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 A20-04; KATHY CARVER	)	**ORDINANCE BILL NO. 2020-12**
	)	**ORDINANCE NO. 2952**

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 September 16, 2020, the Planning Commission for the City of Lebanon conducted a hearing on Planning File No. A20-05, 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).

State of OREGON
County of Linn

On this day 14th of October, 20 20, I certify that this is a true and correct copy of the original.

Donna Trippett

DONNA TRIPPETT, Notary Public
My Commission expires December 25, 2023

OFFICIAL STAMP
DONNA TRIPPETT
NOTARY PUBLIC-OREGON
COMMISSION NO. 994861
MY COMMISSION EXPIRES DECEMBER 25, 2023

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 14th day of October 2020.

Paul R. Aziz, Mayor ☒
Jason Bolen, Council President ☐

Attested:

Kim Scheafer, MMC, City Recorder

EXHIBIT "A"
ANNEXATION LEGAL DESCRIPTION & MAP

(TAX LOT 2900, LINN COUNTY ASSESSOR'S MAP 12S2W15BD)

AN AREA OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 12 SOUTH, RANGE 2 WEST OF THE WILLAMETTE MERIDIAN, LINN COUNTY, OREGON AND BEING MORE SPECIFICALLY DESCRIBED AS:

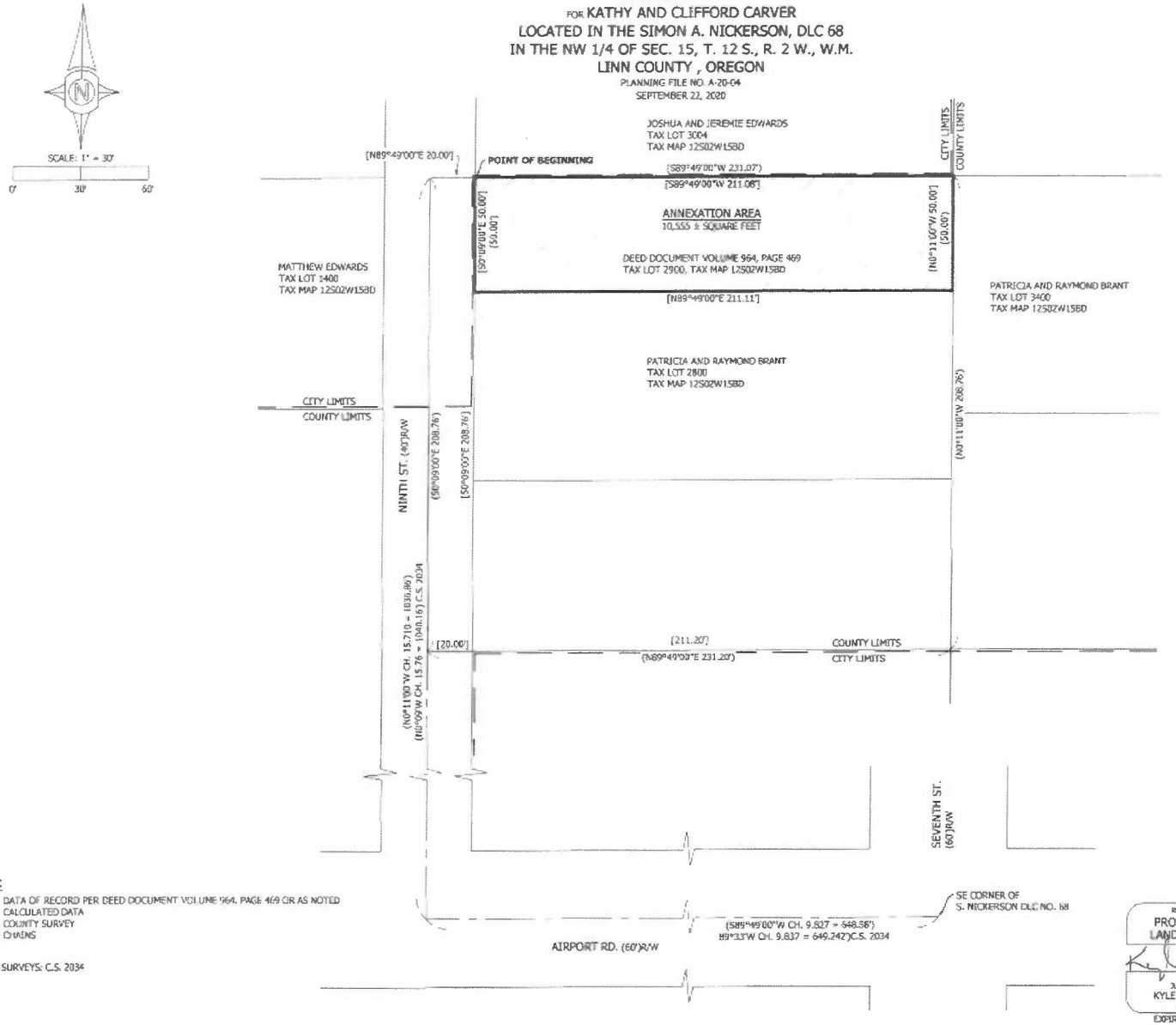
BEGINNING AT A POINT ON THE EAST RIGHT OF WAY OF 9TH STREET WHICH BEARS SOUTH 89°49'00" WEST 648.58 FEET, NORTH 0°11 '00" WEST 1036.86 FEET, AND NORTH 89°49'00" EAST 20.00 FEET FROM THE SOUTHEAST CORNER OF SIMON A. NICKERSON DLC NO. 68; THENCE ALONG SAID RIGHT OF WAY SOUTH 0°09'00" EAST 50.00 FEET; THENCE LEAVING SAID RIGHT OF WAY NORTH 89°49'00" EAST 211.11 FEET; THENCE NORTH 0°11 '00" WEST 50.00 FEET; THENCE SOUTH 89°49'00" WEST 211.08 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED AREA CONTAINS ± 10555 SQUARE FEET

