

| | | |
|---------------------------------------|---|------------------------------|
| A BILL FOR AN ORDINANCE ANNEXING AND |) | |
| ZONING PROPERTY FOLLOWING HEARING AND |) | ORDINANCE BILL NO. <u>24</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>2259</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:

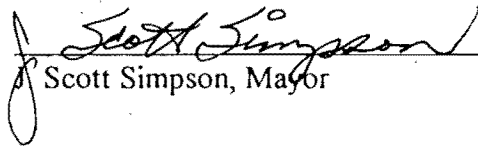
Section 1. Annexation Area. The following contiguous territory described in Exhibit "A" and incorporated herein by this reference is hereby proclaimed to be annexed to the City of Lebanon and zoned as indicated in accordance with the Lebanon Zoning Ordinance No. 1773, and given the zoning of Residential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

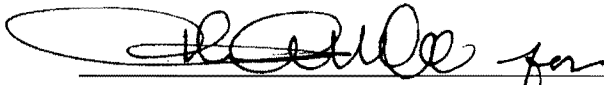
✓
 After recording please return to:
 City of Lebanon
 Public Works Administration
 925 Main Street, Lebanon, OR 97355

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.

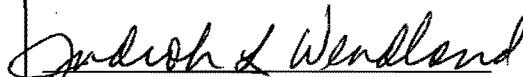
Passed by the Council by a vote of 4 for and 0 against and approved by the Mayor this 12th of April, 2000.


Scott Simpson, Mayor

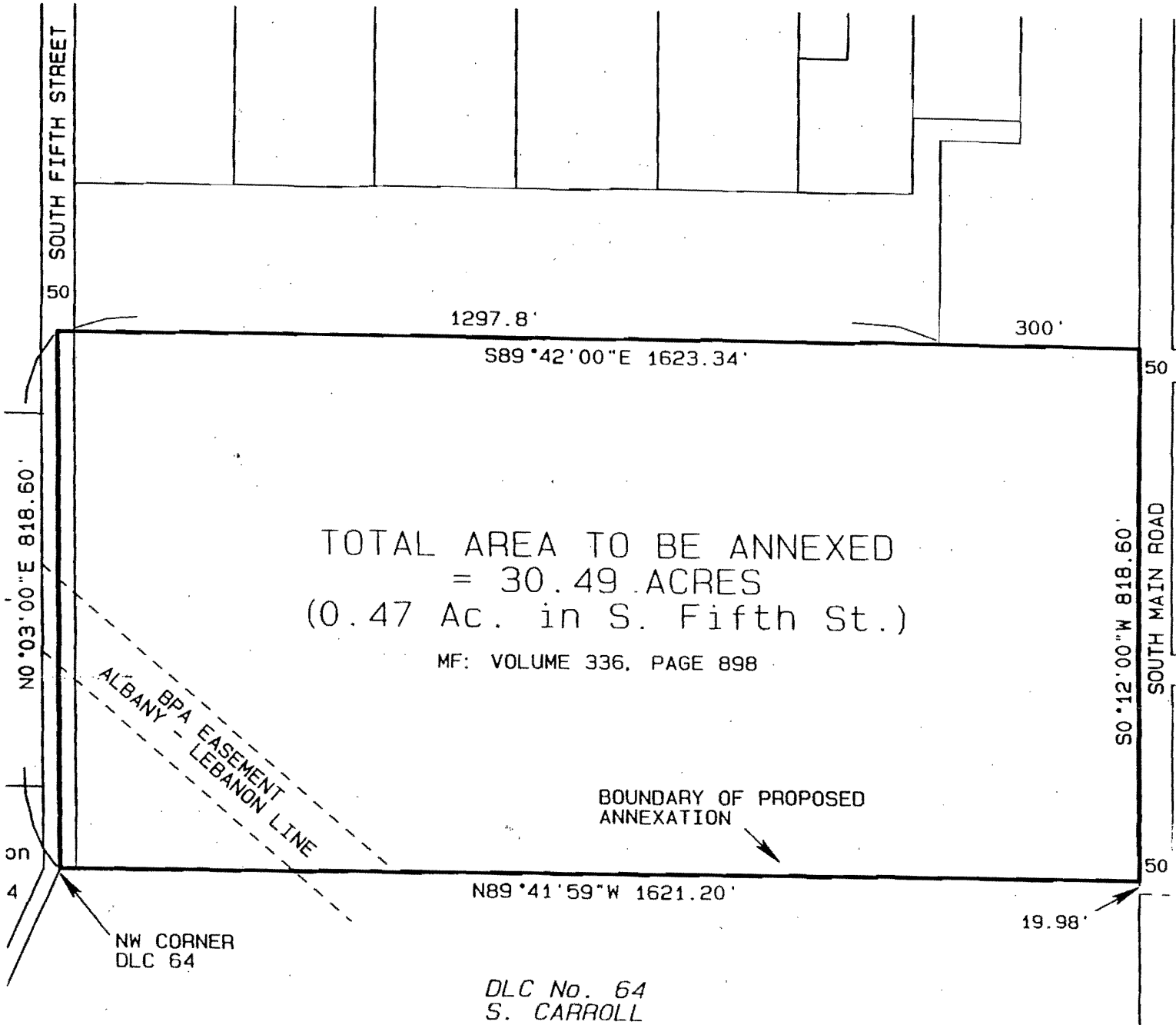
ATTEST:


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.

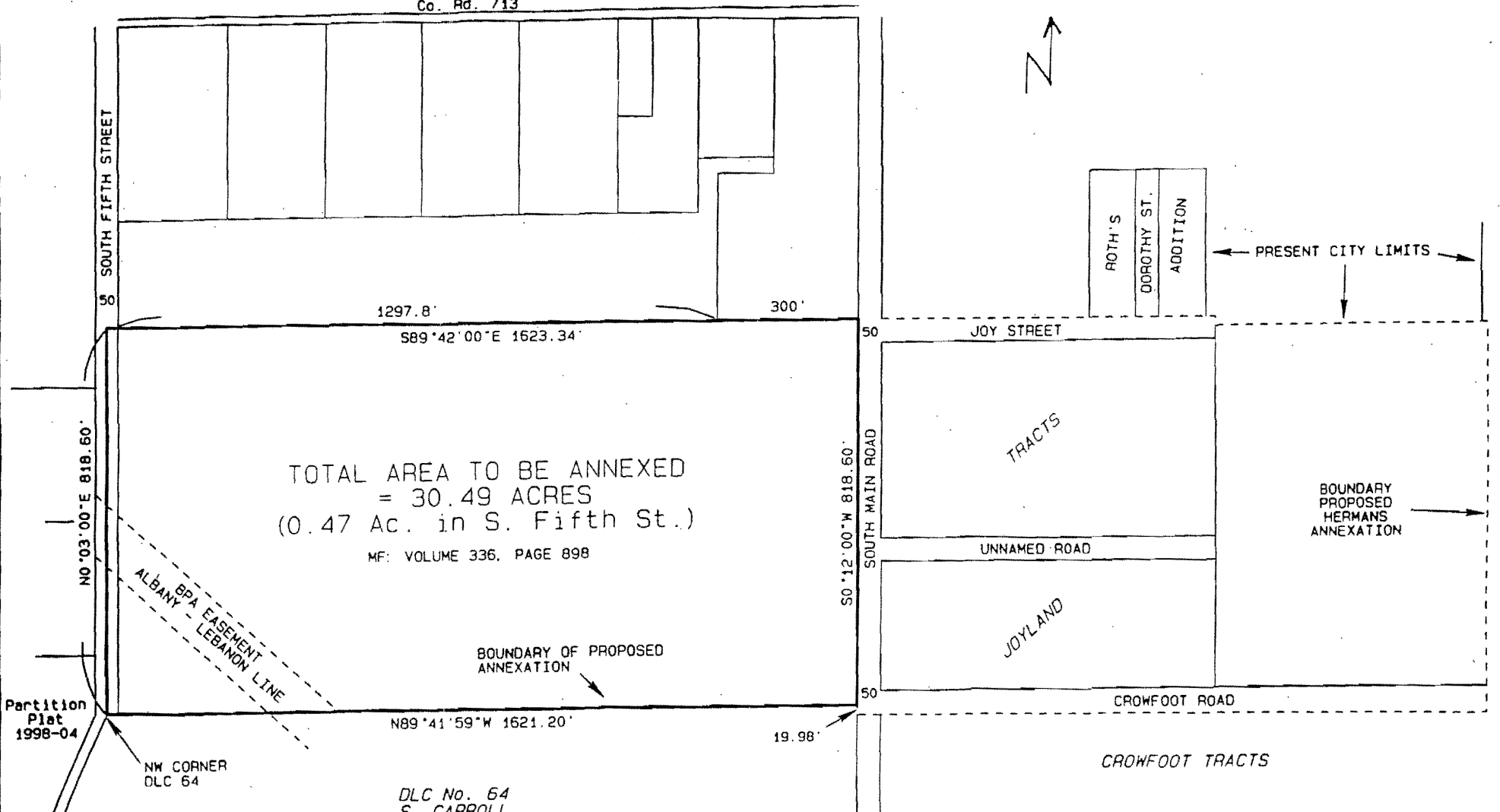

Judith L. Wendland, City Recorder

ANNEXATION A-00-1



LEGAL DESCRIPTION

Beginning at the northwest corner of the Samuel Carroll DLC No. 64, Township 12 South, Range 2 West, Willamette Meridian; thence North 0°03' East 818.60 feet; thence South 89°42' East 1623.34 feet to the West line of South Main Road; thence South 0°12' West 818.60 feet along the West line of said road to the North line of the said Samuel Carroll DLC; thence North 89°42' West 1,621.32 feet along the North line of said DLC to the point of beginning, containing 30.49 acres, more or less; subject to the rights of the public in the county road and also subject to the rights of B.P.A. in easement.



TOTAL AREA TO BE ANNEXED
 = 30.49 ACRES
 (0.47 Ac. in S. Fifth St.)

MF: VOLUME 336, PAGE 898

BOUNDARY OF PROPOSED
 ANNEXATION

DLC No. 64
 S. CARROLL

LEGAL DESCRIPTION

Beginning at the northwest corner of the Samuel Carroll DLC No. 64, Township 12 South, Range 2 West, Willamette Meridian; thence North 0°03' East 818.60 feet; thence South 89°42' East 1623.34 feet to the West line

VOL 1103 PAGE 466

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

David L. Haddock

OREGON
 JULY 12, 1968
 DAVID L. HADDOCK
 852

RENEWS 6-30-01

ANNEXATION
 MAP
 A-00-1

**CITY OF LEBANON
PLANNING COMMISSION STAFF REPORT**

ANNEXATION REQUEST

NATURE OF REQUEST: Annexation of a 30.49 acre territory including 30.02 acres of vacant, private property and 0.47 acres of adjacent public rights-of-way (the east half of 5th street abutting the subject property).

APPLICANT: Russell Briggs

PROPERTY LOCATION: Located between 5th Street and South Main Road, from Joy Street to Crowfoot Road. Assessor's Map 12-2W-22D, Tax Lot 1002.

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 narrative in support of this proposal provided by the applicant's representative. Attachment "B" is a letter received from an abutting property owner regarding fence line location/status and possible future storm drainage improvement alignments.

SITE DESCRIPTION

The subject property is comprised of open pasture fields that have well defined drainage ditches that flow from the east and south and eventually converge and continue flowing to the northwest corner of the property where it flows off-site. The northwest corner of the property is 7 feet lower in elevation than the southeast corner. A large stand of Oak trees is found in the western third of the site and along the west property line. A BPA power line transmission corridor cuts across the southwest corner of the site. A barn or manufactured home is located in the middle of the site on the east side of the Oak grove. The east half of 5th Street (a designated collector improved to a county standard) abutting the subject property is proposed to be included in the annexation territory. South Main Road, a designated arterial improved to a county standard, abuts the east property line. Crowfoot Road abuts (and terminates at) the southeast corner of the site and will be extended through the site along the south property line at time of development.

Surrounding land uses include large vacant agricultural fields to the south and east across South Main Road; rural residences to the southeast, west and north; a small farm operation to the immediate north, and residences to the northeast on both county and city size lots.

The property to the east across South Main Road is scheduled for a City Council annexation hearing and this property provided the connection to city limits.

