

A BILL FOR AN ORDINANCE ANNEXING AND	)	
ZONING PROPERTY FOLLOWING HEARING AND	)	ORDINANCE BILL NO. <u>23</u>
UPON THE WRITTEN CONSENT FILED WITH	)	for 2000
THE CITY COUNCIL BY LANDOWNERS IN	)	
SAID AREA PURSUANT TO ORS 222.120 AND	)	ORDINANCE NO. <u>2258</u>
ORS 222.170	)	

WHEREAS, there has been submitted to the City of Lebanon written requests for annexation to the City signed by more than one-half of the landowners who also own more than one-half of the land in the contiguous territory described in Exhibit "A", which real property represents more than one-half of the assessed value of all real property in the contiguous territory to be annexed; and

WHEREAS, City Council has elected to dispense with submitting the question of the proposed annexation to the electors of the City, initiating the annexation of the territory pursuant to ORS 222.120 calling a hearing and directing that notice be given as required by ORS 222.120(3); and

WHEREAS, after conducting the hearing and considering all objections or remonstrances with reference to the proposed annexation, the City Council finds that this annexation is in the best interest of the City and of the contiguous territory;

NOW, THEREFORE, the City of Lebanon ordains as follows:

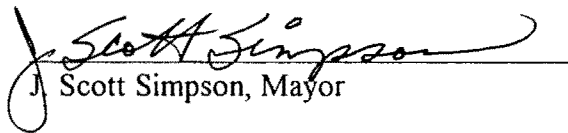
Section 1. Annexation Area. The following contiguous territory described in Exhibit "A" and incorporated herein by this reference is hereby proclaimed to be annexed to the City of Lebanon and zoned as indicated in accordance with the Lebanon Zoning Ordinance No. 1773, and given the zoning of Residential Mixed Density (RM).

Section 2. Record. The City Recorder shall submit to the Oregon Secretary of State a copy of this Ordinance. The City Recorder shall also send a description by metes and bounds or legal

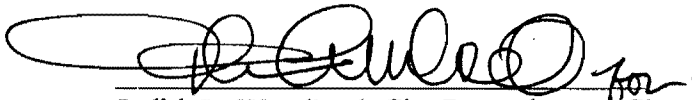
✓  
 After recording please return to:  
 City of Lebanon  
 Public Works Administration  
 925 Main Street, Lebanon, OR 97355

subdivision, and a map depicting the new boundaries of the City within ten (10) days of the effective date of this annexation to the Linn County Assessor, Linn County Clerk, and the State Department of Revenue.

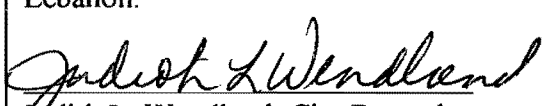
Passed by the Council by a vote of 4 for and 0 against and approved by the Mayor this 12<sup>th</sup> of April, 2000.

  
J. Scott Simpson, Mayor

ATTEST:

  
Judith L. Wendland, City Recorder and City Administrator Pro Tem

I hereby certify that I am the City Recorder for the City of Lebanon, State of Oregon; that the foregoing is a full, true, correct copy of the original; and that J. Scott Simpson, whose signature appears on the original document, was at the time of signing the Mayor of the City of Lebanon.

  
Judith L. Wendland, City Recorder

HERMANS' LEBANON ANNEXATION  
LEGAL DESCRIPTIONS

September 30, 1999

A tract of land in the Southwest 1/4 of Section 23, T 12 S, R 2 W, W.M., Linn County, Oregon, being described as follows:

