



LEBANON PLANNING COMMISSION MEETING AGENDA

October 16, 2024 at 6:00 PM

Santiam Travel Station – 750 3rd Street, Lebanon, Oregon

MISSION STATEMENT

The City of Lebanon is dedicated to providing exceptional services and opportunities that enhance the quality of life for present and future members of the community.

6:00 PM – REGULAR SESSION

CALL TO ORDER / FLAG SALUTE

ROLL CALL

MINUTES

- [1.](#) 2024-09-19 Planning Commission Meetings - Draft

COMMISSION REVIEW

- [2.](#) **Public Hearing - Planning File MLP-24-05, CU-24-01**

A proposed Minor Land Partition to amend lot lines within the project area and divide the property into a total of three parcels, and a Conditional Use Permit to authorize the construction of a zero-lot-line attached duplex development at 1681 Franklin Street. (12S02W14BD 00300 and 00301)

- [3.](#) **Public Hearing – Planning File A-24-03**

A proposed annexation for the property located at 1021 W Airport Road with the preliminary zoning designation of Residential Mixed Density (RM) (12S02W15BC 01100)

- [4.](#) **Public Hearing – Planning File A-24-04**

A proposed annexation for the property located at 2187 Mill Street with the preliminary zoning designation of Mixed Use (MU) (12S02W14CB 07300)

- [5.](#) **Public Hearing – Planning File A-24-05**

A proposed annexation for the property located at 140 Russell Drive with the preliminary zoning designation of Residential Mixed Density (RM) (12S02W14CB 02400)

CITIZEN COMMENTS - *restricted to items not on the agenda*

COMMISSION BUSINESS AND COMMENTS

ADJOURNMENT

Meetings are recorded and available on the City's YouTube page at:

<https://www.youtube.com/user/CityofLebanonOR/videos>

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 City Recorder at 541.258.4905.



LEBANON PLANNING COMMISSION MEETING MINUTES

September 18, 2024 at 6:00 PM

Santiam Travel Station – 750 3rd Street, Lebanon, Oregon

6:00 PM – REGULAR SESSION

CALL TO ORDER / FLAG SALUTE

ROLL CALL

PRESENT

Chair Don Robertson
Vice-Chair Lory Gerig-Knurowski
Kristina Breshears
Dave McClain
Alternate W. Marcellus Angellford
Alternate Don Fountain
Alternate Shyla Malloy
Alternate Michael Miller

ABSENT

Karisten Baxter

STAFF

Interim City Manager/Engineering Services Director Ron Whitlatch
Community Development Director Kelly Hart
City Attorney Tre Kennedy

MINUTES

1. 2024-06-26 Planning Commission Minutes

The minutes were approved as submitted.

CITIZEN COMMENTS – None

COMMISSION REVIEW

2. Public Hearing - Planning File AR-24-05

A proposed 28-unit, one-story apartment development at 377 Vaughan Lane in the Residential Mixed Density (RM) Zone (12S02W22D 00700)

The public hearing was opened. City Attorney Kennedy reviewed the public hearing process. Vice-Chair Gerig-Knurowski confirmed for Kennedy that living near the proposed development would not influence her decision. There was no other ex parte, conflict of interest, or bias declared by the Commissioners.

Community Development Director Hart presented the staff report. Comments submitted after the packet was published were provided to commissioners prior to the meeting. She provided general comment concerns and responses.

In response to concerns about traffic safety at Vaughan Lane and Main, Engineering Services Director Whitlatch clarified that the area complies with the American Association of State Highway and Transportation Officials (AASHTO) standards for safe stopping and sight distance.

When addressing commissioners' questions about delaying street improvements, Whitlatch noted that due to the elevation drop, widening the half street during the construction project would create more of a safety hazard.

Responding to a question about whether wetlands mitigation would be necessary since the project meets open space requirements, Hart clarified that mitigation may occur in areas where buildings encroach on the wetlands, but it would not be a requirement.

Applicant's Testimony: Laura LaRoque and Andrew Rappé, Udel Engineering and Land Surveying, briefly summarized the proposal.

Commissioner McClain expressed concern about the elevation and the amount of drainage to Joy Street. Mr. Rappé stated that runoff will be collected and directed south to the Joy Street ditch. Ms. LaRoque noted that wetlands will not be drained across the site, and elevations will be assessed in the next phases of the development process.

Commissioner McClain asked about the occupancy target market and possible future changes.

Braden Whaley, Ridgetop Real Estate Solutions LLC, property owner/developer, said that he is trying to address the affordable housing need with a target market of older individuals on fixed incomes, but there will be no age restrictions.

Testimony in Favor: None

Testimony in Opposition:

Doris Modderman stated that she is not opposed to the project but expressed concern about the inclusion of a playground for children if the plan is to construct one-bedroom apartments.

Meredith Langford said that she does not oppose the project, but her primary concerns are traffic and speeding. Whitlatch explained the process and criteria for reducing speed limits.

Applicant Rebuttal: Ms. LaRoque explained that the playground is a Development Code requirement for projects with eight or more units.

The public hearing was closed.

Commissioner Angellford expressed appreciation for the applicant's presence and the project's consideration of the community.

Motion to Approve by Commissioner Malloy. Seconded by Commissioner Fountain.

Voting Yea: Chair Robertson, Vice-Chair Gerig-Knurowski, Commissioners Breshears, McClain, Angellford, Fountain, Malloy and Miller

3. Public Hearing - Planning File S-24-04

A proposed 35-lot subdivision for the property at 31707 SW 5th Street in the Residential Mixed Density (RM) Zone (12S02W22D 01001)

Kennedy reviewed public hearing procedures Vice-Chair Gerig-Knurowski confirmed that living near the proposed development would not influence her decision. There was no ex parte, conflict of interest, or bias declared by the Commissioners. The public hearing was opened.

Hart presented the staff report. She provided general comment concerns and responses.

In response to Commissioner McClain's question, Hart said that she believes the lots across the property on Joy Street are about 5,000 square feet.

Responding to Commissioner Breshear's question, Hart noted that the Planning Commission's condition regarding the fence was retained in this revision.

Applicant's Testimony: Laura LaRoque and Andrew Rappé, Udel Engineering and Land Surveying, briefly summarized the proposal.

Testimony in Favor: None

Testimony in Opposition: Doris Modderman, who lives across the street from the proposed project, said that her lot is 6,535 square feet. She has some concerns about the density of the project despite not being opposed to it overall.

The public hearing was closed.

Hart confirmed to a commissioner that homeowners are responsible for maintaining private streets. Whitlatch added that vehicles cannot be permitted to turn around in someone's driveway; only residents of the private street would use that section of road. There was a brief discussion about a Homeowners Association (HOA).

In response to Commissioner Breshear's question, Hart clarified that a duplex is not classified as multi-family housing.

Hart confirmed for Commissioner McClain that the applicant was required to pay their fees again due to the resubmittal.

An engineering modification was added to the conditions, requiring three stop signs at the intersections of new public street/S. 5th Street, new public street/Joy Street, and the private street/new public street.

Motion to Approve by Commissioner Breshears. Seconded by Commissioner Miller.

Voting Yea: Chair Robertson, Vice-Chair Gerig-Knurowski, Commissioners Breshears, McClain, Angellford, Fountain, Malloy and Miller

4. Public Hearing - Planning File A-24-02

A proposed annexation for the property located at 785 W B Street with the preliminary zoning designation of Residential Mixed Density (RM) (12S02W10CD02800)

Kennedy reviewed public hearing procedures. There was no ex parte, conflict of interest, or bias declared by the Commissioners. The public hearing was opened.

Hart presented the staff report.

Applicant's Testimony: None

Testimony in Favor: None

Testimony in Opposition: None

The public hearing was closed.

Responding to Commissioner Breshear's question, Hart said that she is uncertain if the applicant has a failing septic.

Motion to Approve by Commissioner Breshears. Seconded by Commissioner Fountain.

Voting Yea: Chair Robertson, Vice-Chair Gerig-Knurowski, Commissioners Breshears, McClain, Angellford, Fountain, Malloy and Miller

CITIZEN COMMENTS – None

COMMISSION BUSINESS AND COMMENTS

The October Planning Commission meeting will include three applications.

There will be a joint Planning Commission/City Council meeting at 4:30 PM on November 13 to review Development Code updates for the Housing Production Strategy implementation.

Chair Robertson asked whether lot coverage includes impervious areas, such as a parking lot. Hart responded that it does not.

ADJOURNMENT – The meeting adjourned at 7:15 PM.



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MEMORANDUM

Community Development

To: Lebanon Planning Commission
From: Kelly Hart, Community Development Director
Subject: Planning File No. CU-24-01, MLP-24-05

Date: October 9, 2024

I. BACKGROUND

Under review is a minor land partition to create a total of three parcels and a proposed zero-lot-line development to build two duplexes for the properties at 1681 Franklin Street (12S 02W 14BD tax lots 300 and 301) in the Residential Low Density (Z-RL) zone. The properties are in a developed neighborhood. Surrounding the properties are all single-unit dwellings in the RL zone.

II. CURRENT REPORT

The project area is 0.56 acres. The proposal includes partitioning and adjusting property lines to create three parcels and constructing two zero-lot-line duplexes. As proposed, Parcel 1 adjacent to Franklin Street is currently improved with a single-unit dwelling, and an accessory structure is located where the proposed lot line between Parcel 1 and 2 would be located. The accessory structure would be demolished to accommodate the new property line. Parcel 3 would be the easternmost parcel.

For the proposed lots, the development code establishes a minimum lot area based on the net area, which excludes the area for flagpoles and access easements. As shown on the Tentative Partition Plan, the proposal includes a 24-foot flagpole and 30-foot access easement, with a portion of the access easement located on the neighboring property to the south for joint access. Minus the flagpole and access easement area, the three lots would maintain the following area and lot width:

- Parcel 1: 9,668 square feet, 88-foot lot width
- Parcel 2: 5,040 net square feet, 56-foot lot width
- Parcel 3: 6,160 net square feet, 56-foot lot width

The RL zone requires 6,000 square feet and a 60-foot minimum lot width for a single-unit dwelling and 5,000 square feet with a 50-foot minimum lot width for zero-lot-line dwelling lots. Setback requirements are the same for single-unit dwellings and zero-lot-line dwellings, except that zero-lot-line lots only have one side setback. The setbacks include a 15-foot front setback, a 5-foot minimum for the side setback, and a 20-foot rear setback. Parcel 1 meets the single-unit dwelling standards to accommodate the existing dwelling. Parcels 2 and 3 are proposed as zero-lot-line parcels and include a concurrent conditional use permit application to propose the zero-lot-line duplex development.

For the zero-lot-line dwelling proposal, Section 16.05.180.A of the LDC includes attached dwellings as part of the zero-lot-line standards. Section 16.05.180.C of the LDC includes attached or stacked duplexes as authorized dwelling types. The applicant is proposing attached duplexes at the zero-lot line. When constructed, this will resemble a 4-unit row or townhouse. With the zero-lot-line proposed, the rear setback is provided along the northern property line. As only one side setback is observed in zero-lot-line developments, a minimum 5-foot setback would be provided for the side setback. When two setbacks are provided, the code requires one setback to be a minimum of 5 feet and a total of 15 feet to be shared between the two setbacks. However, zero-lot-line developments are intended for compact development with narrower lot widths, with only one side setback required, and the setback set at a minimum for compatibility between adjacent buildings and access to yards for building maintenance. A 5-foot setback is a standard setback for side yards to achieve access to building maintenance. As such, it is the staff's interpretation of the code that zero-lot-line developments have one side-yard setback and are, therefore, only subject to the one minimum setback standard when attached dwellings are proposed. The applicant is proposing a 6-foot setback meeting the standard.

The front setback would be along the southern property line, including the flagpole and access easement. The total proposed setback is approximately 44 feet. Final setbacks would be determined at the building plan submittal, but the application meets or exceeds all setback requirements as proposed.

For access, Section 16.12.020.B.3 of the Lebanon Development Code (LDC) identifies a minimum thirty-foot-wide access easement may serve up to six parcels and/or dwelling units with a minimum twenty-four-foot-wide two-way driveway. The access easement would provide access to the single-unit dwelling on Parcel 1, the proposed four units for the two duplexes on Parcels 2 and 3, and the single-unit dwelling on the property to the south. A reciprocal access, use, and maintenance agreement will be required to be recorded as part of the final plat process. If the access easement and use of the southern property is not viable at any point in the future, the 24-foot flag is wide enough to accommodate the minimum required access for the two rear parcels. A driveway for Parcel 1 can be installed at the northern end of the property to meet access requirements without the easement from the southern property.

Regarding parking, a single-unit dwelling requires two spaces, and a duplex requires two spaces. Bicycle parking is not required. Parcel 1, a condition of the final plat, will require a parking pad for two spaces to replace the driveway that will be modified by the easement and access modifications. The proposed duplex developments on Parcels 2 and 3 each identify a one-car garage per unit and meet code requirements.

Sanitary sewer, water, and storm drainage infrastructure, including an 8-inch storm main, a 6-inch water main, and an 8-inch sewer main, are available for connection in Franklin Street. There is an existing fire hydrant on Franklin Street within the 600-foot hose pull requirements based on current preliminary measurements. Based on the final designs submitted at the building permit plan check, a new fire hydrant will be required if any point of the buildings are not within the hose pull requirements.

Three types of easements are proposed for the partition: (1) a joint access, use, and maintenance easement, (2) a private water line easement, and (3) construction and maintenance easements associated with the zero-lot-line development. All easements are noted on the preliminary plat.

