

A BILL FOR AN ORDINANCE ANNEXING AND)	
ZONING PROPERTY FOLLOWING HEARING AND)	ORDINANCE BILL NO. <u>25</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>2260</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:

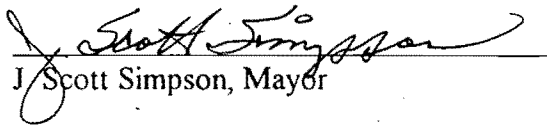
Section 1. Annexation Area. The following contiguous territory described in Exhibit "A" and incorporated herein by this reference is hereby proclaimed to be annexed to the City of Lebanon and zoned as indicated in accordance with the Lebanon Zoning Ordinance No. 1773, and given the zoning of Mixed Use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

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.


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

JAMES F. UDELL

UDELL ENGINEERING & SURVEYING

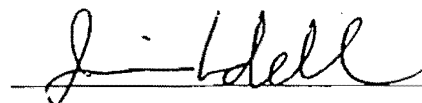
63 EAST ASH STREET
LEBANON, OREGON 97355
PHONE (541) 451-5125
FAX (541) 451-1366

An area of land in the Southeast $\frac{1}{4}$ of Section 23 and in the Southwest $\frac{1}{4}$ of Section 24 of Township 12 South of Range 2 West of the Willamette Meridian, Linn County, Oregon described as follows:

Beginning at a point which bears South $89^{\circ}04'00''$ East 2375.02 feet along the South line of the Richard Cheadle DLC No. 69 from the Southeast corner of the West $\frac{1}{2}$ of said Claim as shown being a stone on County Survey 3021 and North $0^{\circ}09'57''$ East 367.00 feet; thence North $89^{\circ}04'00''$ West 1110.61 feet to a point on the Northeasterly right-of-way of the Oregon Electric Railway Company; thence along said right-of-way the following courses and distances, along a 1768.91 feet radius curve to the right 139.11 feet to a point (Chord bears North $53^{\circ}04'50''$ West 139.07 feet); thence along a spiral curve to the right 197.58 feet to a point (chord bears North $48^{\circ}45'35''$ West 197.57 feet); thence North $47^{\circ}42'49''$ West 555.52 feet to a point; thence now leaving said right-of-way North $21^{\circ}31'05''$ West 350.73 feet to a $\frac{5}{8}$ " iron rod; thence North $18^{\circ}19'48''$ West 203.35 feet to a $\frac{5}{8}$ " iron rod; thence South $77^{\circ}30'08''$ East 342.67 feet to a 1" iron pipe; thence North $78^{\circ}16'16''$ East 214.75 feet to a 1" iron pipe; thence North $53^{\circ}26'06''$ East 290.99 feet to a $\frac{5}{8}$ " iron rod; thence North $84^{\circ}53'19''$ East 332.75 feet to a $\frac{5}{8}$ " iron rod; thence North $13^{\circ}33'17''$ East 224.08 feet to a $1\frac{1}{2}$ " iron pipe; thence North $53^{\circ}23'29''$ East 541.20 feet to a $1\frac{1}{4}$ " iron pipe; thence South $77^{\circ}52'29''$ East 205.86 feet to a $1\frac{1}{4}$ " iron pipe; thence South $63^{\circ}34'54''$ East 792.78 feet to a $1\frac{1}{4}$ " iron pipe; thence South $46^{\circ}27'55''$ East 297.00 feet to a $\frac{5}{8}$ " iron rod; thence North $89^{\circ}58'56''$ East 20.30 feet to a $\frac{5}{8}$ " iron rod on the Lebanon Santiam Canal; thence South $19^{\circ}12'49''$ East 68.81 feet along the said canal to a point on the North line of the Richard Cheadle DLC No. 69; thence North $89^{\circ}30'36''$ West along said North line of Claim No. 69 789.26 feet to a point; thence South $0^{\circ}09'57''$ West 1179.28 feet to the point of beginning.

Containing 60.612 AC

I hear by certify the above legal description closes per ORS.



