

## Planning Commission Record



925 S. Main Street  
Lebanon, Oregon 97355

TEL: 541.258.4906  
cdc@ci.lebanon.or.us  
www.ci.lebanon.or.us

# MEMORANDUM

## *Community Development*

To: Lebanon Planning Commission  
From: Kelly Hart, Community Development Director  
Subject: Planning File No. A-24-01

Date: May 1, 2024

### I. BACKGROUND

Under consideration is the proposed annexation of the property on the south side of Kees Street, east of Stoltz Hill Road (180 Kees Street, 12S 02W 15CD, tax lot 500). The subject property is approximately 0.92 acres, with 140 feet of street frontage along Kees Street. The properties to the south and east are located within city limits; therefore, the site is contiguous to city boundary limits and is eligible for annexation.

The property is in a developed residential neighborhood. To the north, east, south, and west are residential properties improved with single-family homes and duplexes within the County and city with a comprehensive plan designation and/or zoning designation of Residential Mixed Density (C/Z-RM).

The subject property is currently improved with a single-family dwelling and accessory structures. City utility services are available in Kees Street, directly to the east of the subject property. Upon annexation, the Applicant may extend utilities to and through the site for utility services.

### II. CURRENT REPORT

The Comprehensive Plan Designation for the site is Residential Mixed Density (C-RM). Per Table 16.26-1 in Section 16.24.040 of the Lebanon Development Code (LDC), the designated zoning classification for the site would be Residential Mixed Density (Z-RM). The Applicant has indicated acceptance of the zoning designation of Z-RM and is not proposing a Comprehensive Plan Map Amendment.

Per Section 16.24.040 of the LDC, anticipated urban densities (according to the automatic City Zoning assignment upon annexation) within the Urban Growth Area are already accounted for in the City's Facilities Plans, including the Transportation System Plan. Annexation of the land in the Urban Growth Area is already factored into the City's Facility Plans, and no revisions of those plans are necessitated when, following annexation, an area is assigned the zoning classification that follows the adopted Comprehensive Plan Map designation. As the Applicant proposes accepting the automatic zoning designation of Residential Mixed Density, no further analysis of modification to the Facility or Transportation Plan is necessary.

### III. REVIEW CRITERIA AND RECOMMENDED 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.

RECOMMENDED 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. It 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.

RECOMMENDED 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.

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 per 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 vacant; 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.)

**RECOMMENDED 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 within a developed neighborhood. The site is currently improved with a single-family dwelling and accessory structures. As the site is located within a developed neighborhood 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.

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.

RECOMMENDED FINDING: The subject site is contiguous with the city boundary on the south and east 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 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).

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

- (a) The site is contiguous with city limits along the southern, and eastern property lines.
- (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 duplexes. The site can be serviced by existing city water, sewer, and storm drainage facilities in Kees Street directly to the east of the subject property. As the property can be serviced by city facilities and transportation system, 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.

RECOMMENDED 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, 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.

RECOMMENDED 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-RM per the Comprehensive Map designation and therefore, the anticipated demands to access key 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.

RECOMMENDED 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-RM 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.

RECOMMENDED FINDING: Kees Street maintains a right-of-way width of 50 feet. The adopted 2018 Transportation System Plan identifies Kees 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.

RECOMMENDED 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 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.

RECOMMENDED 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.

RECOMMENDED FINDING: The subject site is generally flat, with no steep slopes or environmental constraints, and within a developed neighborhood. The site is currently improved with a single-family dwelling and accessory structures. As the neighborhood has already been previously 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.

RECOMMENDED 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.

RECOMMENDED 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).

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

#### IV. CONCLUSION AND RECOMMENDATION

Staff finds the proposal complies with the decision criteria for an Annexation and the establishment of the applicable zone. Therefore, staff recommends the Planning Commission recommend the City Council approve the Annexation of the subject area and establishment of the respective Residential Mixed Density (Z-RM) zone on the newly annexed property.

