



# Oregon

John A. Kitzhaber, M.D., Governor

**Department of Land Conservation and Development**

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

Phone: (503) 373-0050

Fax: (503) 378-5518

[www.oregon.gov/LCD](http://www.oregon.gov/LCD)



## **NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION**

Date: February 19, 2015

Jurisdiction: City of Lebanon

Local file no.: 14-12-74

DLCD file no.: 004-14

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 02/18/2015. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD 42 days prior to the first evidentiary hearing.

### Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR chapter 661, division 10).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

### DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or [plan.amendments@state.or.us](mailto:plan.amendments@state.or.us)



## NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FOR DLCD USE

File No.: 004-14 {22589}

Received: 2/18/2015

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: City of Lebanon

Local file no.: **14-12-74**

Date of adoption: 02/11/2015

Date sent: 2/13/2015

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): 12/10/2014

No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No

If yes, describe how the adoption differs from the proposal:

**No**

Local contact (name and title): Walt Wendolowski, AICP

Phone: 541-258-4252

E-mail: [wwendolowski@ci.lebanon.or.us](mailto:wwendolowski@ci.lebanon.or.us)

Street address: 925 South Main Street

City: Lebanon

Zip: 97355-

### PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

#### For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

#### For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

Change from	to	acres.	A goal exception was required for this
change.			
Change from	to	acres.	A goal exception was required for this
change.			
Change from	to	acres.	A goal exception was required for this
change.			
Change from	to	acres.	A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address):

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

**If the comprehensive plan map change is a UGB amendment** including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

**If the comprehensive plan map change is an urban reserve** amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

**For a change to the text of an ordinance or code:**

Identify the sections of the ordinance or code that were added or amended by title and number:

**For a change to a zoning map:**

Identify the former and new base zone designations and the area affected:

Change from UGA-UGM	to RM	Acres: 0.30
Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation:	Acres added:	Acres removed:
---------------------------	--------------	----------------

Location of affected property (T, R, Sec., TL and address): T12S;R2W;S15BD;TL4500; 1996 S 7<sup>th</sup> St

---

---

List affected state or federal agencies, local governments and special districts: None

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

Adoption Ordinance attached.

**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 14-12-74; MOISES C. MORENO**

**ORDINANCE BILL NO. 2015-1  
  
ORDINANCE NO. 2857**

**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 January 21, 2015, the Planning Commission for the City of Lebanon conducted a hearing on Planning File No. 14-12-74, 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 with reference to 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, BE IT RESOLVED:**

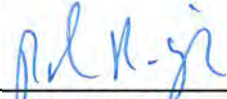
**Section 1. Findings.** In addition to the findings referred to above, the City Council further adopts and finds those matters contained in Exhibit “B” which is incorporated herein by this reference as if fully set forth at this point.

**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 at this point 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 zoning of Residential Mixed Density (Z-RM).

**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 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 11<sup>th</sup> day of February, 2015.

CITY OF LEBANON, OREGON



Paul R. Aziz, Mayor



Bob Elliott, Council President



ATTESTED BY:



Linda Kaser, City Clerk

## EXHIBIT A

An area of land in the Northwest 1/4 of Section 15, Township 12 South, Range 2 West, Willamette Meridian, Linn County Oregon. Being more particularly described as follows: Beginning at a point on the West right-of-way of 7<sup>th</sup> Street, said point also being the Northeast corner of that land described in Linn County Deed Document No. 2014-12313, bearing North 0°11'00" West 201.83 feet and South 89°49'00" West 30.00 feet from the Southeast corner of the S. Nickerson DLC No. 68; thence leaving said West right-of-way South 89°49'00" West 88.76 feet; thence South 0°11'00" East 148.39 feet to a point on the North right-of-way of Airport Road; thence along said North right-of-way North 87°46'58" East 88.82 feet to the intersection of said North right-of-way with said West right-of-way; thence along said West right-of-way North 0°11'0" West 145.24 feet to the point of beginning.

The basis for this legal description is Linn County Survey No. 4955.

## EXHIBIT B

### LEBANON CITY COUNCIL FINDINGS

#### I. NATURE OF THE APPLICATION

This matter comes before the Lebanon City Council on the application of the Moises C. Moreno to annex property and establish the Residential Mixed Density (Z-RM) zone on the newly annexed property.

#### II. BACKGROUND INFORMATION

##### A. Site Location

The subject property is located at the northwest intersection of South 7<sup>th</sup> Street and West Airport Road. The site address is 1996 South 7<sup>th</sup> Street and the County Assessor map places the subject property within Township 12 South; Range 2 West; Section 15BD; Tax Lot 4500.

##### B. Site Development and Zoning

The vacant site is located within the City's Urban Growth Boundary, designated Residential Mixed Density (C-RM) in the Lebanon Comprehensive Plan and zoned Urban Growth Management by Linn County. The parcel contains 0.30 acres total.

##### C. Adjacent Zoning and Land Uses

Property to the north and west is also located within Linn County and zoned Urban Growth Management. The parcel to the north contains a single family home while to the west is a church (Pentecostal Church of God). To the south and south is land zoned Residential Mixed Density containing a mix of single family and multi-family homes. Lebanon High School is located to the east on property zoned Public Use.