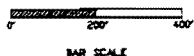
Jim Udell, PLS

ANNEXATION MAP
WAYNE OAKLEY AND LEBANON COMMUNITY FOUNDATION

SE 1/4 SEC. 23 AND S.W. 1/4 SEC. 24

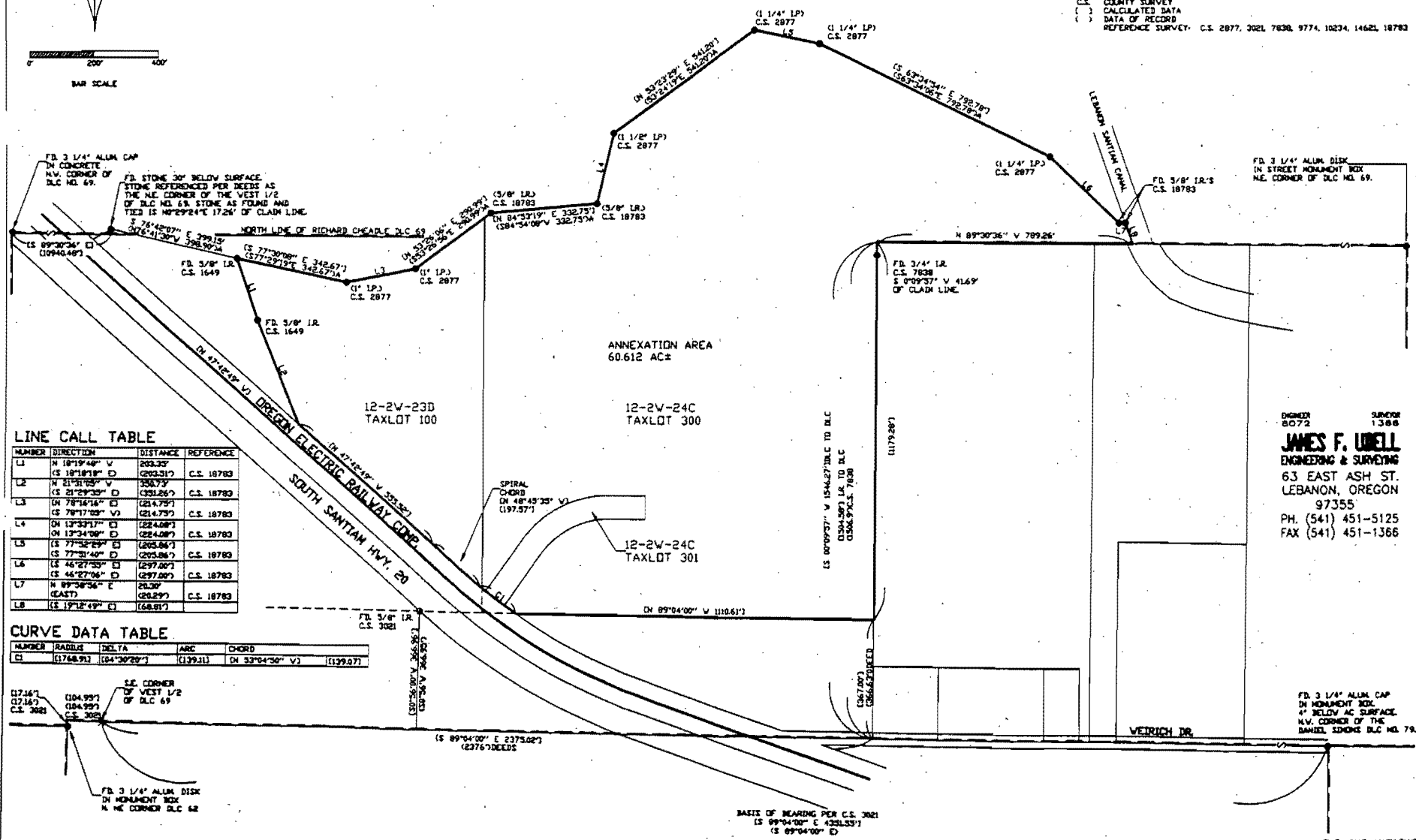
T. 12 S., R. 2 W., W.M.
 LINN COUNTY, OREGON

JANUARY 11, 2000



LEGEND

- RECORD MONUMENT AS NOTED FOUND OR PER RECORD
- FOUND
- COUNTY SURVEY
- () CALCULATED DATA
- () DATA OF RECORD
- REFERENCE SURVEY: C.S. 2877, 302L, 7838, 9774, 10274, 1462L, 18783

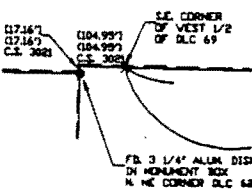


LINE CALL TABLE

NUMBER	DIRECTION	DISTANCE	REFERENCE
L1	N 18°19'48" W	203.25'	
	(S 18°18'18" E)	(200.31')	C.S. 18783
L2	N 81°31'05" W	320.77'	
	(S 21°29'25" E)	(321.26')	C.S. 18783
L3	ON 75°14'14" W	(214.75')	
	(S 78°17'05" W)	(214.75')	C.S. 18783
L4	ON 13°33'17" E	(224.08')	
	ON 13°34'08" E	(224.08')	C.S. 18783
L5	(S 77°32'25" E)	(205.86')	
	(S 77°31'40" E)	(205.86')	C.S. 18783
L6	(S 46°27'25" E)	(297.89')	
	(S 46°27'26" E)	(297.89')	C.S. 18783
L7	N 89°58'54" E (EAST)	26.30'	
	(E 17°12'49" E)	(68.81')	C.S. 18783