#### V. PLANNING COMMISSION ACTION - ANNEXATION

A. The Planning Commission may either:

1. Recommend City Council approval of the proposed property annexation and establishment of the applicable Residential Mixed Density zone, adopting the written findings for the decision criteria contained in the staff report; or
2. Recommend City Council approval of the proposed property annexation and establishment of the applicable Residential Mixed Density zone, adopting modified findings for the decision criteria; or
3. Recommend City Council denial of the proposed property annexation and establishment of the applicable Residential Mixed Density zone, specifying reasons why the proposal fails to comply with the decision criteria; and
4. Direct staff to prepare an Order of Recommendation for the Chair or Vice Chair's signature incorporating the adopted findings as approved by the Planning Commission.





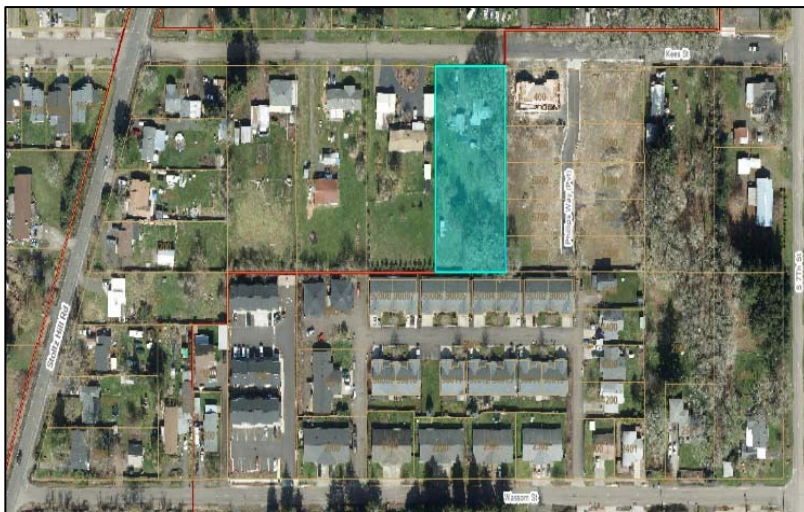
# NOTICE OF PUBLIC HEARING

## LEBANON PLANNING COMMISSION

**NOTICE IS HEREBY GIVEN** that a public hearing will be held before the Lebanon Planning Commission on **May 15, 2024, at 6:00 p.m.** in the Santiam Travel Station located at 750 S 3<sup>rd</sup> Street, to afford interested persons and the general public an opportunity to be heard and give testimony concerning the following matter:

<b>Planning Case No.:</b>	A-24-01
<b>Applicant:</b>	Josh Mitchell
<b>Location:</b>	810 Kees Street
<b>Map &amp; Tax Lot No.:</b>	12S2W15CD00500
<b>Request:</b>	Annexation
<b>Decision Criteria:</b>	Lebanon Development Code Chapters: 16.20 & 16.26

**Request:** The applicant is requesting Annexation of approximately 0.92-acres comprised of one tax lot. The property is designated Residential Mixed Density (C-RM) on the Comprehensive Plan Map and will be assigned a Residential Mixed Density (Z-RM) zoning designation upon Annexation.



**Providing Comments:** The City will be accepting public comment on this item in a number of ways to afford interested persons and the general public an opportunity to give testimony on the subject matter. Written and verbal testimony will be accepted upon issuance of this notice, **until 5:00pm on Tuesday, May 14, 2024**. Written testimony may be emailed to [kelly.hart@lebanonoregon.gov](mailto:kelly.hart@lebanonoregon.gov) or mailed to the City of Lebanon at 925 S. Main Street, Lebanon, OR 97355, or delivered and dropped in the white mailbox in front of City Hall.

The public is invited to either participate in person at the Santiam Travel Station or watch the meeting virtually on **May 15, 2024**.

If you wish to address the Commission under Public Comments or for a Public Hearing, click: <https://zoom.us/join/zoom/register/tJYtceqrrDooEtNGW8FSJ7HTtKC6QZ2vPCUg> to register in advance for the meeting. You will receive a confirmation email containing information about joining the meeting. Attendees will need to register to receive the link to the meeting.

Please register **ONLY** if you wish to address the Commission. If you want to watch or listen to the meeting, please click this link to do so on YouTube: <https://youtube.com/live/hqYVH7gR2fQ>

The agenda and application materials will be available for review on the City's website at <https://www.lebanonoregon.gov/meetings> seven days prior to the hearing.