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY

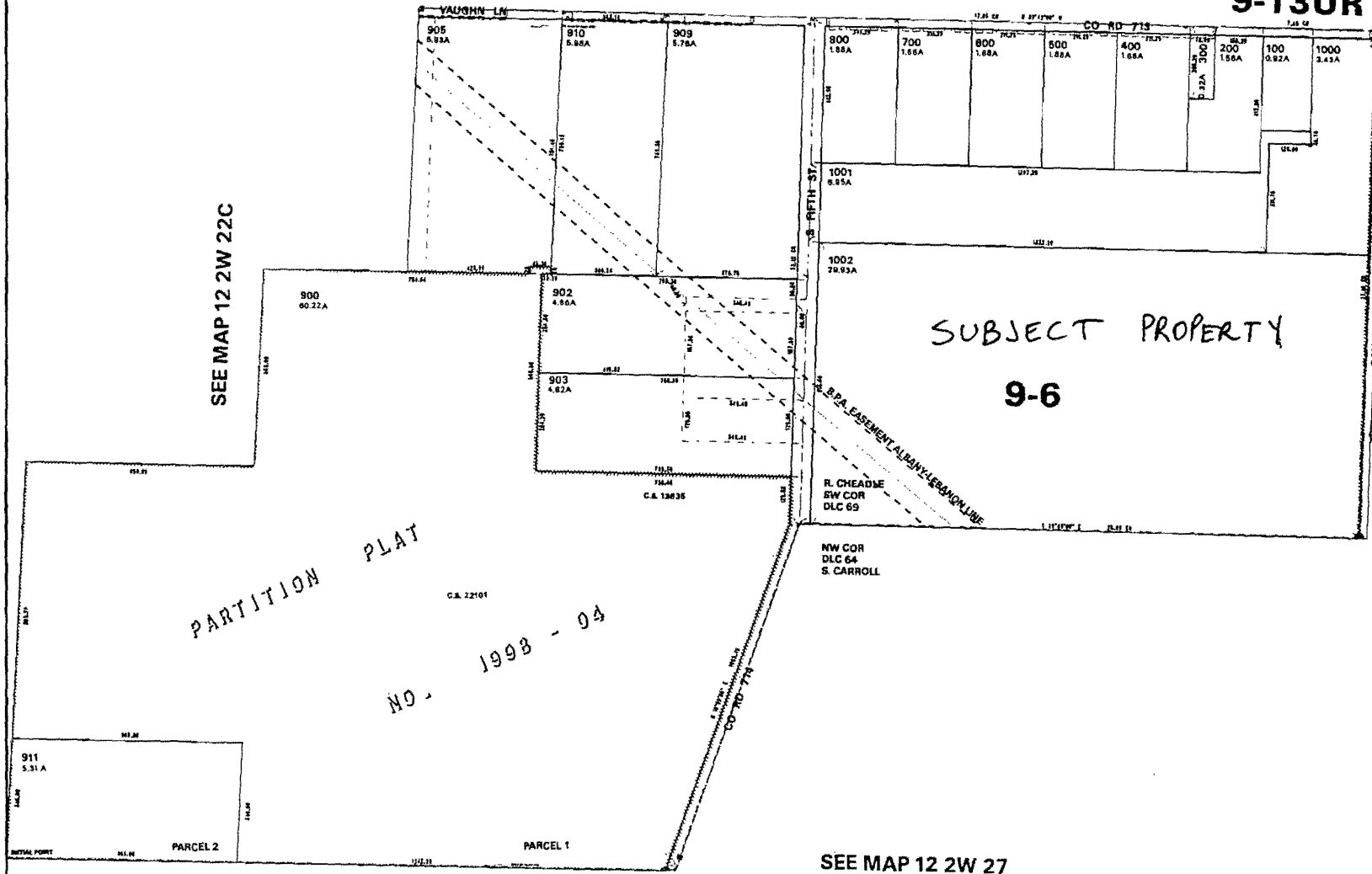
SE1/4 SEC.22 T.12S. R.02W. W.M.
LINN COUNTY, OREGON
1" = 200'



