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# MEMORANDUM

## *Community Development*

To: Lebanon Planning Commission  
From: Kelly Hart, Community Development Director  
Subject: Planning File No. A-25-02

Date: April 29, 2025

### I. BACKGROUND

Under consideration is the proposed annexation of the property on the west side of S 5th Street, south of Joy Street (31666 SW 5<sup>th</sup> Street, 12S 02W 22D, tax lot 902). The subject property is approximately 4.82 acres, with 285 feet of street frontage along S 5th Street. The properties to the west 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 partially developed residential neighborhood. To the north, west, and south, large homestead properties improved with single-family homes or agriculture uses within the County and city are designated with a comprehensive plan or zoning of Residential Mixed Density (C/Z-RM). To the west is a subdivision zoned Residential Mixed Density (Z-RM) within city limits.

The subject property is currently improved with a single-family dwelling and accessory structures. City utility services are available in S 5<sup>th</sup> 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 site's Comprehensive Plan Designation 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 Z-RM zoning designation 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, it is eligible for annexation per the Annexation Ordinance and the Municipal and Development Codes. The annexation does not include a Comprehensive Plan Map Amendment. The applicant accepts the initial Residential Mixed Density zoning designation, 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's 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 relevant 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, Exhibit 4.6 in the 2019 adopted Housing Needs Analysis identifies the total number of estimated housing needs by type through a 20-year horizon. The subject property is currently improved with a single-unit dwelling; being zoned Residential Mixed Density and over 9,000 square feet, the site can accommodate all housing types from single-unit detached to multi-family development or could be subdivided. 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, which 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, it is eligible for annexation. The subject site is generally flat, with no steep slopes or environmental constraints beyond wetlands that can be mitigated, and within a partially developed neighborhood. The site is currently improved with a single-unit dwelling and accessory structures. The site is located within a partially developed neighborhood and contains no known environmental constraints, so the property is eligible for annexation.

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

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

RECOMMENDED FINDING: The subject site is contiguous with the city boundary on the west and east sides of the property; therefore, it is 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 western and eastern property lines.
- (b) The property is located within a partially developed and urbanized portion of the Urban Growth Boundary and the City. Surrounding the property are large homestead properties that have been improved with single-family homes, agricultural uses, and a residential subdivision. The site can be serviced by existing city water, sewer, and storm drainage facilities in S 5th Street directly east of the subject property. City facilities and the transportation system can service the property, and the neighborhood has already been partially improved with urban development, so 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 of 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 necessary when, following annexation, an area is assigned the zoning classification per the adopted Comprehensive Plan Map designation. The subject site is assigned the zoning classification of Z-RM per the Comprehensive Map designation. 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. 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: 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 necessary when, following annexation, an area is assigned the zoning classification per the adopted Comprehensive Plan Map designation. The subject site is assigned the zoning classification of Z-RM per the Comprehensive Map designation. Therefore, the anticipated impacts on access to 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: S 5th Street maintains a right-of-way width of 60 feet. The adopted 2018 Transportation System Plan identifies S 5th Street as a Collector roadway, which requires a minimum 60-foot right-of-way without 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. Additional right-of-way may be required upon redevelopment of the site if on-street parking is desired for the neighborhood.

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 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 an applicant requests a zoning designation other than one per the Comprehensive Plan Map (shown in the Annexation Zoning Matrix), 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, so this Section does not apply.

12. Annexation Ordinance Section 13. Areas within the urban growth boundary with designated environmental constraints may be annexed and developed as functional wetlands, parks, open spaces, and related uses.

RECOMMENDED FINDING: The subject site is generally flat, with no steep slopes or environmental constraints other than wetlands, which may be maintained as open space or mitigated, and is within a partially developed neighborhood. The site is currently improved with a single-unit dwelling and accessory structures. As the neighborhood has already been previously partially 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 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 its provisions 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 (which will, in turn, accommodate population growth).

RECOMMENDED FINDING: This Policy does not directly apply as the proposal 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 that the Planning Commission recommend that 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.