CURVE DATA TABLE

NUMBER	RADIUS	DELTA	ARC	CHORD
C1	(1748.91)	(84°30'29")	(139.31)	ON 33°04'30" W
				(1139.07)



DESIGNED 8072 SURVEYOR 1388
JAMES F. UDELL
 ENGINEERING & SURVEYING
 63 EAST ASH ST.
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 97355
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 FAX (541) 451-1366

VOL. 1103 PAGE 4/11

FILE # A-00-2

**CITY OF LEBANON
PLANNING COMMISSION STAFF REPORT**

ANNEXATION REQUEST

NATURE OF REQUEST: Annexation of a 60.61 acre area comprised of three tax lots that are currently in agricultural use.

APPLICANT: Wayne Oakley and Lebanon Community Foundation

PROPERTY LOCATION: Located east of the Santiam Highway (Hwy. 20), north of Weirich Drive and south of Cheadle Lake. Assessor's Maps 12-2W-23D, Tax Lot 100 and 12-2W-24C, Tax Lots 300 and 301.

ZONE DESIGNATION: Currently EFU-80 (county zone)
Mixed Use (MU) - upon annexation

COMP PLAN DESIGNATION: Special Development District (SPD)

INTRODUCTION

The applicants propose to annex this property to the City in order to facilitate the relocation of the Lebanon Strawberry Festival to part of the annexation area and to obtain city zoning designation in support of future development of the balance of the area.

The subject property is part of site #4 in the 1995 Lebanon Commercial Land Study which resulted in a Comprehensive Plan Map Amendment from Industrial to Special Development District (file # CPA-95-3) in support of future recreational and mixed use development. The original Cheadle Lake recreational development proposal included an RV park, fairgrounds/festival activity center and sports facility. The subject property is being prepared by the Lebanon Strawberry Festival Association as the new permanent site for the Strawberry Festival Carnival. The 1995 Comprehensive Plan Map redesignation was done in support of these initiations. The City obtained a technical assistance grant in 1995 in support of the Cheadle Lake recreational development proposal. This grant produced various integrated feasibility studies including highway access, public infrastructure extension, wetlands evaluation, site design, and a cultural resources survey. The infrastructure study included the city utility service needs of the annexation area and surrounding properties. A highway access permit for a new major access directly from Highway 20 has been obtained and access improvements are

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY

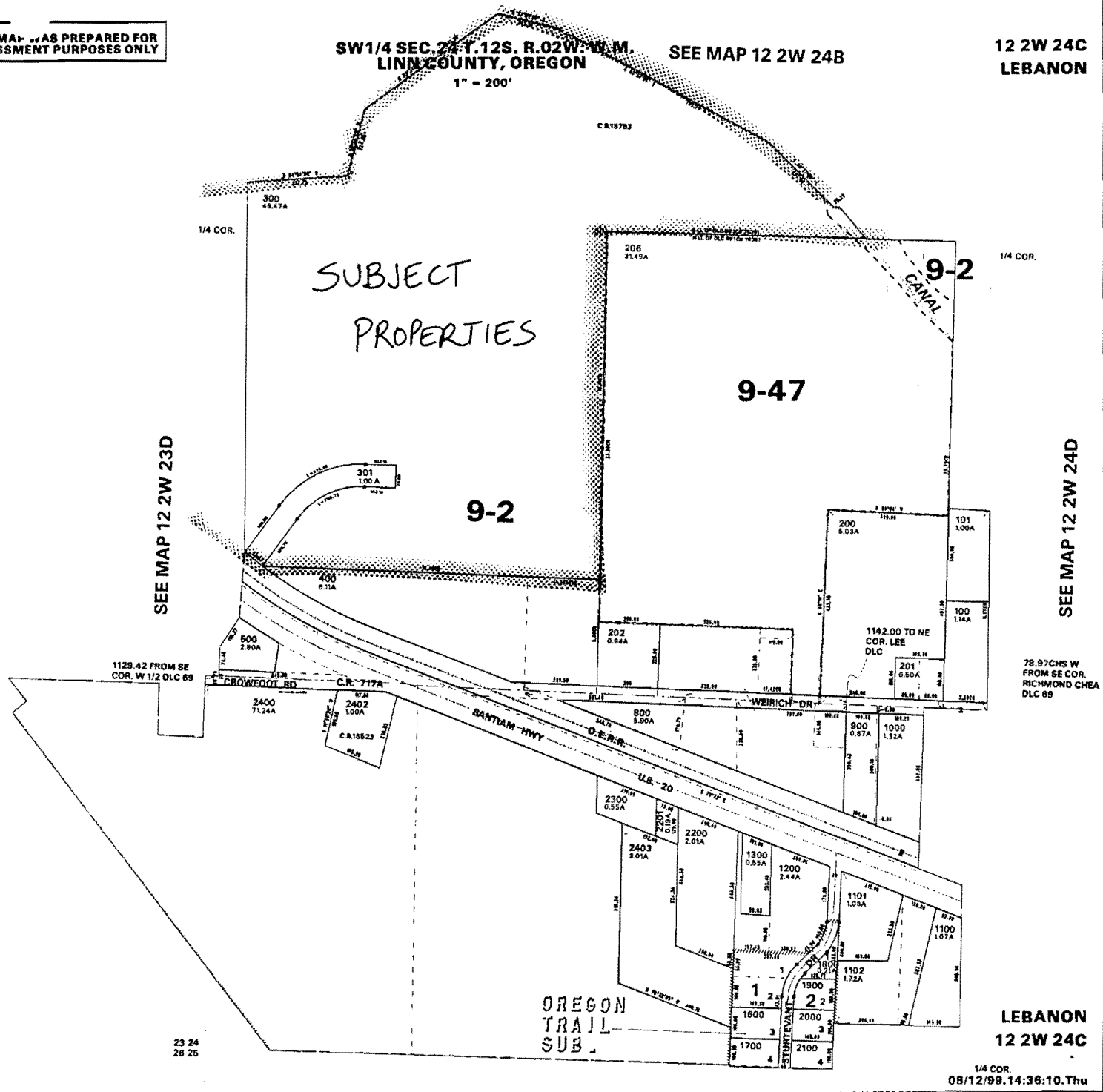
SW 1/4 SEC. 24 T. 12S. R. 02W. W. M. LINN COUNTY, OREGON
1" = 200'