LINN COUNTY DEED DOCUMENT VOLUME 964, PAGE 469 WAS USED AS A REFERENCE.

ANNEXATION MAP
FOR KATHY AND CLIFFORD CARVER
LOCATED IN THE SIMON A. NICKERSON, DLC 68
IN THE NW 1/4 OF SEC. 15, T. 12 S., R. 2 W., W.M.
LINN COUNTY , OREGON

PLANNING FILE NO. A-20-04
SEPTEMBER 22, 2020



LEGEND:

( ) DATA OF RECORD PER DEED DOCUMENT VOLUME 964, PAGE 469 OR AS NOTED
[ ] CALCULATED DATA
C.S. COUNTY SURVEY
CH. CHAINS

REFERENCE SURVEYS: C.S. 2034

REGISTERED
PROFESSIONAL
LAND SURVEYOR
OREGON
JUNE 12, 2013
KYLE W. LATIMER
#80442
EXPIRES 12-31-2020

SHEET 1 OF 1

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

70-253 CARVER LEBANON ANNEX GSR

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 Kathy Carver to Annex property on Stoltz Hill Road and establish the applicable Residential Mixed Density (Z-RM) zone.

II. GENERAL INFORMATION

A. Site Location

The subject property is located on the east side of 9th Street, north of Airport Road. The site address is 1773 9th Street. The County Assessor Map places the parcel within Township 12 South; Range 2 West; Section 15BD; Tax Lot 2900.

B. Site Development and Zoning

The subject property is 0.24 acres in size, with approximately 50 feet of street frontage along 9th Street. The portion of 9th Street along the frontage of the subject property is already annexed into the City. Property to the north, including the public right-of-way is located within city limits; therefore, the site is contiguous to city boundary limits and is eligible for annexation. The property is currently improved with a single-family residence. There has been no concurrent development proposal. City sewer and storm drainage is available in 9th Street along the property frontage, water service is available in 9th Street to the south of the subject property. Upon annexation, the Applicant may extend city utility services to the property. 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

The property is located in a developed residential neighborhood. To the south, west and east are residential properties within the county unincorporated area, within the City's Urban Growth Boundary (UGB) with a Comprehensive Plan designation of Residential Mixed-Density (C-RM). The property to the north is in City limits with a zoning designation of Residential Mixed-Density (Z-RM).

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 September 16, 2020, the Lebanon Planning Commission held a virtual public hearing on this application. At the hearing, Planning File A-20-04 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 October 14, 2020, the City Council held a public hearing to consider the annexation. No objection was raised as to jurisdiction, evidence or testimony presented at the hearing. The City Council found the proposal 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 Kathy Carver, the property owner.

