,500
	Conditional Use	\$1,500		Subdivision Final	\$750
	Fire District Plan Review	\$100		Tree Felling Permit (Steep Slopes only)	\$150 + \$5/tree
	Historic Preservation Review or Register	Varies		UGB Amendment	Actual Cost
	Land Partition	\$750		Variance (Class 1 – Minor Adjustment)	\$250
	Ministerial Review	\$250		Variance (Class 2 – Adjustment)	\$750
	Non-Conforming Use/Development	\$750		Variance (Class 3)	\$1,500
	Property (Lot) Line Adjustment	\$250		Zoning Map Amendment	\$2,500

APPLICATION RECEIPT & PAYMENT

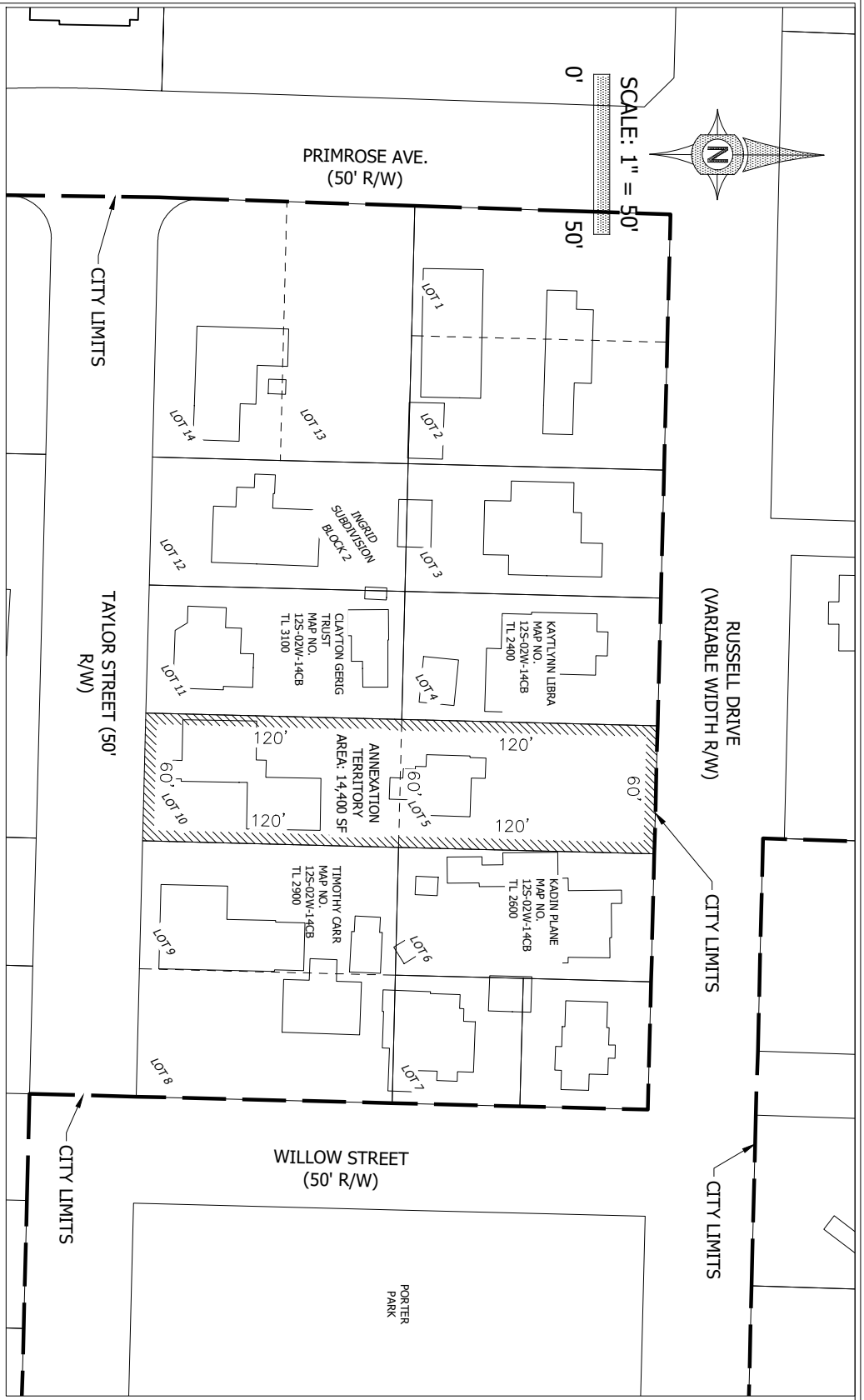
Date Received:	Date Complete:	Receipt No.:
Received By:	Total Fee:	File No.:

THE CITY THAT FRIENDLINESS BUILT



SCALE: 1" = 50'

0' 50'



PROPERTY INFORMATION

ANNEXATION TERRITORY
ZONING: UGA-UGM-10
COMP. PLAN MAP: RESIDENTIAL MIXED DENSITY (C-RM)
ZONE MAP: RESIDENTIAL MIXED DENSITY (Z-RM)
LAND USE: RESIDENTIAL
ASSESSORS MAP: 125-02W-14CB
TAX LOT: 3000

LEGEND

R/W	RIGHT OF WAY
AC	ACRES
BLDG	BUILDING
PL	PROPERTY LINE
(E)	EXISTING
BLDG	BUILDING

SHEET 01 of 01

SCALE: AS NOTED



Date: 08-22-23

Project: 23-202 TAYLOR ST.

Drawn by: LLL

Checked by: LLL

ANNEXATION

MATTHEW MELRAVY
155 TAYLOR ST.
LEBANON, OREGON

UDELL ENGINEERING AND LAND SURVEYING, LLC
63 EAST ASH ST.
LEBANON, OREGON, 97355
541-451-5125

AGENDA ITEM

5.c.





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-23-05

Date: August 30, 2023

I. BACKGROUND

Under consideration is the proposed annexation of two parcels on the north side of W B Street, west of S 7th Street (12S 02W 10CD, tax lots 3400 and 3500, addresses 645, 685 W B Street). The subject properties are approximately 0.31 acres, with a combined 115 feet of street frontage along W B Street. The properties to the north, east and south are located within city limits; therefore, the site is contiguous to city boundary limits and is eligible for annexation.

The property is located in a developed residential neighborhood. To the north, south, and east are residential properties improved with single-family homes, and a religious institution within the city with a comprehensive plan/zoning designation of Residential Mixed Density (C/Z-RM). To the west are single-family residential uses in the county with the comprehensive plan designation of Residential Mixed Density (Z-RM).

The subject properties are improved with a single-family dwelling on the western property, and a vacant lot on the eastern property. City utility services are located in W B Street and in the general proximity. Upon annexation, the Applicant will be able to extend utility service to the site.

II. CURRENT REPORT

The Comprehensive Plan Designation for the subject properties 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.

More Specifically, this annexation supports the goals and policies under Chapter 4: Land Use, and Chapter 6: Housing. In Section 2.3 of Chapter 4 of the Comprehensive Plan, all areas annexed into the City are automatically placed in a zoning classification in accordance with the Adopted Comprehensive Plan and Map. The adopted comprehensive plan map identifies the subject property as Residential Mixed-Density, with the zoning designation of Residential Mixed-Density. As the annexation does not include a proposal to modify the zoning designation, the annexation is consistent with the land use goals established by the Comprehensive Plan. In addition, Table 6-5 in Chapter 6 of the Comprehensive Plan identifies the total number of estimated housing needs by type through 2025. The subject property is currently vacant or improved with a single family dwelling; being zoned Residential Mixed Density and over 9,000 square feet in size, the site can accommodate all different housing types from single-family detached to multi-family development. Based on the 2019 Housing Needs Assessment completed by the City, there is a need for 291 acres of low-density development acreage, 92 acres of medium density, and 39 acres of high density. In the City and the Urban Growth Boundary, there is an identified surplus of 735 acres of residential land in the City, and 298 acres of residential land in the UGB to accommodate the residential development anticipated to accommodate the population growth. The annexation of this property, and the classification for residential mixed density would accommodate the identified need for any of the residential classifications, and upon development, could be built to provide affordable units, as such, would be consistent with the goals and policies of the Comprehensive Plan.

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. The subject site is generally flat, with no steep slopes or environmental constraints, and generally within a developed neighborhood. The site is currently improved with a single-family

dwelling. As the site is located within a developed neighborhood, and does not contain any known environmental constraints, the property is eligible for annexation.

4. Annexation Ordinance Section 5. - The City shall only annex land that is contiguous to the existing City limits and is within the City's UGB.

Comprehensive Plan Annexation Policy #P-22: [The City shall] only annex land that is contiguous to the existing City limits and is within the City's UGB.

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

5. Annexation Ordinance Section 6. - An annexation shall be deemed orderly if the annexation territory is contiguous to the existing City limits. An annexation is efficient if the annexation territory can be developed or redeveloped to an urban use. Urban uses may include wetlands, parks, open space and related uses.

Comprehensive Plan Annexation Policy #P-23: [The City shall] deem an annexation orderly if the annexation territory is contiguous to the existing City Limits and deem an annexation efficient if the annexation territory can be developed or redeveloped to an urban use (urban uses may include functional wetlands, parks, open space and related uses).

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

- (a) The site is contiguous with city limits along the northern, southern, and eastern property lines.
- (b) The property is located within an already developed and urbanized portion of the Urban Growth Boundary and City. Surrounding the property include residential development with single family dwelling. The site can be serviced by city water, sewer, and storm drainage with the extension of utility facilities. As the property can be serviced by city facilities and transportation system, and the neighborhood is already improved with urban development, the property would be eligible for annexation.

6. Annexation Ordinance Section 7. - Development proposals are not required for annexation requests.

Comprehensive Plan Annexation Policy #P-24: [The City shall] recognize and act on the basis that development proposals are not required for annexation requests.

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, 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 UGB are already accounted for in the City’s Facilities Plans, including the Transportation System Plan.” No revisions to the plans are necessitated, when following annexation, an area is assigned the zoning classification that is in accordance with the adopted Comprehensive Plan Map designation. The subject site is assigned the zoning classification of Z-RM in accordance with the Comprehensive Map designation and therefore, the anticipated demands to access key City-provided urban utilities have already been considered. There is capacity in the utility systems and utility master plans to extend utilities to the site, and the existing transportation system can accommodate the inclusion of the property and the anticipated residential uses.

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 UGB 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 impacts to access key City-provided urban utilities have already been considered.

9. Annexation Ordinance Section 10. - Needed Public rights-of-way, as identified in adopted transportation plans as necessary for the safe and efficient movement of traffic, bicycles and pedestrians, shall be dedicated to the City either with annexation or when the

property develops and/or redevelops and creates an increased demand for the benefits provided by additional rights-of-way dedication.

RECOMMENDED FINDING: W B Street maintains a right-of-way width of 56-feet. The adopted 2018 Transportation System Plan (TSP) identifies W B Street as a local roadway, which requires a minimum 58-foot right-of-way. The Engineering Department reviewed the annexation and determined that no additional right-of-way dedication from the subject property is necessary for the annexation. Upon redevelopment of the site, additional right-of-way may be required.