III. REVIEW CRITERIA AND RECOMMENDED FINDINGS – MINOR LAND PARTITION

The Applicant is requesting consideration of a Partition application to modify property lines between two existing parcels and to create three parcels, including a flag lot and parcel without street frontage with access via an easement. Below is an analysis of the review criteria (Chapter 16.22 of the LDC) and recommended findings:

1. 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:
 - A. 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.

RECOMMENDED FINDING: The subject property is improved with an existing single-detached dwelling unit, which will be retained on proposed Parcel 1. Zero lot line duplexes will be constructed on proposed Parcels 2 and 3. The subject property is located entirely within the Residential Low Density (Z-RL) zoning district. According to LDC Chapter 16.05, Table 16.05-2, zero-lot-line dwellings are permitted with Conditional Use approval in the RL zoning district.

The development standards for the RL zone are found in Chapter 16.05, Table 16.05-7, and are as follows:

Lot Area and Dimensions: In the RL zoning district, the minimum lot size and width are 6,000 square feet and 60 feet for single detached dwelling units and 5,000 square feet and 50 feet for zero lot line dwellings.

The preliminary plat shows that the net lot size of proposed Parcel 1 (developed with a single detached dwelling unit) is 9,668 square feet with an 88-foot lot width. The net lot area of proposed Parcels 2 and 3 is 5,040 and 6,160 square feet, and each has a 56-foot width, thus complying with the minimum dimensional standards for zero lot line dwellings.

Height. The RL zone has a 25-foot maximum building height. Building height is the vertical distance from grade to the average height of the roof surface. Conformance with

building height standards will be evaluated upon the submission of a building permit for residential development.

Lot Coverage. Lot coverage is the area covered by a building or buildings expressed as a percentage of the total lot area. The maximum lot coverage for single detached and zero lot line dwelling units in the RL zoning district is 40 percent. As shown on the Tentative Partition Plat, the proposed lot coverage will not exceed the maximum lot coverage standard of the RL zoning district. Ultimately, Conformance with lot coverage will be evaluated upon submitting a building permit for residential development.

Setbacks: The RL zoning district has a 15-foot front setback, 20-foot vehicle entry setback, 15-foot street side setback, 5-foot interior side yard setback, and 20-foot rear setback. As shown on the Tentative Partition Plat, the proposed setbacks will not exceed the RL zoning district's minimum setback standards. Ultimately, Conformance with setback standards will be evaluated upon the submittal of a building permit for residential development.

According to LDC 16.05.100(D), 1. The front yard of a flag lot shall conform to one of the following two options: a. parallel to the street from which access is taken or b. parallel to the flagpole from which access is taken. 2. The applicant for a building permit may choose either Option 1 or Option 2, except as otherwise prescribed by conditions of a partition or subdivision approval [Note: The City may impose such conditions.] As shown in Tentative Partition Plat, Parcels 2 and 3, the “front yard” setback is proposed to be from the south property line parallel to the flagpole.

Zero-Lot Line Dwellings: LDC 16.05.180 states that zero-lot-line houses are subject to the same standards as detached single-family housing, except that a side yard setback is not required on one side of the lot. Zero lot line housing also includes attached dwellings. As shown on the Tentative Partition Plat, the proposed setbacks will not exceed the minimum setback standards of the RL zoning district.

Construction and Maintenance Easement: LDC 16.05.180(D) states that before building permit approval, the applicant shall submit a copy of a recorded easement (unless there is a common wall) for every zero-lot line house that guarantees access to the adjoining lot for construction and maintenance of the zero-lot-line house. The easement shall require that no fence or other structure be placed in a manner that would prevent maintenance of the zero-lot-line house. The easement shall not be less than 10 feet wide and shall not preclude the adjoining owner from landscaping the easement area. The Tentative Partition Plat shows that the required easements can be maintained with the proposed development.

Buffering and Other Yard Requirements: LDC 16.09.110.5 establishes buffering, landscaping, and pedestrian/bicycle access. Buffering and pedestrian/bicycle access through required buffers are only required, when necessary, through Site Design

Review, Conditional Use, and/or Planned Development Review, which is not applicable to this request. Therefore, only the landscaping requirements are applicable.

Landscaping: According to LDC 16.15.020(A)(2)(a), one tree is required for every 30 linear feet where the landscaped area is less than 30 feet deep. However, in this case, the site's frontage is improved with existing shared driveway access. Therefore, street-front landscaping is not applicable. As such, this criterion has been met.

- B. 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.

RECOMMENDED FINDING: This section does not apply as the County Surveyor does not require a plat name.

- C. 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.

RECOMMENDED FINDING: A 6-inch water line, 8-inch sewer main, and 8-inch storm drain main are currently available in the Franklin Street right-of-way and may be connected upon approval of the development permit. All proposed public and private improvements are identified on the preliminary plat. As such, this criterion has been met.

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

RECOMMENDED FINDING: The provided plan set depicts all proposed improvements and incorporates them as a reference. To meet this criterion, all easements have been identified on the preliminary plat .

- E. 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.

RECOMMENDED FINDING: As noted, no special management areas were found in association with the subject site.

- F. 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.

RECOMMENDED FINDING: All improvements will be located within the City and are subject to City public works design and construction standards. No additional outside agencies have jurisdiction over permitting for utilities or service providers. As such, this criterion has been met.

- G. 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.

RECOMMENDED FINDING: The subject site is located just inside the conical surface area of the Airport Overlay Zone. At the time of building permit approval, the height of the future development will be reviewed for conformance with the height limitations of the conical surface area. There are no steep slopes in the subject property. The applicable Flood Insurance Rate Map for the subject site shows it is outside the Special Flood Hazard Area (SFHA), otherwise known as the 100-year floodplain. The U.S. Department of Interior, Fish and Wildlife Service National Wetland Inventory Map does not show wetlands on the property. The subject property is over 75 feet from the bank of nearby creeks and water bodies. The subject property is also located outside the designated boundaries of the special transportation area.

The site is located in the conical surface area of the Airport Overlay Zone, but the proposed partition does not include development that exceeds the height limit or will cause interference with the aircraft using the airport. The subject property is located outside all other overlay zones or special districts. As such, this criterion has been met.

2. LDC 16.22.090(B)(1-7) establishes the criteria for the layout of subdivisions. Therefore, these standards do not apply to this request.

IV. REVIEW CRITERIA AND RECOMMENDED FINDINGS – CONDITIONAL USE PERMIT

The Applicant is requesting consideration of a Conditional Use Permit (CU-24-01) for the development of zero-lot-line residential dwellings. Section 16.21.060 of the Lebanon Development Code establishes the Decision Criteria for consideration of Conditional Use Permits.

1. The application complies with all of the applicable provisions of the underlying Land Use Zones (LDC Chapters 16.09.110), including building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture, and other special standards as may be required for certain land uses.

RECOMMENDED FINDING: Finding 1.A in for the Partition findings is incorporated herein by reference for conformance with the development standards in the RL zone. As such, this criterion has been met.

2. The site size, dimensions, location, topography, and access are adequate for the needs of the proposed use, considering the proposed building mass, parking, traffic, noise, vibration, exhaust/emissions, light, glare, erosion, odor, dust, visibility, safety, and aesthetic considerations.

RECOMMENDED FINDING: The use is residential zero-lot-line duplexes. The proposed use is “ZERO-LOT LINE DWELLING: A single-family detached house, or attached or stacked duplex, with one side yard setback equal to “0” feet. May or may not include a wall attached to adjacent home(s)”

Location. The subject properties are identified as Linn County Assessor’s Map No. 12S-02W-14BD Tax Lots 300 and 301. The site is improved with an existing single detached dwelling unit to remain on Parcel 1.

The surrounding properties are all zoned Z-RL and improved with single-detached residential dwellings except for a preexisting industrial site (seed warehouse).

Site Size, Dimensions, and Topography. Parcels 2 and 3, where zero-lot-line development is proposed, will consist of a flag lot, a parcel with no street frontage with access via an easement with minimal slope.

Access. The access easement would provide access to the single-unit dwelling on Parcel 1, the proposed four units for the two duplexes on Parcels 2 and 3, and the single-unit dwelling on the property to the south. A reciprocal access, use, and maintenance agreement will be required to be recorded as part of the final plat process. If the access easement and use of the southern property is not viable at any point in the future, the 24-foot flag is wide enough to accommodate the minimum required access for the two rear parcels. A driveway for Parcel 1 can be installed at the northern end of the property to meet access requirements without the easement from the southern property.

Building Mass: Mass refers to the size or physical bulk of a building and can be understood as the actual size or size relative to context.

The preliminary site plan depicts the proposed building footprint and site orientation. Each structure is proposed to be two stories tall and will not exceed the maximum 25-foot maximum building height.

The following design techniques will decrease any perceived bulk: 1) increased setbacks to property boundaries properties; 2) reduced overall height; 3) building orientation.

Vehicle Parking: Per Table 16.14.070-1: Off-Street Parking Requirements for Motor Vehicles and Bicycles by Types of Use, a minimum of 1 space per duplex dwelling unit and zero bicycle parking spaces are required.

Each site will accommodate at least two off-street vehicle parking spaces, meeting or exceeding the minimum parking standard per lot.

Bicycle Parking. According to LDC 16.14.070-1, one—to two-family dwelling units are not required to have bicycle parking, and zero designated bicycle parking stalls are proposed with this development.

Noise. The proposed dwelling unit will generate minimal noise, which will likely include noise associated with conversation, vehicle loading/unloading, and vehicle traffic.

Lighting and Glare. Any provided on-site lighting will be directed downward and contained on-site. The standard can be verified at the time of a building permit or before the issuance of an occupancy permit.

Odor. The odor will be minimal and likely include vehicle exhaust from on-site vehicle traffic.

Hours of Operation. The site is expected to operate like the surrounding development.

Vibrations and Dust: No activity will occur on-site that would create a vibration or excess dust.

Privacy and Safety. The use will be the same as the surrounding residential development, where most activity will occur in the building or within fenced yards.

Buffering and Screening. LDC 16.15.020 and 16.15.030 require landscape buffering and screening to reduce the impacts on adjacent uses of a different type. In this case, the proposed development is the same as adjacent uses (i.e., residential).

Landscaping required. LDC 16.15.020(C)(2)(b)(1) stipulates that the required front and street side yards of single-family residential and duplex lots shall be landscaped. This will be verified in association with a building permit.

With the development and use impacts considered, this criterion has been met.

3. The negative impacts of the proposed use on adjacent properties and on the public can be mitigated through application of other Code standards, or other reasonable conditions of approval.

RECOMMENDED FINDING: There are no known negative impacts of the proposed use on adjacent properties or the public. The site is surrounded primarily by existing residential development.

Standard site and building design and landscaping standards will address aesthetic and privacy concerns, if any.

Any concerns regarding parking, access, and the availability and capacity of public facilities will be addressed through compliance with the City of Lebanon Development Code, Public Improvement Standards, Adopted Standards and Specifications for Construction, and other relevant sections of the Lebanon Municipal Code.

All development on the subject property will be reviewed through subsequent building or other permit processes. Compliance with many requirements of the Oregon Structural Specialty Code, Oregon Fire Code, and City Off-Street Parking and Access Standard can only be evaluated in conjunction with a building permit application for construction on the site. Conditions of development have been included regarding parking, access, and easements. With the conditions, this criterion has been met.

4. All required public facilities have adequate capacity to serve the proposal.

RECOMMENDED FINDING: Parcels 1 and 2 will have frontage on Franklin Street. All parcels and abutting property to the south have shared access to Franklin Street. A new shared reciprocal access easement and utility easements are proposed to be recorded for this driveway encroachment and accessway.

Franklin Street is classified as a collector street and fully improved along the frontage of the subject property. Franklin Street has a 50-foot-wide right-of-way containing two paved travel lanes in each direction and sidewalks along each side of the right-of-way.

According to LDC 16.20.110(B), the City or other road authority may require a Traffic Impact Study as part of a development application when an increase in site traffic volume generation by 300 Average Daily Trips.

Based upon the Institute of Transportation Engineers (ITE) Trip Generation Manual, 11th Edition, Land Use Category 215 attached single-dwelling homes, which applies to duplexes, townhouses, etc., generates 7.20 vehicle trips per day and 0.57 trips during the p.m. peak hour per unit. The development will create four new housing units, thus adding about 29 new vehicle trips per day and 2 PM peak hour trips to the public street system.

Lebanon's Transportation System Plan (TSP) does not identify any level of service or safety problems along either site's frontage.

Sanitary Sewer

According to LDC 16.16.030, adequate sanitary sewer infrastructure and service must be made available to serve each new development, and such facilities and services must comply with the City's Sanitary Sewer Facility Plan and applicable construction specifications.

City utility maps show an eight-inch public sanitary sewer main on Franklin Street. The new zero-lot line duplex development proposes new connections to the public sanitary sewer.

Water

According to LDC 16.16.030, adequate water infrastructure and service must be made available to serve each new development, and such facilities and services must comply with the City's Water System Facility Plan and applicable construction specifications.

City utility maps show a 6-inch public water main on Franklin Street. The new zero-lot line duplex development proposes new connections to the public water system.

Storm Drainage

According to LDC 16.16.040, the City may grant land use approval and issue a development permit when adequate provisions for stormwater runoff are or will be made available in compliance with the City's Storm Drainage Master Plan and all applicable local, state, and federal standards.

All new site development must maintain pre-development peak historic stormwater discharge rates as per City standards. The application for a development proposal shall demonstrate through calculations acceptable to the City Engineer that the proposed development will meet this standard.