*CITIZENS ARE INVITED TO PARTICIPATE* in the public hearing and give written or oral testimony as described above that address applicable decision criteria during that part of the hearing process designated for testimony in favor of, or opposition to, the proposal. If additional documents or evidence are provided in support of the application subsequent to notice being sent, a party may, prior to the close of the hearing, request that the record remain open for at least seven days so such material may be reviewed.

**Action of the Planning Commission and Appeals:** The role of the Commission is to review the proposal and make a recommendation to the Lebanon City Council. A public hearing before the Council will be subsequently scheduled and notice provided. The Council decision is the final decision unless appealed to the Land Use Board of Appeals (LUBA). Failure to raise an issue in the hearing, orally or in writing, or failure to provide sufficient specificity to afford the decision makers an opportunity to respond to the issue precludes appeal to LUBA based on that issue.

**Obtain Information:** A copy of the application, all documents and evidence relied upon by the applicant, and applicable criteria are available for inspection at no cost and will be provided at the cost of 25 cents per single-sided page. If you have questions or would like additional information, please contact City of Lebanon Community Development Department, 925 Main Street; phone 541-258-4906; email [cdc@lebanonoregon.gov](mailto:cdc@lebanonoregon.gov).

**The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to 541-258-4906.**

---

## ANNEXATION APPLICATION

---

Submitted to: City of Lebanon  
Planning Department  
925 S Main St  
Lebanon, OR 97355

Applicants/Property Owners: Mitchell 810 LLC  
Josh Mitchell  
3125 Crocker Ln NW  
Albany, OR 97321  
541-231-3118 / [JoshMitchell.srr@gmail.com](mailto:JoshMitchell.srr@gmail.com)

Applicant's Representative: Green Cascades LLC  
717 SW Calapooia St  
Albany, OR 97321

Contact: Kim Riccitelli  
541-357-2116  
[Kim@GreenCascadesOR.com](mailto:Kim@GreenCascadesOR.com)

Site Location: 810 Kees St, Lebanon, OR 97355  
Lot 5, Block 3, Harmony Subdivision (C.S. 2372)

Linn County Assessor's Map No.: 12S-02W-15CD Tax Lot 500

Site Size: ±0.92 acres

Existing Land Use: Single-Family Residential

Zone Designation: UGA-UGM-10

Comprehensive Plan Designation: Residential Mixed Density (C-RM)

Surrounding Zoning: North: UGA-UGM-10 (across Kees Street)  
South: RM  
East: RM  
West: UGA-UGM-10

Surrounding Uses: North: Single-Family Residential (across Kees Street)  
South: Single-Family Attached Residential / Condos  
East: Single-Family Residential  
West: Single-Family Residential

## ANNEXATION APPLICATION SUMMARY

The applicant requests annexation of a ±0.92-acre parcel known as, 810 Kees Street (Linn County Tax Assessor's Map No. 12S-02W-15CD Tax Lot 500) with a concurrent Zone Map Amendment to assign the Residential Mixed Use zone designation upon annexation.

The subject property is located south of Kees Street between Stoltz Hill Road and S. 7<sup>th</sup> Street. The subject parcel's east and south property boundaries are contiguous with the Lebanon city limits.

To the south of the subject property is the Autumn Place Condominiums and Lots 1-3, Block 3, of the Harmony Subdivision, which are within the Lebanon city limits. To the north of the subject property (across Kees Street) and to the west are properties within the Lebanon Urban Growth Boundary (UGB) and portions of unincorporated Linn County. The abutting property to the east of the subject property is the Phillips Estates Subdivision, Lots 300 & 400, Block 3, which are within the Lebanon city limits.

All adjacent properties in unincorporated Linn County are zoned Linn County UGA-UGM with a Lebanon Comprehensive Plan designation of Residential Mixed Density (C-RM). All adjacent properties within the Lebanon city limits are zoned Residential Mixed Use with the Residential Mixed Use Comprehensive Plan designation.

The Comprehensive Plan designation for the site is Residential Mixed Density (C-RM). In accordance with the Annexation Zoning Matrix of Table 16.26-1 in LDC 16.24.040 of the Lebanon Development Code (LDC), the proposed zoning classification for the site upon annexation is Residential Mixed Density (Z-RM).