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 is generally flat, with no steep slopes or environmental constraints, and within a generally developed neighborhood. The site is currently improved with a single-family dwelling. As the neighborhood has already been previously developed with urban development, and the site does not contain any known environmental constraints, the property is eligible for annexation.

13. Annexation Ordinance Section 14. - An "urban use" is hereby defined as any land use that is authorized under the terms and provisions of the land use regulations, Zoning Ordinance (i.e., Development Code), Subdivision Ordinance, Comprehensive Plan, and other related documents of the City of Lebanon.

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 urbanized 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.

V. PLANNING COMMISSION ACTION - ANNEXATION

A. The Planning Commission may either:

1. Recommend City Council approval of the proposed property 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 property 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 property 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

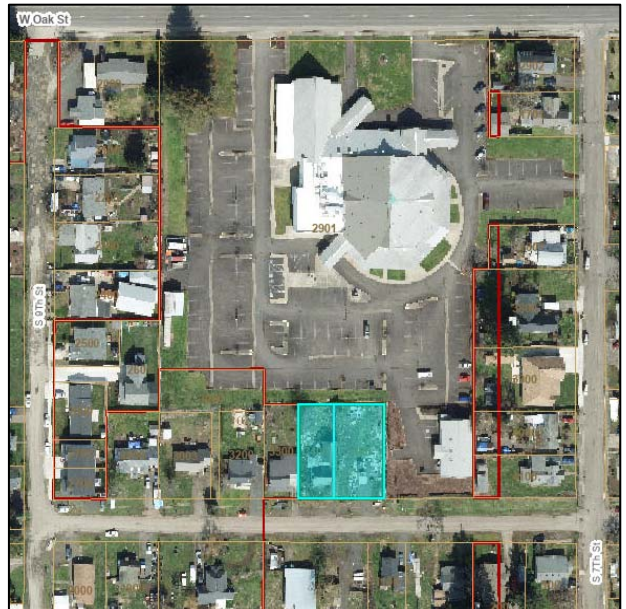
LEBANON PLANNING COMMISSION

NOTICE IS HEREBY GIVEN that a public hearing will be held before the Lebanon Planning Commission on **September 20, 2023 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-23-05
Applicant:	Linn County
Location:	645 & 685 W B St
Map & Tax Lot No.:	12S02W10CD03400 & 12S02W10CD03500
Request:	Annexation
Decision Criteria:	Lebanon Development Code Chapters: 16.20 & 16.26

Request: The applicant is requesting Annexation of approximately .31 acres comprised of two tax lots. 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: The City will be accepting public comment on this item in a number of ways to afford interested persons and the general public an opportunity to give testimony on the subject matter. Written and verbal testimony will be accepted upon issuance of this notice, **until 5:00pm on Tuesday, September 19, 2023.** Written testimony may be emailed to kelly.hart@lebanonoregon.gov or mailed to the City of Lebanon at 925 S. Main Street, Lebanon, OR 97355, or delivered and dropped in the white mailbox in front of City Hall.



The public is invited to either participate in person at the Santiam Travel Station or watch the meeting virtually on **September 20, 2023.**

If you wish to address the Commission under Public Comments or for a Public Hearing, click: https://zoom.us/join/zoom/register/tJ0qdemvqz4pGdMaLY_wUbDYOf0dR98yGfqB to register in advance for the meeting. You will receive a confirmation email containing information about joining the meeting. Attendees will need to register to receive the link to the meeting.

Please register **ONLY** if you wish to address the Commission. If you want to watch or listen to the meeting, please click this link to do so on YouTube: <https://youtube.com/live/GwSziN5l1Qw>

The agenda and application materials will be available for review on the City's website at <https://www.lebanonoregon.gov/meetings> seven days prior to the hearing.

CITIZENS ARE INVITED TO PARTICIPATE in the public hearing and give written or oral testimony as described above that address 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@lebanonoregon.gov

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.



LAND USE APPLICATION

PROPERTY INFORMATION	
Site Address(es): 645 & 685 W B St., Lebanon, OR 97355	
Assessor's Map & Tax Lot No.(s): 12S02W10CD, tax lots 3400 & 3500	
Comprehensive Plan Designation / Zoning Designation:	
Current Property Use: None/Vacant	
Project Description:	
Application to annex two tax lots into the City of Lebanon. Accepting of the initial zoning of Residential Mixed Density (Z-RM). After the annexation process is concluded, the county will auction the tax-foreclosed properties.	
APPLICANT / PRIMARY CONTACT INFORMATION	
Applicant: Rachel Adamec, Linn County Property Management	Phone: 541-967-3807
Address: 104 4th Ave. SW, Room 123	Email: radamec@co.linn.or.us
City/State/Zip: Albany, OR 97321	
<i>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.</i>	
APPLICANT SIGNATURE <i>Rachel Adamec</i>	Date: <i>8/22/2023</i>
PROPERTY OWNER INFORMATION (IF DIFFERENT THAN ABOVE)	
Owner: Linn County, C/O Board of Commissioners	Phone: 541-967-3825
Address: 300 4th Ave. SW	Email: rnyquist@co.linn.or.us
City/State/Zip: Albany, OR 97321	
OWNER SIGNATURE <i>Roger Nyquist</i>	Date: <i>8-22-2023</i>
ADDITIONAL CONTACT INFORMATION	
Engineer / Surveyor:	Phone:
Address:	Email:
City/State/Zip:	
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
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 - LDC Article Three Development Standards
 - LDC Article Four Review & Decision Requirements
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- ☐ 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

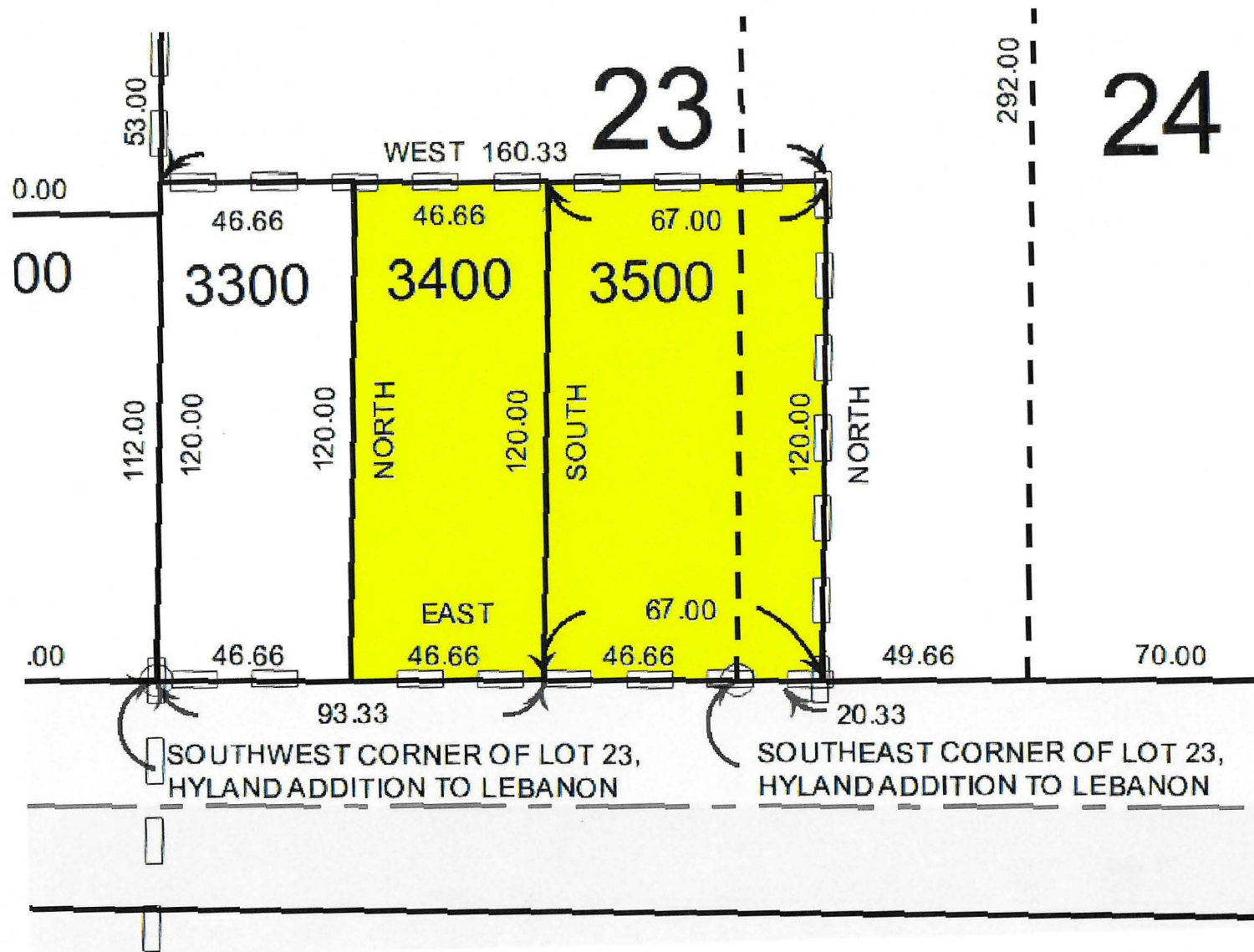
***If more than one review process is required, applicant pays highest priced fee, then subsequent applications charged at half-price.**

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Code Interpretation		\$250	Planned Development – Final (Quasi-Judicial)		\$1,500
Comprehensive Plan Map/Text Amendment		\$2,500	Subdivision Tentative		\$1,500
Conditional Use		\$1,500	Subdivision Final		\$750
Fire District Plan Review		\$100	Tree Felling Permit (Steep Slopes only)		\$150 + \$5/tree
Historic Preservation Review or Register		Varies	UGB Amendment		Actual Cost
Land Partition		\$750	Variance (Class 1 – Minor Adjustment)		\$250
Ministerial Review		\$250	Variance (Class 2 – Adjustment)		\$750
Non-Conforming Use/Development		\$750	Variance (Class 3)		\$1,500
Property (Lot) Line Adjustment		\$250	Zoning Map Amendment		\$2,500

APPLICATION RECEIPT & PAYMENT

Date Received:	Date Complete:	Receipt No.:
Received By:	Total Fee:	File No.:

THE CITY THAT FRIENDLINESS BUILT



LINN COUNTY
12S 2W 10CD

Legal Descriptions

Account #: 178273

Map: 12S 02W 10-CD

Tax Lot: 03400

BEGINNING AT A POINT 46 FOOT 8 INCHES WEST OF THE SOUTHEAST OF LOT 23 IN HYLAND ADDITION TO THE CITY OF LEBANON, LINN COUNTY, OREGON AS THE SAME APPEARS ON THE PLAT THEREOF OF RECORD IN THE OFFICE OF THE RECORDER OF CONVEYANCES, RUNNING THENCE NORTH PARALLEL WITH THE EAST LINE OF SAID LOT 120 FEET; THENCE WEST PARALLEL WITH THE SOUTH LINE OF SAID LOT 46 FEET 8 INCHES; THENCE SOUTH PARALLEL WITH THE EAST LINE OF SAID LOT 120 FEET TO THE SOUTH LINE OF SAID LOT; THENCE EAST ON THE SOUTH LINE OF SAID LOT 46 FEET 8 INCHES TO THE PLACE OF BEGINNING, ALL IN LINN COUNTY, OREGON.