12 2W 22D
LEBANON

SEE MAP 12 2W 22A

9-13UR

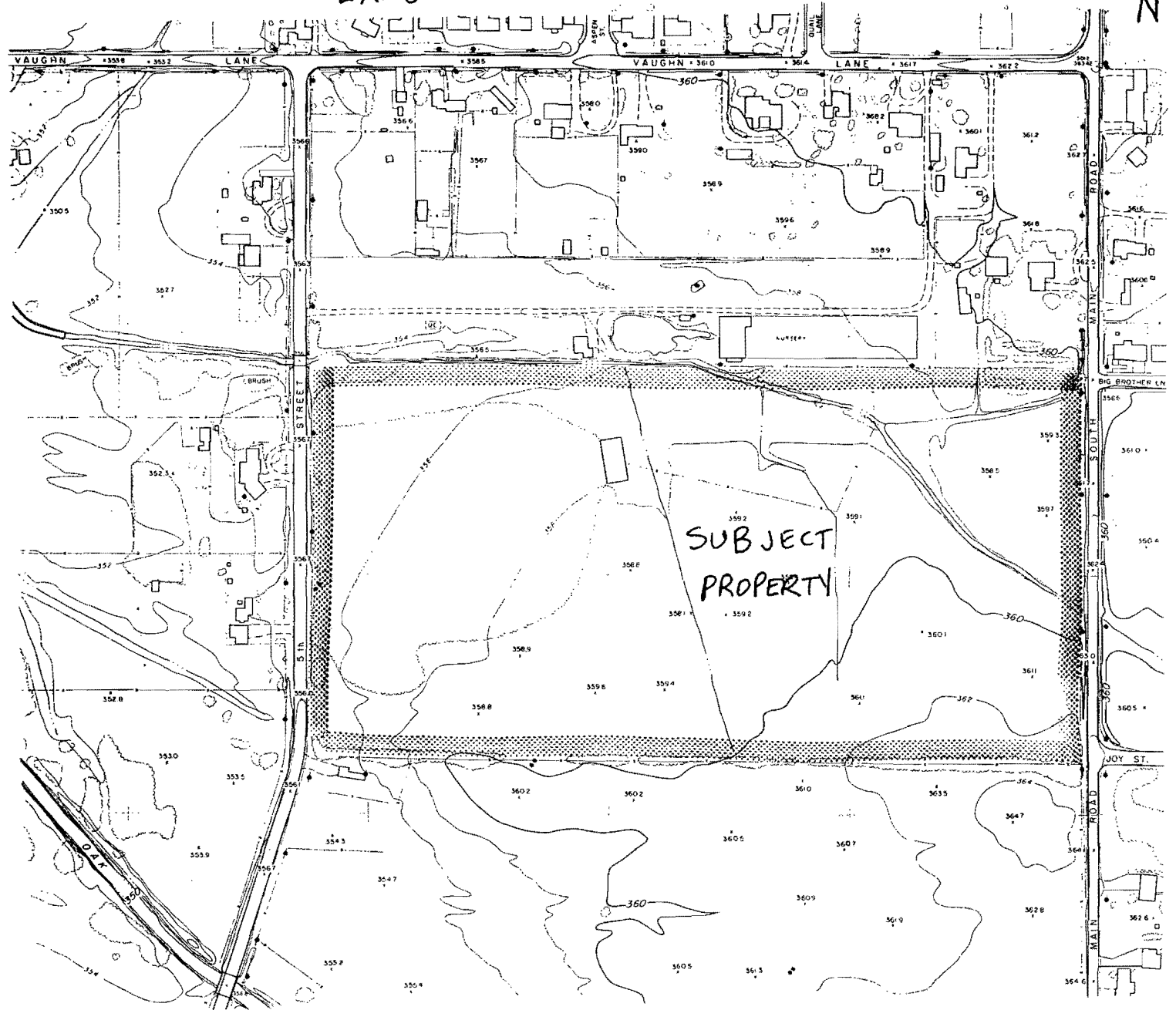


ASSESSOR'S MAP - ANNEXATION A-00-1

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LEBANON
12 2W 22D

LAND COVER MAP - ANNEXATION A-00-1



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 certified legal description and a map describing the entire annexation area have been submitted and are included in this report.

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.

Streets - The adjacent South Main Road and South Fifth Street are available to serve the annexation. These are both county standard roads. City standard improvements to these adjacent roadways will be required along with city standard extensions of Crowfoot Road and Joy Street.

Drainage - Surface drainage from the subject and surrounding properties sheet flows northwesterly across the subject property and, eventually, westward into Oak Creek. Development of this site will require collection of this existing drainage and site historic runoff and a more direct discharge directly into Oak Creek, either along South Main Road or South Fifth Street. City standard streets will include piped storm drainage.

Water - A 12-inch water main terminates near the intersection of South Main Road and Vaughn Lane. Water main extensions will be required to and through the site.

Sanitary sewer - A 12-inch sanitary sewer main terminates near the intersection of South Main Road and Vaughn Lane. Sewer extensions will be required to and through the site. Preliminary analysis by engineering staff indicates that the approximate western third of the site cannot be served by a gravity sewer.