Beginning at the intersection of the west right-of-way line of South Main Road with a projection of the south right-of-way line of Crowfoot Road; thence along said south right-of-way line and its projection S 89°42'E 1359.53 feet to the intersection of said right-of-way line with a southerly projection of the west line HILLVIEW ACRES, a subdivision in said County and State; thence leaving said right-of-way line, along said projection and west line of said subdivision, N 0°03'E 788.60 feet to the northwest corner of Lot 1, Block 4; thence continuing along said west line N 0°03'E 33.60 feet to a platted interior corner of said subdivision; thence N 89°42'W 10.80 feet to the southeast corner of that tract conveyed to Chester A. Lyon per Book 103, Page 370, Linn County Deed Records; thence along the south line of said Lyon tract S 89°57'W 580.80 feet to the east line of JOYLAND TRACTS, a subdivision in said County and State; thence along said east line N 0°03'E 20.00 feet to the northeast corner of said JOYLAND TRACTS on the north right-of-way line of Joy Street; thence along said right-of-way line and a projection thereof N 89°42'W 765.74 feet to the west right-of-way line of said South Main Road; thence along said right-of-way line S 0°12'W 838.59 feet to the point of beginning; containing 25.90 acres, more or less.



**CITY OF LEBANON  
PLANNING COMMISSION STAFF REPORT**

**ANNEXATION REQUEST**

- NATURE OF REQUEST:** Annexation of a 25.90 acre territory including 21.80 acres of vacant, private property and 4.10 acres of adjacent public rights-of-way.
- APPLICANT:** Eleanora Hermans
- PROPERTY LOCATION:** The private property proposed for annexation is located north of Crowfoot Road, east of South Main Road, south of Joy Street and west of the Hillview Acres Subdivision. The rights-of-way for South Main Road, Joy Street and Crowfoot Road are included in this annexation proposal. Assessor's Map 12-2W-23C; Tax Lots 2300, 2500 and 2600.
- ZONE DESIGNATION:** Residential Mixed Density (RM) - upon annexation
- COMP PLAN DESIGNATION:** Mixed Density Residential

**INTRODUCTION**

The applicant proposes to annex this property in support of future urban development of the site. Attachment "A" is a brief narrative in support of this proposal provided by the applicant's representative.

**SITE DESCRIPTION**

The subject property is comprised of open grass fields with scattered trees in the south portion of Tax Lot 2500 and a fence line containing shrubs and vines separating Tax Lot 2300 from the other two west tax lots. The two western tax lots (TL 2500 & TL 2600) constitute Lots 1 through 12 of the Joyland Tracts county subdivision. This undeveloped subdivision includes a dedicated right-of-way that aligns with a dedicated road connection stub in the Hillview Acres subdivision to the east, connecting to View Lane. A similar road stub is located to the north where the future Joy Street eastward extension will connect with View Lane. A drainageway along Crowfoot Road cuts across the southwest corner of the subject property.

Adjacent public rights-of-way included in the annexation include: 1) South Main Road, a designated arterial improved to county standards; 2) Crowfoot Road, currently a designated collector improved to county standards and likely to become a major arterial as a result of the Transportation System Plan (TSP) update currently underway ; and 3) Joy Street, a local public street that has a gravel surface and curb and sidewalks on the north side and is maintained by adjacent property owners.

Adjacent or nearby city infrastructure is limited and includes a public waterline to the subject property extended through the Cascades Meadows Manufactured Home Park to the north and an improved storm drainage system (pipes and ditches) along the north property line. Water and sewer lines will need to be extended down South Main Road from the intersection with Vaughn Lane to serve the site.