Account #: 178281

Map: 12S 02W 10-CD

Tax Lot: 03500

BEGINNING AT A POINT ON THE SOUTH LINE OF LOT #23 IN HYLAND ADDITION, TO THE CITY OF LEBANON, LINN COUNTY, STATE OF OREGON. 93.33 FEET EAST OF THE SOUTHWEST CORNER OF SAID LOT #23; THENCE EAST 67 FEET TO A POINT IN THE SOUTH LINE OF LOT #24, IN SAID ADDITION, THENCE NORTH PARALLEL WITH THE EAST LINE OF LOT #23, 120 FEET, THENCE WEST PARALLEL WITH THE SOUTH LINE OF LOTS #23 + #24, 67 FEET, THENCE SOUTH 120 FEET OF THE PLACE OF BEGINNING.

AGENDA ITEM

5.d.





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-23-06 & MLP-23-05

Date: August 30, 2023

I. BACKGROUND

Under consideration is the proposed annexation of the property on the situated on the south side of Wassom Street between Stoltz Hill Road and S 7th Street (12S 02W 15CD, tax lot 3200, address 870 Wassom Street). The subject property is approximately 0.37 acres, with 142 feet of street frontage along Wassom Street. The properties to the north, east and south are located within city limits; therefore, the site is contiguous to city boundary limits and is eligible for annexation.

The property is located in a developed residential neighborhood. To the north, south, and east are residential properties improved with single-family homes and duplexes within the city with a comprehensive plan and zoning designation of Residential Mixed Density (C/Z-RM). To the west are single-family residential uses in the county with the comprehensive plan designation of Residential Mixed Density (Z-RM).

The subject property is improved with a single-family dwelling. City utility services are located in Wassom Street. Upon annexation, the Applicant will be able to connect utility service to the site. In addition to the annexation is a request to partition the property into two parcels. Upon partition, each parcel would have approximately 71-feet of street frontage on Wassom, and 0.18 acres (approx. 7,840 square feet) of area. The newly created Parcel 1 would be vacant. Parcel 2 would maintain the existing single family dwelling with a 35-foot front setback, 21-24 foot side setbacks, and 33-foot rear setback. An existing driveway services the residence and provides for two parking spaces. With the proposal, all area, setbacks, and development standards are met for the existing dwelling to maintain conformance.

II. CURRENT REPORT

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.

In addition to the annexation is a request to partition the property into two parcels. Upon partition, each parcel would have approximately 71-feet of street frontage on Wassom, and 0.18 acres (approx. 7,840 square feet) of area. The newly created Parcel 1 would be vacant. Parcel 2 would maintain the existing single family dwelling with a 35-foot front setback, 21-24 foot side setbacks, and 33-foot rear setback. An existing driveway services the residence and provides for two parking spaces. With the proposal, all area, setbacks, and development standards are met or exceeded for the existing dwelling to maintain conformance.

III. REVIEW CRITERIA AND RECOMMENDED FINDINGS - ANNEXATION

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.

More Specifically, this annexation supports the goals and policies under Chapter 4: Land Use, and Chapter 6: Housing. In Section 2.3 of Chapter 4 of the Comprehensive Plan, all areas annexed into the City are automatically placed in a zoning classification in accordance with the Adopted Comprehensive Plan and Map. The adopted comprehensive plan map identifies the subject property as Residential Mixed-Density, with the zoning designation of Residential Mixed-Density. As the annexation does not include a proposal to modify the zoning designation, the annexation is consistent with the land use goals established by the Comprehensive Plan. In addition, Table 6-5 in Chapter 6 of the Comprehensive Plan identifies the total number of estimated housing needs by type through 2025. The subject property is currently improved with a single-family dwelling; being zoned Residential Mixed Density and over 9,000 square feet in size, the site can accommodate all different housing types from single-family detached to multi-family development. Based on the 2019 Housing Needs Assessment completed by the City, there is a need for 291 acres of low-density development acreage, 92 acres of medium density, and 39 acres of high density. In the City and the Urban Growth Boundary, there is an identified surplus of 735 acres of residential land in the City, and 298 acres of residential land in the UGB to accommodate the residential development anticipated to accommodate the population growth. The annexation of this property, and the classification for residential mixed density would accommodate the identified need for any of the residential classifications, and upon development, could be built to provide affordable units, as such, would be consistent with the goals and policies of the Comprehensive Plan.

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. The subject site is generally flat, with no steep slopes or environmental constraints, and within a developed neighborhood. The site is currently improved with a single-family dwelling. As the site is located within a developed neighborhood, and does not contain any known environmental constraints, the property is eligible for annexation.

4. Annexation Ordinance Section 5. - The City shall only annex land that is contiguous to the existing City limits and is within the City's UGB.

Comprehensive Plan Annexation Policy #P-22: [The City shall] only annex land that is contiguous to the existing City limits and is within the City's UGB.

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

5. Annexation Ordinance Section 6. - An annexation shall be deemed orderly if the annexation territory is contiguous to the existing City limits. An annexation is efficient if the annexation territory can be developed or redeveloped to an urban use. Urban uses may include wetlands, parks, open space and related uses.

Comprehensive Plan Annexation Policy #P-23: [The City shall] deem an annexation orderly if the annexation territory is contiguous to the existing City Limits and deem an annexation efficient if the annexation territory can be developed or redeveloped to an urban use (urban uses may include functional wetlands, parks, open space and related uses).

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

- (a) The site is contiguous with city limits along the northern, southern and eastern property lines.
- (b) The property is located within an already developed and urbanized portion of the Urban Growth Boundary and City. Surrounding the property include residential development with single family dwellings and duplexes. The site can be serviced

by city water, sewer, and storm drainage with the extension of utility facilities. As the property can be serviced by city facilities and transportation system, and the neighborhood is already improved with urban development, the property would be eligible for annexation.

6. Annexation Ordinance Section 7. - Development proposals are not required for annexation requests.

Comprehensive Plan Annexation Policy #P-24: [The City shall] recognize and act on the basis that development proposals are not required for annexation requests.

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, 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 UGB are already accounted for in the City’s Facilities Plans, including the Transportation System Plan.” No revisions to the plans are necessitated, when following annexation, an area is assigned the zoning classification that is in accordance with the adopted Comprehensive Plan Map designation. The subject site is assigned the zoning classification of Z-RM in accordance with the Comprehensive Map designation and therefore, the anticipated demands to access key City-provided urban utilities have already been considered. There is capacity in the utility systems and utility master plans to extend utilities to the site, and the existing transportation system can accommodate the inclusion of the property and the anticipated residential uses.

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 UGB 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 impacts to access key City-provided urban utilities have already been considered.

9. Annexation Ordinance Section 10. - Needed Public rights-of-way, as identified in adopted transportation plans as necessary for the safe and efficient movement of traffic, bicycles and pedestrians, shall be dedicated to the City either with annexation or when the property develops and/or redevelops and creates an increased demand for the benefits provided by additional rights-of-way dedication.

RECOMMENDED FINDING: Wassom Street maintains a right-of-way width of 50-feet. The adopted 2018 Transportation System Plan (TSP) identifies Wassom Street as a local roadway, which requires a minimum 58-foot right-of-way. The Engineering Department reviewed the annexation and determined that no additional right-of-way dedication from the subject property is necessary for the annexation. Upon redevelopment of the site, additional right-of-way may be required.

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 is generally flat, with no steep slopes or environmental constraints, and within a generally developed neighborhood. The site is currently improved with a single-family dwelling. As the neighborhood has already been previously developed with urban development, and the site does not contain any known environmental constraints, the property is eligible for annexation.

13. Annexation Ordinance Section 14. - An “urban use” is hereby defined as any land use that is authorized under the terms and provisions of the land use regulations, Zoning Ordinance (i.e., Development Code), Subdivision Ordinance, Comprehensive Plan, and other related documents of the City of Lebanon.

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 urbanized parcel into the City limits.

IV. REVIEW CRITERIA AND RECOMMENDED FINDINGS – MINOR LAND PARTITION

The Applicant is requesting consideration of a Minor Land Partition to divide the parcel into two parcels of approximate same size and dimension. Below is an analysis of the review criteria (Section 16.22.090 of the LDC) and recommended findings:

1. The proposed preliminary plat complies with the applicable Development Code Sections and adopted Master Plans. At a minimum, the provisions of this Chapter, and the applicable Chapters and Sections of Article Two (Land Use and Land Use/Development Zones) and Article Three (Community Development and Use Standards) of this Code

shall apply. Where a variance is necessary to receive preliminary plat approval, the application shall comply with the relevant Sections of Chapter 16.29.

RECOMMENDED FINDING: The current property is proposed to be divided into two parcels, each maintaining approximately 71-feet of street frontage and 7,840 square feet per parcel. The newly created Parcel 1 would be vacant. Parcel 2 would maintain the existing single family dwelling with a 35-foot front setback, 21-24 foot side setbacks, and 33-foot rear setback. An existing driveway services the residence and provides for two parking spaces.

For lot size, dimension, and development standards, Section 16.05.090 of the Lebanon Development Code identifies Residential Site Standards. The development standards for single-family homes include a minimum 5,000 square feet of site area, minimum property width of 50 feet, maximum 60% lot coverage, and a maximum building height of 40 feet. For setbacks, the front setback shall be 10-feet, with minimum 5-foot side setbacks and 20-foot rear setbacks.

As proposed, each property maintains over 7,000 net square feet exceeding the minimum requirement, each parcel maintains an average property width of over 70 feet, exceeding the minimum standard. For lot coverage, Parcel 2 maintains a single family dwelling of 1,144 square, with a 14.6% lot coverage. For setbacks, new parcels would exceed the minimum lot size and width standards, ensuring a development would be able to occur while meeting the minimum setback standards. Parcel 2 would maintain the existing single family dwelling with a 35-foot front setback, 21-24 foot side setbacks, and 33-foot rear setback. For parking, Parcel 1 meets the minimum width and lot area standards identified to reasonably accommodate the residential use including the minimum required parking, and Parcel 2 maintains a driveway area to accommodate two vehicles, as such, the current proposal meets this criteria.

2. The proposed plat name is not already recorded for another subdivision and satisfies the provisions of ORS Chapter 92 and the County Surveyor.

RECOMMENDED FINDINGS: There is no proposed plat name identified as part of the proposal as the project is not inclusive of a subdivision.

3. The proposed streets, roads, sidewalks, bicycle lanes, pathways, utilities, and surface water management facilities are laid out so as to conform or transition to the plats of subdivisions and of partitions already approved or adjoining property as to width, general direction and in all other respects. All proposed public improvements and dedications are identified on the preliminary plat.

RECOMMENDED FINDINGS: An 8-inch sanitary sewer main, an 8-inch water main, and a 12-inch storm drain exist in Wassom Street and would be able to service the site. As such, there is sufficient utility infrastructure to service the site.

4. All proposed private common areas and improvements (e.g., homeowner association

property) are identified on the preliminary plat.

RECOMMENDED FINDINGS: There is no common areas or shared easements proposed, as such this criteria can be met.

5. Evidence that all City, County, State and Federal regulatory agency identified or mapped special management areas have been accurately and effectively identified on the appropriate maps and plans submitted to the City for review.