12 2W 24C
LEBANON



A-00-2, Page 2

ASSESSOR'S MAP
ANNEXATION A-00-2



SEE MAP 12 2W 23D

SEE MAP 12 2W 24D

78.97CHS W FROM SE COR. RICHMOND CHEA DLC 69

23 24
26 25

LEBANON
12 2W 24C

1/4 COR.
08/12/99.14:36:10.Thu

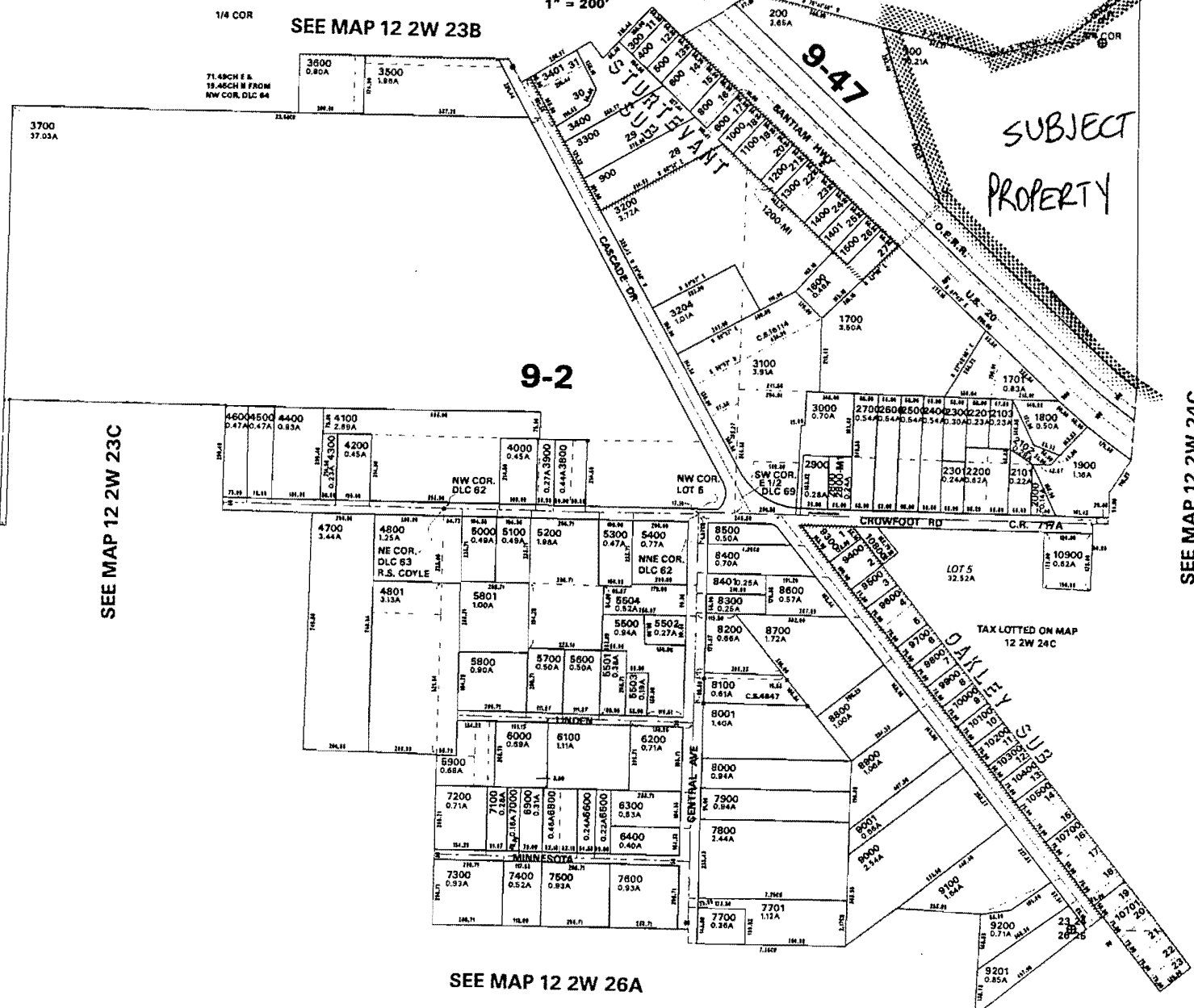
THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY

SE 1/4 SEC. 23 T. 12S. R. 02W. W.M.
LINN COUNTY, OREGON
SEE MAP 12 2W 23A
1" = 200'

12 2W 23D
LEBANON



1/4 COR
SEE MAP 12 2W 23B



9-2

9-47

SUBJECT
PROPERTY

A-00-2, Page 3

SEE MAP 12 2W 23C

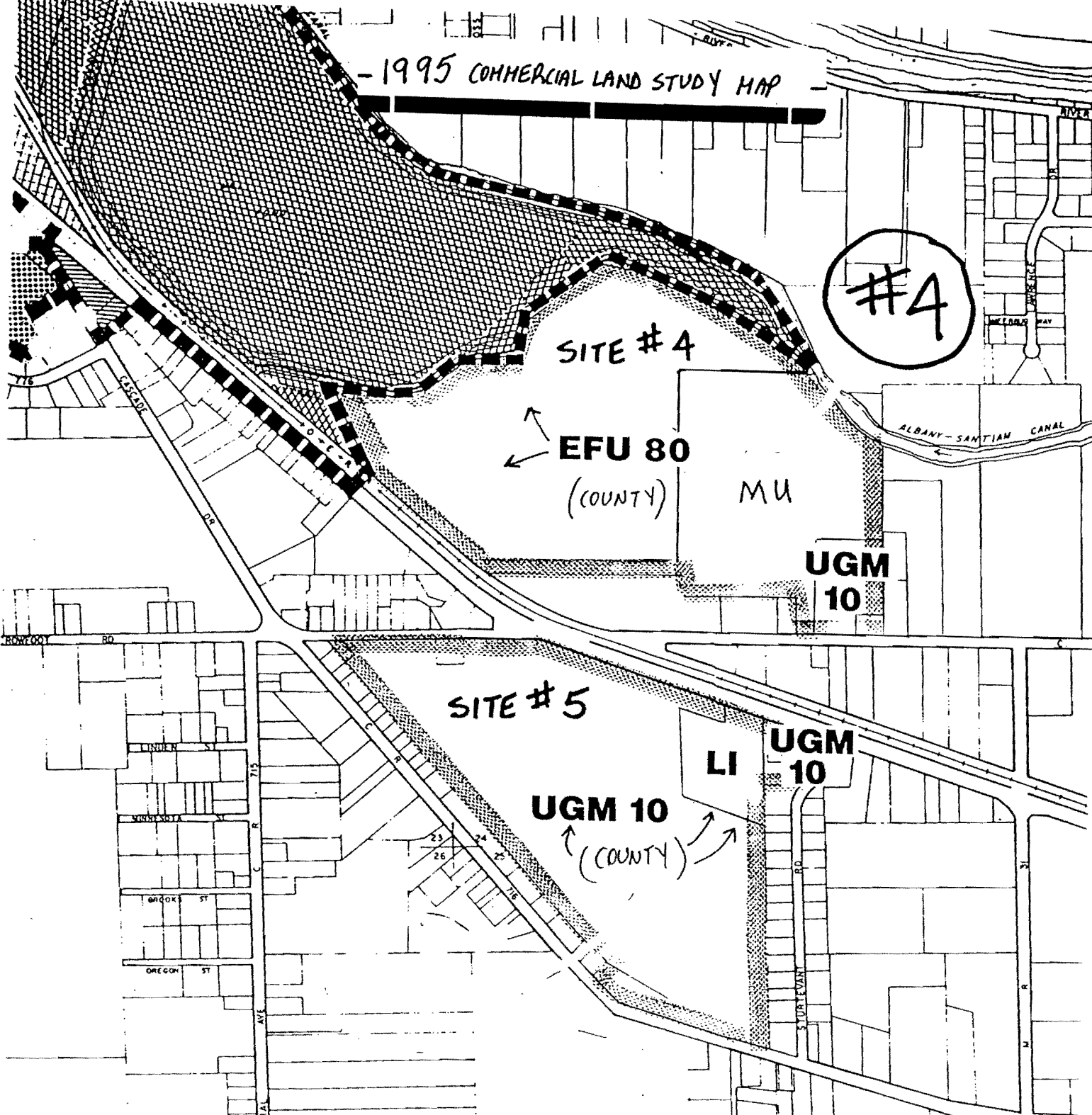
SEE MAP 12 2W 24C

SEE MAP 12 2W 26A

ASSESSOR'S MAP
ANNEXATION A-00-2

LEBANON
12 2W 23D

- 1995 COMMERCIAL LAND STUDY MAP -



LEBANON ZONING MAP

LAND USE ZONES

RL		Residential Low Density Zone	CH		Highway Commercial Zone
RM		Residential Mixed Density Zone	ML		Limited Industrial Zone
RH		Residential High Density Zone	MG		General Industrial Zone
CN		Neighborhood Commercial Zone	MU		Mixed Use Zone
CB		Central Business Commercial Zone	AC		Aircraft Control Subzone

- LAND COVER MAP

SUBJECT
PROPERTIES

CHEADLE LAKE



planned.

SITE DESCRIPTION

The site is currently vacant but in active agricultural production. City utilities are farther than a mile away to the north at the intersection of Highway 20 and Market Street.

Cheadle Lake abuts the north boundary of the subject property and provides the connection to city limits. Cheadle Lake, a former log pond, was previously evaluated for feasibility as a fresh water fishing recreational facility. The railroad tracks and Highway 20 farther beyond abut the west boundary of the subject property.