City utility maps show an 8-inch public storm drainage on Franklin Street. In association with the new zero-lot line duplex development, new connections to the public storm drain system on Franklin Street are proposed.

Police Protection

The proposed development is served by the City of Lebanon Police Department, which did not provide comments or concerns about it during the pre-application meeting.

Fire Safety

The Lebanon Rural Fire Protection District serves the proposed development, which provided no comments during the pre-application meeting. As such, this criterion has been met.

5. Existing conditions of approval required as part of a prior land use decision shall be met.

RECOMMENDED FINDING: No previous land use decision is associated with the site. Therefore, this criterion is not applicable.

6. The applicant shall be required to upgrade any existing development that does not comply with the applicable land use district standards in conformance with Chapter 16.30, Non-conforming Use and Development.

RECOMMENDED FINDING: The site is improved with a single-unit dwelling and accessory structure. No open code enforcement cases exist for the subject site, so this criterion has been met.

7. The application complies with all of the Community Development Standards in LDC Chapters 16.12-16.19

RECOMMENDED FINDING: Findings pertaining to Chapters 16.12 – 16.16 are provided under the previous criteria above and incorporated herein by reference. Chapters 16.17 and 16.18 regarding wireless communication facilities and signage are not applicable as none are proposed with this application. Chapter 16.19 refers to accessory structures, lighting, and temporary uses that are not proposed as part of this application. With the conditions incorporated, this criterion has been met.

V. PUBLIC NOTIFICATION AND COMMENTS

A public notification for this project was issued on September 23, 2024. At the time of publishing the Planning Commission agenda, no comments were received from members of the public.

However, the Fire District, Engineering Department, and Planning Department received comments, which have been incorporated as conditions of development for the application.

Any public comments received before the hearing will be distributed to the Planning Commission and the Applicant and posted to the City's website as indicated in the Public Notice.

VI. CONCLUSION AND RECOMMENDED CONDITIONS FOR DEVELOPMENT

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

1. The Planning Department conditions include, but may not be limited to:
 - a. 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.
 - b. The final plat shall substantially conform to the proposal, comply with applicable requirements in the Lebanon Development Code, and be recorded within three years of the final approval date.
 - c. The final plat shall include all identified easements, including all public utility, private utility, joint access, use, and maintenance easements and easements related to the maintenance and access for the zero-lot-line development.
 - d. A reciprocal access, use, and maintenance agreement for all parcels utilizing the easement shall be prepared and filed as part of the final plat.
 - e. All exterior lighting shall be designed in compliance with Chapter 16.19 of the Lebanon Development Code.
 - f. Upon submission of the Building Permit, a site plan shall be included to demonstrate compliance with all zero-lot-line development code regulations.
2. All requirements of the Lebanon Fire District shall be met, including but not limited to:
 - a. Plans that demonstrate full compliance with the Oregon Fire Code and local amendments shall be submitted for review and approval by the Lebanon Fire Marshal. Lebanon Fire Marshal approval shall be obtained prior to the issuance of building permits.
3. The Engineering Department conditions include, but may not be limited to:
 - a. A residential site plan shall be submitted and approved by the Engineering Department.

VII. PLANNING COMMISSION ACTION

- A. The Planning Commission may either:

1. Approve the proposed Minor Land Partition application (MLP-24-05) and Conditional Use Permit (CUP-24-01), 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 application (MLP-24-05) and Conditional Use Permit (CUP-24-01), adopting modified findings for the decision criteria and conditions of development; or
3. Deny the proposed Minor Land Partition application (MLP-24-05) and Conditional Use Permit (CUP-24-01), 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 October 16, 2024 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.:	CU-24-01, MLP-24-05
Applicant:	Pacific Sky Northwest
Location:	1681 Franklin Street
Map & Tax Lot No.:	12S02W14BD00300 & 00301
Request:	Conditional Use and Land Partition
Decision Criteria:	Lebanon Development Code Chapters: 16.05, 16.20, 16.21 & 16.22

Request: The applicant is requesting approval of a property line adjustment concurrent with a two parcel partition of the existing Parcel 1. The applicant is also requesting Conditional Use approval to construct zero-lot line dwellings on proposed Parcels 2 & 3.

Providing Comments: The city will be accepting public comment on this item in several 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, October 15, 2024**. 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 **October 16, 2024**.

If you wish to address the Commission under Public Comments or for a Public Hearing, click: https://zoom.us/join/join?j=10rdOirgTggGtKY8w_eyojwm5s2Ef8VDs6g 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/0zWUZWIs43s?>

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.

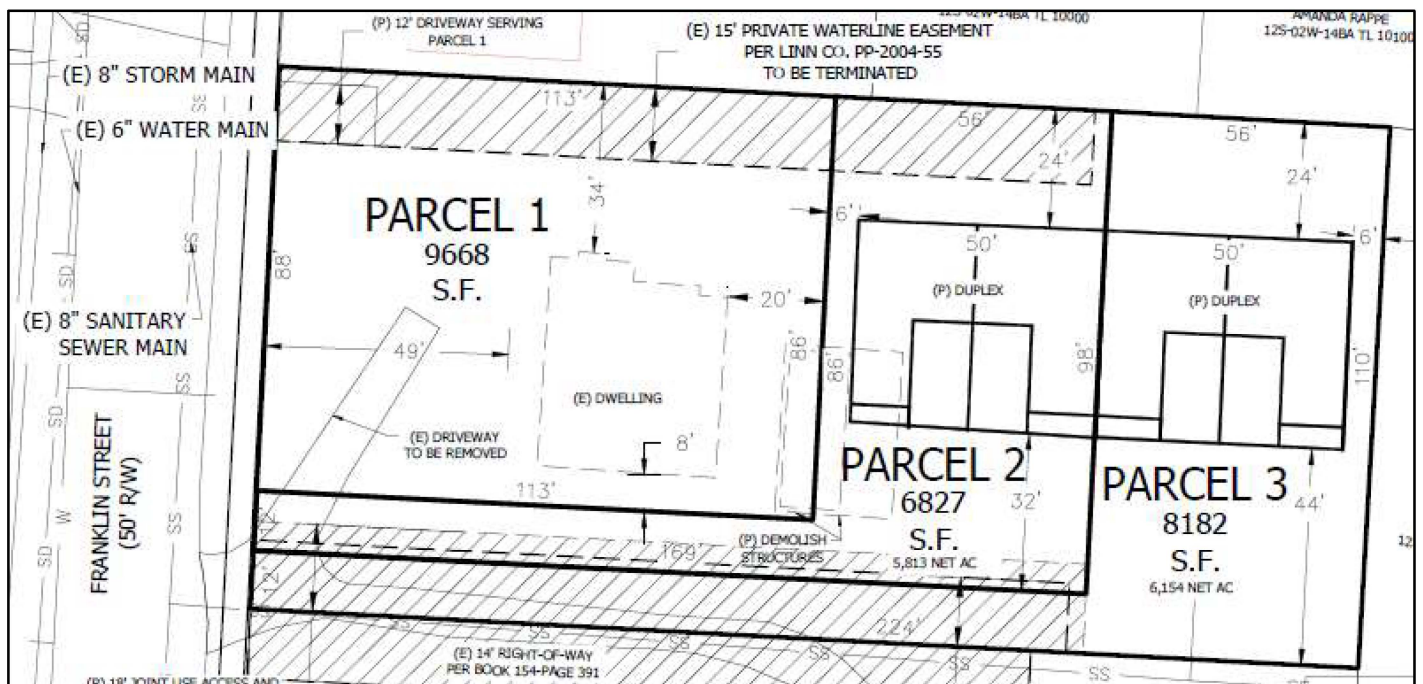
CITIZENS ARE INVITED TO PARTICIPATE in the public hearing and give written or oral testimony as described above that address applicable decision criteria during that part of the hearing process designated for testimony in favor of, or opposition to, the proposal. If additional documents or evidence are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

Appeals: Failure to raise an issue in the hearings, in person or by letter, or failure to provide sufficient specificity to afford the decision makers an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue. Decisions of the Planning Commission may be appealed to the Lebanon City Council within 15 days following the date the Commission's final written decision is mailed. Only the applicant, a party providing testimony, and/or a person who requests a copy of the decision has rights to appeal a land use decision. The appeal must be submitted on the appeals form as prescribed by City Council with appropriate fee paid and must set forth the criteria issues that were raised which the applicant or party deems itself aggrieved. Please contact our office should you have any questions about our appeals process.

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 PLAN



PARTITION AND CONDITIONAL USE APPLICATIONS

Submitted to:	City of Lebanon Planning Department 925 S. Main Street Lebanon, Oregon 97355
Property Owner/Applicant:	Pacific Sky Northwest, LLC P.O. Box 381 Albany, OR 97321 Mike Kosmicki: (541) 990-8201/ michael@pacificskynorthwest.com
Applicant's Representatives:	Udell Engineering and Land Surveying, LLC 63 E. Ash Street Lebanon, OR 97355 Laura LaRoque: (541) 990-8661 / laura@udelleng.com
Site Location:	1681 Franklin Street, Lebanon, OR 97355
Linn County Assessor's Map No.:	12S-02W-14BD Tax Lots 300 and 301
Site Size:	0.20-acres (TL 300); 0.36-acres (TL 301)
Existing Land Use:	Residential (TL 300); Unimproved (TL 301)
Zone Designation:	Residential Low Density (Z-RL)
Comprehensive Plan Designation:	Residential Low Density (C-RL)
Surrounding Zoning:	North: Z-RL South: Z-RL East: Z-RL West: Z-RL
Surrounding Uses:	North: Residential South: Residential East: Residential West: Residential



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I. Executive Summary

The applicant requests approval of the following applications:

1. A property line adjustment to reduce the flag stem width of Parcel 2 of Partition Plat 2004-55 from 14-feet to 12-feet. Concurrent with a 2-parcel partition of Parcel 1 of Partition Plat 2004-55. Proposed Parcels 1 to 3 to be 9,668 net square feet, 5,813 net square feet, and 6,154 net square feet, respectively.
2. A conditional use application for construction of zero-lot line dwellings on proposed Parcels 2 and 3.

The subject parcels total ± 0.56 -acres and are located between Evans Drive and Ralston Drive, to the east of Franklin Street. The subject property consists of two properties that are identified by Linn County Tax Assessor's Map No. 12S-02W-14BD Tax Lots 300 and 301 (Parcels 1 and 2 of Partition Plat 2004-55).

The subject property is zoned Residential Low Density (Z-RL) with a Comprehensive Plan map designation of Residential Low Density (C-RL). Surrounding the properties are zoned Residential Low Density (Z-RL). All abutting properties are developed with single-detached dwellings except for a property at 1769 Franklin Street which is developed with industrial use (i.e., Seed Warehouse).

Access: Proposed Parcel 1 will have a new direct driveway access at the northwest corner of the parcel with ingress/egress to Franklin Street. Proposed Parcels 2 and 3 will have abutting flag stem with shared driveway access to Franklin Street. A new shared reciprocal access easement and utility easements are proposed to be recorded for this driveway encroachment and accessway.

Franklin Street is classified as a collector street and fully improved along the frontage of the subject property. Franklin Street has a 50-foot-wide right-of-way containing two paved travel lanes in each direction and sidewalk along each side of the right-of-way.

Utilities: There is currently a 6-inch water line, 8-inch sewer main, and 8-inch storm drain main available in Franklin Street right-of-way along the southwest property line of the subject property. There is also currently a 6-inch water line and 8-inch sewer main in Ralston Drive and adjacent easement. Connections to the public utilities within Franklin Street and/or Ralston Drive will take place upon development.

This written narrative and associated documentation included in the application materials establishes that the application complies with all applicable approval criteria. This documentation provides the basis for the city to approve the application.

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.



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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).

- C. LDC16.22.030(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: As proposed, none of the parcels are large enough to allow for additional land division. Therefore, this standard 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 #41043C0569G, 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 has 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 to Oregon Department of Transportation (ODOT). 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 16.12.030(I), for single-family (detached and attached), duplex, and three-family housing types, normally one street access point is permitted per lot, unless otherwise permitted by the City Engineer, in consultation with the Planning Official.

According to LDC 16.12.030(G)(2), where a collector or arterial street or a controlled intersection is under the jurisdiction of the City of Lebanon (see Table 9 in the Lebanon TSP), access spacing shall be determined based on the policies and standards contained in the City's Transportation System Plan as well as the Manual for Uniform Traffic Control Devices. Exceptions to this may be granted by the City Engineer. Evaluations of exceptions shall consider posted speed of the street on which access is proposed, constraints due to lot patterns, and effects on safety and capacity of the adjacent public street, bicycle and pedestrian facilities.

The following shared driveways and access provisions apply per LDC 16.12.030(J)(1)(4)(5)(6):

- (1) Shared driveways, frontage streets, and local access streets may be required to consolidate access onto a collector or arterial street;
- (4) Access easements for the benefit of affected properties shall be recorded for all shared driveways, joint access, cross-access, and shared parking areas as well as pathways, at the time of final plat approval or as a condition of site development approval. Pursuant to the provisions of this subsection, the property owners: a. Shall record an easement with the deed allowing cross access to and from other properties served by facility (i.e., the joint use driveways, and/or cross access, and/or service drive). b. Shall record a coordinated maintenance agreement with the deed defining maintenance responsibilities of the property owners. c. Such agreements shall be on forms acceptable to the City.
- (5) Reduction of Separation Distance Between Access Points for City Streets: The City may reduce the required separation distance between access points on City streets where the required distance would be impractical, provided all the following applicable requirements are met a. Joint access driveways and cross access easements are provided in accordance with the provisions of this Subsection. b. The site plan incorporates a unified access and circulation system in accordance with the provisions of this Subsection.
- (6) Exceptions: The City may in its discretion modify or waive any of the requirements of this Subsection (16.12.030) for City streets when existing development patterns or physical constraints (e.g., topography, parcel configuration, and similar conditions) prevent extending the street/driveway in the future, and/or would make a development of a unified or shared access and circulation system impractical, in conjunction with a development application.