RECOMMENDED FINDINGS: The property is not located in any special management areas for the City, County, State or Federal regulatory agency based on maps and records available to the City. Upon development of the site, notification to the Oregon Department of Aviation may be required based on the proximity to the airport.

6. Evidence that improvements or conditions required by the City, road authority, Linn County, special districts, utilities, and/or other service providers, as applicable to the project, have been or can be met.

RECOMMENDED FINDINGS: Upon completion of the partition, all parcels would maintain access from Wassom Street. The Engineering Department has reviewed the proposed partition and has not identified any additional improvements required to the public street or the public utility infrastructure. Upon development proposal, improvements may be required. There is an existing fire hydrant across the street within the appropriate hose pull distance for the Fire District. Upon development proposal, the Fire District may require an additional fire hydrant depending on the development proposal. As such, this criterion has been met.

7. If any part of the site is located within a Special Area Plan or District, Overlay Zone, or previously approved Planned Development, it shall conform to the applicable regulations and/or conditions.

RECOMMENDED FINDINGS: The parcels are not located within any flood hazard, riparian protection, or steep slope hazard zones and are not subject to any additional permit regarding the hazard or special management zones.

8. As there is no development proposed, and there is no proposed creation of blocks or public streets, all criteria identified in Section 16.22.090.B.1-7 are satisfied.

V. RECOMMENDATION AND CONDITIONS OF APPROVAL

Based on the project summary and the record, the Minor Land Partition meets all the required development criteria set forth in Chapter 16.05, and the required decision criteria in Chapter 16.22 of the Lebanon Development Code. City staff concludes the proposal complies with the provisions for a Minor Land Partition subject to the following Conditions:

- A. The applicant shall record a partition plat. The final partition plat shall be subject to the following:
1. A final partition plat, complying with provisions in ORS Chapter 92, shall be completed by a registered professional land surveyor and submitted to the City for approval.
 2. The final plat shall substantially conform to the proposal, comply with applicable requirements in the Lebanon Development Code and recorded within three years of the final date of approval.
 3. The final plat is contingent upon approval of the Annexation. The final plat cannot be filed until such time the annexation is approved and filed with the County.
 4. No onsite grading shall adversely impact storm water run-off from adjacent properties. Grade site to drain all storm water run-off to the street or provide a grading plan for review.
 5. Driveways must be hard surface to each home site.
 6. Each newly created parcel shall have their own sewer and water service.
 7. If maintaining use of water well, a back flow test shall be completed.
 8. If connection to city sewer is proposed, a permit shall be obtained to demolish the septic tank after properly cleaned.
- B. Compliance with these conditions, and the applicable requirements of the Lebanon Development Code, City Public Works Standards, City Engineering Standards, Lebanon Fire District requirements and adopted building code, shall be the sole responsibility of the property developer.

VI. 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.

Staff finds the proposal complies with the decision criteria for a Minor Land Partition. Therefore, staff recommends the Planning Commission approve the Minor Land Partition, contingent upon annexation approval.

VII. PLANNING COMMISSION ACTION - ANNEXATION

A. The Planning Commission may either:

1. Recommend City Council approval of the proposed property 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 property 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 property 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.

VIII. PLANNING COMMISSION ACTION – MINOR LAND PARTITION

1. Approve the proposed Minor Land Partition (MLP-23-05), subject to approval of annexation adopting the written findings for the decision criteria contained in the staff report with the conditions of development; or
2. Approve the proposed Minor Land Partition (MLP-23-05), subject to approval of annexation, adopting modified findings for the decision criteria and conditions of development; or
3. Deny the proposed Minor Land Partition (MLP-23-05), specifying reasons why the proposal fails to comply with the decision criteria; and
4. Direct staff to prepare an Order of Decision 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 **September 20, 2023 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-23-06 & MLP-23-05
Applicant:	Garcia Rigoberto
Location:	870 Wassom Street
Map & Tax Lot No.:	12S02W15CD03200
Request:	Annexation & Land Partition
Decision Criteria:	Lebanon Development Code Chapters: 16.05, 16.20, 16.22 & 16.26

Request: The applicant is requesting Annexation of approximately 0.37-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. Upon annexation, the applicant is requesting to partition the lot into two lots.

Providing Comments: The City will be accepting public comment on this item in a number of ways to afford interested persons and the general public an opportunity to give testimony on the subject matter. Written and verbal testimony will be accepted upon issuance of this notice, **until 5:00pm on Tuesday, September 19, 2023.** Written testimony may be emailed to kelly.hart@lebanonoregon.gov or mailed to the City of Lebanon at 925 S. Main Street, Lebanon, OR 97355, or delivered and dropped in the white mailbox in front of City Hall.



The public is invited to either participate in person at the Santiam Travel Station or watch the meeting virtually on **September 20, 2023.**

If you wish to address the Commission under Public Comments or for a Public Hearing, click: https://zoom.us/join/zoom/register/tJ0qdemvqz4pGdMaLY_wUbDYOf0dR98yGfqB to register in advance for the meeting. You will receive a confirmation email containing information about joining the meeting. Attendees will need to register to receive the link to the meeting.

Please register ONLY if you wish to address the Commission. If you want to watch or listen to the meeting, please click this link to do so on YouTube: <https://youtube.com/live/GwSziN511Qw>

The agenda and application materials will be available for review on the City's website at <https://www.lebanonoregon.gov/meetings> seven days prior to the hearing.

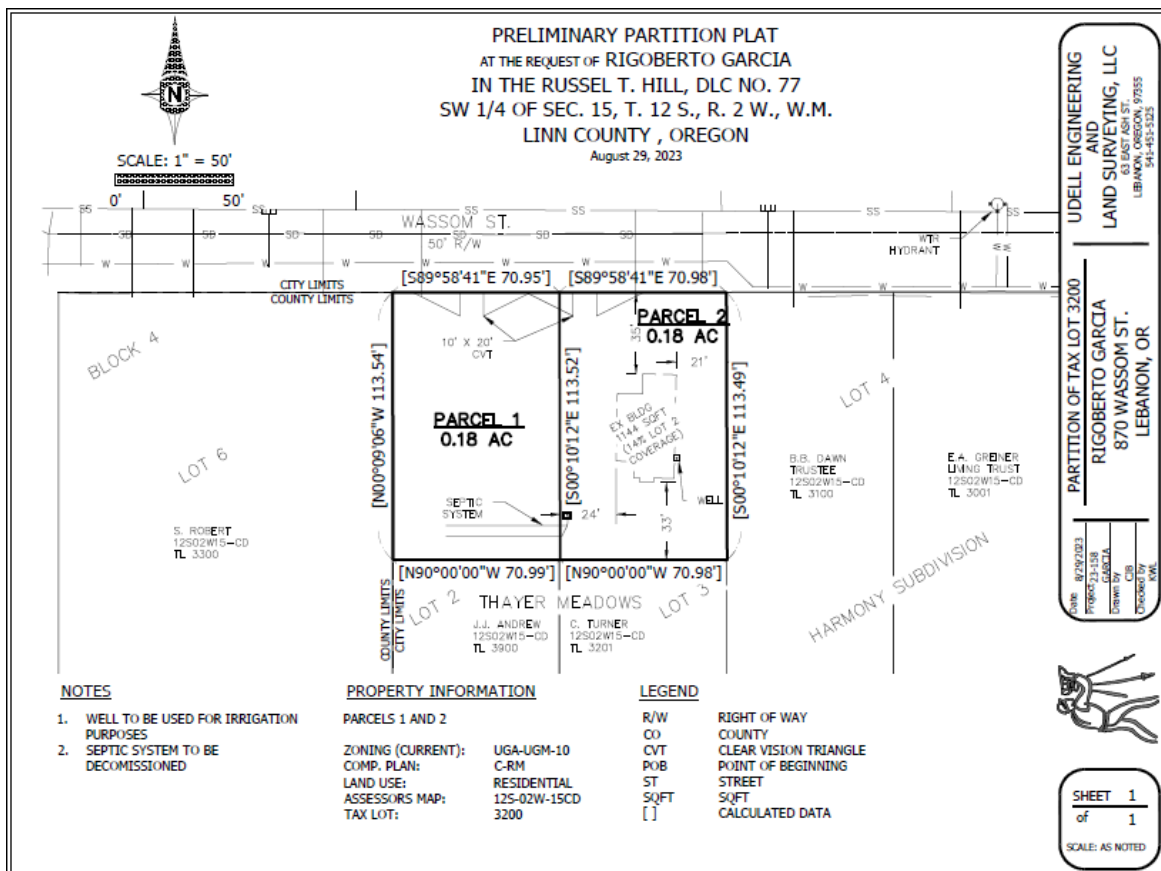
CITIZENS ARE INVITED TO PARTICIPATE in the public hearing and give written or oral testimony as described above that address applicable decision criteria during that part of the hearing process designated for testimony in favor of, or opposition to, the proposal. If additional documents or evidence are 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@lebanonoregon.gov

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.

PROPOSED PARTITION PLAT



ANNEXATION APPLICATION

Submitted to: City of Lebanon
Planning Department
925 S. Main Street
Lebanon, Oregon 97355

Property Owner/Applicant: Garcia Rigoberto
3202 27th Court SE
Albany, OR 97322

Applicant's Representative: Udell Engineering and Land Surveying, LLC
63 E. Ash Street
Lebanon, OR 97355

Contact: Laura LaRoque
Email: laura@udelleng.com
Phone: (541) 990-8661

Site Location: 870 Wassom Street, Lebanon, OR 97355

Linn County Assessor's Map No.: 12S-02W-15CD Tax Lot 3200

Site Size: 0.37-acres

Existing Land Use: Residential Single-Family

Zone Designation: UGA-UGM-10

Comprehensive Plan Designation: Residential Mixed Density (C-RM)

Surrounding Zoning: North: RM
South: RM
East: RM
West: UGA-UGM-10

Surrounding Uses: North: Residential Duplex Dwellings
South: Residential Single-Family Dwellings
East: Residential Single-Family Dwelling
West: Residential Single-Family Dwelling



23-158 Garcia
870 Wassom Street
Annexation Application

July 10, 2023
Page 1 of 8

APPLICATION SUMMARY

The applicant requests annexation of a ±0.37-acre parcel known as, Linn County Tax Assessor's Map No. 12S-02W-15CD Tax Lot 3200 with a concurrent Zone Map Amendment to assign the Residential Mixed Density (Z-RM) designation upon annexation.

The subject property is generally located south of Wassom Street between Stoltz Hill Road and S. 7th Street. The site address is 870 Wassom Street. The subject parcel's north, east, and south property boundaries are contiguous with the Lebanon city limits. To the north of the subject property is 907, 911, 917, and 923 Wassom Street. To the east is 860 Wassom Street. To the south are 923 and 937 Walker Road. All adjacent properties in unincorporated Linn County are zoned Linn County UGA-UGM. All adjacent properties in the Lebanon city limits are zoned Residential Mixed Density with a Lebanon Comprehensive Plan designation of Residential Mixed Density (C-RM).

The Comprehensive Plan designation for the site is Residential Mixed Density (C-RM). In accordance with the Annexation Zoning Matrix of Table 16.26-1 in LDC 16.24.040 of the Lebanon Development Code (LDC), the proposed zoning classification for the site upon annexation is Residential Mixed Density (C-RM).