An active wood products industrial area is located to the south along with a utility substation on Weirich Road. Single family dwellings are located along both sides of Weirich Road to the south and southeast. An agricultural field is located to the immediate east (this field is also part of the proposed Strawberry Festival Carnival grounds. A manufactured dwelling park (Halcyon) is located farther to the east along the north side of Weirich Road.

Weirich Road is a designated collector street improved to county standards (no curb, gutter or sidewalk). Currently, Weirich Road has a 40 foot right-of-way while the Lebanon Transportation Master Plan indicates a required 60 foot right-of-way for this road.

PLANNING AND ZONING CONSIDERATIONS

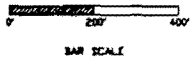
The Comprehensive Plan Map identifies the designation of the subject property as a Special Development District (SPD) which assigns a Mixed Use (MU) zoning upon annexation. City of Lebanon Resolution No. 11 for 1982, a Resolution Establishing an Annexation Policy, contains the factors and conditions that the City considers in evaluating an annexation request. Lebanon Zoning Ordinance Section 4.130 lists the development opportunities, standards and requirements for the Mixed Use (MU) zone.

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*

ANNEXATION MAP
WAYNE OAKLEY AND LEBANON COMMUNITY FOUNDATION
 SE 1/4 SEC. 23 AND S.W. 1/4 SEC. 24
 T. 12 S., R. 2 W., W.M.
 LINN COUNTY, OREGON