# ASSESSOR'S MAP



## T 12 S - R 2 W - 23 C

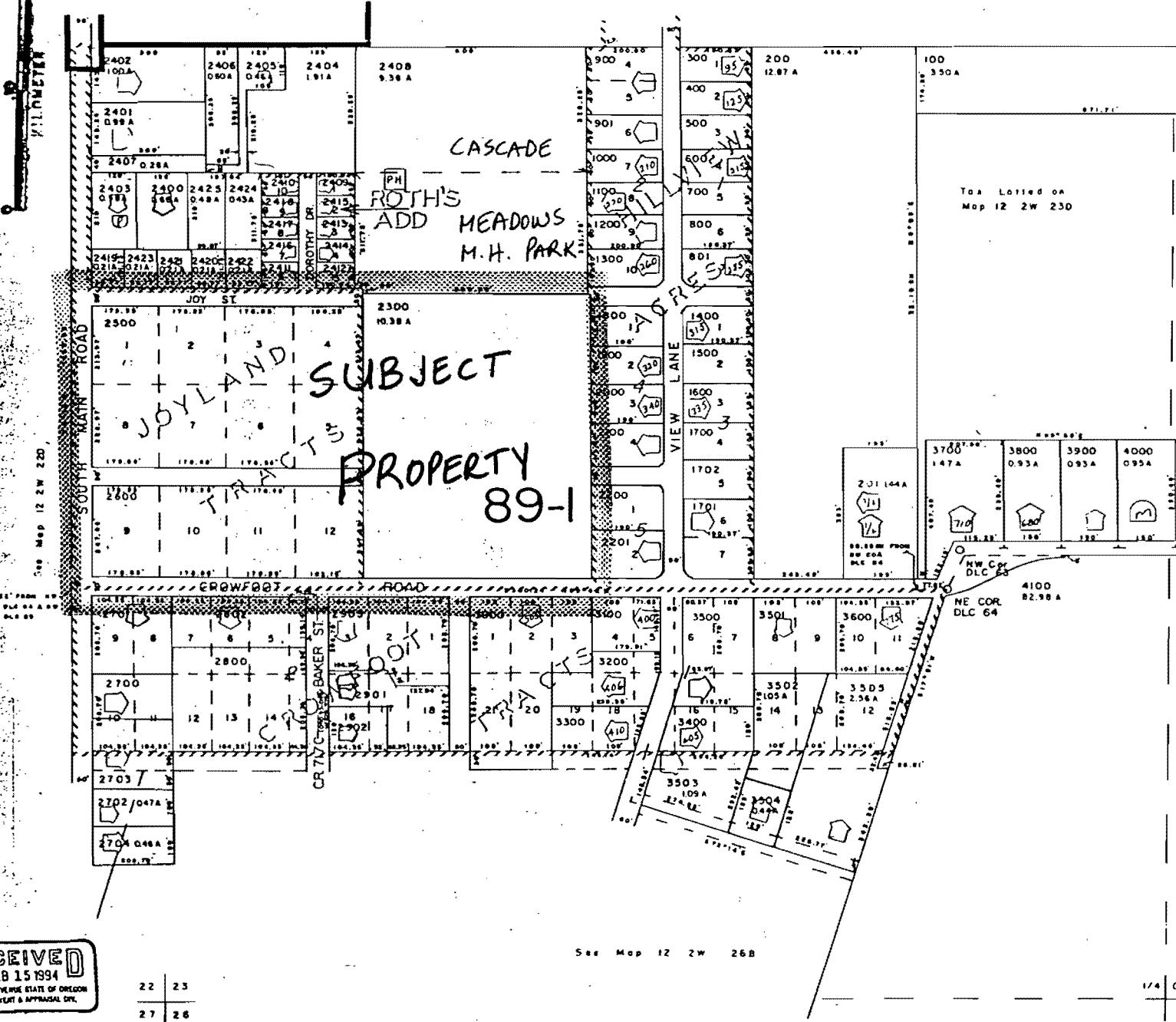
### TAX LOTS 2300, 2500 & 2600 PLUS ADJACENT RIGHTS-OF-WAY

FILE # A-99-6

1" = 200'

### LINN

See Map 12 2W 23B



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 CLERK & APPRAISAL DIV.  
 WASHINGTON STATE