The subject property is improved with a residential single-family dwelling. City water and sewer mains are available along the frontage of the property within Wassom Street right-of-way. There is also a storm drainage main and ditch/channel along the frontage of the property.

LEGISLATIVE REVIEW OF ANNEXATION

- A. The subject property is located within Lebanon's Urban Growth Boundary (UGB) and is eligible for annexation into the City limits. Annexation application and review requirements are contained in LDC Chapter 16.26 of the Lebanon Development Code. Annexations require a hearing before the Planning Commission and City Council. The purpose of the Commission hearing is to review the request and recommend whether the Council should approve or deny the Annexation.
- B. LDC Chapter 16.26 establishes the Annexation review criteria. LDC 16.26.010 and LDC 16.26.020 establish the purpose of an annexation and the first assignment of zoning. The annexation transfers jurisdiction from Linn County to the City and establishes the appropriate zoning on the property consistent with the Plan Map designation. In this case, the applicable zone is Residential Mixed Density.
- C. LDC 16.26.030 notes an annexation is necessary to establish the appropriate zone, consistent with the Annexation Zoning Matrix (Table 16.26-1). Plan map amendments are only required if there is a corresponding change in the Plan map. Further, proposed amendments to the Plan map (and corresponding zone map) must conform to provisions in Chapter 16.27. For the record, the application does not include a request to change the Plan designation and corresponding zone.
- D. LDC 16.26.040 identifies the relationship between annexation and City facility plans. It notes anticipated densities and levels of development are factored into the City's facility plans, including the Transportation System Plan. Therefore, additional inquiries into the sufficiency of these services are not required.



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870 Wassom Street
Annexation Application

July 10, 2023
Page 2 of 8

- E. LDC 16.26.050 stipulates all annexations be processed as legislative actions requiring hearings before both the Planning and City Council. This Section also lists application requirements. For the record, the application and process are consistent with the provisions in this Section.
- F. LDC 16.26.060 contains the decision criteria for an annexation with specific requirements in LDC16.26.060(A). This Section requires compliance with provisions in the City Annexation Ordinance and Lebanon Comprehensive Plan, Chapter 3 – Urbanization. The Annexation Ordinance and Comprehensive Plan decision criteria are essentially the same. To avoid duplication, and where applicable, the findings are combined. The decision criteria are written in **bold** followed by findings and conclusions.

1. Annexation Ordinance Section 1. This ordinance shall be known as the Annexation Ordinance for the City of Lebanon.

FINDING: This Section identifies the document as the Annexation Ordinance for the City of Lebanon and does not contain decision criteria.

2. Annexation Ordinance Section 2. All Annexations shall conform to the requirements of the Lebanon Municipal Code, Annexation Ordinance, Lebanon Land Development Ordinance (i.e., Development Code), City of Lebanon/Linn County Urban Growth Management Agreement and shall be consistent with applicable State law.

Comprehensive Plan Annexation Policy #P-19: [The City shall] recognize and act on the basis that all annexations shall conform to the requirements of the Lebanon Municipal Code, Annexation Ordinance, Lebanon Land Development Ordinance, City of Lebanon/Linn County Urban Growth Management Agreement (UGMA) and shall be consistent with applicable State law.

FINDING: In accordance with Oregon Revised Statutes (ORS) 222.111, the applicant proposes annexation of a property known as Linn County Tax Assessor's Map No. 12S-02W-15CD Tax Lot 3200 into the Lebanon City Limits by petition to the legislative body.

The subject property is contiguous to the city limits along the north, east, and south property boundaries. It is, therefore, eligible for annexation per ORS 222.111(1) and the Lebanon Annexation Ordinance. Findings in response to LDC 16.26.060(A) of the Lebanon Development Code, Lebanon Annexation Ordinance, and applicable Comprehensive Plan policies are provided below and incorporated here by reference.

3. Annexation Ordinance Section 3. All Annexations shall be consistent with the goals and policies of the Lebanon Comprehensive Plan.

Comprehensive Plan Annexation Policy #P-20: [The City shall] recognize and act on the basis that all annexations shall be consistent with the goals and policies of the Lebanon Comprehensive Plan.

FINDING: The Annexation Ordinance policies are consistent with, and often reflect the Comprehensive Plan Annexation Policies. The Oregon Department of Land Conservation Development acknowledges that the City's Comprehensive Plan complies with all applicable Statewide Planning Goals and statutes, recognizing the consistency of the Plan goals and policies. Therefore, compliance with the applicable Comprehensive Plan policies ensures compliance with the Annexation Ordinance. Findings in the following Sections detail this proposal's compliance with all applicable policies.

4. **Annexation Ordinance Section 4. All lands included within the Urban Growth Boundary are eligible for annexation and urban development. Areas within the Urban Growth Boundary with designated environmental constraints may be annexed and utilized as functional wetlands, parks, open space, and related uses.**

Comprehensive Plan Annexation Policy #P-21: [The City shall] recognize and act on the basis that all lands included within the Urban Growth Boundary are eligible for annexation and urban development. (Areas within the Urban Growth Boundary with designated environmental constraints may be annexed and utilized as functional wetlands, parks, open space, and related uses.)

FINDING: The subject site is located within the Urban Growth Boundary and contiguous to city limits along the north, east, and south property boundaries and, therefore, eligible for annexation.

5. **Annexation Ordinance Section 5. The City shall only annex land that is contiguous to the existing City limits and is within the City's UGB.**

Comprehensive Plan Annexation Policy #P-22: [The City shall] only annex land that is contiguous to the existing City limits and is within the City's UGB.

FINDING: The subject site is located within the Urban Growth Boundary and contiguous to city limits along the north, west, and south property boundaries and, therefore, eligible for annexation.

6. **Annexation Ordinance Section 6. An annexation shall be deemed orderly if the annexation territory is contiguous to the existing City limits. An annexation is efficient if the annexation territory can be developed or redeveloped to 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 subject site is located within the Urban Growth Boundary and contiguous to city limits along the north, east, and south property boundaries and, is therefore, deemed orderly based on this Section.

The ±0.37-acre site is currently improved with a residential single-family dwelling. At urban densities, the site is large enough to be further developed or redeveloped. City water and sewer services are available along the frontage of the property within the Wassom right-of-way. There is also a storm drainage main and ditch/channel along the frontage of the property. Therefore, the proposed annexation is also efficient.

Based on information contained in the Comprehensive Plan, there are no designated environmental constraints associated with the subject area.

7. **Annexation Ordinance Section 7. Development proposals are not required for annexation requests.**

Comprehensive Plan Annexation Policy #P-24: [The City shall] recognize and act on the basis that development proposals are not required for annexation requests.

FINDING: The application does not include a concurrent development proposal, nor is one required per this Section or Policy.

8. **Annexation Ordinance Section 8. As part of the annexation process of developed property or properties, the City shall consider the anticipated demands to access key City provided urban utility services, which are water, storm drainage, sanitary 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: The subject property is improved with a residential single-family dwelling. City water and sewer services are available along the frontage of the property within the Wassom Street right-of-way. There is also a storm drainage main and ditch/channel along the frontage of the property. The site also has adequate frontage on and access to Wassom Street.

9. **Annexation Ordinance Section 9. As part of the annexation process of developed property or properties, the City shall consider the impacts on key City-provided urban utility services needed to serve these properties, which are water, storm drainage, sanitary 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: The subject property is improved with a residential single-family dwelling. City water and sewer services are available along the frontage of the property within the Wassom Street right-of-way. There is also a storm drainage main and ditch/channel along the frontage of the property. The site also has adequate frontage on and access to Wassom Street. The impacts

from future residential development on the subject site will be minimal on City-provided services.

10. **Annexation Ordinance Section 10.** Needed Public rights-of-way, as identified in adopted transportation plans as necessary for the safe and efficient movement of traffic, bicycles and pedestrians, shall be dedicated to the City either with annexation or when the property develops and/or redevelops and creates an increased demand for the benefits provided by additional rights-of-way dedication.

FINDING: Wassom Street maintains a right-of-way width of 50 feet. The adopted 2018 Transportation System Plan identifies South Twelfth as a Local Street, with a typical right-of-way of 58-feet. Therefore, a minimum 4-foot right-of-way dedication may be required upon future development to meet the local street right-of-way width standard.

11. **Annexation Ordinance Section 11.** Upon annexation, the annexation territory shall be assigned zoning classifications in accordance with the adopted Comprehensive Plan Map, as shown in the City's Annexation Zoning Matrix. Such zoning assignments in and of themselves are not a zoning map change and shall not require approval of a zoning map amendment, or a separate proceeding.

FINDING: This subject property is designated Residential Mixed Density (C-RM) by the Comprehensive Plan. The applicant proposes the establishment of the Residential Mixed Density designation upon annexation in accordance with the Annexation Zoning Matrix, Table 16.26-1 of the LDC.

12. **Annexation Ordinance Section 12.** If a zoning designation other than one in accordance with the Comprehensive Plan Map (shown in the Annexation Zoning Matrix) is requested by an applicant, the zoning requested shall not be granted until the Comprehensive Plan Map is appropriately amended to reflect concurrence. Such an amendment shall require a separate application, hearing and decision, which may be held concurrently with an annexation hearing and will not become effective until the annexation is complete.

FINDING: This application is limited to the proposed annexation and establishment of the Residential Mixed Density designation and does not include a Comprehensive Plan amendment or corresponding zone amendment.

13. **Annexation Ordinance Section 13.** The areas within the Urban Growth Boundary with designated environmental constraints may be annexed and developed as functional wetlands, parks, open space, and related uses.

FINDING: This Section does not apply, as the subject property does not include environmentally constrained property.

14. **Annexation Ordinance Section 14.** An "urban use" is hereby defined as any land use that is authorized under the terms and provisions of the land use regulations, Zoning Ordinance (i.e.,

Development Code), Subdivision Ordinance, Comprehensive Plan, and other related documents of the City of Lebanon.

FINDING: This Section is not applicable, as it provides a definition and not a decision criterion.

15. Annexation Ordinance Section 15. At the applicant's discretion and with the City's concurrence, a development or redevelopment proposal for an annexation territory may be acted upon by the Planning Commission immediately following the Commission's hearing on the annexation proposal and a decision of recommendation of approval to the City Council. However, any approval of the Planning Commission of such a development or redevelopment proposal must be contingent upon subsequent approval of the annexation by City Council.

FINDING: The request is limited to the proposed annexation and does not contain a development or redevelopment proposal.

16. Comprehensive Plan Annexation Policy # P-27: Expand the City Limits as necessary to accommodate development, including housing, commercial, industrial, and services (that will in turn accommodate population growth).

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

17. Section 16.26.060 allows the city to require the abatement of non-conforming uses and/or structures prior to hearing an annexation request. Other provisions of this Code and the Lebanon Municipal Code may require abatement of certain kinds of situations before an annexation request can be approved.

FINDING: The applicant is not aware of any abatement issues related to the site.