B. The subject property is located on the east side of 9th Street, north of Airport Road. The site address is 1773 9th Street. The County Assessor Map places the parcel within Township 12 South; Range 2 West; Section 15BD; Tax Lot 2900.

C. The total area contains 0.24 acres.

D. The subject parcel is accessed from 9th Street. The lot is currently improved with a single-family residence. City sewer and storm drainage is available in 9th Street along the property frontage, water service is available in 9th Street to the south of the subject property.

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

F. The property is located in a developed residential neighborhood. To the south, west and east are residential properties within the county unincorporated area, within the City's Urban Growth Boundary (UGB) with a Comprehensive Plan designation of Residential Mixed-Density (C-RM). The property to the north is in City limits with a zoning designation of Residential Mixed-Density (Z-RM).

G. The applicant is requesting approval to Annex the subject property, establishing the Residential Mixed Density (Z-RM) 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 0.24-acre property on 9th 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 western and 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.

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

VI. CRITERIA AND FINDINGS

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

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

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

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

   FINDING: The application site is located within the City of Lebanon Urban Growth Boundary and is contiguous with city limits, therefore eligible for annexation per the Annexation Ordinance, and the Municipal and Development Codes. The annexation is not inclusive of a Comprehensive Plan Map Amendment and is accepting of the initial zoning designation of Residential Mixed Density, consistent with the Comprehensive Plan Designation and the pre-designation identified in the Lebanon Development Code. With the assignment accepted as identified in the Comprehensive Map, it is determined that the annexation has already been accounted for in the City's Facilities Plan, including the Transportation System Plan. The site complies with the Annexation requirements.

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

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

   FINDING: The Annexation Ordinance policies are consistent with, and often mirror, the Comprehensive Plan Annexation Policies. The State acknowledges that the City's

EXHIBIT B

Comprehensive Plan complies with all applicable Statewide Planning Goals and statutes, recognizing the consistency of the Plan goals and policies. Therefore, compliance with the applicable Comprehensive Plan policies ensures compliance with the Annexation Ordinance. Findings in the following Sections detail this proposal's compliance with all applicable policies.

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

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

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

   FINDING: The subject site is located within the Urban Growth Boundary and contiguous to city limits, therefore is eligible for annexation. The subject site is generally flat, with no steep slopes or environmental constraints, and generally within a developed neighborhood. There is existing development on the site, including a single-family residence. As the site is already improved with urban development, and does not contain any known environmental constraints, the property is eligible for annexation.

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

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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 north side of the property, and is therefore contiguous with existing City limits and eligible for annexation.

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

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

   FINDINGS: The proposed annexation complies with the above noted criteria as follows:
   (a) The site is contiguous with city limits along the northern property line.
   (b) The property is located within an already developed and urbanized portion of the Urban Growth Boundary and City. Surrounding the property include residential development. The site can be serviced by city water (upon extension of service), sewer, and has developed storm drainage within the 9th Street right-of-way. As the property can be serviced by city facilities and transportation system, and is already improved with an 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 and is currently improved with a single-family residence. Any future development or redevelopment 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.

   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. There is existing city water (that can be extended to the property), and sewer available in the immediate vicinity for connection to the site, and the existing transportation system can accommodate the inclusion of the property and the existing development.

8. Annexation Ordinance Section 9. - As part of the annexation process of developed property or properties, thse 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 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: 9th Street maintains a right-of-way width of 40-feet. The adopted 2018 Transportation System Plan identifies 9th Street as a local street which required a 42-foot minimum width when no parking is provided. The existing right-of-way width is 40-feet. The City Engineering Department also reviewed the annexation and determined that if the property were to redevelop in the future, any required street dedication would be conditioned at that time. The street is already improved with storm drainage. As such, no additional right-of-way dedication from the subject property is necessary for the annexation.

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.

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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 is generally flat, with no steep slopes or environmental constraints, and generally within a developed neighborhood. There is existing development on the site, including a single-family residence. As the site is already improved with urban development, and 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 City Council.

    FINDING: The request does not contain a concurrent development request. It is understood that the intention of annexation is to connect to City public facilities and potentially rebuild a residential structure, however, a development proposal has not been included in the request and any future development will be subject to further application.

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 the proposed Annexation, including establishment of the corresponding Residential Mixed Density zone, complies with the applicable decision criteria.

EXHIBIT B