According to LDC 16.12.030(L)(1), single family, and duplex use shall have a minimum driveway width of 12 feet.

According to LDC 16.12.030(Q)(3), Flag lots may be created only when a through street or mid-block lanes cannot be extended to serve abutting uses or future development. A flag lot driveway ("flagpole" or "pan handle") may serve no more than two (2) dwelling units, including accessory dwellings and dwellings on individual lots, unless the fire codes and standards adopted by the City and/or the Lebanon Fire District are met for more units. When such standards are met, the maximum number of dwellings shall be four (4). A driveway serving

more than one lot shall have a reciprocal access and maintenance easement recorded for all lots. No fence, structure or other obstacle shall be placed within the driveway area. The Fire Marshal may require an emergency turnaround. Fire sprinklers may also be required for buildings that cannot be fully served by fire hydrants (e.g., due to distance from hydrant or insufficient fire flow).

As depicted on the tentative partition plat, a shared access and private reciprocal access easements are proposed providing ingress and egress to Franklin Street.

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 road/street system conforms to the city and state highway standards thus providing "adequate" access. This criterion is met.

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: All parcels will have frontage on and access to Franklin Street. Proposed accessways will provide connectivity from each of the development sites 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: See Section II, Finding F1 above, and incorporated herein by reference.

As depicted on the existing conditions sheet, recorded access and private reciprocal access easements exist providing ingress and egress to Franklin Street .

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 Manual, 11th Edition, Land Use Category 215 attached single-dwelling homes, which applies to duplexes, townhouses, etc. generates 7.20 vehicle trips per day and 0.57 trips during the p.m. peak hour per unit. The development will create four new housing units thus adding about 29 new vehicle trips per day and 2 PM peak hour trips to the public street system.

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 29 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:



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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: Water, sanitary sewer, and storm services are available to serve the development. All improvements will comply with City design requirements.

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: Franklin Street is under City of Lebanon jurisdiction; therefore, this criterion is not applicable.

- 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 644-foot conical surface area of the Lebanon Airport's Airport Safety Zone (AS-OZ). Therefore, notice must 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, #41043C0569G, 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: All known recorded easements incumbering the subject property are depicted on the Tentative Partition Plat.

- 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:

CRITERION 1

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: The subject property is improved with an existing single-detached dwelling unit which will be retained on proposed Parcel 1. Zero lot line duplexes are proposed to be constructed on proposed Parcels 2 and 3.

The subject property is located entirely within the Residential Low Density (Z-RL) zoning district.

Use: According to LDC Chapter 16.05, Table 16.05-2, zero lot line dwellings are permitted with Conditional Use approval in the RL zoning district.

The development standards for the RL zone are found in Chapter 16.05, Table 16.05-7 and are as follows:

Lot Area and Dimensions: The minimum lot size and width is 6,000 square feet and 60 feet for single detached dwelling units and 5,000 square feet and 50-feet for zero lot line dwellings in the RL zoning district.

As shown on the preliminary plat, the net lot size of proposed Parcel 1 (developed with a single detached dwelling unit) is 9,668 square feet with an 88-foot lot width. The net lot area of proposed Parcels 2 and 3 is 5,813 and 6,154 square feet and each have a 56-foot-width thus complying with the minimum dimensional standards for zero lot line dwellings.

Height. There is a 25-foot maximum building height in the RL zone. Building height is the vertical distance from grade to the average height of the roof surface. Conformance with building height standard will be evaluated upon the submittal of a building permit residential development.

Lot Coverage. Lot coverage is the area of the lot covered by a building or buildings expressed as a percentage of the total lot area. In the RL zoning district, the maximum lot coverage for single detached and zero lot line dwelling units is 40 percent. As shown on the Tentative Partition Plat, the proposed lot coverage will not exceed the maximum lot coverage standard of the RL zoning district. Ultimately, Conformance with lot coverage will be evaluated upon the submittal of a building permit residential development.

Setbacks: In the RL zoning district, there is a 15-foot front setback, 20-foot vehicle entry setback, 15-foot street side setback, 5-foot interior side yard setback, and 20-foot rear setback. As shown on the Tentative Partition Plat, the proposed setbacks will not exceed the minimum setbacks standards of the RL zoning district. Ultimately, Conformance with setback standard will be evaluated upon the submittal of a building permit residential development.

According to LDC 16.05.100(D), 1. The front yard of a flag lot shall conform to one of the following two options: a. parallel to the street from which access is taken, or b. parallel to the flagpole from which access is taken. 2. The applicant for a building permit may choose either Option 1 or Option 2, except as otherwise prescribed by conditions of a partition or subdivision approval [Note: The

City may impose such conditions.] As shown in Tentative Partition Plat, Parcels 2 and 3 the “front yard” setback is proposed to be from the south property line parallel to the flagpole.

Zero-Lot Line Dwellings: LDC 16.05.180 states that zero-lot line houses are subject to the same standards as detached single-family housing, except that a side yard setback is not required on one side of the lot. Zero lot line housing also includes attached dwellings. As shown on the Tentative Partition Plat, the proposed setbacks will not exceed the minimum setbacks standards of the RL zoning district.

Construction and Maintenance Easement: LDC 16.05.180(D) states that prior to building permit approval, the applicant shall submit a copy of a recorded easement (unless there is a common wall) for every zero-lot line house that guarantees access onto adjoining lot for the purpose of construction and maintenance of the zero-lot line house. The easement shall require that no fence or other structure be placed in a manner that would prevent maintenance of the zero-lot line house. The easement shall not be less than 10 feet wide and shall not preclude the adjoining owner from landscaping the easement area. As shown on the Tentative Partition Plat, the required easements can be maintained with the proposed development.

Buffering and Other Yard Requirements: LDC 16.09.110.5 establishes buffering, landscaping, and pedestrian/bicycle access. Buffering and pedestrian/bicycle access through required buffers are only required, when necessary, through Site Design Review, Conditional Use, and/or Planned Development Review, which is not applicable to this request. Therefore, only the landscaping requirements are applicable.

Landscaping: According to LDC 16.15.020(A)(2)(a), requires one tree is required for every 30 linear feet where landscaped area is less than 30 feet deep. However, in this case the site’s frontage is improved with existing shared driveway access. Therefore, street front landscaping is not applicable.

CRITERION 2

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.

CRITERION 3

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: There is currently a 6-inch water line, 8-inch sewer main, and 8-inch storm drain main



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available in Franklin Street right-of-way and a 6-inch water line and 8-inch sewer main in Ralston Drive and adjustment easement. Connection to the public utilities within Franklin Street and/or Ralston Drive will take place upon development.

There is currently a 12-inch water line, and 24-inch storm drain main available in Burdell Boulevard right-of-way along the northeast property line of the subject property. Connection to the public utilities within Burdell Boulevard will take place upon development.

All proposed public and private improvements are identified on the preliminary plat.

CRITERION 4

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.

CRITERION 5

5. LDC 16.22.090(A)(5)

Evidence that all City, County, State and Federal regulatory agencies 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.

CRITERION 6

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.

CRITERION 7

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 in the section above, the property is in the 644-foot conical surface of the Lebanon Airport's Airport Safety Zone (AS-OZ). Therefore, notice must be provided to the Oregon Department of Aviation.

CRITERION 8

8. 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.

CRITERION 9

9. 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.

CRITERION 10

10. 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 the final plat.

IV. CONDITIONAL USE

- A. The Conditional Use processes contained in LDC 16.21.020(A)-(C) identifies the application requirements and procedures.

FINIDING: This application and process conform to requirements contained in these subsections. The purpose of the Conditional Use is to provide standards and procedures so that uses that are classified as conditional uses can fit into a particular zone in a manner so that the best interests of surrounding property, the neighborhood, and the City are safeguarded.

- B. LDC 16.21.030(A) states Conditional Uses for zero lot line dwellings, shall be subject to the following specific criteria:

CRITERION 1

1. LDC 16.21.060(A)(1)(a) - The application complies with all the applicable provisions of the underlying Land Use Zones (LDC Chapters 16.05 – 16.11), including: building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture, and other special standards as may be required for certain land uses.

FINDING: See Section III, Criterion 1 above incorporated herein by reference findings for conformance with the development standards of the RL zoning district.

CRITERION 2

2. LDC 16.21.060(A)(1)(b) - The site size, dimensions, location, topography and access are adequate for the needs of the proposed use, considering the proposed building mass, parking, traffic, noise, vibration, exhaust/emissions, light, glare, erosion, odor, dust, visibility, safety, and aesthetic considerations

FINDINGS: “Adequate” is not defined in the Lebanon Development Code but the Merriam Webster’s Collegiate Dictionary, Eleventh Edition, defines “adequate” as “(1) sufficient for a need or requirement.”

Proposed Use. The proposed use is residential zero lot line duplexes. The proposed use is defined as “ZERO-LOT LINE DWELLING: A single family detached house, or attached or stacked duplex, with one side yard setback equal to “0” feet. May or may not include a wall attached to adjacent home(s)”

Location. The subject properties are identified as Linn County Assessor’s Map No. 12S-02W-14BD Tax Lots 300 and 301. The site is improved with an existing single detached dwelling unit which is proposed to remain on Parcel 1.

Surrounding properties are all zoned Z-RL and improved with single detached residential dwellings except for a pre-existing industrial site (seed warehouse).

Site Size, Dimensions, and Topography. Proposed Parcels 2 and 3 where zero lot line development is proposed will consist of flag lots with little slope.

Access. Proposed Parcel 1 will have a new direct driveway access at the northwest corner of the parcel with ingress/egress to Franklin Street. Proposed Parcels 2 and 3 will have abutting flag stem with shared driveway access to Franklin Street. A new shared reciprocal access easement and utility easements are proposed to be recorded for this driveway encroachment and accessway.

Building Mass: Mass refers to the size or physical bulk of a building, and can be understood as the actual size, or size relative to context.

The preliminary site plan depicts the proposed building footprint and site orientation. Each structure is proposed to be two stories tall and will not exceed the maximum 25-foot maximum building height.

The following design techniques will decrease any perceived bulk: 1) increased setbacks to property boundaries properties; 2) reduced overall height; 3) building orientation.

Vehicle Parking: Per Table 16.14.070-1: Off-Street Parking Requirements for Motor Vehicles and Bicycles by Types of Use. A minimum of 1 space per duplex dwelling unit and zero bicycle parking spaces are required.

Each site will accommodate at least two off-street vehicle parking spaces. Thus, meeting or exceeding the minimum parking standard per lot.

Bicycle Parking. According to LDC 16.14.070-1, one to two family dwelling units are not required to have bicycle parking, and zero designated bicycle parking stalls are proposed with this development.

Noise. Noise generation will be minimal for the proposed dwelling unit and will likely include noise associated with conversation, vehicle loading/unload, and vehicle traffic.

Lighting and Glare. Any provided on-site lighting will be directed downward and contained on-site. The standard can be verified at the time of a building permit or prior to the issuance of an occupancy permit.

Odor. Odor will be minimal for the proposed dwelling unit and will likely include some vehicle exhaust from on-site vehicle traffic.

Hours of Operation. The site is expected to operate like that of surrounding development.

Vibrations and Dust: There is no activity that will occur on site that would create vibration or excess dust.

Privacy and Safety. The use will be the same as surrounding residential development where most activity will occur in the building or within fenced yards.

Buffering and Screening. LDC 16.15.020 and 16.15.030 require landscape buffering and screening to reduce the impacts on adjacent uses which are of a different type. In this case, the proposed development is the same as adjacent uses (i.e., residential).

Landscaping required. LDC 16.15.020(C)(2)(b)(1) stipulates that the required front and street side yards of single family residential and duplex lots shall be landscaped. This will be verified in association with a building permit.

CRITERION 3

3. **LDC 16.21.060(A)(1)(c) - The negative impacts of the proposed use on adjacent properties and on the public can be mitigated through application of other Code standards, or other reasonable conditions of approval.**

FINDINGS: There are no known negative impacts of the proposed use on adjacent properties or the public. The site is surrounded primarily by existing residential development.

Aesthetic and privacy concerns, if any, will be addressed through standard site and building design and landscaping standards.

Any concerns regarding parking, access, and the availability and capacity of public facilities, will be addressed via compliance with the City of Lebanon Development Code, Public Improvement Standards, Adopted Standards and Specifications for Construction, and other relevant sections of the Lebanon Municipal Code.

All development on the subject property will be reviewed through subsequent building or other permit processes. For example, compliance with many requirements of the Oregon Structural Specialty Code, Oregon Fire Code, and City off-street Parking and Access Standard can only be evaluated in conjunction with a building permit application for construction on the site. However, where it is anticipated obstacles to compliance with any of the referenced regulations exist, it is appropriate to identify and resolve those issues, to the extent practicable, through this land use decision. Therefore, this criterion is met or can be met with reasonable conditions of approval.

