

**A BILL FOR AN ORDINANCE ANNEXING AND
ZONING PROPERTY FOLLOWING CONSENT
FILED WITH THE CITY COUNCIL BY
LANDOWNERS IN SAID AREA PURSUANT TO
ORS 222.120 AND ORS 222.170
File A24-04; LINN COUNTY**

) **ORDINANCE BILL NO. 2024-13**
)
)
) **ORDINANCE NO. 3029**
)
)

WHEREAS, the City of Lebanon has received a submission by written request for annexation of real property to the City of Lebanon, herein described in Exhibit "A"; and,

WHEREAS, on October 16, 2024, the Planning Commission for the City of Lebanon conducted a hearing on Planning File No. A-24-04, making findings recommending annexation of the subject properties and establishment of the Mixed Use (Z-MU) zone; and,

WHEREAS, after conducting the hearing and considering all objections or remonstrance regarding the proposed annexation, and further considering the recommendation of the Lebanon Planning Commission, the City Council finds that this annexation is in the best interest of the City and of the contiguous territory.

NOW, THEREFORE, the City of Lebanon ordains as follows:

Section 1. Findings. In addition to the findings referred to above and the Planning Commission record, the City Council further adopts and finds those matters contained in Exhibit "B" which is incorporated herein by this reference as if fully set forth at this point.

Section 2. Annexation Area. Based upon the findings contained above and in Exhibit "B", the contiguous territory described in Exhibit "A" and incorporated herein by this reference as if fully set forth is hereby proclaimed to be annexed to the City of Lebanon and zoned as indicated per the Lebanon Development Code and assigned the corresponding Mixed Use (Z-MU).

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


LINN COUNTY, OREGON **2024-13292**
ORD-ANN
Str=10121 R. CANDELARIA **11/14/2024 11:31:03 AM**
\$20.00 \$11.00 \$10.00 \$60.00 \$19.00 **\$120.00**

I, Marcie Richey, County Clerk for Linn County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.

Marcie Richey - County Clerk

Section 3. Record. The City Recorder shall submit to the Oregon Secretary of State a copy of this Ordinance. The City Recorder is further ordered to send a description by metes and bounds, or legal subdivision, and a map (Exhibit "A") depicting the new boundaries of the City of Lebanon within ten (10) days of the effective date of this annexation ordinance to the Linn County Assessor, Linn County Clerk, and the Oregon State Department of Revenue.

Passed by the Lebanon City Council by a vote of 5 for and 0 against and approved by the Mayor this 13th day of November 2024.


Kenneth E. Jackola, Mayor ☒
Michelle Steinhebel, Council President ☐

Attested:


Julie Fisher, City Recorder

Legal Description

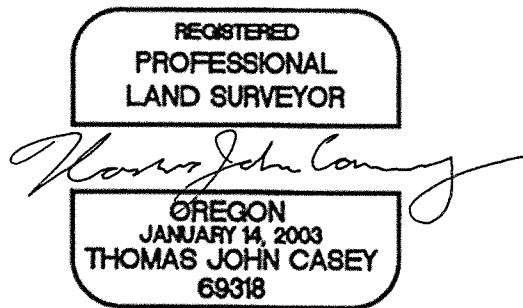
Tax Account #: 198719 & Portion of Mill Street

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.