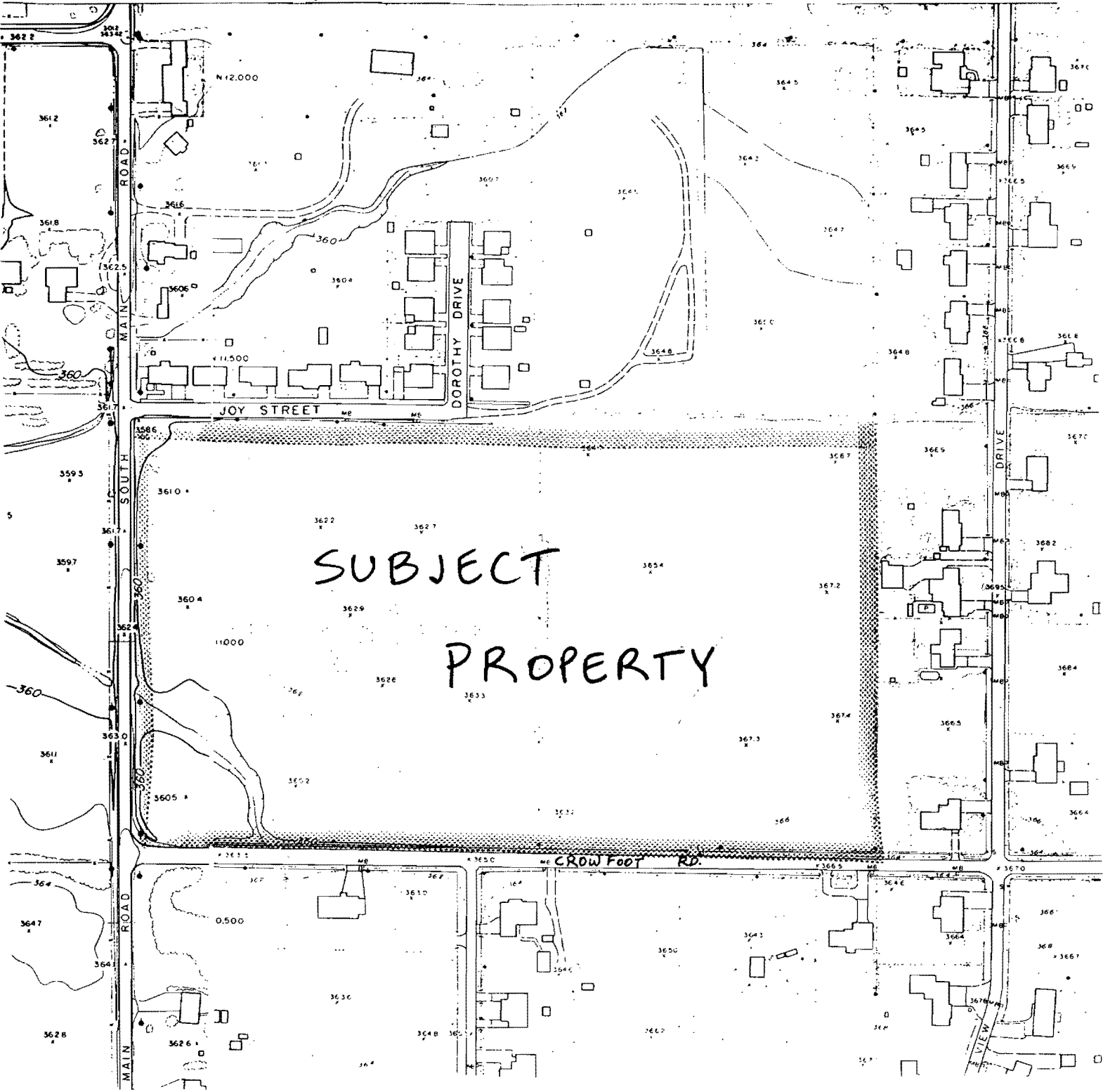
22	23
27	28

See Map 12 2W 26B



FILE # A-99-6

# LAND COVER MAP



Surrounding uses and land use designations to the north, east, south, and west are residential. To the north, city size rural residential lots developed with single family dwellings are located on the north side of Joy Street and on both sides of Dorothy Drive. Cascades Meadows Manufactured Home Park is also located to the north. To the east is the Hillview Acres county subdivision which is residentially developed. To the south across Crowfoot Road, a few residences are located abutting Crowfoot Road with others farther to the south along developed local streets. To the west, across South Main Road, is a large, vacant grassy field. Only Cascades Meadows to the north is within city limits and provides the connection to city territory to permit this proposed annexation.