The subject property is improved with an existing single-family residence. City water, sewer, and storm drainage are available at Kees Street at the intersections of Stoltz Hill Road and 7<sup>th</sup> Avenue approximately 592 feet and 568 feet from the subject property, respectively. ***City water, sewer, and storm drainage are available on Kees St, on the east property line of the subject property and approximately 460' to the west at the property line of Lots 3500 & 3600.*** No development is proposed with the application.

## LEGISLATIVE REVIEW OF ANNEXATION

A. The subject property is located within Lebanon's Urban Growth Boundary (UGB) and is eligible for annexation into the City limits. Annexation application and review requirements are contained in LDC 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.

B. LDC Chapter 16.26 establishes the Annexation review criteria. LDC 16.26.010 and LDC 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 applicable zone is Residential Mixed Use.

C. LDC 16.26.030 notes an annexation is necessary to establish the appropriate zone, consistent with the Annexation 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. LDC 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 are not required.

E. LDC 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. LDC 16.26.060 contains the decision criteria for an annexation with specific requirements in LDC16.26.060(A). This Section requires compliance with provisions in the City Annexation Ordinance and Lebanon Comprehensive Plan, Chapter 3 – Urbanization. The Annexation Ordinance and Comprehensive Plan decision criteria are essentially the same. To avoid duplication, and where applicable, the findings are combined. The decision criteria are written in **bold** followed by findings and conclusions.

**1. Annexation Ordinance Section 1. This ordinance shall be known as the Annexation Ordinance for the City of Lebanon.**

FINDING: This Section identifies the document as the Annexation Ordinance for the City of Lebanon 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.**

FINDING: In accordance with Oregon Revised Statutes (ORS) 222.111, the applicant proposes annexation of 810 Kees Street into the Lebanon City Limits by petition to the legislative body.

The subject property is contiguous to the city limits along the east and south property boundaries. It is, therefore, eligible for annexation per ORS 222.111(1) and the Lebanon Annexation Ordinance. Findings in response to LDC 16.26.060(A) of the Lebanon

Development Code, Lebanon Annexation Ordinance, and applicable Comprehensive Plan policies are provided below and incorporated here by reference.

**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.**

FINDING: The Annexation Ordinance policies are consistent with, and often reflect the Comprehensive Plan Annexation Policies. The Oregon Department of Land Conservation Development 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.)**

FINDING: The subject site is located within the Urban Growth Boundary and contiguous to city limits along the east and south property boundaries and, is therefore, eligible for annexation.

**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 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 located within the Urban Growth Boundary and contiguous to city limits along the east and south property boundaries and, is therefore, 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 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 subject site is located within the Urban Growth Boundary and contiguous to city limits along the east and south property boundaries and, is therefore, deemed orderly based on this Section.

The ±0.92-acre site is currently developed with a single-family dwelling and associated residential accessory structures. At urban densities, the site is large enough to be further developed or redeveloped. ***City water, sewer, and storm drainage are available on Kees St, on the east property line of the subject property and approximately 460' to the west at the property line of Lots 3500 & 3600*** and may be extended to serve future development. Therefore, the proposed annexation is also efficient.

Based on information contained in the Comprehensive Plan, there are no designated environmental constraints associated with the subject area.

**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.**

FINDING: The application does not include a concurrent development proposal, nor is one required per this Section or Policy.

**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 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: The subject property is developed with a single-family dwelling and associated residential accessory structures. ***City water, sewer, and storm drainage are available on Kees St, on the east property line of the subject property and approximately 460' to the west at the property line of Lots 3500 & 3600*** and may be extended to serve future development. The site also has adequate frontage on and access to Kees Street. Private water and septic services are available and adequate to service the demands of the existing single-family dwelling, however, the existing home would be removed for full development.

**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 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: The subject property is developed with a single-family dwelling and associated residential accessory structures. ***City water, sewer, and storm drainage are available on Kees St, on the east property line of the subject property and at the property line of Lots 3500 & 3600 to the west approximately 460'*** from the subject property and could be improved to serve future development. The site also has adequate frontage on and access to Kees Street. The existing single-family dwelling on the subject site would be removed.

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

FINDING: Kees Street maintains a right-of-way width of 50-feet. The adopted 2018 Transportation System Plan identifies Kees Street as a Local Street, which requires a 50- to 60-foot right-of-way. Therefore, the existing right-of-way meets the minimum street right-of-way width standard.