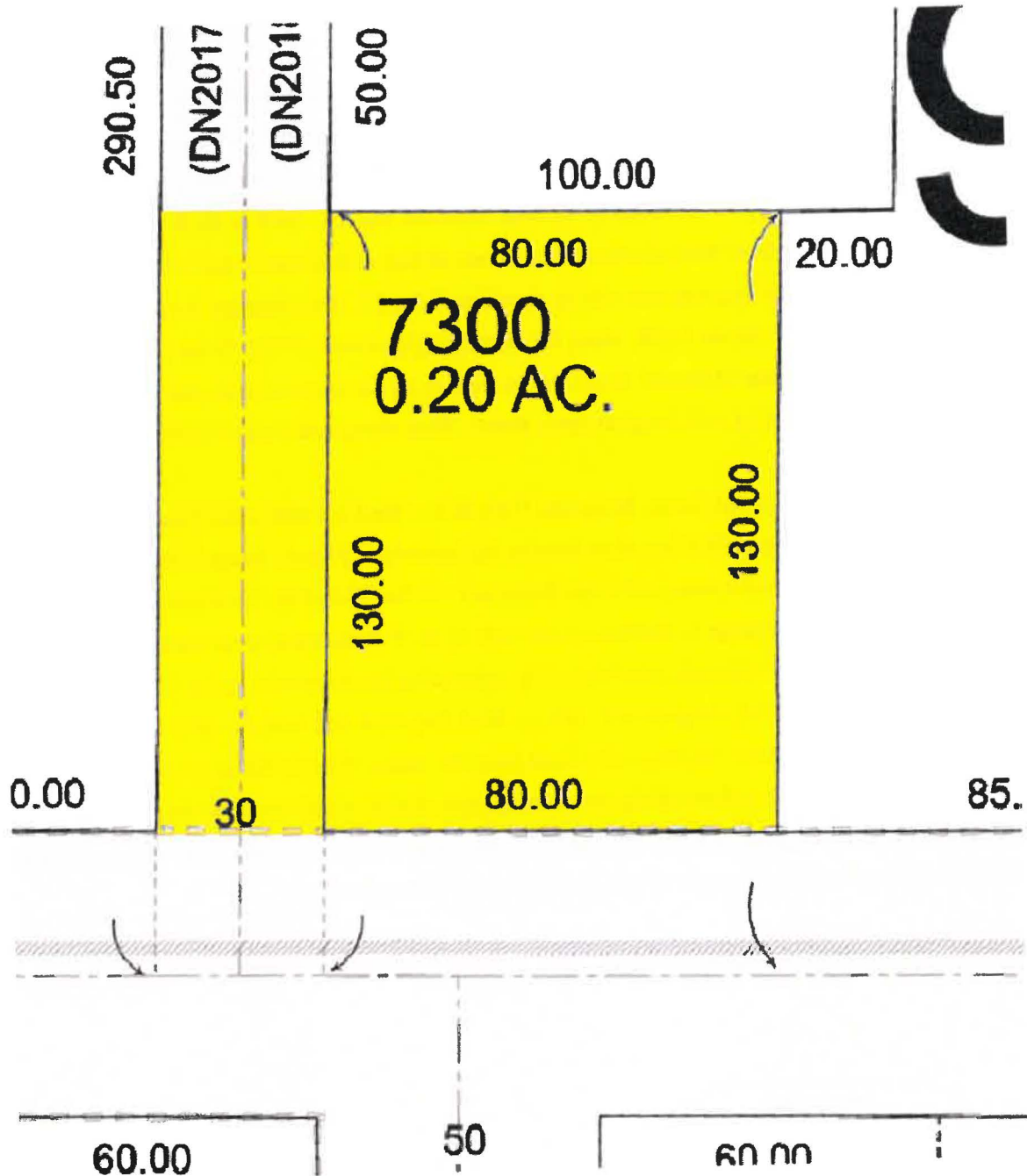
Address: 2187 Mill St., Lebanon, OR 97355



Renewal date
12-31-2024

ANNEXATION MAP

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LINN COUNTY
12S 2W 14CB

EXHIBIT B
LEBANON CITY COUNCIL FINDINGS

I. NATURE OF THE APPLICATION

This matter comes before the Lebanon Planning Commission on the application of Linn County to Annex property on the northeast corner of Russell Drive and Mill Street, with the address 2187 Mill Street, 12S02W14CB07300) and establish the applicable Mixed Use (Z-MU) zone.

II. GENERAL INFORMATION

A. Site Location

The subject property is on the northeast corner of Russell Drive and Mill Street. The subject site address is 2187 Mill Street. The County Assessor Map places the parcel within Township 12 South; Range 2 West; Section 14CB; Tax Lot 07300.