18. Section 16.26.060(C) allows the City to identify additional site-specific evaluation criteria based on the Lebanon Comprehensive Plan, the provisions of this Code, and the Lebanon Municipal Code. Site-specific criteria could include, but not be limited to, the following: steep slopes, natural hazards, riparian zones, wetlands water bodies, overlay zones, infrastructure development, existing conditions and failing on-site services. Such site-specific criteria do not affect the eligibility of properties for annexation but serve as an advisory to applicants of factors that may affect future development.

FINDING: There are no site-specific evaluation criteria that apply to the subject property.

19. Upon annexation, Section 16.26.020 requires the subject property to be placed in the appropriate zone. Upon annexation, the territory will automatically be assigned a City zone in accordance with the adopted Comprehensive Plan Map, and Annexation Zoning Matrix (Development Code Table 16.26-1). The only decision criterion in this process is that the Zone Classification shall be consistent with the adopted Comprehensive Plan Map (Section 16.26.020(D)).

FINDINGS: This subject property is designated Residential Mixed Density (C-RM) by the Comprehensive Plan. The applicant proposes to have the Residential Mixed Density

designation assigned to the subject property upon annexation in accordance with the Annexation Zoning Matrix, Table 16.26-1 of the LDC.

Overall Conclusion

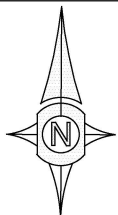
As proposed, the application for Annexation with concurrent zone map amendment to assign the Residential Mixed Density zone designation complies with the applicable review criteria as outlined above. Therefore, the applicant requests that the Planning Commission recommend the City Council approve the subject application.

Exhibits

- A. Annexation Map
- B. Legal Description

Acronyms

C-RM	Residential Mixed Density Comprehensive Plan Designation
LDC	Lebanon Development Code
Z-RM	Residential Mixed Density Zoning District



SCALE: 1" = 50'



ANNEXATION MAP
AT THE REQUEST OF **RIGOBERTO GARCIA**
IN THE RUSSEL T. HILL, DLC NO. 77
SW 1/4 OF SEC. 15, T. 12 S., R. 2 W., W.M.
LINN COUNTY, OREGON

July 12, 2023

WASSOM ST.

50' R/W

POB NW CORNER
LOT 5

CITY LIMITS
COUNTY LIMITS

(S89° 58' 41"E) [141.93]

DEED DOCUMENT
2018-19138

ANNEXATION TERRITORY
Area : 16114 SQFT

(N00° 09' 06"W) [113.54]

500° 10' 12"E 113.49

LOT 5

N90° 00' 00"W 141.97

THAYER MEADOWS

J.J. ANDREW
12S02W15-CD
TL 3900

C. TURNER
12S02W15-CD
TL 3201

COUNTY LIMITS
CITY LIMITS

LOT 2

LOT 3

B.B. DAWN
TRUSTEE
12S02W15-CD
TL 3100

E.A. GREINER
LIVING TRUST
12S02W15-CD
TL 3001

HARMONY SUBDIVISION

BLOCK 4

LOT 6

S. ROBERT
12S02W15-CD
TL 3300

REGISTERED
**PROFESSIONAL
LAND SURVEYOR**

OREGON
JUNE 12, 2013
KYLE W. LATIMER
#80442

EXPIRES 12-31-2024

PROPERTY INFORMATION

ANNEXATION TERRITORY

ZONING (CURRENT): UGA-UGM-10
COMP. PLAN: C-RM
LAND USE: RESIDENTIAL
ASSESSORS MAP: 12S-02W-15CD
TAX LOT: 3200

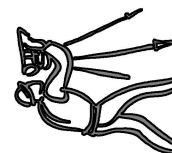
LEGEND

R/W	RIGHT OF WAY
CO	COUNTY
POB	POINT OF BEGINNING
ST	STREET
SQFT	SQFT
()	CS 22605
[]	CALCULATED DATA

**UEL ENGINEERING
AND
LAND SURVEYING, LLC**
63 EAST ASH ST.
LEBANON, OREGON, 97355
541-451-5125

PARCEL ANNEXATION
RIGOBERTO GARCIA
870 WASSOM ST.
LEBANON, OR

Date 7/12/2023
Project 23-158
Drawn by GARCIA
Checked by CJB
KWL



SHEET 1
of 1

SCALE: AS NOTED

EXHIBIT 'A'

ANNEXATION AREA DESCRIPTION

AN AREA OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 12 SOUTH, RANGE 2 WEST OF THE WILLAMETTE MERIDIAN AND ON THE PROPERTY COMMONLY IDENTIFIED AS 870 WASSOM STREET, LEBANON, OREGON AND BEING MORE SPECIFICALLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 5 IN BLOCK 4 OF THE HARMONY SUBDIVISION ON THE SOUTHERLY RIGHT OF WAY OF SAID WASSOM STREET; THENCE, SOUTH 89° 58' 41" EAST FOR A DISTANCE OF 141.93 FEET; THENCE, DEPARTING THE RIGHT OF WAY SOUTH 00° 10' 12" EAST FOR A DISTANCE OF 113.49 FEET TO THE NORTHEAST CORNER OF LOT 3, THAYER MEADOWS; THENCE, NORTH 90° 00' 00" WEST FOR A DISTANCE OF 141.97 FEET TO THE NORTHWEST CORNER OF LOT 2, THAYER MEADOWS; THENCE, NORTH 00° 09' 06" WEST A DISTANCE OF 113.54 FEET TO THE POINT OF BEGINNING.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JUNE 12, 2013
KYLE W. LATIMER
80442

RENEWS: 12/31/24

PARTITION APPLICATION

Submitted to: City of Lebanon
Planning Department
925 S. Main Street
Lebanon, Oregon 97355

Property Owner/Applicant: Garcia Rigoberto
3202 27th Court SE
Albany, OR 97322

Applicant's Representative: Udell Engineering and Land Surveying, LLC
63 E. Ash Street
Lebanon, OR 97355

Contact: Laura LaRoque
Email: laura@udelleng.com
Phone: (541) 990-8661

Site Location: 870 Wassom Street, Lebanon, OR 97355

Linn County Assessor's Map No.: 12S-02W-15CD Tax Lot 3200

Site Size: 0.37-acres

Existing Land Use: Residential Single-Family

Zone Designation: UGA-UGM-10 (existing) / Residential Mixed Density (Z-RM) (proposed with annexation)

Comprehensive Plan Designation: Residential Mixed Density (C-RM)

Surrounding Zoning: North: RM
South: RM
East: RM
West: UGA-UGM-10

Surrounding Uses: North: Residential Duplex Dwellings
South: Residential Single-Family Dwellings
East: Residential Single-Family Dwelling
West: Residential Single-Family Dwelling



23-158 Garcia
870 Wassom Street
Partition Application

August 29, 2023
Page 1 of 10

I. Executive Summary

The applicant requests approval of a two-parcel partition. The subject property is generally located south of Wassom Street between Stoltz Hill Road and S. 7th Street. The site address is 870 Wassom Street, within Linn County, Township 12 South, Range 2 West, Section 15BC, Tax Lot 2400.

The property is in a developed neighborhood. To the north, east, and south are single-family dwellings located in the Residential Low Density (Z-RL) zone. To the west is Twelfth Street.

The proposal includes a preliminary plan to partition the ±0.37-acre site into two residential parcels 7,841 square feet and 7,841 square feet, respectively. Parcel 2 will contain the existing single-family dwelling. Parcel 1 will be unimproved.

Parcel 2 will have a 70-foot frontage and 14-foot-wide driveway access to Wassom Street. Parcel 1 will have a 70-foot-wide frontage along Wassom Street with access improvements occurring upon development. Wassom Street is classified as a Local Street and will be improved by the City of Lebanon to City standards.

Public utilities such as sanitary sewers and water mains are available along the frontage of the property within the Wassom Street right-of-way. There is also a storm drainage main and ditch/channel along the frontage of the property. Both parcels will be able to connect laterals to the mains for utility service.

The following section provides a detailed analysis of how the proposal meets the development code.

II. Analysis of Development Code Criteria

Below is an analysis of the review criteria (Chapter 16.22 of the LDC) and findings:

- A. Chapter 16.22 of the Lebanon Development Code (LDC) establishes the standards for reviewing partitions and subdivisions. Section 16.22.010 and 16.22.020 establish the introductory provisions and purpose of the Chapter.

Findings: Consistent with the provision in these Sections, the applicant is requesting a partition to divide the property into two parcels.

- B. LDC 16.22.030 establishes general provision for partitions. This section notes this is a two-step process requiring a review of the proposal (preliminary plat), and if approved, submittal of a final plat (16.22.030.A). The Section also requires compliance with other applicable regulations (16.22.030.B).

FINDINGS: The application conforms to the two-step process in 16.22.030.A. This application narrative addresses compliance with the applicable regulations (16.22.030.B). Upon preliminary plat approval, a final plat that conforms to provisions in LDC 16.22.070(B) will be submitted for ministerial review and approval.

- C. LDC 16.22.030(C) notes that subdividing a residential zone into large lots (i.e., greater than four times or 400 percent the minimum lot size allowed by the underlying land use zone), the City may



require that the lots be of such size, shape, and orientation as to facilitate future re-division in accordance with the requirements of the land use district and this Code. To meet this requirement a re-division plan must be submitted.

FINDINGS: Parcel 2 is improved with an existing single-family dwelling. Parcel 1 is proposed to be developed with a single-family dwelling. Therefore, neither parcel is large enough to be further subdivided. Therefore, a conversion plan is not applicable.

- D. LDC 16.22.030(D) establishes provisions for lot averaging, thereby allowing the creation of some lots below the minimum lot size. LDC 16.22.030(E) notes the proposal must comply with floodplain provisions.

FINDINGS: Lot averaging is not applicable as the proposal is for the creation of less than 10 lots. Floodplain provisions are also not applicable as the site is in Zone X, outside of identified special flood hazard areas as shown on FEMA's Flood Insurance Rate Map #41043C0568G, dated September 29, 2010.

- E. LDC 16.22.040 indicates the applicant may request a pre-application meeting, as well as subsequent individual meetings, to review a partition proposal.

FINDINGS: Although not required, City staff have reviewed this proposal in advance of the application submittal.

- F. LDC 16.22.050 contains special transportation provisions and associated decision criteria. LDC 16.22.050(A) requires notification from the Oregon Department of Transportation (ODOT). The application submittal process includes agency notification even though the development does not impact a state highway. LDC 16.22.050(B) requires plans to address specific access related decision criteria, which are noted as follows:

1. LDC 16.22.050.B.1 - Driveway Access Placement: Driveway access shall be properly placed in relation to sight distance, driveway spacing, and other related considerations, including opportunities for joint and cross access.

FINDINGS: According to LDC 16.12.020.B.1, LDC 16.12.030.F.3, LDC 16.12.030.L.1, each parcel must abut a street for a minimum of 14 feet that may include a 12-foot-wide driveway serving each.

Parcel 2 will have a 70-foot frontage and 14-foot-wide driveway access to Wassom Street. Parcel 1 will have a 70-foot-wide frontage along Wassom Street with access improvements occurring upon development.

Wassom Street maintains a right-of-way width of 50 feet. The adopted 2018 Transportation System Plan identifies South Twelfth as a Local Street, with a typical right-of-way of 58-feet. Therefore, a minimum 4-foot right-of-way dedication may be required upon future development to meet the local street right-of-way width standard.