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.*

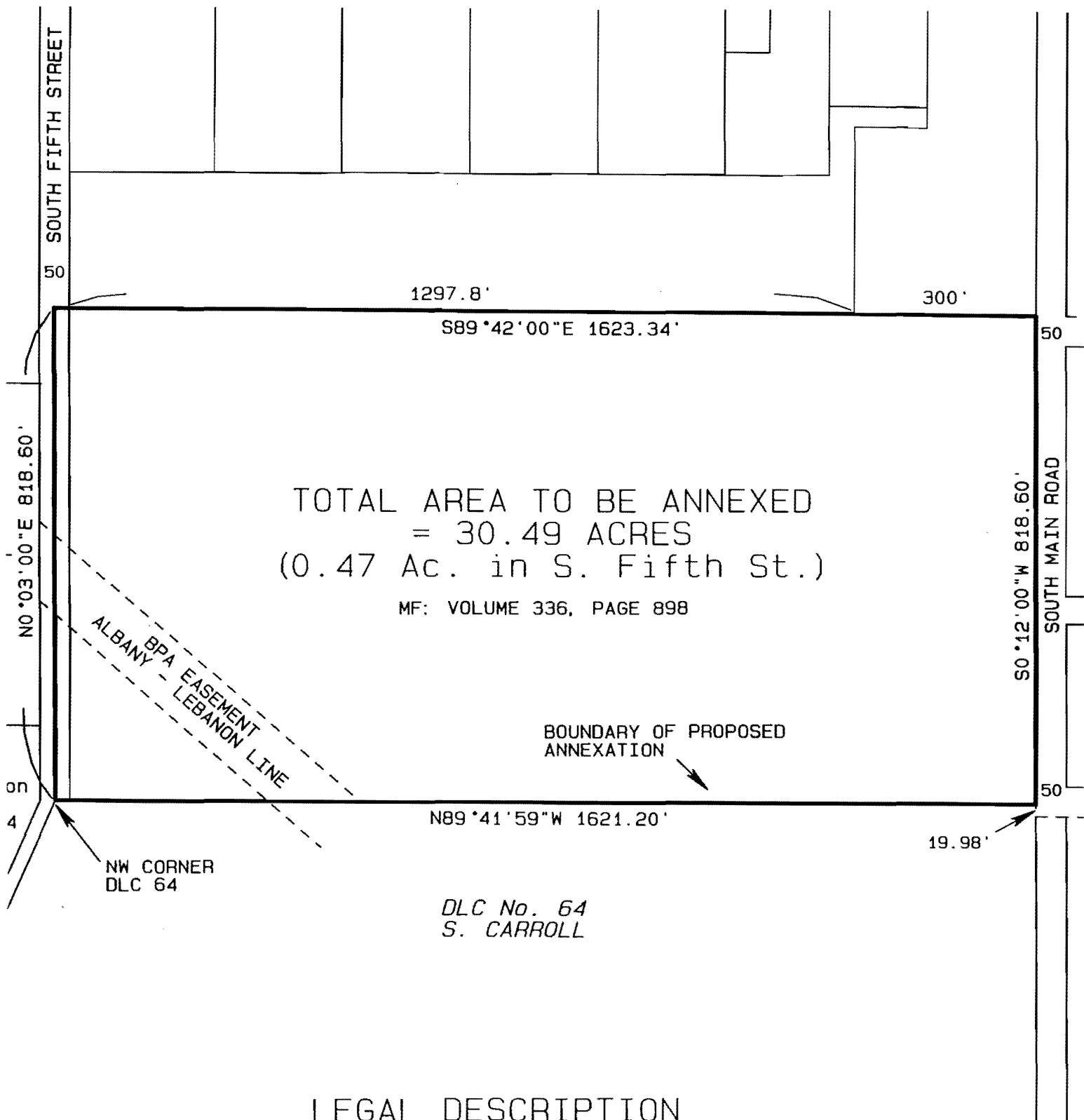
RECOMMENDATION

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 although no development proposal currently exists (at the time of report preparation), preliminary discussions regarding possible future development strategies regarding 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.

ANNEXATION A-00-1



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95 SOUTH FIFTH STREET

1297.8'

300'

S89°42'00"E 1623.34'

TOTAL AREA TO BE ANNEXED
= 30.49 ACRES
(0.47 Ac. in S. Fifth St.)

MF: VOLUME 336, PAGE 898

BOUNDARY OF PROPOSED
ANNEXATION

N89°41'59"W 1621.20'

DLC No. 64
S. CARROLL

LEGAL DESCRIPTION

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ROTH'S
DOROTHY ST.
ADDITION

PRESENT CITY LIMITS

JOY STREET

TRACTS

UNNAMED ROAD

JOYLAND

BOUNDARY PROPOSED
HERMANS
ANNEXATION

CROWFOOT ROAD

CROWFOOT TRACTS

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N0°03'00"E 818.60'

Partition
Plat
1998-04

NW CORNER
DLC 64

ALBANY BPA EASEMENT
LEBANON LINE

S0°12'00"W 818.60'

19.98'

REGISTERED
PROFESSIONAL
LAND SURVEYOR

David L. Haddock

OREGON
JULY 12, 1968
DAVID L. HADDOCK
552

RENEWS 6-30-01

ANNEXATION
MAP
A-00-1

ALPINE LAND

Alpine Land, Inc.
Request for Annexation of Property into the City of Lebanon

Request Date: December 9, 1999

Prepared by: Monte R. White

I. General Information and Facts:

Land Use Review: Annexation into City of Lebanon

Applicant: Alpine Land, Inc.
Russell J. Briggs, President
James A. Briggs, Secretary
Monte R. White, Engineer
18252 W. Campbell LP
Baker City, OR 97814
(541) 523-7156