CRITERION 4**4. LDC 16.21.060(A)(1)(d) - All required public facilities have adequate capacity to serve the proposal.**

FINDINGS: Proposed Parcel 1 will have a new direct driveway access at the northwest corner of the parcel with ingress/egress to Franklin Street. Proposed Parcels 2 and 3 will have abutting flag stem with shared driveway access to Franklin Street. A new shared reciprocal access easement and utility easements are proposed to be recorded for this driveway encroachment and accessway.

Franklin Street is classified as a collector street and fully improved along the frontage of the subject property. Franklin Street has a 50-foot-wide right-of-way containing two paved travel lanes in each direction and sidewalk along each side of the right-of-way.

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.

Based upon the Institute of Transportation Engineers (ITE) Trip Generation Manual, 11th Edition, Land Use Category 215 attached single-dwelling homes, which applies to duplexes, townhouses, etc. generates 7.20 vehicle trips per day and 0.57 trips during the p.m. peak hour per unit. The development will create four new housing units thus adding about 29 new vehicle trips per day and 2 PM peak hour trips to the public street system.

Lebanon's Transportation System Plan (TSP) does not identify any level of service or safety problems along either frontage of the site.

Sanitary Sewer

According to LDC 16.16.030 adequate sanitary sewer infrastructure and service must be made available to serve each new development, and such facilities and service must comply with the City's Sanitary Sewer Facility Plan, and applicable construction specifications.

City utility maps show an eight-inch public sanitary sewer main in Franklin Street and Ralston Drive. New connections to the public sanitary sewer are proposed in association with the new zero-lot line duplex development.

Water

According to LDC 16.16.030 adequate water infrastructure and service must be made available to serve each new development, and such facilities and service must comply with the City's Water System Facility Plan, and applicable construction specifications.

City utility maps show a 6-inch public water main in Franklin Street and Ralston Drive. New connections to the public water system is proposed in association with the new zero-lot line duplex development.

Storm Drainage

24-135 Pacific Sky
1681 Franklin Street
PP & CU Applications

September 3, 2024
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According to LDC 16.16.040, the City may grant land use approval and issue a development permit when adequate provisions for storm water runoff are or will be made available in compliance with the City's Storm Drainage Master Plan and all applicable local, state, and federal standards.

All new site development must maintain pre-development peak historic storm water discharge rates as per City standards. The application for a development proposal shall demonstrate through calculations acceptable to the City Engineer that this standard will be met by the proposed development.

City utility maps show an 8-inch public storm drainage in Franklin Street. New connections to the public storm drains system in Franklin Street is proposed in association with the new zero-lot line duplex development.

Police Protection

The proposed development is served by the City of Lebanon Police Department.

No comments or concerns were provided by the City of Lebanon Police Department during the pre-application meeting concerning this development.

Fire Safety

The proposed development is served by the Lebanon Rural Fire Protection District.

No comments were provided by the Lebanon Rural Fire Protection District during the pre-application meeting concerning this development.

CRITERION 5

5. **LDC 16.21.060(A)(1)(e) - Existing conditions of approval required as part of a prior land use decision shall be met.**

FINDINGS: The only known former land use approval is Lebanon Planning Department file no. MLP-04-02. All conditions of approval associated with this file were satisfied prior to recordation of Linn County Survey no. 23897 (PP2004-55). This criterion is not applicable.

CRITERION 6

6. **LDC 16.21.060(A)(1)(f) - The applicant shall be required to upgrade any existing development that does not comply with the applicable land use district standards, in conformance with Chapter 16.30, Non-Conforming Uses and Development.**

FINDINGS: The proposal will not result in or produce any non-conforming situations or uses. This criterion is not applicable.

CRITERION 7

7. **LDC 16.21.060(A)(1)(g) - In the case of a use existing prior to the effective date of this ordinance and classified in this Code as requiring a Conditional Use Hearing, a change in use, or in lot area**

or an alteration or enlargement of a structure shall conform to the requirements for Conditional Use review.

FINDINGS: The existing single detached dwelling unit on proposed Parcel 1 is a conforming use. The use will remain conforming upon approval of the submitted applications. This criterion is not applicable.

V. OVERALL CONCLUSION

Based on the above analysis, the proposed Partition and Conditional Use application meets all the applicable review criteria as outlined above.

VI. ATTACHMENTS

- A. Tentative Partition Plat



LAND USE APPLICATION

PROPERTY INFORMATION

Site Address(es): 1681 Franklin Street, Lebanon, OR 97355

Assessor's Map & Tax Lot No.(s): 12S-02W-14BD Tax Lots 300 and 301

Comprehensive Plan Designation / Zoning Designation: C-RL and Z-RL

Current Property Use: Residential

Project Description:

Tenative Partition Plat and Conditional Use Review for zero lot line housing

APPLICANT / PRIMARY CONTACT INFORMATION

Applicant: Laura LaRoque; Udell Eng. & Land Surveying, LLC Phone:

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 *Laura LaRoque*

Date: 9/3/2024

PROPERTY OWNER INFORMATION (IF DIFFERENT THAN ABOVE)

Owner: Mike Kosmicki; Pacific Sky Northwest, LLC

Phone: (541) 990-8201

Address: P.O. Box 381

Email: michael@pacificskynorthwest.com

City/State/Zip: Albany, OR 97321

OWNER SIGNATURE *Michael Kosmicki*
Michael Kosmicki, Member (Sep 3, 2024 19:33 EDT)

Date: 9/3/2024

ADDITIONAL CONTACT INFORMATION

Engineer / Surveyor: Brian Vandett; Udell Eng. & Land Surveying, LLC

Phone: (541) 451-5125

Address: 63 E. Ash Street

Email: brian@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

APPLICATIONS

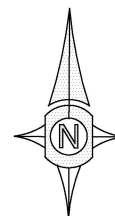
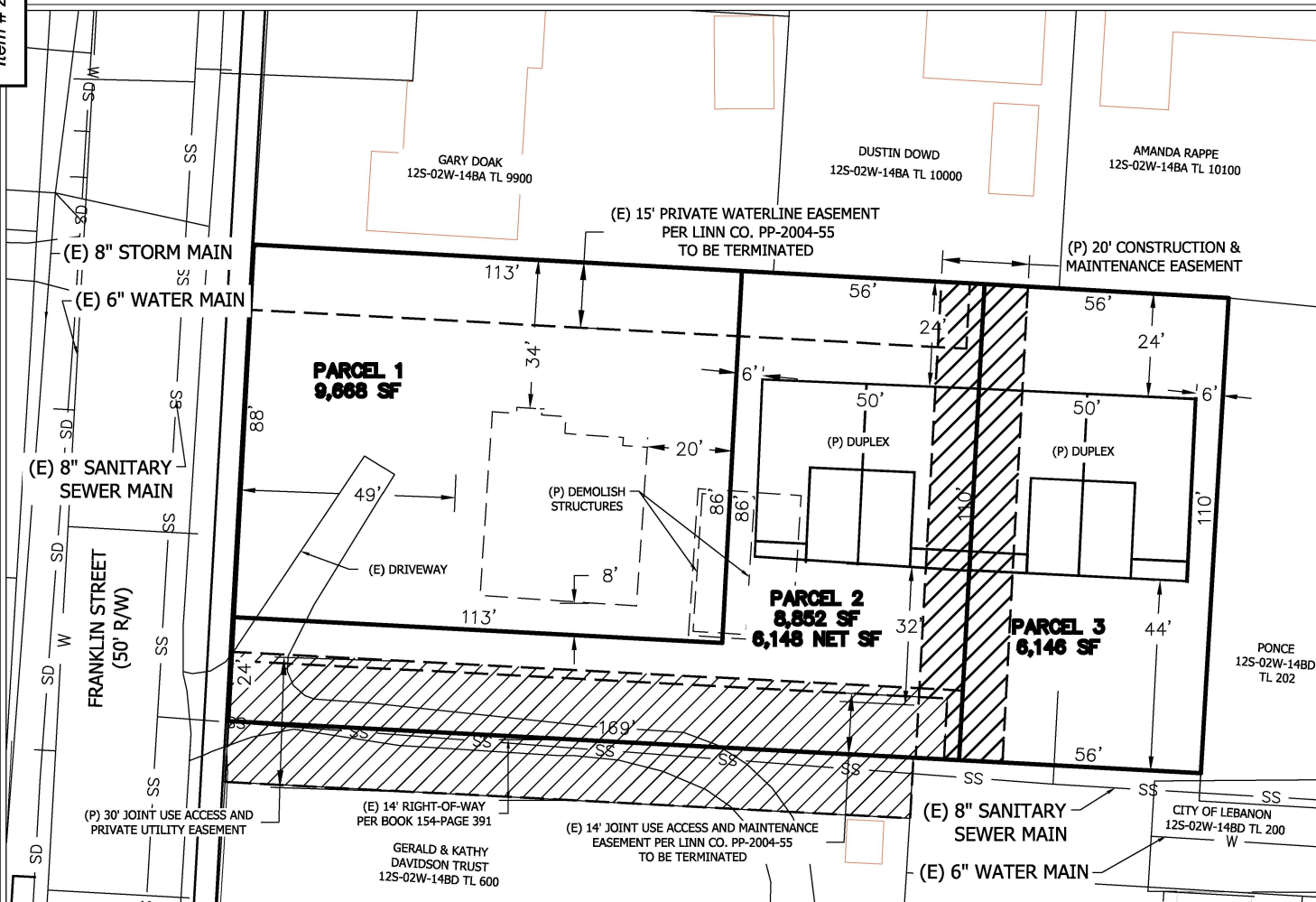
***If more than one review process is required, applicant pays highest priced fee, then subsequent applications charged at half-price.**

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
	Comprehensive Plan Map/Text Amendment	\$2,500		Subdivision Tentative	\$1,500
X	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.:

THE CITY THAT FRIENDLINESS BUILT



SCALE: 1" = 40'

0' 40'

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

TENTATIVE PARTITION PLAT
PACIFIC SKY NORTHWEST LLC
1681 FRANKLIN ST.
LEBANON, OREGON

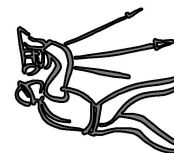
Date 10-04-24
Project 24-135 PACIFIC SKY
Drawn by LLL
Checked by BSJ

PROPERTY INFORMATION

LAND USE: RESIDENTIAL LOW DENSITY (Z-RL)
OWNER: PACIFIC SKY NORTHWEST, LLC
ASSESSORS MAP: 12S-02W-14BD
TAX LOTS: 300 & 301

LEGEND

———	BOUNDARY	R/W	RIGHT OF WAY
- - - -	ROW	(E)	EXISTING
- - - -	EASEMENT LINE	(P)	PROPOSED
- - - -	BUILDING OUTLINE	SF	SQUARE FEET
— OHP —	OVERHEAD POWER LINE		
— GAS —	GAS LINE		
— SS —	SEWER LINE		
— W —	WATER LINE		
— SD —	STORM DRAIN LINE		



SHEET 01
of 01

SCALE: AS NOTED



925 S. Main Street
Lebanon, Oregon 97355

TEL: 541-258-4906
cdc@lebanonoregon.gov
www.lebanonoregon.gov

MEMORANDUM

Community Development

To: Lebanon Planning Commission
From: Tammy Dickey
Senior Building and Planning Technician
Subject: Planning File No. A-24-03

Date: October 9, 2024

I. BACKGROUND

Under consideration is the proposed annexation of the property on the north side of Airport Road, west of Strawberry Lane (1021 Airport Road, 12S02W15BC01100). The subject property is approximately 0.46 acres, with 65 feet of street frontage along Airport Road. The properties to the south are located within city limits; therefore, the site is contiguous to city boundary limits and is eligible for annexation.

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

The subject property is currently improved with a single-family dwelling. City utility services are available in Airport Road and can be connected upon annexation.

II. CURRENT REPORT

The site's Comprehensive Plan Designation is Residential Mixed Density (C-RM). Per Table 16.26-1 in Section 16.26.040 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 Z-RM zoning designation and is not proposing a Comprehensive Plan Map Amendment.

Per Section 16.26.040 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 follows the adopted Comprehensive Plan Map designation. As the Applicant proposes accepting the automatic zoning designation of Residential Mixed Density, 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's Urban Growth Boundary and is contiguous with city limits; therefore, it is eligible for annexation per the Annexation Ordinance and the Municipal and Development Codes. The annexation does not include a Comprehensive Plan Map Amendment. The applicant accepts the initial Residential Mixed Density zoning designation, 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 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 relevant 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 per 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. 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 consistent with the Comprehensive Plan's goals and policies.

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

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

RECOMMENDED FINDING: The subject site is located within the Urban Growth Boundary and contiguous to city limits; therefore, it is eligible for annexation. The subject site is generally flat and within a developed neighborhood, with no steep slopes or environmental constraints. The site is currently improved with a single-family dwelling. The site is located within a developed neighborhood and contains no known environmental constraints, so 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 south side of the property; therefore, it is 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 for 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 southern property line.
- (b) The property is located within an already developed and urbanized portion of the Urban Growth Boundary and City. Surrounding the property include residential development with single-family dwellings. The site can be serviced by existing city water, sewer, and storm drainage facilities in Airport Road to the south of the subject property. As city facilities and transportation systems can service the property, 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 per the adopted Comprehensive Plan Map designation. The subject site is assigned the zoning classification of Z-RM per the Comprehensive Map designation. Therefore, the anticipated demands to access essential 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 per the adopted Comprehensive Plan Map designation. The subject site is assigned the zoning classification of Z-RM per 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: Airport Road maintains a right-of-way width of 60 feet. The adopted 2018 Transportation System Plan identifies Airport Road as a Minor Arterial, which requires a minimum 75-foot right-of-way without on-street parking provided. 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 per 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 per 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 developed neighborhood. It is currently improved with a single-family dwelling. As the neighborhood has already been 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 the 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 on the newly annexed property.