## **PLANNING AND ZONING CONSIDERATIONS**

The Comprehensive Plan Map identifies the designation of the subject property as Mixed Density Residential which assigns a Residential Mixed Density zoning upon annexation. City of Lebanon Resolution No. 11 for 1982, a Resolution Establishing an Annexation Policy, contains the factors and conditions that the City considers in evaluating an annexation request. Lebanon Zoning Ordinance Section 4.020 lists the development opportunities, standards and requirements for the Residential Mixed Density (RM) zone.

## **STAFF COMMENTS**

### **1. Planning:**

- A. The legal description and a map describing the entire annexation area has been submitted and are included in this report. The legal description must be certified by a registered Surveyor or Engineer prior to scheduling the City Council public hearing.

### **2. Engineering:**

Urban services are or can be made available to serve the proposed annexation. The following comments review the adjacent and nearby infrastructure. Development of this site will require infrastructure improvements.

- A. **Streets** - The adjacent South Main Road, Crowfoot Road, Joy Street and Hill View Drive are available to serve the annexation. These are all county standard roads. Improvements to the adjacent roadways will generally include:

1. Additional rights-of-way will be required for South Main Road, Crowfoot Road and Joy Street.
2. Joy Street will require an upgrade to city standard and will also be required to connect to View Lane (northern access).
3. The internal street system will be required to connect to View Lane at the southern access.
4. No new accesses will be permitted to South Main Road or Crowfoot Road; access will be solely by View Lane and Joy Street.
5. All new public streets shall be constructed to city standard; city standard upgrades may be required for South Main and Crowfoot Roads.

- B. **Drainage** - Adjacent roadside ditches currently drain the site. If city standard upgrades are made to South Main and Crowfoot Roads, piped storm drainage will be included. Off site storm drainage improvements may be required.

- C. **Water** - A 12-inch water main terminates near the intersection of South Main Road and Vaughn Lane. Water main improvements include:



1. Extensions along South Main and Crowfoot Roads
2. Extension along Joy Street to View Lane
3. Extensions along the internal street system
4. Looping as required for fire flow
5. Hydrants spaced as required by the Uniform Fire Code and the Lebanon Fire District, with a maximum spacing of 500 feet

D. Sanitary sewer - A 12-inch sanitary sewer main terminates near the intersection of South Main Road and Vaughn Lane. Sewer extensions will be required along:

1. South Main and Crowfoot Roads
2. Joy Street
3. The internal street system

This site will be served by the existing West Side Interceptor which, further downstream, currently overflows during high rainfall events. Staff expects that, in the near future, DEQ will impose regulations and requirements on sewer systems which overflow onto land (not directly into an adjacent water body). Therefore, a review of available sewer capacity will be made at the time of a development proposal. Limitations in sewer discharge may be required at that time.

#### **RELEVANT CRITERIA**

1. City Annexation Policy, Section 1, requires *proof that urban services are available or can be made available to serve the property considered for annexation and that the additional demands that would be placed on those services will not overburden their present capacities.*
2. City Annexation Policy, Section 2, states that *public rights of way necessary for the safe and efficient movement of traffic, bicycles and pedestrians shall be provided with the annexation and without obligation to the City of Lebanon.*
3. City Annexation Policy, Section 3, specifies that *parties involved in seeking the annexation or who may be included in the annexation shall initiate a program to upgrade any urban services and/or public facilities within the area considered for annexation that do not meet standards as may be established by the City of Lebanon.*
4. City Annexation Policy, Section 4, states that *no annexation shall be considered that does not conform with the Lebanon Comprehensive Plan and its goals and policies.*
5. City Annexation Policy, Section 5, states that *it shall be the burden of proof of the applicant that a public need exists for the proposed annexation and that the annexation is in the public's interest.*
6. Urbanization Element of the Comprehensive Plan, Phased Growth Program, Policy #1 (page 4-P-1) states that . . . *the City shall maintain a compact growth pattern that expands the city limits incrementally in an orderly and efficient manner within the service capabilities of the City.*
7. Public Facilities and Services element of the Comprehensive Plan, General Policy #2 (page 8-P-1) states that *the city shall consider impacts on community facilities before . . . annexation requests are approved.*