##### D. Proposal

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

#### III. PUBLIC HEARING

##### A. Planning Commission Action

On January 21, 2015, the Lebanon Planning Commission held a public hearing on this application. At the hearing, Planning File 14-12-74 was made a part of the record and notice provided per Chapter 16.20 of the Lebanon Development Code. Commission members did not declare any ex parte contacts, bias or conflicts of interest. At the conclusion of the hearing, the Planning Commission deliberated on the issue and voted to recommend the City Council approve the proposed Annexation and establishment of the RM zone, finding the request consistent with the applicable decision criteria.

B. City Council Action

On February 12, 2015 the Lebanon City Council held a public hearing on this application. At the hearing, Planning File 14-12-74 was made a part of the record. Notice of the hearing was provided 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 conclusion of the hearing, the City Council deliberated on the issue and voted to approve the proposed Annexation and establishment of the Public Use zone. The Council found the proposed requests consistent with the applicable decision criteria.

IV. FINDINGS OF FACT-GENERAL

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

- A. The applicant is Moises C. Moreno.
- B. The subject property is located at the northwest intersection of South 7<sup>th</sup> Street and West Airport Road. The site address is 1996 South 7<sup>th</sup> Street and the County Assessor map places the subject property within Township 12 South; Range 2 West; Section 15BD; Tax Lot 4500.
- C. The subject parcel contains 0.30 acres.
- D. The site is currently vacant, maintains access to two streets and is served by City public facilities.
- E. The subject area is located within the City's Urban Growth Boundary, designated Residential Mixed Density (C-RM) in the Lebanon Comprehensive Plan and zoned Urban Growth Management by Linn County.
- F. Property to the north and west is also located within Linn County and zoned Urban Growth Management. The parcel to the north contains a single family home while to the west is a church (Pentecostal Church of God). To the south and south is land zoned Residential Mixed Density containing a mix of single family and multi-family homes. Lebanon High School is located to the east on property zoned Public Use.
- G. The applicant is requesting approval to annex the property, establishing the Residential Mixed Density (Z-RM) zone on the annexed property.
- 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 would annex the property and establish the Residential Mixed Density (Z-RM) zone upon annexation. The purpose of the annexation is to facilitate future land development on the site.



- B. The Department mailed notice of the application to affected agencies, area property owners and the Department of Land Conservation and Development. No agency or area property owner submitted written comments.

## VI. CRITERIA AND FINDINGS

- A. The subject area 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.
- B. Chapter 16.26 establishes the Annexation review criteria. Sections 16.26.010 and 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 only applicable zone is Public Use.
- C. Section 16.26.030 notes an annexation is necessary to establish the appropriate zone, consistent with the 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. Section 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 is not required.
- E. Section 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. 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 1. – This Section identifies the document as the Annexation Ordinance for the City 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.

FINDINGS: For the purpose of this criterion, the proposed annexation application and process conform to the requirements of the Annexation Ordinance.

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.

FINDINGS: 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.

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.)

FINDINGS: The proposed annexation complies as the subject area is within the City's UGB and developed with an urban use.

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 Urban Growth Boundary.

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.

FINDINGS: City limits are located to the east and south of the subject area; therefore, the area is 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 an urban use. Urban uses may include functional 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) as the area is contiguous to existing City limits, the annexation is considered orderly; (b) the property is served by public utilities and located within an area containing urban-levels of development; and, (c) based on information in the Comprehensive Plan, there are no *designated environmental constraints* associated with the site.

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.

FINDINGS: This application does not include a concurrent development or redevelopment proposal.

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 sewerage, 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 sewerage, and streets, of existing development within the annexation territory.

FINDINGS: City services currently serve the site.

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 sewerage, 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.

FINDINGS: As noted, public services serve the property. Specific improvements will depend on how the site is developed. However, there are no *capacity* issues regarding the site.

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 thus creates an increased demand for the benefits and utility provided by additional rights-of-way dedication.

FINDINGS: Additional right-of-way dedication and street improvements are unnecessary.

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.

FINDINGS: This subject area is designated Residential Mixed Density by the Comprehensive Plan. Consistent with the adopted Zoning Matrix, the only possible applicable zone is Residential Mixed Density.

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.

FINDINGS: This application is limited to the proposed annexation and establishment of the Residential Mixed Density zone and does not include a change in the Plan designation or corresponding zone. Therefore, this Section does not apply to the request.

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.

FINDINGS: 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.

FINDINGS: This Section does not apply as the provisions in this Section provide 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.

FINDINGS: The request is limited to the proposed annexation and does not contain a development or redevelopment proposal specific to the site.

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).

FINDINGS: This Policy does not directly apply as the proposal simply incorporates an existing urban use into the City limits.

- G. Section 16.26.060.B 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. This Section does not apply as the parcel is currently vacant.
- H. 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. There are no site-specific, evaluation criteria that apply to the subject property.
- I. 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: The subject property is designated Residential Mixed Density (C-RM) by the City's Comprehensive Plan. According to Table 16.26-1, the only applicable zone is the Residential Mixed Density (Z-RM) zone. Therefore, upon annexation, the property will be zoned Residential Mixed Density, a zone classification consistent with the Plan designation.

## VII. CONCLUSION

The City Council concludes the proposed Annexation of approximately 0.30 acres of property, including establishment of the Residential Mixed Density zone, complies with the applicable decision criteria.