2. LDC 16.22.050(B)2 - Road/Street System and Building Access: The road/street system shall provide adequate access to the buildings for the appropriate users, such as residents, visitors, patrons, employees, service and delivery vehicles, and emergency vehicles.

FINDINGS: The criterion including the term “adequate access” is not a clear and objective approval criterion as required by Oregon Revised Statute (ORS) 197.307(4) for needed housing (i.e., attached single-family and multi-family housing for owner and renter occupancy) as defined under ORS 197.303. Therefore, this criterion is not applicable.

3. LDC 16.22.050(B)(3) - Pedestrian and Bicycle Facilities: An internal system of sidewalks and/or pathways for pedestrians and bicyclists shall provide connections to both motor vehicle and bicycle parking areas, and entrances to the development and its buildings, as well as open space, recreational and other community facilities associated with the development. Streets shall have sidewalks on both sides unless other configurations have been approved. Pedestrian and bicycle linkages shall connect to the peripheral street system.

FINDINGS: Both parcels will have frontage on, and access to, Wassom Street. Each accessway will provide connectivity from the proposed parcels to abutting public sidewalk and bicycle linkages.

4. LDC 16.22.050.B.4 - Consistency with Transportation System Plan: All access shall be consistent with the access management standards of this Code, the City’s Transportation System Plan, and the Lebanon/Linn County Urban Growth Management Agreement.

FINDINGS: According to LDC 16.12.030.F, when vehicle access is required for development access must be from a public street, alley, or private street/shared driveway, and a minimum of 12 feet per lane is required. LDC 16.12.030.I states that one street access for single-family and two-family is typical but two access points may be permitted.

Parcel 2 will have a 70-foot frontage and 14-foot-wide driveway access to Wassom Street. Parcel 1 will have a 70-foot-wide frontage along Wassom Street with access improvements occurring upon development. Wassom Street is classified as a Local Street to be improved by the City of Lebanon to City standards.

5. LDC 16.22.050.B.5 Conditions of Approval to Mitigate Significant Impacts or Effects on Transportation Facilities: In situations in which proposed land use actions may cause a significant negative impact or effect on a transportation facility, the Planning Commission may impose additional conditions for approval, such as:
 - a) A Traffic Impact Analysis (or other traffic studies), if the City Engineer finds that the proposed development will have a significant negative impact or effect on the surrounding transportation network. (See Chapter 16.12, Subsection 16.12.010.B).
 - b) The operator of the affected transportation facility shall receive notice of the proposed land use. Such operators may include, but are not limited to, the city, Linn County, the State (e.g., ODOT, Oregon Department of Aviation), and railroad companies. This notice

shall include the applicant's full site plan submitted to the City and any traffic impact study or traffic counts, as well as the information noted in paragraph "a." immediately above.

- c) The determination of transportation impacts or effects and the scope of any impact study shall be coordinated with the Planning Official, the City Engineer, and the operator of the affected transportation facility.
- d) Dedication of land for streets, transit facilities, sidewalks, bikeways, paths, or accessways where the existing transportation system will be impacted by or is inadequate to handle the additional burden caused by the proposed land use.
- e) Transportation-related improvements where the existing transportation system may be burdened by the proposed land use.

FINDINGS: Based upon the Institute of Transportation Engineers (ITE) trip generation rates, single family homes generate 9.44 vehicle trips per day and 0.99 trips during the peak PM traffic hour. The development will create one new vacant parcel, which could be developed with a single-family or duplex dwelling. Construction of 2 dwellings would add about 19 new vehicle trips per day to the public street system. About 2 of those trips would occur during the peak p.m. traffic hour.

According to LDC 16.20.110(B), the City or other road authority may require a Traffic Impact Study as part of an application for development when an increase in site traffic volume generation by 300 Average Daily Trips. A total of 19 daily trips are anticipated, therefore a traffic analysis is not required to be submitted with this application.

No impacts rails, aviation, or similar transportation facilities are anticipated with this development proposal.

- G. LDC 16.22.060 notes that after a pre-application meeting and/or consultation, the applicant prepares an application and a tentative plan with other supplementary data required to describe the general program and objectives of the proposed land division.

FINDINGS: The application submittal included the necessary material consistent with LDC 16.22.060.

- H. LDC 16.22.070 establishes the procedural review process for subdivision applications. LDC 16.22.070(A)(1) requires preliminary partition plat application to be processed as an administrative review with mailed notice of the application to property owners within 100-feet of the subject site and a decision by the Planning Official following a 14-day comment period. Preliminary plat approval is valid for three years.

FINDINGS: As a partition, the administrative review process complies with provisions in LDC 16.22.070(A)(1).

- I. LDC 16.22.080 establishes the preliminary plat submittal requirements. The applicable provisions include:

1. LDC 16.22.080(A)(1)(2) requires submittal of public facilities and services study (including transportation facilities) and a traffic impact study.

FINDINGS: A 8-inch sanitary sewer main, 8-inch water main, and storm drainage ditch are available in Wassom Street and would be accessible to serve development upon Parcel 2. Parcel 2 is developed with an existing dwelling and served by a private well and septic system. Prior to recordation of the final partition plat, Parcel 2 will connect to the public water and sewer system. All improvements will comply with City design requirements, and for storm drainage, not increase the level of storm runoff on adjacent properties.

Findings regarding the requirements for a transportation impact study can be found under Finding 5 subsection (e) above and incorporated here by reference.

2. LDC 16.22.080(A)(3) lists additional information that will or may be required if applicable and warranted:

- a. LDC 16.22.080(A)(3)(a) - Correspondence from appropriate and applicable State and Federal Wetland regulatory agencies.

FINDINGS: The U.S. Department of Interior, Fish and Wildlife Service National Wetland Inventory Map does not show wetlands on the property. Therefore, correspondence from State and Wetland regulatory agencies is not anticipated.

LDC 16.22.080(A)(3)(b) - Correspondence from the County or ODOT if access is proposed to any facility under their jurisdiction.

FINDINGS: As the adjacent streets are under the City's jurisdiction and the access will be a local public street, provisions in this Section do not apply.

- b. LDC 16.22.080(A)(3)(c) - Correspondence from Oregon Department of Aviation if the proposed development is within the approach or noise impact overlay zones of the Lebanon State Airport.

FINDINGS: According to Figures 16.11.020-1 to 16.11.020-3 the property is in the 494-foot horizontal surface area of the Lebanon Airport's Airport Safety Zone (AS-OZ). Therefore, notice does not have to be provided to the Oregon Department of Aviation.

- c. LDC 16.22.080(A)(3)(d) - Documentation prepared by a licensed and qualified professional demonstrating that development proposed within a 100-year floodplain or floodway complies with appropriate FEMA, NFIP and City's Floodplain Regulations (see LDC 16.11.070 in Chapter 16.11 of this Code).

FINDINGS: Based on FEMA's Flood Insurance Rate Map, #41043C0568G, dated September 29, 2010, the property is located entirely outside of the special flood hazard area.

- d. LDC 16.22.080(A)(3)(e) - Documentation showing compliance with applicable Special Area Plans.

FINDINGS: The property is not located within a "Special Area Plan".

- e. LDC 16.22.080(A)(3)(f)- Documentation showing compliance with all applicable codes and requirements of the Lebanon Fire District.

FINDINGS: Access and provisions for hydrants have been identified on preliminary plat that comply with Fire District requirements. The Fire District has received a copy of the application materials for review and comment.

- f. LDC 16.22.080(A)(3)(g) - Documentation showing that the proposed land division will not violate any existing property restrictions of record including easements.

FINDINGS: There are no known recorded easements encumbering the subject property.

- g. LDC 16.22.080(A)(3)(h) - Documentation prepared by a licensed and qualified professional demonstrating that areas of soil cut, and fill will comply with erosion control and building code requirements.

FINDINGS: Erosion control and building code requirements will be reviewed and approved as part of the site improvement and/or building permit review process.

- h. LDC 16.22.080(A)(3)(i) - Documentation prepared by a licensed and qualified professional demonstrating that areas of geologic and/or of soils instability can be developed according to applicable City, State and Federal Environmental Standards.

FINDINGS: The site is relatively flat and is not subject to the requirements of the Steep Slope Development Overlay Zone.

- i. LDC 16.22.080(A)(3)(j) - Other information determined by the Planning Official and/or City Engineer. Upon the receipt or presentation of credible evidence, the City may require studies or exhibits prepared by qualified and/or licensed professionals to address specific site features or project impacts (e.g., noise, natural resources, environmental features, natural hazards, cultural/archeological, site stability, wetlands, hazmat assessments, etc.), in conformance with this Code, other State and/or Federal regulatory requirements.

FINDINGS: No additional studies or exhibits were deemed necessary by City staff based on the development proposal.

- j. LDC 16.22.080(B)(1)(2)(3) - Establish submittal requirements.

FINDINGS: All necessary material for staff to proceed with the application has been submitted.

III. Partition Review Criteria

The City may approve, approve with conditions, or deny a preliminary plat based on the criteria contained in LDC 16.22.090(A)(B)(C). Provisions in LDC 16.22.090(A) include the following:

- 1. LDC 16.22.090(A)(1) - The proposed preliminary plat complies with the applicable Development Code Sections and adopted Master Plans. At a minimum, the provisions of this Chapter, and the applicable Chapters and Sections of Article Two (Land Use and Land

Use/Development Zones) and Article Three (Community Development and Use Standards) of this Code shall apply. Where a variance is necessary to receive preliminary plat approval, the application shall also comply with the relevant Sections of Chapter 16.29.

FINDINGS: Within the RM zone, the minimum lot size and lot width is 5,000 square feet and 50 feet for a single-family detached and duplex dwelling type; 3,500 square feet and 40-feet for a zero-lot line dwelling type. Additionally, according to an asterisk under Table 16.05-7, the lot area must conform to the standards listed above. However, lot dimensions may be reduced for Flag Lots.

Maximum lot coverage is based on dwelling type. Single-family detached and duplex dwellings have maximum lot coverage of 60 percent whereas duplex and zero lot line dwellings have a maximum lot coverage of 70 percent. The maximum building height is 40 feet. The minimum setback requirements are as follows: 10-foot front setback; 20-foot vehicle entrance setback; 5-foot side setbacks and 10/15-feet street side setback; and 20- feet rear (dwelling) setbacks.

As shown on the preliminary plat, there is an existing single-family home on the Parcel 2 that will be retained, and Parcel 1 will be unimproved as part of this proposal, with the possibility for the development of a single-family home or duplex in the future.

As shown on the preliminary plat, Parcels 1 and 2 are each 7,841 square feet with a 70-foot lot width. Therefore, the parcels comply with the dimension requirements of the RM zone for the intended respective use found in Article Two. Setbacks and other development specific standards found in Article Two and Three would be evaluated upon development proposal.

Both parcels will have frontage on and access to Wassom Street. Wassom Street, which will be improved by the City of Lebanon to city standard as specified in Chapter 16.13 and in conformance with Engineering Standards. Site access for Parcel 1 will be designed upon development to meet the driveway spacing and vision clearance requirements for compliance of Chapter 16.12, as such, the proposal conforms with Articles Two and Three.

2. LDC 16.22.090(A)(2) - The proposed plat name is not already recorded for another subdivision and satisfies the provisions of ORS Chapter 92 and the County Surveyor.