V. PLANNING COMMISSION ACTION - ANNEXATION

A. The Planning Commission may either:

1. Recommend City Council approval of the proposed property and street 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 and street 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 and street 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 October 16, 2024, 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-24-03
Applicant:	Terry & Christy Kester
Location:	1021 Airport Road
Map & Tax Lot No.:	12S2W15BC01100
Request:	Annexation
Decision Criteria:	Lebanon Development Code Chapters: 16.20 & 16.26

Request: The applicant is requesting Annexation of approximately 0.46-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 several 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, October 15, 2024**. 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 **October 16, 2024**.

If you wish to address the Commission under Public Comments or for a Public Hearing, click: https://zoom.us/meeting/register/tJ0rdOirqTgqGtKY8w_eyojwm5s2Ef8VDs6g 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/0zWUZWIs43s?>. 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: Terry and Christy Kester
2615 NE 99th Avenue
Vancouver, WA 98662

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: 1021 West Airport Road, Lebanon, OR 97355

Linn County Assessor's Map No.: 12S-02W-15BC Tax Lot 1100

Site Size: 0.46-acres

Existing Land Use: Residential Single-Family

Zone Designation: UGA-UGM-10

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

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

Surrounding Uses: North: Residential
South: Residential
East: Residential
West: Residential



24-177 Kester
1021 W. Airport Rd.
Annexation Application

September 23, 2024
Page 1 of 8

APPLICATION SUMMARY

The applicant requests annexation of a ±0.46-acre parcel known as, Linn County Tax Assessor's Map No. 12S-02W-15BC Tax Lot 1100 with a concurrent Zone Map Amendment to assign the Residential Mixed Density (Z-RM) designation upon annexation.

The subject property is generally located north of West Airport Road between South 12th Street and Strawberry Lane. The site address is 1021 West Airport Road. The subject parcel's south property boundary is contiguous with the Lebanon city limits.

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, sewer, and storm drainage mains are available along the frontage of the property within the West Airport Road 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.
- 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-15BC Tax Lot 1100 into the Lebanon City Limits by petition to the legislative body.

The subject property is contiguous to the city limits along the south 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 south 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 south 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 south property boundary and, is therefore, deemed orderly based on this Section.

The ±0.46-acre site is currently improved with a residential dwelling. At urban densities, the site is large enough to be further developed or redeveloped. City water, sewer, storm drainage services are available along the frontage of the property within the West Airport Road 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 dwelling. City water, sewer, storm drainage services are available along the frontage of the property within the West Airport Road right-of-way. The site also has adequate frontage on and access to West Airport Road.

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 dwelling. City water, sewer, storm drainage services are available along the frontage of the property within the West Airport Road right-of-way. The site also has adequate frontage on and access to West Airport Road. 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: West Airport Road maintains a right-of-way width of 60 feet. The adopted 2018 Transportation System Plan identifies West Airport Road as an Arterial Street, with a typical right-of-way of 75-feet.

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



Lebanon

LAND USE APPLICATION

PROPERTY INFORMATION	
Site Address(es): 1021 Airport Rd., Lebanon, OR 97355	
Assessor's Map & Tax Lot No.(s): 1100 12502W15BC	
Comprehensive Plan Designation / Zoning Designation: RM	
Current Property Use: Single Family Dwelling	
Project Description:	
Annex property to city for the purpose of connecting to municipal sewer	
APPLICANT / PRIMARY CONTACT INFORMATION	
Applicant: Terry D Kester and Christy A Kester	Phone: 503 428-1353
Address: 2615 NE 99th Ave	Email: wwleader@comcast.net
City/State/Zip: Vancouver, WA 98662	
<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>see attached</i>	Date:
PROPERTY OWNER INFORMATION (IF DIFFERENT THAN ABOVE)	
Owner:	Phone:
Address:	Email:
City/State/Zip:	
OWNER SIGNATURE	Date:
ADDITIONAL CONTACT INFORMATION	
Engineer / Surveyor: <i>udel Engineering</i>	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
- 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

APPLICATIONS

***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
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: 9/10/24 Date Complete: Receipt No.: 1549904175 online

Received By: [Signature] Total Fee: \$2500. File No.: A.24.03

THE CITY THAT FRIENDLINESS BUILT

EXHIBIT 'A'

ANNEXATION AREA DESCRIPTION

AN AREA OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 12 SOUTH, RANGE 2 WEST OF THE WILLAMETTE MERIDIAN AND ON THE PROPERTY COMMONLY IDENTIFIED AS 1021 AIRPORT ROAD, LEBANON, OREGON AND BEING MORE SPECIFICALLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SIMON A. NICKERSON DLC NO.68; THENCE NORTH $89^{\circ}50'11''$ WEST 1509.74 FEET ALONG SAID SOUTH LINE OF THE DLC; THENCE, NORTH $00^{\circ}10'$ EAST 30.00 FEET TO THE NORTH RIGHT OF WAY OF AIRPORT ROAD AND TRUE POINT OF BEGINNING;

THENCE NORTH $89^{\circ}50'11''$ WEST 65.00 FEET; THENCE NORTH $00^{\circ}10'00''$ EAST 242.26 FEET TO AN IRON PIPE; THENCE SOUTH $89^{\circ}49'39''$ EAST 100.00 FEET TO AN IRON PIPE; THENCE SOUTH $00^{\circ}10'00''$ WEST 122.25 FEET TO AN IRON PIPE; THENCE NORTH $89^{\circ}49'39''$ WEST 35.00 FEET; THENCE SOUTH $00^{\circ}10'00''$ WEST 120.00 FEET TO THE POINT OF BEGINNING

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JUNE 12, 2013
KYLE W. LATIMER
80442

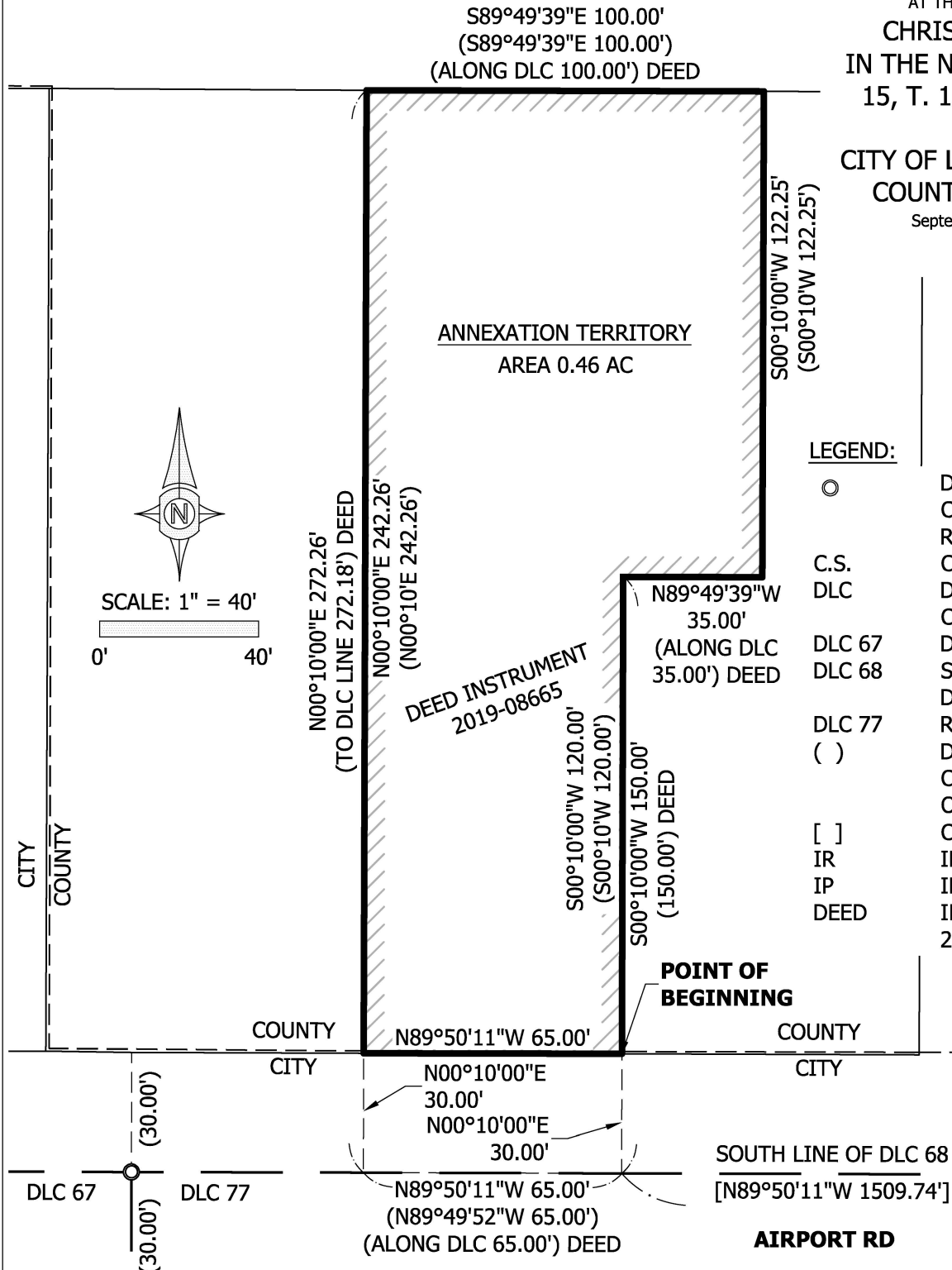
RENEW: 12/31/24

ANNEXATION MAP

AT THE REQUEST OF
CHRISTY KESTER
 IN THE NW 1/4 OF SEC.
 15, T. 12 S., R. 2 W.,
 W.M.
 CITY OF LEBANON, LINN
 COUNTY, OREGON
 September 23, 2024

LEGEND:

- DONATION LAND CLAIM CORNER OF RECORD
- C.S. COUNTY SURVEY
- DLC DONATION LAND CLAIM
- DLC 67 DAVID WATKINS DLC
- DLC 68 SIMON A. NICKERSON DLC
- DLC 77 RUSSEL T. HILL DLC
- () DATA OF RECORD;
- [] C.S. 20891 UNLESS OTHERWISE STATED
- IR CALCULATED DATA
- IP IRON ROD
- DEED IRON PIPE
- INSTRUMENT 2019-06885



SHEET 1
 OF 1



PROJECT
 24-177
 KESTER

TENTATIVE ANNEXATION
 CHRISTY KESTER
 1021 AIRPORT RD
 LEBANON, OR 97355

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



925 S. Main Street
Lebanon, Oregon 97355

TEL: 541-258-4906
cdc@lebanonoregon.gov
www.lebanonoregon.gov

MEMORANDUM

Community Development

To: Lebanon Planning Commission
From: Tammy Dickey
Senior Building and Planning Technician
Subject: Planning File No. A-24-04

Date: October 9, 2024

I. BACKGROUND

Under consideration is the proposed annexation of the property on the northeast corner of Russell Drive and Mill Street (2187 Mill Street, 12S02W14CB07300), including the portion of Mill Street from the northern property line to Russell Drive. The subject property is approximately 0.20 acres, with 130 feet of street frontage along Mill Street and 80 feet of street frontage along Russell Drive. The properties to the south are located within city limits; therefore, the site is contiguous to city boundary limits and is eligible for annexation.

The property is in a developed residential neighborhood. To the north, east, and west are residential properties improved with single-family dwellings within the county and a city park to the south within the city. The property has a comprehensive plan designation and/or zoning designation of Mixed Use (C/Z-MU).

The subject property is currently improved with a single-family dwelling. City utility services are available in Russell Drive. Upon annexation, the Applicant would be eligible for connection and extension of city services.

II. CURRENT REPORT

The site's Comprehensive Plan Designation is Mixed Used (C-MU). Per Table 16.26-1 in Section 16.26.040 of the Lebanon Development Code (LDC), the designated zoning classification for the site would be Mixed Use (Z-MU). The Applicant has indicated acceptance of the Z-MU zoning designation and is not proposing a Comprehensive Plan Map Amendment.

Per Section 16.26.040 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 follows the adopted Comprehensive Plan Map designation. As the Applicant proposes accepting the automatic zoning designation of 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's Urban Growth Boundary and is contiguous with city limits; therefore, it is eligible for annexation per the Annexation Ordinance and the Municipal and Development Codes. The annexation does not include a Comprehensive Plan Map Amendment. The applicant accepts the initial Mixed Use zoning designation, 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 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 relevant policies.

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

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

RECOMMENDED FINDING: The subject site is located within the Urban Growth Boundary and contiguous to city limits; therefore, it is eligible for annexation. The subject site is generally flat and within a developed neighborhood, with no steep slopes or environmental constraints. The site is currently improved with a single-family dwelling. The site is located within a developed neighborhood and contains no known environmental constraints, so 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 south side of the property; therefore, it is 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 for 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 southern property line.

- (b) The property is located within an already developed and urbanized portion of the Urban Growth Boundary and City. Surrounding the property include residential development with single-family dwellings. The site can be serviced by existing city water, sewer, and storm drainage facilities in Russell Drive to the south of the subject property. As city facilities and transportation systems can service the property, 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-MU 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 per the adopted Comprehensive Plan Map designation. The subject site is assigned the zoning classification of Z-MU per the Comprehensive Map designation. Therefore, the anticipated demands to access essential 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 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 per the adopted Comprehensive Plan Map designation. The subject site is assigned the zoning classification of Z-MU per 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: Mill Street maintains a right-of-way width of 30 feet. The adopted 2018 Transportation System Plan identifies Mill Street as a Local Roadway, which requires a minimum 58-foot right-of-way with on-street parking provided. 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 will be required.

