

A BILL FOR AN ORDINANCE ANNEXING AND	)	ORDINANCE BILL NO. <u>10</u>
ZONING PROPERTY FOLLOWING HEARING AND	)	for 2001
UPON THE WRITTEN CONSENT FILED WITH	)	
THE CITY COUNCIL BY LANDOWNERS IN	)	
SAID AREA PURSUANT TO ORS 222.120 AND	)	ORDINANCE NO. <u>2283</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:

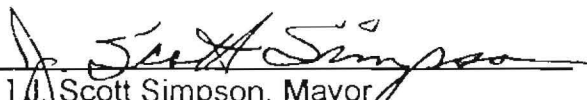
Section 1. Annexation Area. The following contiguous territory described in Exhibit "A" and incorporated herein by this reference is hereby proclaimed to be annexed to the City of Lebanon and zoned as indicated in accordance with the Lebanon Zoning Ordinance No. 1773, and given the zoning of Limited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

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

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

bounds or legal 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.

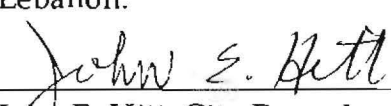
Passed by the Council by a vote of 5 for and 0 against and approved by the Mayor this 8th of August, 2001.

  
 J. Scott Simpson, Mayor  
 Ken Toombs, Council President

ATTEST:

  
\_\_\_\_\_  
John E. Hitt, City Recorder

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 the J. Scott Simpson, whose signature appears on the original document, was at the time of signing the Mayor of the City of Lebanon.

