



CITY OF LEBANON

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Lebanon Municipal Code Title 16: Development Code

Article Four: Land Use and development Reviews, Decision Requirements and Procedures

Chapter 16.26: Annexations

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Chapter 16.26: Annexations

16.26.010 PURPOSE

- A. Prior to annexation, land inside the Urban Growth Area (UGA) has a City of Lebanon Comprehensive Plan (LCP) Map designation, but is under Linn County's jurisdiction and has a County land use zone designation that is intended to facilitate the ultimate LCP Map designated urban zoning assignment.
- B. The act of annexation, in and of itself, has two primary purposes and two primary consequences, both of which occur simultaneously when the City approves an annexation. The first purpose/consequence is that jurisdiction over the annexation territory transfers from Linn County to the City of Lebanon. The second purpose/consequence is that a predetermined City of Lebanon Land Use Zoning Map designation that is consistent with the City's Comprehensive Plan Map designation is assigned for the first time to the annexation territory as it is incorporated into the City Limits.

16.26.020 ANNEXATION AND FIRST ASSIGNMENT OF CITY ZONING

- A. Unannexed property in the Urban Growth Area does not have a City Zoning Classification or designation, but does have a City Comprehensive Plan Map designation that indicates the long-term planned use for the property.
- B. The City's Comprehensive Plan and Comprehensive Plan Map direct all long range land use planning in the Urban Growth Area.
- C. All areas annexed to the City shall be **placed** in a City Zoning Classification in accordance with the adopted Comprehensive Plan. Accordingly, upon annexation, an annexation territory will automatically be assigned City Zoning Classifications in accordance with the adopted Comprehensive Plan Map, as shown in the City's Annexation Zoning Matrix (see **Table 16.26-1**).
- D. Upon approval of an annexation, the placement of a property in a City Zoning Classification in accordance with the adopted Comprehensive Plan Map is also formalized by an accompanying Zoning Map Amendment (adopted by City Council Ordinance). This process shall occur concurrently with an annexation hearing before the City Council. The only decision criterion in this process of first assignment of City Zoning is that the Zone Classification shall be consistent with the adopted Comprehensive Plan Map.
- E. Annexation of property **must** be accompanied by placement of that property in a City Zoning Classification in accordance with the adopted Comprehensive Plan Map. Property annexed into the City may **not** retain previous County designations.
- F. At the time of annexation, if an applicant requests a City Zoning Classification that is not consistent with the Comprehensive Plan Map, the zoning requested shall not be granted until the Comprehensive Plan Map is first appropriately amended to reflect concurrence. (See the Annexation Zoning Matrix, **Table 16.26-1**.) Such an amendment requires a separate application, hearing and decision; this process may occur concurrently with an annexation hearing.

16.26.030 ANNEXATIONS AND ZONING MAP AMENDMENTS

- A.** Annexations involve the first application of City zoning to property that already has a City Comprehensive Plan Map designation, but has never had a City Zoning Map designation.
 - 1. When the City annexes property into the City limits it will assign the City Zoning map classification that corresponds to the Comprehensive Plan Map designation (see **TABLE 16.26-1: ANNEXATION ZONING MATRIX**).
 - 2. The City's Facility plans, including the 2007 Transportation System Plan (TSP), are based on the future site service demands according to the Comprehensive Plan Map designation and associated zoning assignment upon annexation.
- B.** The provisions of LDC Section 16.26.020 require the City to amend the Zoning Map in order to incorporate newly annexed properties.
- C.** Prior to annexation there is simply no City zone on a property to change or amend.
- D.** LDC Subsection 16.26.020.F requires a Comprehensive Plan Map amendment at the time of annexation if the territory annexed will be assigned a zoning classification that is not consistent with the comprehensive plan designation. (" . . . if an applicant requests a zoning designation that is not consistent with the Comprehensive Plan Map, the zoning requested shall not be granted until the Comprehensive Plan Map is first appropriately amended to reflect concurrence.")
- E.** Chapter 16.27 of this Code (Comprehensive Plan Map and Zoning Map Amendments) provides the parameters for amending the Zoning Map.

16.26.040 CITY FACILITY PLANS AND ANNEXATION

- A.** Anticipated urban densities (according to the automatic City Zoning assignment/placement upon annexation) within the Urban Growth Area (UGA) are already accounted for in the City's Facilities Plans, including the Transportation System Plan.
- B.** The Comprehensive Plan and Comprehensive Plan Map designations are utilized as the basis for the City's facility planning in the UGA.
- C.** The City's facility planning is based on the understanding that the classifications of the Zoning Map will be consistent with the corresponding Comprehensive Plan Map designations and that Zoning Map classifications will be assigned when a property is annexed.
- D.** Annexation of the land in the UGA is already factored into the City's Facility Plans (including the Transportation System Plan), and no revisions of those Facility Plans are necessitated when, following annexation, an area is assigned the zoning classification that is in accordance with the adopted Comprehensive Plan Map designation as noted above (Sections 16.26.020 and 16.26.030).