**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.**

FINDING: This subject property is designated Residential Mixed Density (C-RM) by the Comprehensive Plan. The applicant proposes the establishment of the Residential Mixed Use zone designation upon annexation in accordance with the Annexation Zoning Matrix, Table 16.26-1 of the LDC.

**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.**

FINDING: This application is limited to the proposed annexation and establishment of the Residential Mixed Use zone designation and does not include a Comprehensive Plan amendment or corresponding zone amendment.

**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.**

FINDING: 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.**

FINDING: This Section is not applicable, as it provides 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.**

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

**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).**

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

**17. Section 16.26.060 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.**

FINDING: The applicant is not aware of any abatement issues related to the site.

**18. 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.**

FINDING: There are no site-specific evaluation criteria that apply to the subject property.



19. 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: This subject property is designated Residential Mixed Density (C-RM) by the Comprehensive Plan. The applicant proposes to have the Residential Mixed Use zone designation assigned to the subject property upon annexation in accordance with the Annexation Zoning Matrix, Table 16.26-1 of the LDC.

## **OVERALL CONCLUSION**

As proposed, the application for Annexation with concurrent zone map amendment to assign the Residential Mixed Density zone designation complies with the applicable review criteria as outlined above. Therefore, the applicant requests that the Planning Commission recommend the City Council approve the subject application.

## **Exhibits**

- A. Annexation Map
- B. Legal Description

## **Acronyms**

C-RM	Residential Mixed-Density Comprehensive Plan Designation LDC	Lebanon
Development Code		

Z-RM	Residential Mixed-Density Zoning District
------	---



# LAND USE APPLICATION

PROPERTY INFORMATION	
Site Address(es): 810 Kees St	
Assessor's Map & Tax Lot No.(s): 12S02W15CD00500	
Comprehensive Plan Designation / Zoning Designation: Z-RM Residential Mixed Density	
Current Property Use: UGA-UGM-10 Single Family Residence	
Project Description:	
Annexation into the city of Lebanon and to extend utilities to and through the lot and to subdivide the lot into 5 lots, 2 lots facing Kees and 3 lots on a private shared driveway	
APPLICANT / PRIMARY CONTACT INFORMATION	
Applicant: Josh Mitchell	Phone: 541-231-3118
Address: 3125 Crocker Ln NW	Email: Joshmitchell.srr@gmail.com
City/State/Zip: Albany, OR 97321	
<i>I hereby certify that the statements, attachments, exhibits, plot plan and other information submitted as a part of this application are true; that the proposed land use activity does not violate State and/or Federal Law, or any covenants, conditions and restrictions associated with the subject property; and, any approval granted based on this information may be revoked if it is found that such statements are false.</i>	
APPLICANT SIGNATURE	Date:
PROPERTY OWNER INFORMATION (IF DIFFERENT THAN ABOVE)	
Owner: Mitchell 810 LLC	Phone: 541-231-3118
Address: 3125 Crocker Ln NW	Email: Joshmitchell.srr@gmail.com
City/State/Zip: Albany, OR 97321	
OWNER SIGNATURE	Date:
ADDITIONAL CONTACT INFORMATION	
Engineer / Surveyor: Green Cascades LLC	Phone: 541-357-2116
Address: 717 SW Calapooia St	Email: Kim@greencascadesOR.com
City/State/Zip: Albany, OR 97321	
Architect:	Phone:
Address:	Email:
City/State/Zip:	
Other:	Phone:
Address:	Email:
City/State/Zip:	

THE CITY THAT FRIENDLINESS BUILT

## REQUIRED SUBMITTALS

- ☐ Application and Filing Fee
- ☐ Narrative Describing the Proposed Development and addressing the Decision Criteria
  - LDC Article Two Land Uses and Land Use Zones
  - LDC Article Three Development Standards
  - LDC Article Four Review & Decision Requirements
  - LDC Article Five Exceptions to Standards (eg Variance, Non-Conforming Uses)
- ☐ Site Plan(s) drawn to scale with dimensions, Include other drawings if applicable
- ☐ Copy of current Property Deed showing Ownership, Easements, Property Restrictions

## FOR OFFICE USE

**\*If more than one review process is required, applicant pays highest priced fee, then subsequent applications charged at half-price.**