## **RECOMMENDATION**

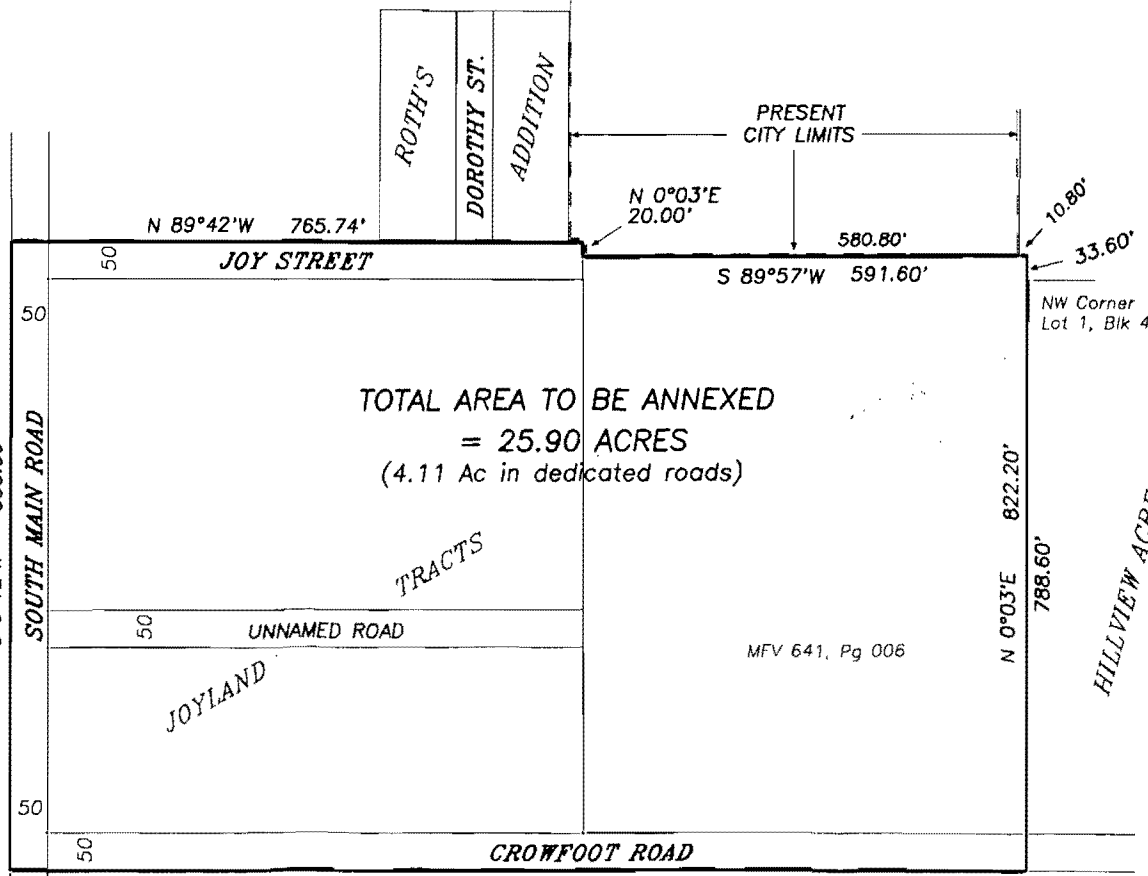
Unless the public hearing identifies hitherto unknown reasons why the proposed annexation would be to the detriment of surrounding properties, the neighborhood or the city, staff recommends that the Planning Commission recommend to the City Council that the proposed annexation be approved.

## **PROPOSED FINDINGS**

1. The proposed annexation complies with City Annexation Policy, Section 1, in that urban services are or can be made available to serve the property.
2. The proposed annexation complies with City Annexation Policy, Section 2, in that adequate existing public right-of-way is provided and additional public right-of-way will accompany the future site development proposal.
3. The proposed annexation complies with City Annexation Policy, Section 3, in that public infrastructure improvements will accompany the future development of the site.
4. The proposed annexation complies with City Annexation Policy, Section 4, in that no development proposal currently and preliminary discussions regarding possible future development of the site have complied with Zoning Ordinance and Comprehensive Plan policies pertaining to the property and zoning.
5. The proposed annexation complies with City Annexation Policy, Section 5, in that a public need exists for developable lots to support new housing development.
6. The proposed annexation complies with Comp. Plan Urbanization Element, Phased Growth Program, Policy #1, (page 4-P-1) in that it would be an orderly and efficient expansion of city limits within city service capabilities.
7. The proposed annexation complies with Comp. Plan Public Facilities and Services Element, General Policy #2, (page 8-P-1) in that the annexation will not result in an adverse impact on community facilities.