**Table 16.26-1: Annexation Zoning Matrix –
Determining the Proper Zone for Property Annexed into the City**

(Adapted from Annexation Zoning Matrix, Table 4-2 in LCP Chapter 4: Land Use)

City of Lebanon Comprehensive Plan Designations	City of Lebanon Zoning Designations
Residential Low Density (C-RL)	Residential Low Density Zone (Z-RL)
Residential Mixed Density (C-RM)	Residential Mixed Density Zone (Z-RM)
	* Residential High Density Zone (Z-RH)
Mixed Use (C-MU)	Mixed Use Zone (Z-MU)
Neighborhood Mixed Use (C-NMU)	Neighborhood Mixed Use Zone (Z-NMU)
Commercial (C-CM)	** Neighborhood Commercial Zone (Z-NCM)
	* Central Business Commercial Zone (Z-CCM)
	Highway Commercial Zone (Z-HCM)
Industrial (C-IND)	Industrial Zone (Z-IND)
Public Use (C-PU)	Public Use Zone (Z-PU)
Key	
*	<i>Based upon the description in this Development Code of these two zones (Z-RH & Z-CCM), there are no un-annexed properties in the UGB eligible to be assigned to these zone designations.</i>
**	<i>Z-NCM is for small neighborhood shopping clusters in any residential zone. Such designations would require a zone change and an administrative review process.</i>

16.26.050 APPLICATION PROCESS AND SUBMITTAL REQUIREMENTS

A. Legislative Procedure

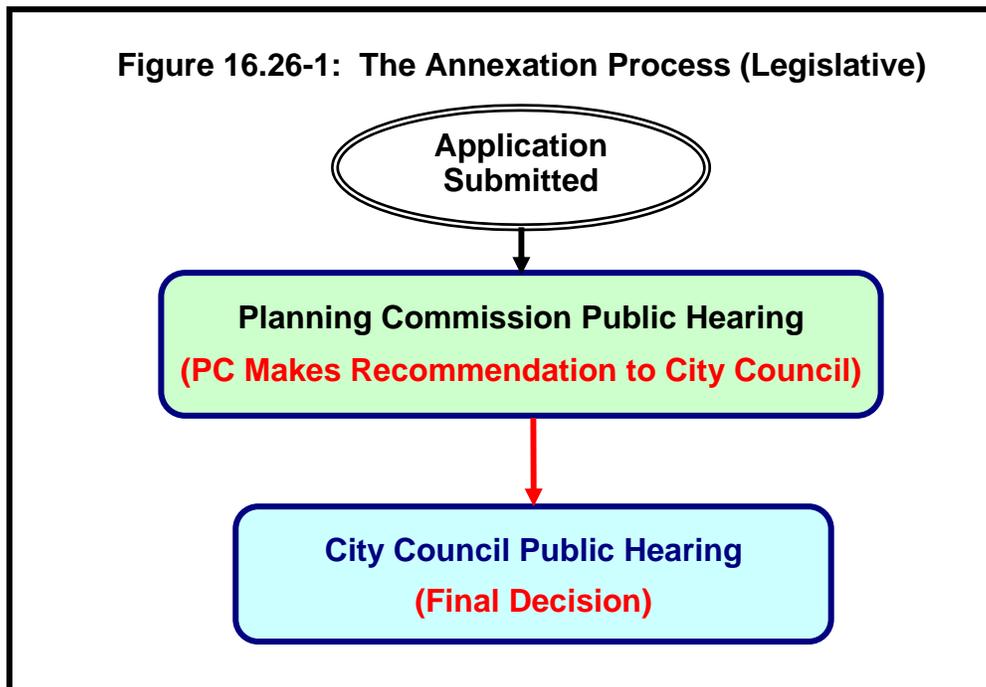
An application for an Annexation shall be processed as a Legislative decision (see Figure 16.26-1), as per the provisions of Section 16.20.060 in Chapter 16.20 of this Code.

1. Legislative land use decisions (including annexations) are considered initially in a public hearing by the Planning Commission with final decisions made by the City Council, also in a public hearing.
2. In the Legislative Process, the Planning Commission does not make final decisions, and may only make recommendations to the City Council.
3. City Council shall hold a public hearing, and in reaching a decision shall take into account the recommendations of the Planning Commission, and testimony provided in the public hearings on the annexation application (see Chapter 16.20 of this Code).

B. Submittal Requirements

The application shall meet submittal requirements listed in Section 16.20.060 (Chapter 16.20) of this Code, as well as those listed below:

1. All Items required by the City of Lebanon's Petition for Annexation and Annexation Application;
2. A Narrative describing how the annexation proposal satisfies the provisions of the City's Annexation Ordinance as well as the Annexation Policies of the Lebanon Comprehensive Plan, and any other special site specific criteria identified by the City.



16.26.060 DECISION CRITERIA FOR AN ANNEXATION REQUEST

The City shall approve an annexation request if it satisfies all of the relevant Basic Decision Criteria.

A. Basic Decision Criteria

The basic Decision Criteria for all annexation requests are found in the following:

1. Annexation Ordinance.
2. Lebanon Comprehensive Plan, Chapter 3 Urbanization.

B. Abatement of Non-Conforming Uses or Structures

The City may 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.

C. Site Specific Evaluation Criteria

At the time it reviews an annexation request, the City may identify additional site specific evaluation criteria based on the Lebanon Comprehensive Plan, the provisions of this Code, and the Lebanon Municipal Code. Such site specific criteria could include, but not be limited to, the following issues:

1. Steep slopes.
2. Natural hazard areas (e.g., flood plains, landslides).
3. Riparian zones.
4. Wetlands.
5. Water bodies.
6. Aircraft or other Overlay Zones.
7. Proposals for specific infrastructure development in the City's Facility Plans, including the Transportation System Plan.
8. Existing nuisance and/or hazardous conditions.
9. Failing on site services (e.g., potable water and septic).

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. The annexation process does **NOT** set conditions of approval for future development proposals and applications.