Owner Parcel: Donald & Lois Shannon
700 Hillview Drive
Lebanon, OR 97355

Parcel Description: 30.49 Acres, Tax lot 1002 in Section 22D,
Township 12 South, Range 02 West W.M.,
Linn County, Oregon

Location: South and West of the City of Lebanon City
Limits

Existing Development: Barn in western portion of parcel

II. Applicable Provisions of Local Land Use Regulations

The request for annexation into the City of Lebanon City Limits of property currently within the City of Lebanon Urban Growth Area must comply with applicable procedures of the City of Lebanon's Resolution #11 for 1982, a Resolution for establishment of an Annexation Policy.

III. Nature of Request

Donald and Lois Shannon are property owners in the Urban Growth Area of the city of Lebanon, Oregon. They wish to have their property annexed into the City of Lebanon. Their property will be contiguous to the city limits upon acceptance of Annexation Application A-94-6 (Herman's Property).

IV. Analysis

A. Resolution #11 for 1982 – Annexation Policy – Requirements and Standards

1. Section 1 indicates that the City of Lebanon shall require proof that urban services are available or can be made available to serve the property considered for annexation, and that the additional demands that will be placed on those services will not over-burden the services present capacities.

Findings: For purposes of annexation generally, and for this request specifically, urban services are considered to mean provision of City water and sewage. This criterion asks that if annexation is proposed, the City be assured that City water treatment and sewage treatment facilities are able to handle potential development for the Zone proposed. Furthermore this criterion asks that those services be currently located either on the property or at a point where they can be provided to the property.

The applicants have proposed annexation of a parcel 30.49 acres in size into the City of Lebanon, and that this parcel be zones RM (Residential Mixed Density). According to Section 4.020 of the City of Lebanon Zoning and Subdivision Ordinance, the minimum parcel size allowed in the Zone ranges from 5000 square feet to 11,000 square feet, depending upon the type of development proposed. The applicants have tentatively proposed a uniform lot size of 11,000 square feet for the entire property to provide for multiple uses of each lot as allowed under Section 4.020.

This lot size could conceivably allow for outright development of 131 single-family or two-family dwellings, or 131 condominium complexes with at least 19 units. However, this proposed lot size is tentative, and used for annexation request purposes only. Specific development proposals must be approved by The City of Lebanon after annexation.

The applicants met with the City of Lebanon City Planner during January of 1999. The Planner indicated that there is an eight-inch water main, and a sewer main of unknown size, currently located within the right-of-way of South Main Street. The applicants are aware that the burden for proper provision of water and sewer to a proposed development must be equitable for all parties.

Conclusion: Urban Services – City water and sewer are available to a point 650 feet North of the subject property. No specific development proposal exists for the property. Therefore the development potential of the requested RM Zone for this property must be used for determining whether or not the City's water and sewer services have enough capacity to allow the development.

Lacking facts and figures for City capabilities for water and sewer, no conclusion can be made by the applicants as to whether the services are adequate. The City is in possession of that information, and therefore must be the party to determine whether or not the proposed zone for this particular property in this particular area can be serviced within the existing or planned capabilities of the City of Lebanon water and sewage facilities. CRITERION CAN BE MET IF THE CITY OF LEBANON FINDS THAT IT IS SO MET.

2. Section 2 indicates those 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.

Findings: The applicant met with the City of Lebanon City Planner in January of 1999. The City Planner indicated that development of the subject property would require inclusion of at least one full-size and one ½-size east-west street. And one or possibly two full-size north-south streets depending on the specific development plan. The applicant is aware that size, location, number of and construction specifications of such rights-of-way must meet City development standards.

Conclusion: Specific standards regarding rights-of-way for developments within the City of Lebanon are regulated by the LZSO (City of Lebanon Zoning and Subdivision Ordinance). The standards in this Ordinance for type, number of and construction of rights-of-way will be met at time of proposal for development. CRITERION WILL BE MET AT TIME OF DEVELOPMENT PROPOSAL.

3. Section 3 indicates that the parties included in or seeking an annexation shall initiate a program to upgrade any urban services and/or public facilities within the annexation area that do not meet City of Lebanon standards.