FINDINGS: This Section does not apply as a plat name is not required by the County Surveyor.

3. LDC 16.22.090(A)(3) - The proposed streets, roads, sidewalks, bicycle lanes, pathways, utilities, and surface water facilities are laid out to conform or transition to the plats of subdivisions and partitions already approved for adjoining property as to width, general direction and in all other respects. All proposed public improvements and dedications are identified on the preliminary plat.

FINDINGS: A 8-inch sanitary sewer main, 8-inch water main, and storm drainage ditch are available in Wassom Street and would be accessible to serve development upon Parcel 1. Parcel 2 is developed with an existing dwelling and served by a private well and septic system. Prior to recordation of the final partition plat, Parcel 2 will connect to the public water and

sewer system. A condition of approval may include that water and sewer lateral connections and meters will be required to be provided to Parcels 1 and 2.

4. LDC 16.22.090(A)(4) - All proposed private common areas and improvements (e.g., homeowner association property) are identified on the preliminary plat.

FINDINGS: There are no proposed common areas or improvements required or identified in the preliminary plat.

5. LDC 16.22.090(A)(5) - Evidence that all City, County, State and Federal regulatory agency identified or mapped special management areas have been accurately and effectively identified on the appropriate maps and plans submitted to the City for review.

FINDINGS: As noted in the section above, no special management areas were found in association with the subject site.

6. LDC 16.22.090(A)(6) - Evidence that improvements or conditions required by the City, road authority, Linn County, special districts, utilities, and/or other service providers, as applicable to the project, have been or can be met.

FINDINGS: All public improvements will be located within the city right-of-way and subject to City public works design and construction standards.

7. LDC 16.22.090(A)(7) - If any part of the site is located within a Special Area Plan or District, Overlay Zone, or previously approved Planned Development, it shall conform to the applicable regulations and/or conditions.

FINDINGS: As noted above, the site is in the 494-foot horizontal surface area of the Lebanon Airport's Airport Safety Zone (AS-OZ). Therefore, notice does not have to be provided to the Oregon Department of Aviation.

- J. LDC 16.22.090(B)(1-7) establishes the criteria for the layout of the subdivision. Therefore, these standards are not applicable to this request.

- K. LDC 16.22.090(C) allows the City to establish conditions to carry out Code provisions and other applicable ordinances.

FINDINGS: Conditions of approval are not required as the proposed development complies with all applicable code provisions.

- L. LDC 16.22.100 to 16.22.140 establish administrative procedures for recording plats, improvement agreements and bonding.

FINDINGS: It is acknowledged that the applicant and City staff must comply with these requirements prior to recording of a final plat.

IV. Conclusion

As proposed, application for preliminary partition plat satisfies all applicable review criteria as



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870 Wassom Street
Partition Application

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proposed and outlined above.

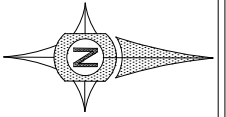
V. Exhibits

A. Tentative Partition Plat



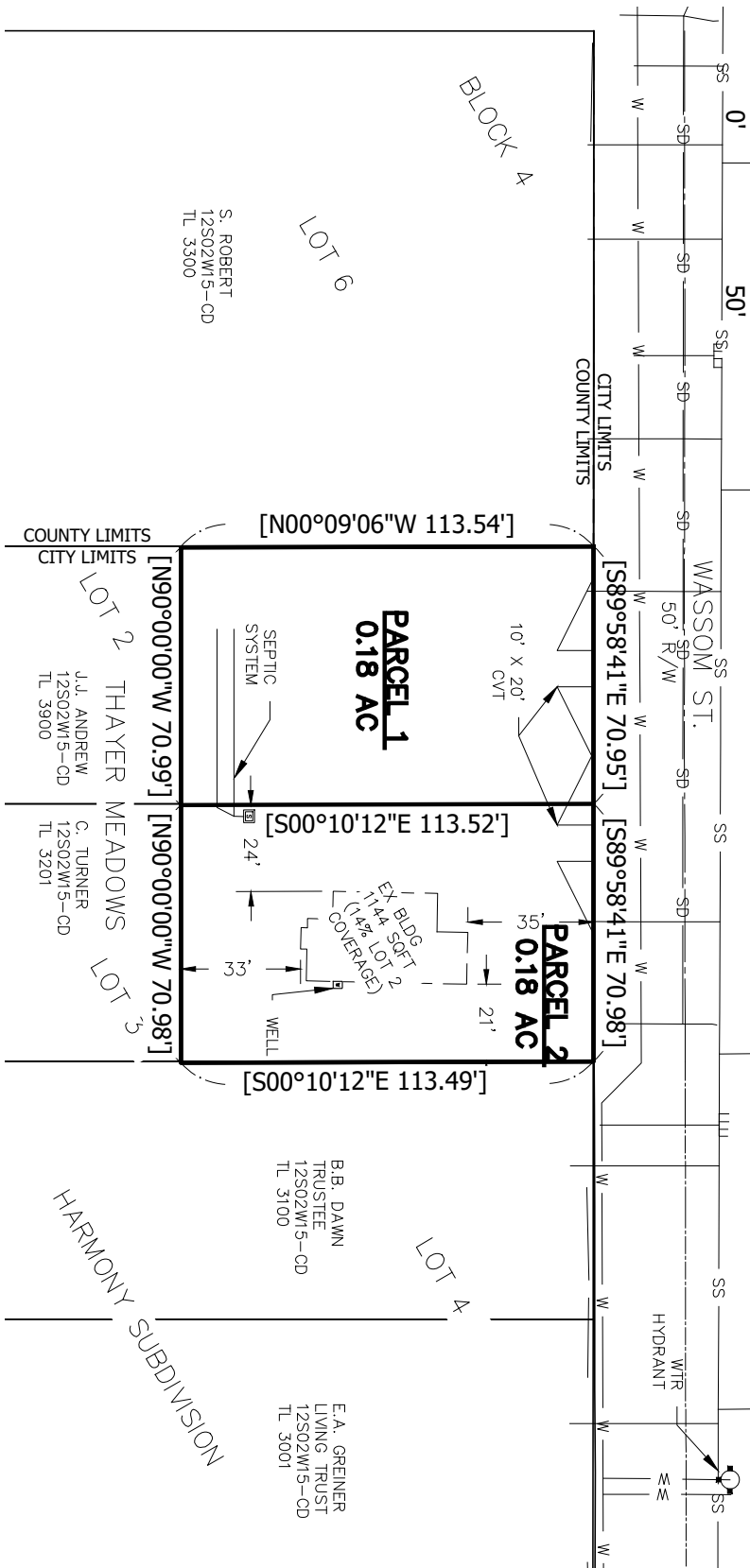
23-158 Garcia
870 Wassom Street
Partition Application

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SCALE: 1" = 50'

PRELIMINARY PARTITION PLAT
AT THE REQUEST OF RIGOBERTO GARCIA
IN THE RUSSEL T. HILL, DLC NO. 77
SW 1/4 OF SEC. 15, T. 12 S., R. 2 W., W.M.
LINN COUNTY, OREGON
August 29, 2023



NOTES

1. WELL TO BE USED FOR IRRIGATION PURPOSES
2. SEPTIC SYSTEM TO BE DECOMMISSIONED

PROPERTY INFORMATION

PARCELS 1 AND 2
ZONING (CURRENT): UGA-UGM-10
COMP. PLAN: C-RM
LAND USE: RESIDENTIAL
ASSESSORS MAP: 12S-02W-15CD
TAX LOT: 3200

LEGEND

R/W	RIGHT OF WAY
CO	COUNTY
CVT	CLEAR VISION TRIANGLE
POB	POINT OF BEGINNING
ST	STREET
SQFT	SQFT
[]	CALCULATED DATA

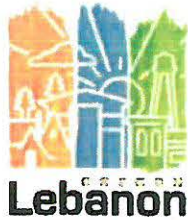


Date 8/29/2023
Project 23-158
GARCIA
Drawn by CJB
Checked by KWL

PARTITION OF TAX LOT 3200
RIGOBERTO GARCIA
870 WASSOM ST.
LEBANON, OR

**UDELL ENGINEERING
AND
LAND SURVEYING, LLC**
63 EAST ASH ST.
LEBANON, OREGON, 97355
541-451-5125

SHEET 1
of 1
SCALE: AS NOTED



LAND USE APPLICATION

PROPERTY INFORMATION	
Site Address(es): 870 Wassom Street	
Assessor's Map & Tax Lot No.(s): 12S-02W-15CD Tax Lot 3200	
Comprehensive Plan Designation / Zoning Designation: C-RM/UGA-UGM-10	
Current Property Use: Residential	
Project Description:	
Annexation of the subject property with concurrent Zone Map Amendment to assign the Residential Mixed Density zone designation upon annexation	
Two-parcel partition.	
APPLICANT / PRIMARY CONTACT INFORMATION	
Applicant: Laura LaRoque, Udell Engineering & Land Surveying, LLC	Phone: (541) 990-8661
Address: 63 E. Ash Street	Email: laura@udelleng.com
City/State/Zip: Lebanon, 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 <i>Laura LaRoque</i>	Date: 7/10/23
PROPERTY OWNER INFORMATION (IF DIFFERENT THAN ABOVE)	
Owner: Rigoberto Garcia	Phone: (541) 979-9960
Address: 216 E. Virginia Street 3202 27th Ct. SE	Email: gazga1971@gmail.com
City/State/Zip: Stayton, OR 97383 Albany, OR 97322	
OWNER SIGNATURE <i>Rigoberto Garcia</i>	Date: 7-30-23
ADDITIONAL CONTACT INFORMATION	
Engineer / Surveyor: Kyle Latimer, Udell Engineering & Land Surveying, LLC	Phone: (541) 451-5125
Address: 63 E. Ash Street	Email: kyle@udelleng.com
City/State/Zip: Lebanon, OR 97355	
Architect:	
Address:	Phone:
City/State/Zip:	Email:
Other:	
Address:	Phone:
City/State/Zip:	Email:

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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	\$750		Planned Development – Preliminary	\$2,500
	Administrative Review (Planning Commission)	\$1,500		Planned Development – Final (Ministerial)	\$250
X	Annexation	\$2,500		Planned Development – Final (Administrative)	\$750
	Code Interpretation	\$250		Planned Development – Final (Quasi-Judicial)	\$1,500
	Comprehensive Plan Map/Text Amendment	\$2,500		Subdivision Tentative	\$1,500
	Conditional Use	\$1,500		Subdivision Final	\$750
X	Fire District Plan Review	\$100		Tree Felling Permit (Steep Slopes only)	\$150 + \$5/tree
	Historic Preservation Review or Register	Varies		UGB Amendment	Actual Cost
X	Land Partition	\$750		Variance (Class 1 – Minor Adjustment)	\$250
	Ministerial Review	\$250		Variance (Class 2 – Adjustment)	\$750
	Non-Conforming Use/Development	\$750		Variance (Class 3)	\$1,500
	Property (Lot) Line Adjustment	\$250		Zoning Map Amendment	\$2,500

APPLICATION RECEIPT & PAYMENT

Date Received:	Date Complete:	Receipt No.:
Received By:	Total Fee:	File No.:

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