B. Site Development and Zoning

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 south are located within city limits; therefore, the site is contiguous to city boundary limits and is eligible for annexation. The subject property is currently improved with a single-family dwelling. City utility services exist in Russell Drive. Upon annexation, the Applicant shall extend utilities on Mill Street to and through the site for utility services.

C. Adjacent Zoning and Land Uses

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).

D. Proposal

The applicant requests approval to Annex the subject property, establishing the Mixed Use (Z-MU) zone.

III. PUBLIC HEARING

A. Planning Commission Action

On October 16, 2024, the Lebanon Planning Commission held a public hearing on this application. At the hearing, Planning File A-24-04 was made a part of the record. According to Chapter 16.20 of the Lebanon Development Code, the City noticed the hearing. No objection was raised regarding jurisdiction, evidence, or testimony presented at the hearing. At the end of the hearing, the Planning Commission deliberated on the issue and voted to

recommend the City Council approve the proposed Annexation and corresponding zoning designation. The Commission found the proposal consistent with the applicable decision criteria.

B. City Council Action

On November 13, 2024, the Lebanon City Council held a public hearing on this application. At the hearing, Planning File A-24-04 was made a part of the record. According to Chapter 16.20 of the Lebanon Development Code, the City noticed the hearing. No objection was raised regarding jurisdiction, evidence, or testimony presented at the hearing. At the end of the hearing, the City Council deliberated on the issue and voted to approve the proposed Annexation and corresponding zoning designation. The Council found the proposal consistent with the applicable decision criteria.

IV. FINDINGS OF FACT-GENERAL

- A. The applicant is Linn County.
- B. The subject property is on the northeast corner of Russell Drive and Mill Street. The subject site address is 2187 Mill Street. The County Assessor Map places the parcel within Township 12 South; Range 2 West; Section 14CB; Tax Lot 07300.
- C. The total area contains approximately 0.20 acres.
- D. The subject parcel is accessed from Mill Street. The lot is currently improved with a single-family dwelling. City utility services exist in Russell Drive. Upon annexation, the Applicant shall extend utilities on Mill Street to and through the site for utility services.
- E. The land is located within the Lebanon UGB and designated Mixed Use (C-MU).
- F. 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).
- G. The applicant is requesting approval to Annex the subject property and establish the Mixed Use (Z-MU) zone.
- H. The decision to approve or deny shall be based on criteria contained in the Lebanon Development Code, Chapter 16.26 – Annexations.

V. APPLICATION SUMMARY

- A. The request annexes a 0.20-acre property on the northeast corner of Russell Drive and Mill Street. The subject property is located within the urban growth boundary of the City, and contiguous with City limits along the southern property line. The property is currently designated C-MU (Mixed Use) on the Lebanon Comprehensive Plan Map. Upon annexation, the land will be zoned Mixed Use (Z-MU). There is no concurrent development proposal.

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

VI. CRITERIA AND FINDINGS

The subject property is located within the City's Urban Growth Boundary (UGB) and is eligible for annexation into the City limits. Annexation application and review requirements are contained in Chapter 16.26 of the Lebanon Development Code. Annexations require a hearing before the Planning Commission and City Council. The purpose of the Commission hearing is to review the request and recommend whether the Council should approve or deny the Annexation.

Section 16.26.060 contains the decision criteria for an annexation with specific requirements in Section 16.26.060.A. This Section requires compliance with provisions in the City Annexation Ordinance and Lebanon Comprehensive Plan, Chapter 3 – Urbanization. Essentially, the Annexation Ordinance and Comprehensive Plan decision criteria are the same. The findings are combined to avoid duplication:

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

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

FINDING: The application site is located within the City of Lebanon'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.

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.)

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.

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).

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 and a city park. The site can be serviced by existing city water, sewer, and storm drainage facilities in Russell Drive. 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.

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.

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 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.

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.

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.

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.

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

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

FINDING: The subject site is generally flat, with no steep slopes or environmental constraints, and 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.

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.

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

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

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

VII. CONCLUSION

The City Council concludes that the proposed Annexation, including establishing the corresponding Mixed Use zone, complies with the applicable decision criteria.