10. Annexation Ordinance Section 11. - Upon annexation, the annexation territory shall be assigned zoning classifications per 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 Mixed Use by the Comprehensive Plan. Consistent with the adopted Zoning Matrix, the only possible applicable zone is Mixed Use (Z-MU). 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 per 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 developed neighborhood. It is currently improved with a single-family dwelling. As the neighborhood has already been 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 the 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 Mixed Use (Z-MU) zone on the newly annexed property.

V. PLANNING COMMISSION ACTION - ANNEXATION

A. The Planning Commission may either:

1. Recommend City Council approval of the proposed property and street annexation and establishment of the applicable Mixed Use zone, adopting the written findings for the decision criteria contained in the staff report; or
2. Recommend City Council approval of the proposed property and street annexation and establishment of the applicable Mixed Use zone, adopting modified findings for the decision criteria; or
3. Recommend City Council denial of the proposed property and street annexation and establishment of the applicable Mixed Use 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.



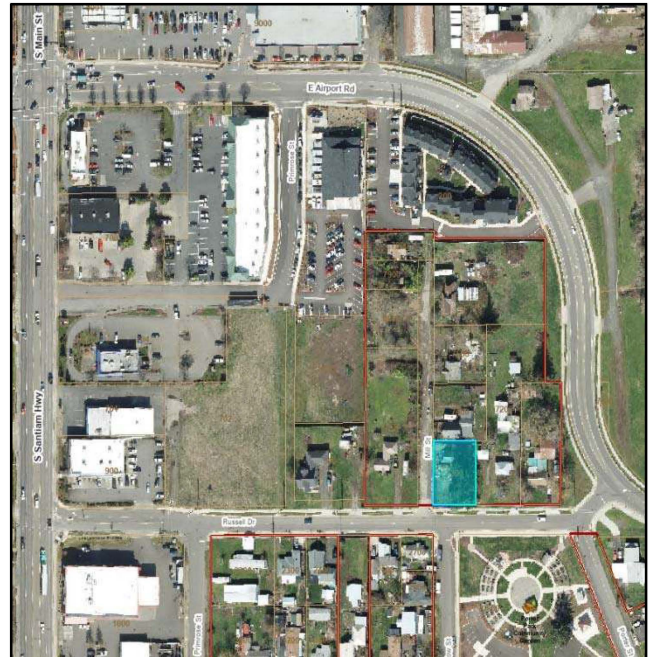
NOTICE OF PUBLIC HEARING LEBANON PLANNING COMMISSION

NOTICE IS HEREBY GIVEN that a public hearing will be held before the Lebanon Planning Commission on October 16, 2024, 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-24-04
Applicant:	Linn County
Location:	2187 Mill Street
Map & Tax Lot No.:	12S02W14CB07300
Request:	Annexation
Decision Criteria:	Lebanon Development Code Chapters: 16.20 & 16.26

Request: The applicant is requesting Annexation of approximately 0.20-acres comprised of one tax lot. The property is designated Mixed Use (C-MU) on the Comprehensive Plan Map and will be assigned a Mixed Use (Z-MU) zoning designation upon Annexation.

Providing Comments: The city will be accepting public comment on this item in several 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, October 15, 2024.** 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 **October 16, 2024.**

If you wish to address the Commission under Public Comments or for a Public Hearing, click: [https://zoom.us/meeting/register/tJ0rdOirgTggGtKY8w_eyojwm5s2Ef8VDs6g](https://zoom.us/join/zoom/register/tJ0rdOirgTggGtKY8w_eyojwm5s2Ef8VDs6g) 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/0zWUZWIs43s?>. 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): 2187 Mill St., Lebanon, OR 97355	
Assessor's Map & Tax Lot No.(s): 12S02W14CB-7300	
Comprehensive Plan Designation / Zoning Designation:	
Current Property Use: None/Vacant	
Project Description:	
Application to annex the tax lot into the City of Lebanon. Accepting of the initial zoning Mixed Use (Z-MU).	
After the annexation process is completed, the county will auction the tax-foreclosed property.	
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>9/17/24</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>9-17-2024</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
- 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
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

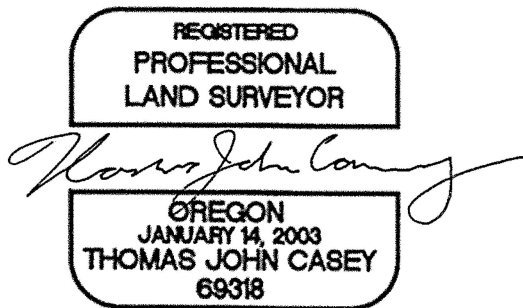
Legal Description

Tax Account #: 198719 & Portion of Mill Street**Map ID: 12S02W14CB07300**

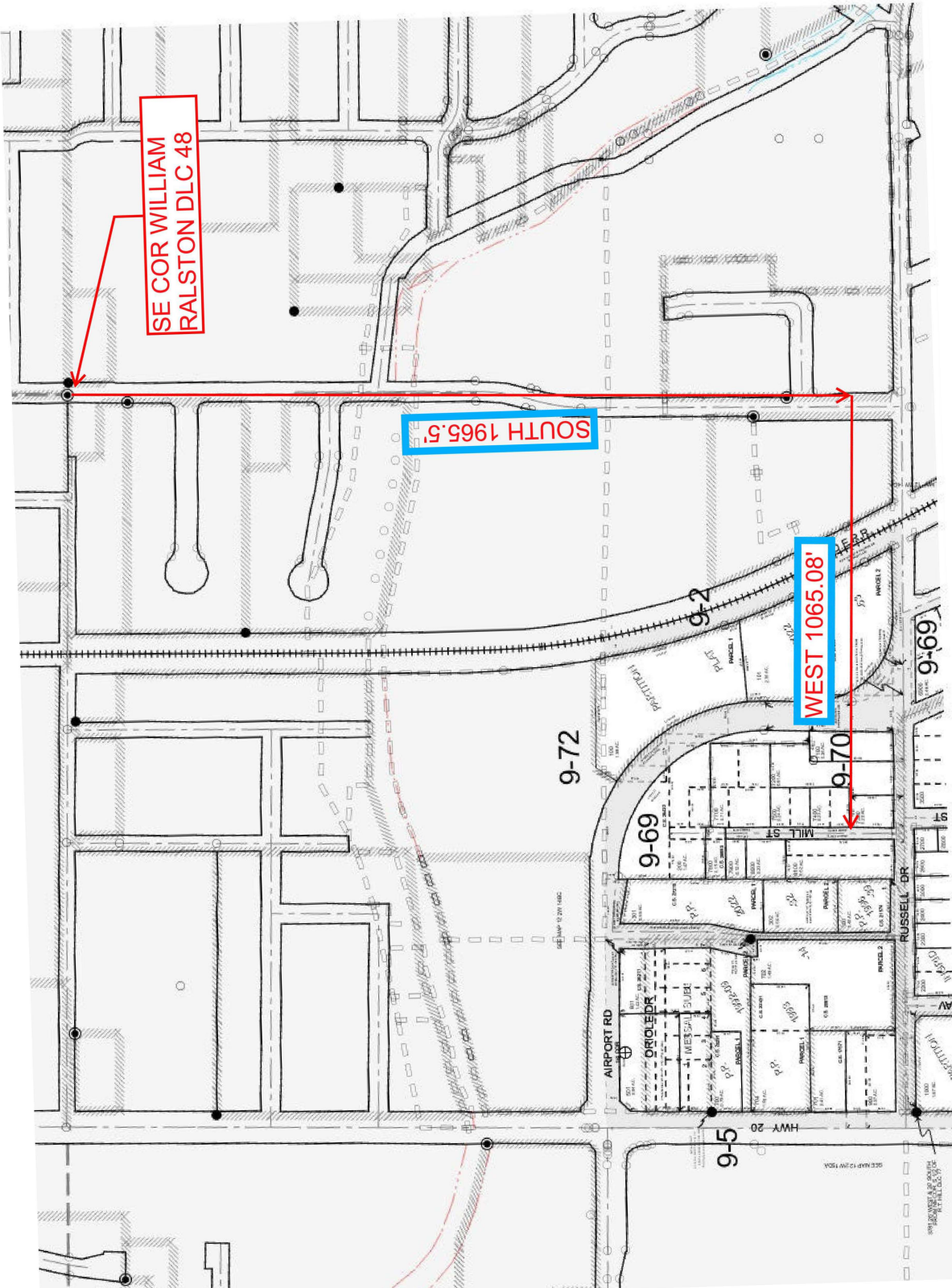
Beginning 1065.08 feet West and 1965.5 feet South from the Southeast corner of the William Ralston DLC No. 48 in Section 14, Township 12 South, Range 2 West of the Willamette Meridian, said beginning point being 160.5 feet South and 130 feet East of the Northeast corner of that certain tract of land conveyed to George L. McPherson and wife by N. W. Schmidt by deed recorded July 23, 1938 in Book 148, page 222, Deed Records, said beginning point being the Southwest corner of that certain tract of land conveyed to Henry Carl Jungkeit and wife by Fred Hageman and wife by deed dated May 27, 1941 recorded June 2, 1941 in Book 154, page 325, Deed Records; thence South, along the easterly right-of-way of Mill Street (PR 3770) (DN 2018-6511), 130 feet to the center of Russell Drive; thence East along the center of said road 80 feet; thence North 130 feet to the South line of said Jungkeit tract; thence West along said South line 80 feet to the place of beginning;

And also that portion of Mill Street, Beginning 1065.08 feet West and 1965.5 feet South from the Southeast corner of the William Ralston DLC No. 48 in Section 14, Township 12 South, Range 2 West of the Willamette Meridian, said beginning point being 160.5 feet South and 130 feet East of the Northeast corner of that certain tract of land conveyed to George L. McPherson and wife by N. W. Schmidt by deed recorded July 23, 1938 in Book 148, page 222, Deed Records, said beginning point being the Southwest corner of that certain tract of land conveyed to Henry Carl Jungkeit and wife by Fred Hageman and wife by deed dated May 27, 1941 recorded June 2, 1941 in Book 154, page 325, Deed Records; thence West 30 feet to the westerly right-of-way of Mill Street, thence South 130 feet along the westerly right-of-way of Mill Street, to the center of the Russell Drive; thence East along the center of said road 30 feet; thence North 130 feet to the place of beginning. EXCEPTING therefrom that portion of said premises lying in Russell Drive.

Address: 2187 Mill St., Lebanon, OR 97355

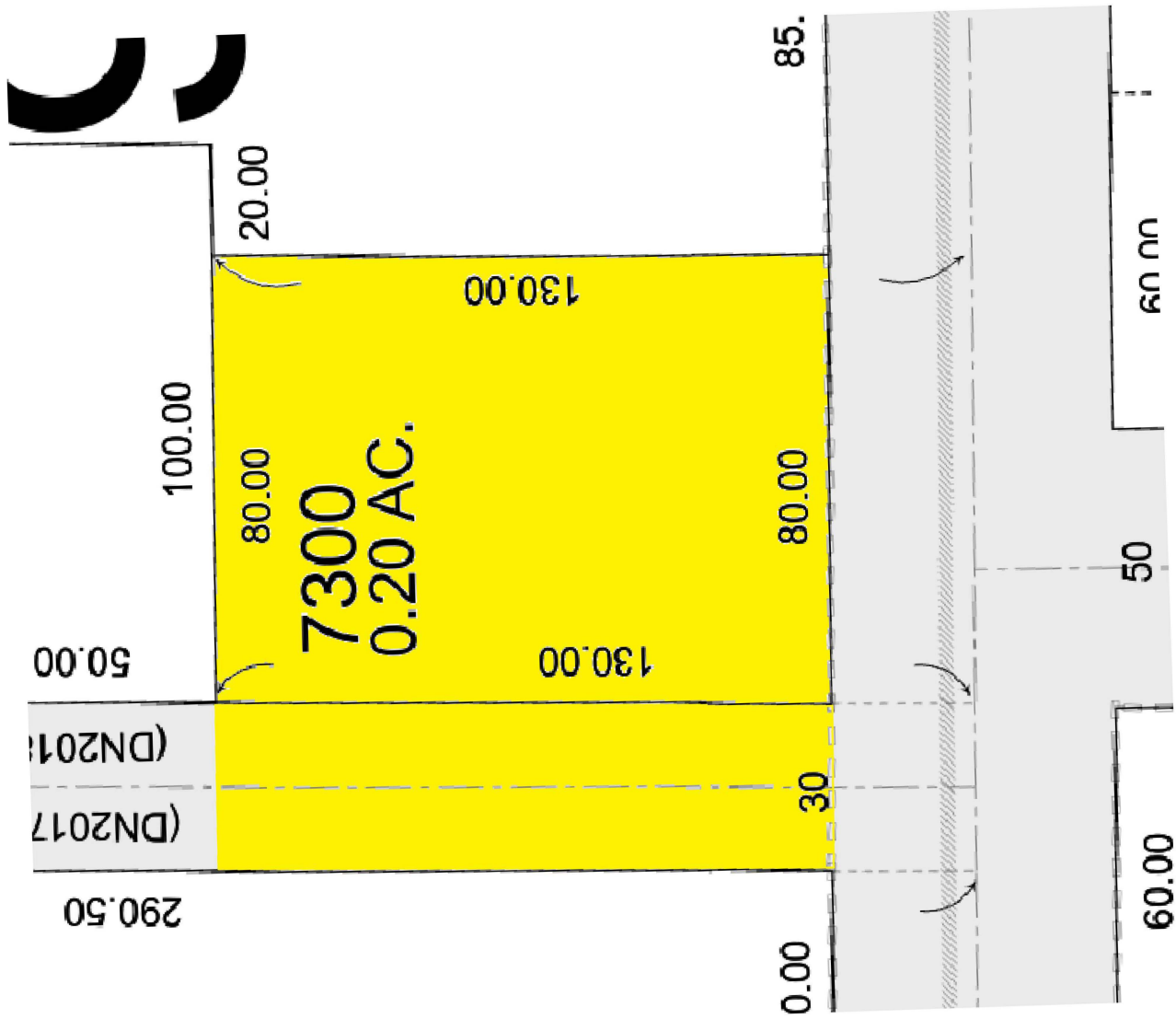


Renewal date
12-31-2024



LINN COUNTY
12S 2W 14





LINN COUNTY
12S 2W 14CB



925 S. Main Street
Lebanon, Oregon 97355

TEL: 541-258-4906
cdc@lebanonoregon.gov
www.lebanonoregon.gov

MEMORANDUM

Community Development

To: Lebanon Planning Commission
From: Tammy Dickey
Senior Building and Planning Technician
Subject: Planning File No. A-24-05

Date: October 9, 2024

I. BACKGROUND

Under consideration is the proposed annexation of the property on the south side of Russell Drive, east of Primrose Avenue (140 Russell Drive, 12S02W14CB02400). The subject property is approximately 0.17 acres, with 60 feet of street frontage along Russell Drive. The properties to the east and north are located within city limits; therefore, the site is contiguous to city boundary limits and is eligible for annexation.