Findings: The applicant has proposed that the City of Lebanon annex approximately 30.49 acres currently zoned UGM-10 and re-zone the property to RM. The applicant met with the City of Lebanon City Planner in January of 1999. To the best of the applicant's knowledge, there are no existing urban services or public facilities on the property proposed for annexation.

The applicant has not proposed a specific development on the subject property. However, the applicant does plan to subdivide the property into approximately 130 lots for development of the type allowed in the RM Zone. Provision of urban services and public facilities for new developments within the City limits is governed by the City of Lebanon Zoning and Subdivision Ordinance.

Conclusion: There are no known urban services or public facilities currently existing within the boundaries of the subject property. No program of improvement is necessary at this time. Urban services and public facilities required for new development will be provided in accordance with City of Lebanon standards at time of such new development. CRITERION IS MET

4. Section 4 indicates that no annexation shall be considered that does not conform to the Lebanon Comprehensive Plan and its goals and policies.

Findings: The City of Lebanon Zoning and Subdivision Ordinance implements the goals and policies of the Lebanon Comprehensive Plan. Unless otherwise noted, requests found to be consistent with the implementing ordinances will be consistent with the Comprehensive Plan.

The applicant has not proposed a specific development regulated by the LZSO in this request. The applicant has proposed annexation of 30.49 acres lying adjacent to proposed annexation property A-99-6 (Herman's property) and within the Urban Growth Area into the City of Lebanon. Resolution #11 for 1982 establishing a policy for annexation is the only document establishing regulatory standards for annexation that the applicant is aware of.

Conclusion: No specific development plan is proposed as part of this request for annexation. The applicant is under the impression that the above-referenced resolution is the sole regulatory standard for annexations of property wherein no specific development plan is proposed. Therefore, if the proposal is found to meet all applicable standards and criteria in the policy for annexation, and other applicable laws and regulations, the proposal will be consistent with the Comprehensive Plan. Those standards, criteria, and laws are addressed in this report. CRITERION IS MET IF ALL OTHER APPLICABLE CRITERIA AND STANDARDS ARE MET

5. Section 5 indicates that the burden of proof that a public need exists for a proposed annexation, and that the proposed annexation, is in the public's interest.

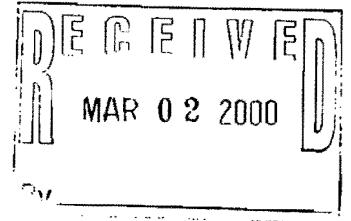
Findings: According to the City of Lebanon Planning Department Planning and Development Year-End Summary Reports for 1996, 1997 and 1998, 337 new dwelling units were constructed in the City, and 128.67 acres were annexed into the City during the period from 01-01-96 to 12-03-98. These reports also indicate that construction of new dwelling units has increased from 10 and 20 in 1991 and 1992 respectively, to 115, 117, and 105 in 1996, 1997 and 1998. Construction of single-family homes has increased steadily since 1990 through 1995 to approximately 91 per year from 1996 through 1998.

The applicant has proposed annexation of 30.49 acres of land within the Urban Growth Area of Lebanon into the City Limits of Lebanon. The proposed zone for the annexed property is RM, Residential – Medium Density. The proposed zone allows for development of single and multi-family dwelling units, condominium complexes, and associated other uses suited to serve public needs in an urban-residential environment.

Conclusion: Year-end summary reports of development activity within the City of Lebanon indicate that there has been a steady increase in dwelling units constructed and land annexed into the City over the last three years. The summary of dwelling units constructed for the years 1990 through 1998 show a steady increase in dwelling units constructed, with a significant increase in 1996 through 1998. Steady growth with recent large increases demonstrates a public need for residentially zoned property of the type proposed in this request in the City of Lebanon.
CRITERION IS MET

ATTACHMENT "B"

Bus & Ruth Moss
515 Carlson Dr.
Lebanon, Oregon
March 2, 2000



Dear Mr. Parker,

We recently received a notice that Mr. Shannon was attempting to have his land annexed to the city of Lebanon in preparation to sub-dividing his land. We have no objection to this but we want the common boundary line to be adequately marked. There is a large cement post on South 5th Street and a large cement post on S. Main St that we believe to be the corner post markers of our property but the fence has been moved to the point that it just meanders from tree to tree and is not on the line and we feel that the line fence should be placed on the line correctly before approving this annexation.

We would further ask that if Mr. Shannon's property needs to be drained, that it be drained to the west of his property thru the creek that goes thru his property and eventually goes into Oak Creek or down S. 5th Street to Oak Creek and not down S. Main Road as we feel this might flood our property.

Thank you for your consideration,

Sincerely,

Bud Moss
Ruth Moss