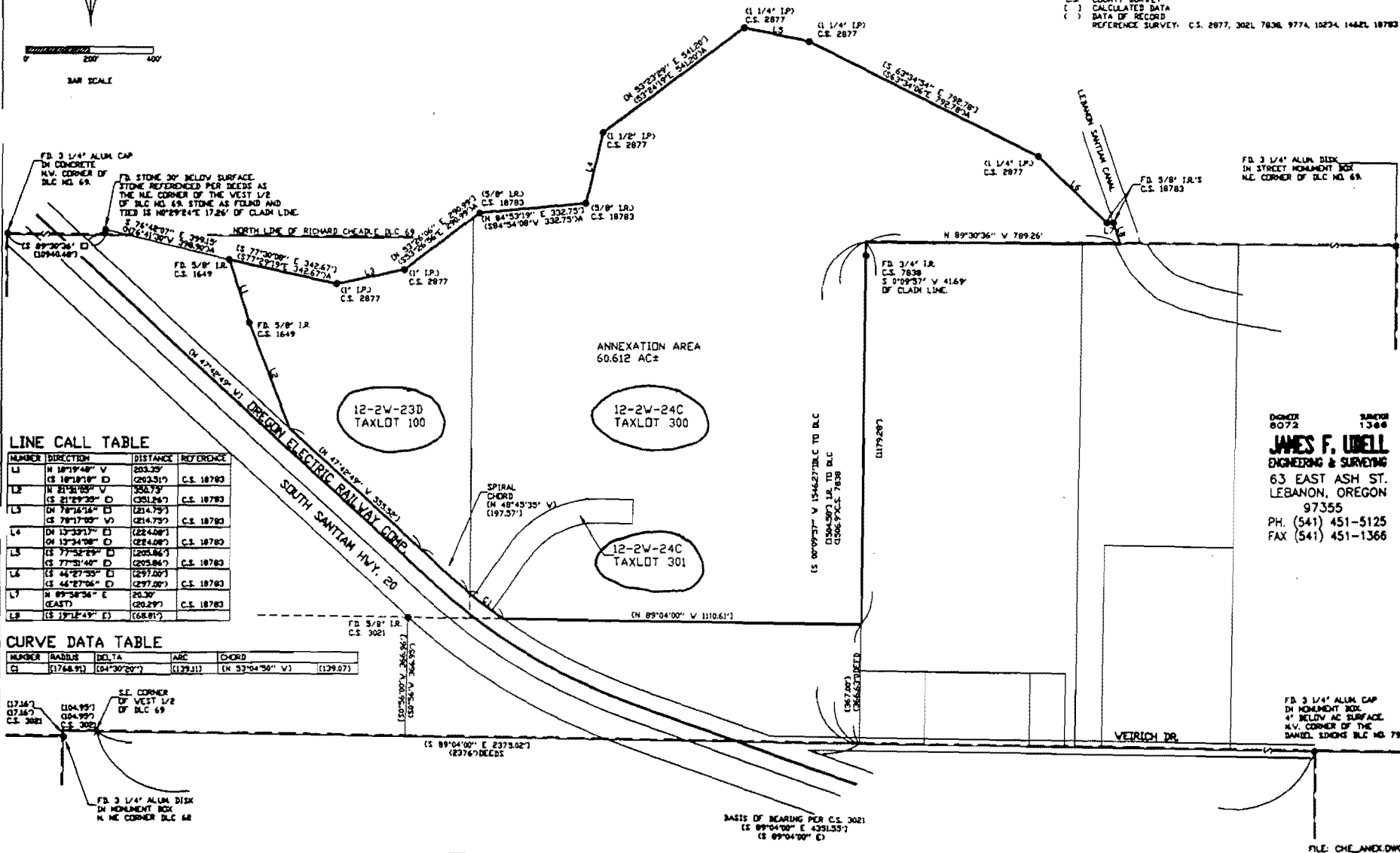
JANUARY 11, 2000



LEGEND

- RECORD MONUMENT AS NOTED FOUND OR PER RECORD
- FD. FOUND
- C.S. COUNTY SURVEY
- [] CALCULATED DATA
- () DATA OF RECORD
- REFERENCE SURVEY: C.S. 2877, 302L, 7836, 9774, 10234, 1442L, 18783

A-00-2, Page 7



LINE CALL TABLE

NUMBER	DIRECTION	DISTANCE	REFERENCE
L1	N 18°19'48" V	253.357	C.S. 18783
L2	N 21°58'18" D	250.510	C.S. 18783
	(S 21°29'35" D)	(351.267)	C.S. 18783
L3	DN 78°16'16" V	(214.797)	C.S. 18783
	(S 78°17'00" V)	(214.797)	C.S. 18783
L4	DN 13°39'17" E	(224.681)	C.S. 18783
	DN 13°34'58" E	(224.681)	C.S. 18783
L5	(S 77°52'57" E)	(225.867)	C.S. 18783
	(S 77°51'40" E)	(225.867)	C.S. 18783
L6	(S 44°27'55" E)	(297.207)	C.S. 18783
	(S 44°27'06" E)	(297.207)	C.S. 18783
L7	N 89°38'34" E	20.307	C.S. 18783
	(EAST)	(20.297)	C.S. 18783
L8	(S 19°12'49" E)	(68.817)	

CURVE DATA TABLE

NUMBER	RADIUS	DELTA	ARC	CHORD
C1	(1744.91)	(04°30'20")	(119.11)	(M 33°04'50" V)
				(119.07)

DIGIT 0072 PLOT 1368
JAMES F. UDELL
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ANNEXATION MAP - LEBANON FILE # A-00-2

