A BILL FOR AN ORDINANCE ANNEXING AND ZONING PROPERTY FOLLOWING CONSENT FILED WITH THE CITY COUNCIL BY LANDOWNERS IN SAID AREA PURSUANT TO ORS 222.120 AND ORS 222.170 File A20-01; 3A CONSTRUCTION, LLC	))))))	**ORDINANCE BILL NO. 2020-04** **ORDINANCE NO. 2944**

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 February 19, 2020, the Planning Commission for the City of Lebanon conducted a hearing on Planning File No. A20-01, making findings recommending annexation of the subject property and establishment of the Residential Mixed Density (Z-RM) zone; and,

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

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

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

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

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

Reserved for Recording

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

Passed by the Lebanon City Council by a vote of 6 for and 0 against and approved by the Mayor this 11th day of March 2020.

Paul Aziz, Mayor ☒
Jason Bolen, Council President ☐

Attested:

Kim Scheafer, MMC, City Recorder

EXHIBIT "A"
ANNEXATION LEGAL DESCRIPTION & MAP

Parcel 1:

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

Parcel 2:

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

Parcel 3:

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

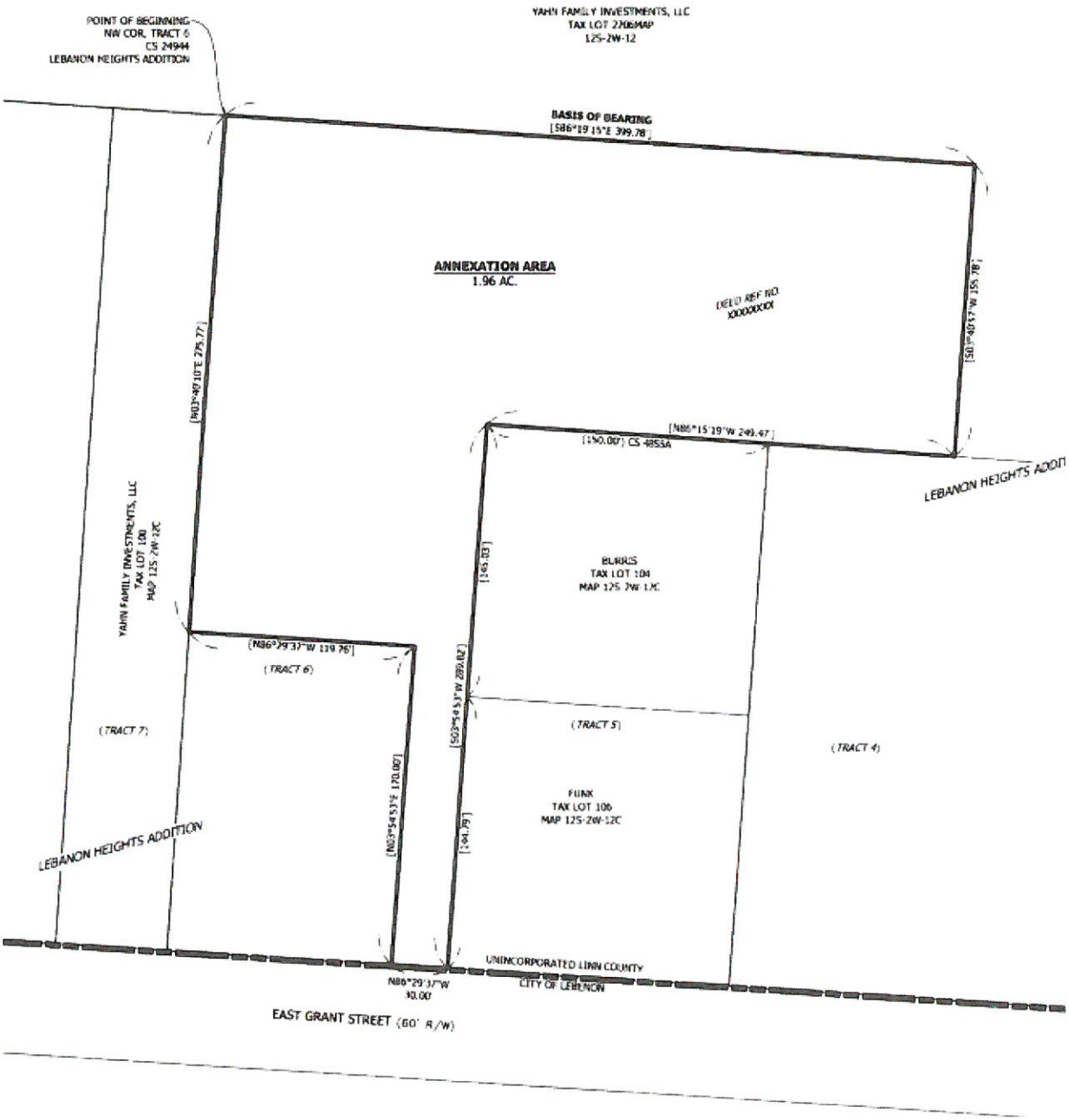
POINT OF BEGINNING
NW COR. TRACT 6
CS 24944
LEBANON HEIGHTS ADDITION
YAHN FAMILY INVESTMENTS, LLC
TAX LOT 2200MAP
12S-2W-12
BASIS OF BEARING
[S86°19'15"E 399.78']
ANNEXATION AREA
1.96 AC.
(FIELD REF NO
XXXXXXXX
[N03°40'10"E 275.77']
[S03°40'17"W 155.78']
[N86°15'19"W 249.47']
(150.00') CS 4855A
LEBANON HEIGHTS ADDIT
YAHN FAMILY INVESTMENTS, LLC
TAX LOT 100
MAP 12S-2W-12C
[146.03']
BURRS
TAX LOT 104
MAP 12S-2W-12C
[N86°29'37"W 139.76']
(TRACT 6)
[S03°54'53"W 289.82']
(TRACT 7)
(TRACT 5)
(TRACT 4)
[N03°54'53"E 170.00']
FUNK
TAX LOT 106
MAP 12S-2W-12C
[144.79']
LEBANON HEIGHTS ADDITION
UNINCORPORATED LINN COUNTY
CITY OF LEBANON
N86°29'37"W
93.00'
EAST GRANT STREET (60' R/W)