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

The subject property is currently improved with a single-family dwelling. City utility services are available in Russell Drive.

II. CURRENT REPORT

The site's Comprehensive Plan Designation is Residential Mixed Density (C-RM). Per Table 16.26-1 in Section 16.26.040 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 Z-RM zoning designation and is not proposing a Comprehensive Plan Map Amendment.

Per Section 16.26.040 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 follows the adopted Comprehensive Plan Map designation. As the Applicant proposes accepting the automatic zoning designation of Residential Mixed Density, 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's Urban Growth Boundary and is contiguous with city limits; therefore, it is eligible for annexation per the Annexation Ordinance and the Municipal and Development Codes. The annexation does not include a Comprehensive Plan Map Amendment. The applicant accepts the initial Residential Mixed Density zoning designation, 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 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 relevant 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 per 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. 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 consistent with the Comprehensive Plan's goals and policies.

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

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

RECOMMENDED FINDING: The subject site is located within the Urban Growth Boundary and contiguous to city limits; therefore, it is eligible for annexation. The subject site is generally flat and within a developed neighborhood, with no steep slopes or environmental constraints. The site is currently improved with a single-family dwelling. The site is located within a developed neighborhood and contains no known environmental constraints, so 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 east and north side of the property; therefore, it is 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 for 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 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. The site can be serviced by existing city water, sewer, and storm drainage facilities in Russell Drive to the north of the subject property. As city facilities and transportation systems can service the property, 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 per the adopted Comprehensive Plan Map designation. The subject site is assigned the zoning classification of Z-RM per the Comprehensive Map designation. Therefore, the anticipated demands to access essential 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 per the adopted Comprehensive Plan Map designation. The subject site is assigned the zoning classification of Z-RM per 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 to 60 feet. The adopted 2018 Transportation System Plan identifies Russell Drive as a Collector Street, which requires a minimum 60-foot right-of-way without on-street parking provided. 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 per 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 per 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 developed neighborhood. It is currently improved with a single-family dwelling. As the neighborhood has already been 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 the 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 on the newly annexed property.

V. PLANNING COMMISSION ACTION - ANNEXATION

A. The Planning Commission may either:

1. Recommend City Council approval of the proposed property and street 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 and street 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 and street 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 October 16, 2024, 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-24-05
Applicant:	Kaytlynn Libra
Location:	140 Russell Drive
Map & Tax Lot No.:	12S02W14CB02400
Request:	Annexation
Decision Criteria:	Lebanon Development Code Chapters: 16.20 & 16.26

Request: The applicant is requesting Annexation of approximately 0.17-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 several 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, October 15, 2024**. 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 **October 16, 2024**.

If you wish to address the Commission under Public Comments or for a Public Hearing, click: https://zoom.us/join/zoom/register/tJ0rdOirqTgqGtKY8w_eyojwm5s2Ef8VDs6g 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/0zWUZWIs43s?>. 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: Kaytlynn Libra
140 Russell Drive
Lebanon, OR 97355

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: 140 Russell Drive, Lebanon, OR 97355

Linn County Assessor's Map No.: 12S-02W-14CB Tax Lot 2400

Site Size: 0.17-acres

Existing Land Use: Residential Single-Family

Zone Designation: UGA-UGM-10

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

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

Surrounding Uses: North: Residential
South: Residential
East: Residential
West: Residential



24-188 Libra
140 Russell Drive
Annexation Application

September 25, 2024
Page 1 of 8

APPLICATION SUMMARY

The applicant requests annexation of a ±0.17-acre parcel known as, Linn County Tax Assessor's Map No. 12S-02W-14CB Tax Lot 2400 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 Russell Drive between Primrose Street and Willow Street. The site address is 140 Russell Drive. The subject parcel's north and east property boundaries are contiguous with the Lebanon city limits.

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 single residential dwelling unit. City water, sewer, and storm drainage mains are available along the frontage of the property within the Russell 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.
- 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 2400 into the Lebanon City Limits by petition to the legislative body.

The subject property is contiguous to the city limits along the south 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 and east 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 and east 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 and east property boundaries and, is therefore, deemed orderly based on this Section.

The ±0.17-acre site is improved with a residential dwelling. City water, sewer, and storm drainage mains are available 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 dwelling. City water, sewer, storm drainage services are available along the frontage of the property within the Russell Drive right-of-way. The site also has adequate frontage on and access to Russell Drive.

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 dwelling. City water, sewer, storm drainage services are available along the frontage of the property within the Russell Drive right-of-way. The site also has adequate frontage on and access to Russell Drive. 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: Russell Drive maintains a variable right-of-way width of 50 to 60 feet. The adopted 2018 Transportation System Plan identifies Russell as a Collector Street, with a typical right-of-way of 60-feet.

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): 140 Russell Drive	
Assessor's Map & Tax Lot No.(s): 12S-02W-14CB Tax Lot 2400	
Comprehensive Plan Designation / Zoning Designation: C-RM / Z-UGA-UGM-10	
Current Property Use: Residential	
Project Description:	
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: 9/25/24
PROPERTY OWNER INFORMATION (IF DIFFERENT THAN ABOVE)	
Owner: Kaytlynn Libra	Phone: (541) 619-9727
Address: 140 Russel Drive	Email: rslibra@yahoo.com
City/State/Zip: Lebanon, OR 97355	
OWNER SIGNATURE <i>Kaytlynn Libra</i> <small>Kaytlynn Libra (Sep 25, 2024 15:45 PDT)</small>	Date: 09/25/2024
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

Item # 5.

- ☐ 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

APPLICATIONS

*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
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

EXHIBIT 'A'

ANNEXATION AREA DESCRIPTION

AN AREA OF LAND LOCATED IN THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 12 SOUTH, RANGE 2 WEST OF THE WILLAMETTE MERIDIAN AND ON THE PROPERTY COMMONLY IDENTIFIED AS 140 RUSSELL DR., LEBANON, OREGON AND BEING MORE SPECIFICALLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTH RIGHT OF WAY OF RUSSELL DR., BEING THE NORTHWEST CORNER OF LOT 4, BLOCK 2, INGRID SUBDIVISION, LINN COUNTY, OREGON; THENCE ALONG SAID RIGHT OF WAY NORTH 89°42'00" EAST 60.00 FEET; THENCE LEAVING SAID RIGHT OF WAY SOUTH 0°18'00" EAST 120.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT; THENCE SOUTH 89°42'00" WEST 60.00 FEET TO THE SOUTHWEST CORNER THEREOF; THENCE NORTH 0°18'00" WEST 120.00 FEET TO THE POINT OF BEGINNING.

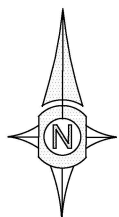
LINN COUNTY SURVEY 1544 WAS USED AS A REFERENCE.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JUNE 12, 2013
KYLE W. LATIMER
80442

RENEWS: 12/31/24

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



SCALE: 1" = 30'

0' 30'

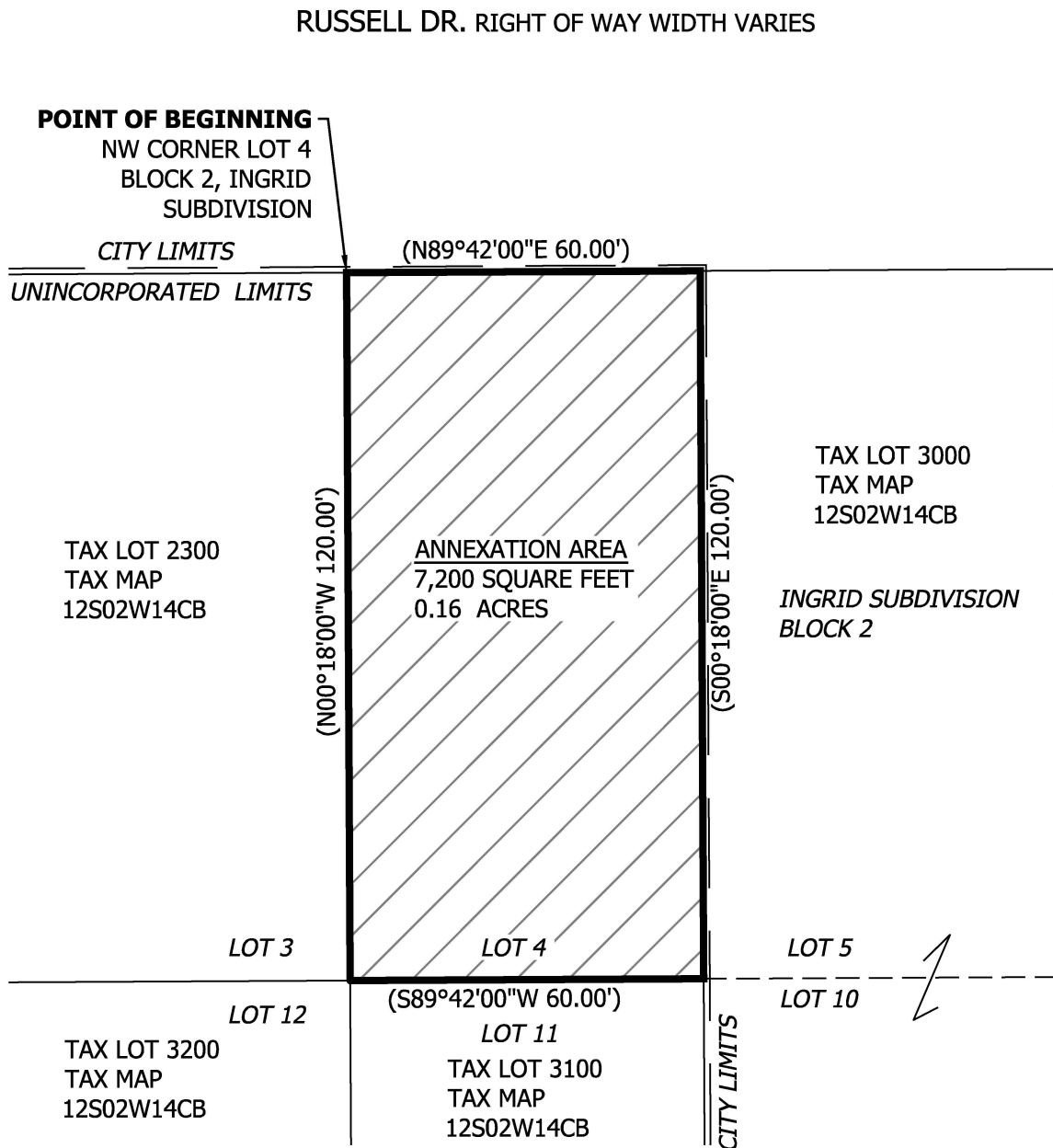
IN THE RUSSEL T. HILL DLC NO. 77,
LOCATED IN THE NW 1/4, SW 1/4,
SEC. 14, T. 12 S., R. 2 W., W.M.,
LINN COUNTY, OREGON

LEGEND

() RECORD DATA PER C.S. 1544
C.S. COUNTY SURVEY

REGISTERED
**PROFESSIONAL
LAND SURVEYOR**

OREGON
JUNE 12, 2013
KYLE W. LATIMER
#80442
EXPIRES 12-31-2024

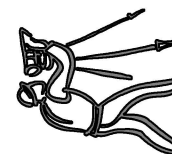


**UDELL ENGINEERING
AND
LAND SURVEYING, LLC**
63 EAST ASH ST.
LEBANON, OREGON, 97355
541-451-5125

ANNEXATION MAP

**140 RUSSELL DR.
LEBANON, OREGON**

Date 09/25/2024
Project 24-188
LIBRA LEBANON
Drawn by GSR
Checked by KWL



**SHEET 1
of 1**

SCALE: AS NOTED