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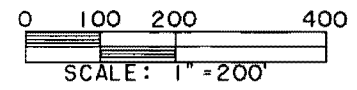


TOTAL AREA TO BE ANNEXED  
= 25.90 ACRES  
(4.11 Ac in dedicated roads)

MFV 641, Pg 006

ANNEXATION PLAN  
for  
**TOM HERMANS**  
in  
SW 1/4 SECTION 23  
T12S, R2W, W.M.  
LINN COUNTY, OREGON

SEPTEMBER 30, 1999



REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
JULY 13, 1979  
THEODORE JAMES LANGTON  
1823

Renewal Date 12/31/2000

PREPARED BY:

**NORTHSTAR SURVEYING, INC.**  
720 N.W. 4th Street  
Corvallis, Oregon 97330  
Phone: 541-757-9050

HERMANS' LEBANON ANNEXATION  
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# ATTACHMENT "A"

October 28, 1999

Doug Parker  
City of Lebanon Planning Department  
925 Main Street  
Lebanon, OR 97355

Re: *Annexation Request - Hermans Crowfoot Road Property*  
*Otak Project No. L09000.PL01*

Dear Mr. Parker:

Please accept this application for annexation of the 25.9 acre parcel located in the northeast quadrant of Crowfoot Road and South Main Road. It is requested that the site be zoned with the Residential Mixed Density (RM) zone upon annexation.

Attached are the petition for annexation form, the residence information form, a preliminary title report, and a legal description and map of the area sought to be annexed. The map is provided in both a 24 x 34 format and a reproducible 11 x 17 format. The property owner, Ms. Elanora Hermans, will arrange to have a letter petitioning for annexation and the application fee check delivered to your office within the next week. Please review this material and let me know if you need any further information.

We believe that the request for annexation is generally consistent with the approval criteria for annexation to the City of Lebanon for the following reasons:

- Necessary urban services are available to the site. A public water line is stubbed to the northern edge of the site. Sanitary sewer can be extended to the site as it is developed from its present terminus to the north in South Main Road.
- The site is bounded on the west by the public right-of-way of South Main Road and on the south by the public right-of-way of Crowfoot Road. These roads are currently developed to rural standards with 22 to 24 feet of pavement, gravel shoulders, and drainage ditches. As the subject site is developed, access to the site can be developed through extension of public right-of-ways through the site from these roads. It would

17355 sw boones ferry road  
lake oswego, oregon 97035-5217  
(503) 635-3618  
fax (503) 635-5395



be anticipated that development of the site will include improvements to these rights-of-way by the site developer to provide for safe and efficient movement of motorized vehicles, bicyclists, and pedestrians.

- As noted above, it is anticipated that all public facilities necessary for an urban level of development will be required as a condition of approval of future plans for development of the subject site.
- We are unaware of any conflicts between the proposed annexation of the subject site and the goals and policies of the City of Lebanon Comprehensive Plan. The requested Residential Mixed Density zoning designation will result in development of the site in a manner that is generally consistent with adjacent developments within the City.
- A public need for the annexation of this property is demonstrated by the number of inquiries by prospective residential developers inquiring as to the availability of the site for single-family residential development. The developers report that there is a demand for new, moderately priced homesites in the Lebanon area. Annexation of the subject site will make the site available for residential development so the need for homesites can be satisfied.

If you have any questions or need additional information, please call me at 503-699-2417.

Sincerely,

Otak, Inc.



Jerry Offer  
Planner

c: Janet Paist  
Elanora Hermans  
Genc Emre

JO:ss