EXHIBIT A

EXHIBIT B
LEBANON CITY COUNCIL FINDINGS

I. NATURE OF THE APPLICATION

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

II. GENERAL INFORMATION

A. Site Location

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

B. Site Development and Zoning

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

C. Adjacent Zoning and Land Uses

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

D. Proposal

The applicant is requesting approval to Annex the subject property, establishing the Residential Mixed Density (Z-RM) zone.

III. PUBLIC HEARING

A. Planning Commission Action

On February 19, 2020, the Lebanon Planning Commission held a public hearing on this application. At the hearing, Planning File A20-01 was made a part of the record. The City

noticed the hearing pursuant to Chapter 16.20 of the Lebanon Development Code. No objection was raised as to jurisdiction, evidence or testimony presented at the hearing. At the end of the hearing, the Planning Commission deliberated on the issue and voted to recommend the City Council approve the proposed Annexation and corresponding zoning designation. The Commission found the proposal consistent with the applicable decision criteria.

B. City Council Action

On March 11, 2020, the Lebanon City Council held a public hearing on this application. At the hearing, Planning File No. A20-01 was made a part of the record. The City noticed the hearing pursuant to Chapter 16.20 of the Lebanon Development Code. No objection was raised as to jurisdiction, evidence or testimony presented at the hearing. At the end of the hearing, the City Council voted to approve the proposed Annexation and corresponding Zoning Designation. The Council found the annexation and zoning designation consistent with the applicable decision criteria.

IV. FINDINGS OF FACT-GENERAL

The Lebanon Planning Commission, after careful consideration of the testimony and evidence in the record, adopts the following General Findings of Fact:

A. The applicant is 3A Construction, LLC on behalf of the property owner.

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

C. The total area contains 1.96 acres.

D. The subject parcel is accessed from East Grant Street. The lot is currently vacant, but previously had a single-family residence with a septic system. The septic system is still in place on the subject property. There is City water service available to the site.

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

F. The land is located within the Lebanon UGB and designated Residential Mixed Density (C-RM).

G. Properties to the east and west are located within the City's UGB and maintain a Comprehensive Plan designation of Residential Mixed Density. To the north, the properties are outside the City's UGB within the county and designated for Exclusive Farm Use. To the south are properties within the City limits and zoned Residential Mixed Density.

H. The applicant is requesting approval to Annex the subject property, establishing the

Residential Mixed Density (Z-RM) zone.

I. The decision to approve or deny shall be based on criteria contained in the Lebanon Development Code, Chapter 16.26 – Annexations.