Land Use Review Process	Fee	Land Use Review Process	Fee
Administrative Review	\$750	Planned Development – Preliminary	\$2,500
Administrative Review (Planning Commission)	\$1,500	Planned Development – Final (Ministerial)	\$250
Annexation	\$2,500	Planned Development – Final (Administrative)	\$750
Code Interpretation	\$250	Planned Development – Final (Quasi-Judicial)	\$1,500
Comprehensive Plan Map/Text Amendment	\$2,500	Subdivision Tentative	\$1,500
Conditional Use	\$1,500	Subdivision Final	\$750
Fire District Plan Review	\$100	Tree Felling Permit (Steep Slopes only)	\$150 + \$5/tree
Historic Preservation Review or Register	Varies	UGB Amendment	Actual Cost
Land Partition	\$750	Variance (Class 1 – Minor Adjustment)	\$250
Ministerial Review	\$250	Variance (Class 2 – Adjustment)	\$750
Non-Conforming Use/Development	\$750	Variance (Class 3)	\$1,500
Property (Lot) Line Adjustment	\$250	Zoning Map Amendment	\$2,500

## APPLICATION RECEIPT & PAYMENT

Date Received:	Date Complete:	Receipt No.:
Received By:	Total Fee:	File No.:

THE CITY THAT FRIENDLINESS BUILT

ANNEXATION AREA DESCRIPTION  
MITCHELL 810 LLC

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

BEGINNING AT THE NORTHWEST CORNER OF LOT 5, BLOCK 3, HARMONY SUBDIVISION; THENCE NORTH 0°10'00" EAST 50.00 FEET TO THE NORTH LINE OF KEES STREET RIGHT-OF-WAY; THENCE ALONG SAID RIGHT-OF-WAY SOUTH 89°50'00" EAST 142.00 FEET; THENCE SOUTH 0°10'00" WEST 50.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 5; THENCE SOUTH 0°10'23" WEST 281.84 FEET TO THE SOUTHEAST CORNER OF SAID LOT 5; THENCE NORTH 89°59'47" WEST 141.58 FEET TO THE SOUTHWEST CORNER OF SAID LOT 5; THENCE NORTH 0°05'16" EAST 282.24 FEET TO THE POINT OF BEGINNING.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
JUNE 12, 2013  
KYLE W. LATIMER  
80442

RENEWS: 12/31/24

ANNEXATION MAP  
FOR MITCHELL 810 LLC  
IN THE RUSSELL T. HILL DLC NO. 77,  
LOCATED IN THE SW 1/4 SEC. 15, T. 12 S., R. 2 W., W.M.,  
CITY OF LEBANON, LINN COUNTY, OREGON

MAY 6, 2024

UNINCORPORATED LINN COUNTY

POINT OF BEGINNING  
NORTHWEST CORNER LOT 5, BLOCK 3, HARMONY SUBDIVISION

S89°50'00"E 142.00'

N0°10'00"E 50.00'

S0°10'00"W 50.00'

ANNEXATION AREA

LOT 7

LOT 6

BLOCK 3  
HARMONY SUBDIVISION

LOT 5  
BLOCK 3  
HARMONY SUBDIVISION  
LINN COUNTY TAX LOT 500  
ASSESSOR MAP 12.2W.15CD  
DEED: 2024-03489  
MITCHELL 810 LLC

N0°05'16"E 282.24'

S0°10'23"W 281.84'

PHILLIPS ESTATES

CITY OF LEBANON

LOT 5

LOT 5

N89°59'47"W 141.58'

CITY OF LEBANON

AUTUMN PLACE  
CONDOMINIUMS

KEES STREET

LOT 5

LOT 5

LOT 5

REGISTERED  
JUNE 12, 2013  
PROFESSIONAL  
LAND SURVEYOR  
#80442

OREGON  
JUNE 12, 2013  
KYLE W. LATIMER  
#80442  
EXPIRES 12-31-2024

U d e l l  
ENGINEERING &  
LAND SURVEYING, LLC  
63 EAST ASH ST.  
LEBANON, OREGON 97355  
PH. (541) 451-5125  
FAX (541) 451-1366  
24-018 MITCHELL

SHEET 1 OF 1