JAMES F. UDELL UDELL ENGINEERING & SURVEYING

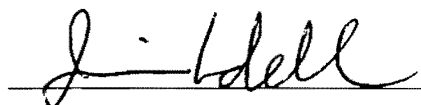
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An area of land in the Southeast $\frac{1}{4}$ of Section 23 and in the Southwest $\frac{1}{4}$ of Section 24 of Township 12 South of Range 2 West of the Willamette Meridian, Linn County, Oregon described as follows:

Beginning at a point which bears South $89^{\circ}04'00''$ East 2375.02 feet along the South line of the Richard Cheadle DLC No. 69 from the Southeast corner of the West $\frac{1}{2}$ of said Claim as shown being a stone on County Survey 3021 and North $0^{\circ}09'57''$ East 367.00 feet; thence North $89^{\circ}04'00''$ West 1110.61 feet to a point on the Northeasterly right-of-way of the Oregon Electric Railway Company; thence along said right-of-way the following courses and distances, along a 1768.91 feet radius curve to the right 139.11 feet to a point (Chord bears North $53^{\circ}04'50''$ West 139.07 feet); thence along a spiral curve to the right 197.58 feet to a point (chord bears North $48^{\circ}45'35''$ West 197.57 feet); thence North $47^{\circ}42'49''$ West 555.52 feet to a point; thence now leaving said right-of-way North $21^{\circ}31'05''$ West 350.73 feet to a $\frac{5}{8}$ " iron rod; thence North $18^{\circ}19'48''$ West 203.35 feet to a $\frac{5}{8}$ " iron rod; thence South $77^{\circ}30'08''$ East 342.67 feet to a 1" iron pipe; thence North $78^{\circ}16'16''$ East 214.75 feet to a 1" iron pipe; thence North $53^{\circ}26'06''$ East 290.99 feet to a $\frac{5}{8}$ " iron rod; thence North $84^{\circ}53'19''$ East 332.75 feet to a $\frac{5}{8}$ " iron rod; thence North $13^{\circ}33'17''$ East 224.08 feet to a $1\frac{1}{2}$ " iron pipe; thence North $53^{\circ}23'29''$ East 541.20 feet to a $1\frac{1}{4}$ " iron pipe; thence South $77^{\circ}52'29''$ East 205.86 feet to a $1\frac{1}{4}$ " iron pipe; thence South $63^{\circ}34'54''$ East 792.78 feet to a $1\frac{1}{4}$ " iron pipe; thence South $46^{\circ}27'55''$ East 297.00 feet to a $\frac{5}{8}$ " iron rod; thence North $89^{\circ}58'56''$ East 20.30 feet to a $\frac{5}{8}$ " iron rod on the Lebanon Santiam Canal; thence South $19^{\circ}12'49''$ East 68.81 feet along the said canal to a point on the North line of the Richard Cheadle DLC No. 69; thence North $89^{\circ}30'36''$ West along said North line of Claim No. 69 789.26 feet to a point; thence South $0^{\circ}09'57''$ West 1179.28 feet to the point of beginning.

Containing 60.612 AC

I hear by certify the above legal description closes per ORS.



Jim Udell, PLS

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.*

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 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 Santiam Highway is available to serve the annexation.

Drainage - The site presently drains into Cheadle Lake and the adjacent highway ditch. Since Cheadle Lake will likely serve the developed site, discharge water quality will be a consideration.

Water - An 8-inch water main terminates near the end of the Weldwood (private) drive and a 16-inch main terminates approximately 200 feet north of the intersection of Market Street and the Santiam Highway. Depending on the development proposal, either or both of these mains would require extension southwestward to the subject site.

Sanitary sewer - A 12-inch sanitary sewer main terminates near the end of the Weldwood (private) drive. Depending on the development proposal, either this sewer main will require

extension to the site or a private pump station will be required.

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.

RECOMMENDATION

Staff acknowledges that there are various challenges to extending infrastructure to the annexation area. Staff also acknowledges that the annexation area is part of a much larger development proposal that represents potential community-wide benefits and amenities. Therefore, 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 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 as evidenced by the Public Facilities and Infrastructure Report included in the Cheadle Lake Development Feasibility Study.
2. The proposed annexation complies with City Annexation Policy, Section 2, in that the new Highway 20 access will eventually result in the provision of additional city right-of-way that will eventually be built as a city standard street and replace the intersection of Weirich Drive and Highway 20 thereby enhancing public health , safety and welfare by providing safer highway access.
3. The proposed annexation complies with the intent City Annexation Policy, Section 3, in that engineering feasibility studies regarding utility extensions to the site have been undertaken and completed.
4. The proposed annexation complies with City Annexation Policy, Section 4, in that the planned future use of the property complies 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 local recreational opportunities and festival grounds.
6. The proposed annexation complies with Comprehensive 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.