V. APPLICATION SUMMARY

A. The request annexes a 1.96-acre property on East Grant Street into the city limits. The subject property is located within the urban growth boundary of the City, and contiguous with City limits along the southern portion of the property. The property is currently designated C-RM (Residential Mixed Density) on the Lebanon Comprehensive Plan Map. Upon annexation, the land will be zoned Residential Mixed Density (Z-RM). There is no concurrent development proposal.

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

VI. CRITERIA AND FINDINGS

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

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

1. <u>Annexation Ordinance Section 2.</u> - 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.

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

   FINDING: The application site is located within the City of Lebanon Urban Growth Boundary and is contiguous with city limits, therefore eligible for annexation per the Annexation Ordinance, and the Municipal and Development Codes. The annexation is not inclusive of a Comprehensive Plan Map Amendment and is accepting of the initial zoning designation of Residential Mixed Density, consistent with the Comprehensive Plan Designation and the pre-designation identified in the Lebanon Development Code. With the assignment accepted as identified in the

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Comprehensive Map, it is determined that the annexation has already been accounted for in the City's Facilities Plan, including the Transportation System Plan. The site complies with the Annexation requirements.

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

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

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

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

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

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

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

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

   FINDING: The subject site is a flag lot with approximately 30 lineal feet of street frontage on the north side of East Grant Street. The City boundary line is located along the northern right-of-way line of East Grant Street. The subject site is contiguous with the north side of East Grant Street and is therefore contiguous with existing City limits and eligible for annexation.

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

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

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

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

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

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

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

   FINDING: The application does not include a concurrent development proposal. Any future development proposal would be required to comply with the provisions for the development code for the Z-RM zone, and the Steep Slope Development Overlay zone, as applicable.

7. Annexation Ordinance Section 8. - As part of the annexation process of developed property or properties, the City shall consider the anticipated demands to access key City-provided urban utility services, which are water, storm drainage, sanitary sewer, and streets, of existing development within the annexation territory.

   Comprehensive Plan Annexation Policy #P-25: [The City shall] consider as part of the annexation process of developed property or properties, the anticipated demands to access key City-provided urban utility services, which are water, storm drainage, sanitary sewer, and streets, of existing development within the annexation territory.

   FINDING: Section 16.26.040 of the Lebanon Development Code states "anticipated urban densities (according to the automatic City Zoning assignment upon annexation) within the UGA are already accounted for in the City's Facilities Plans, including the Transportation System Plan." No revisions to the plans are necessitated, when following annexation, an area is assigned the zoning classification that is in

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accordance with the adopted Comprehensive Plan Map designation. The subject site is assigned the zoning classification of Z-RM in accordance with the Comprehensive Map designation and therefore, the anticipated demands to access key City-provided urban utilities have already been considered. Due to lack of sewer infrastructure in the area, the property would utilize septic for sanitary sewer purposes. For water service, an existing 14-inch water main exists in East Grant Street, which would be available for connection to the subject site.

8. Annexation Ordinance Section 9. - As part of the annexation process of developed property or properties, the City shall consider the impacts on key City-provided urban utility services needed to serve these properties, which are water, storm drainage, sanitary sewer, and streets.

   Comprehensive Plan Annexation Policy # P-26: [The City shall] Consider as part of the annexation process of developed property or properties, the impacts on the capacities of key City-provided urban utility services needed to satisfy the anticipated demands of the properties discussed in P-25 above.

   FINDING: Section 16.26.040 of the Lebanon Development Code states "anticipated urban densities (according to the automatic City Zoning assignment upon annexation) within the UGA are already accounted for in the City's Facilities Plans, including the Transportation System Plan." No revisions to the plans are necessitated, when following annexation, an area is assigned the zoning classification that is in accordance with the adopted Comprehensive Plan Map designation. The subject site is assigned the zoning classification of Z-RM in accordance with the Comprehensive Map designation and therefore, the anticipated demands to access key City-provided urban utilities have already been considered.

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

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

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

    FINDING: This subject property is designated Residential Mixed Density by the Comprehensive Plan. Consistent with the adopted Zoning Matrix, the only possible applicable zone is Residential Mixed Density (Z-RM). The Applicant accepts the applicable zoning designation and is not proposing a Comprehensive Plan Map

Amendment.

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

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

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

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

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

    FINDING: This Section does not apply as the provisions in this Section provide a definition and not a decision criterion.

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

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

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

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

VII. CONCLUSION

The City Council concludes the proposed Annexation, including establishment of the

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