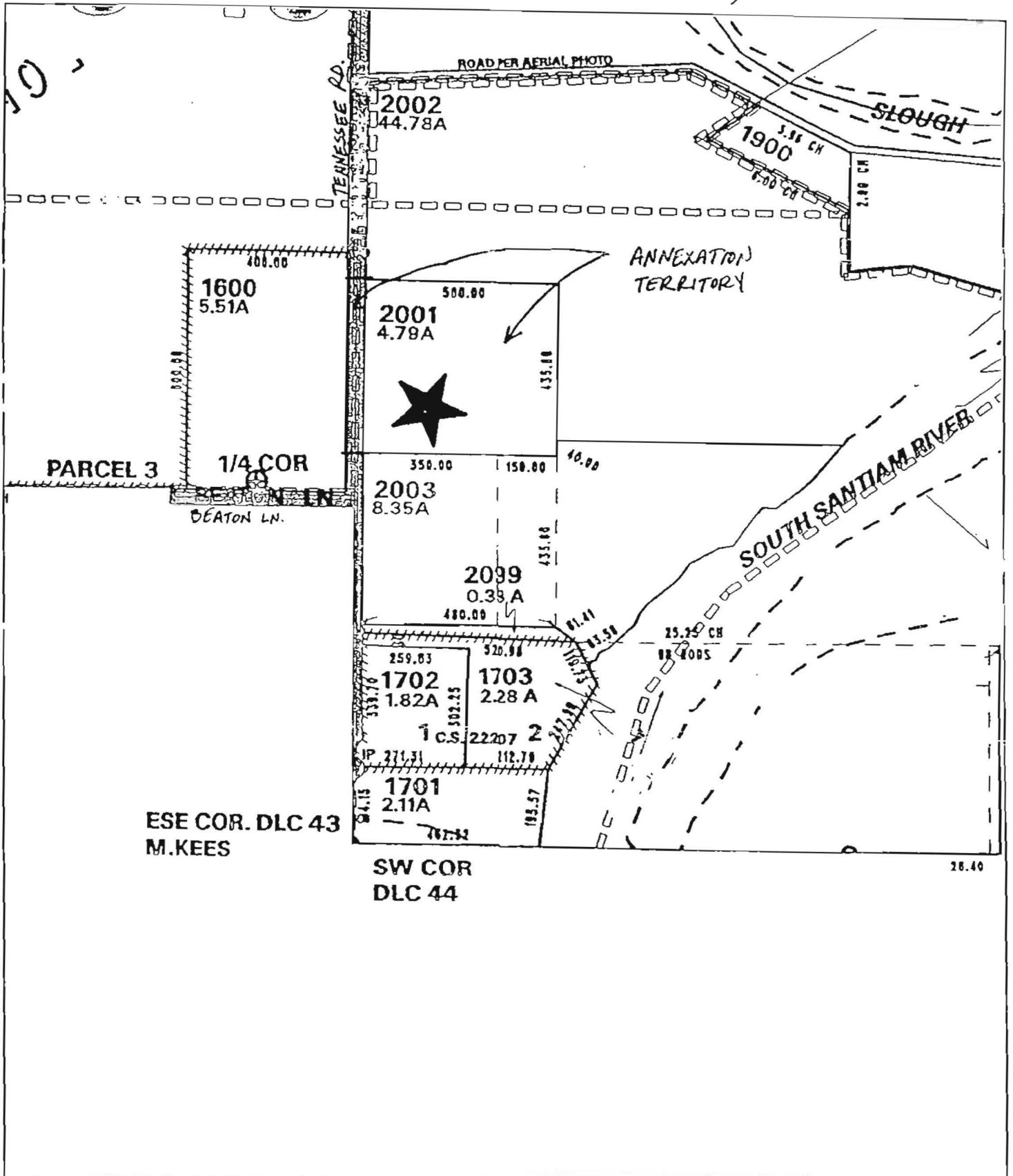
  
\_\_\_\_\_  
John E. Hitt, City Recorder

# ANNEXATION MAP

FILE # A-01-03

MORSE BROS. - TENNESSEE ROAD

ASSESSOR'S MAP T12S-R2W-2, TAX LOT 2001



ANNEXATION FILE # A-01-03

MORSE BROS. - TENNESSEE ROAD

LEGAL DESCRIPTION

Beginning at a point on the west right of way line of Tennessee Road, 20 feet West of the west line of and North 990.69 feet from the Southwest corner of the James M. Marks Donation Land Claim No. 44 in Township 12 South, Range 2 West of the Willamette Meridian, Linn County, Oregon; and running thence North along said west right of way line 435.60 feet to a point (from which point a 3/4 inch iron pipe bears East 40.00 feet); thence East 520.00 feet to a 3/4 inch iron pipe; thence South parallel to the west line of said Donation Land Claim No. 44, a distance of 435.60 feet to a hexagonal iron bar; thence West 520.00 feet to the place of beginning.

STATE OF OREGON  
County of Linn

I hereby certify that the attached  
was received and duly recorded  
by me in Linn County records,

STEVE DRUCKENMILLER  
Linn County Clerk

By JR, Deputy

M  
R 20  
S 70  
A 4  
O

MF 1209

PAGE 852

8:30 O'clock a.m.

AUG 24 2001

41

**CITY OF LEBANON  
PLANNING COMMISSION STAFF REPORT**

**ANNEXATION REQUEST**

**NATURE OF REQUEST:** Annexation of an approximately 5.40 acre area comprised of a 4.90 acre vacant parcel and the abutting 0.60 acres of Tennessee Road.

**APPLICANT:** Morse Bros., Inc.

**PROPERTY LOCATION:** Located on the east side of Tennessee Road directly east of the Lebanon Wastewater Treatment Plant. Assessor's Map 12-2W-2, Tax Lot 2001.

**ZONE DESIGNATION:** Limited Industrial (ML) - upon annexation

**COMP PLAN DESIGNATION:** Special Development District

**INTRODUCTION**

The applicant proposes to annex this property into the city in order to obtain city services and city zoning assignment in order to sell the property to someone who aspires to develop the property with a truck and auto repair business and storage. These proposed land use development activities will be reviewed by a separate planning action. A brief narrative prepared by the applicant is included as Attachment "A".

The current request is to annex the subject property and adjacent, abutting roadway into the city. The future development of the site will be subject to future planning review. The Planning Commission will make a recommendation to the City Council as to whether or not the proposed annexation and requested zoning should be approved.

**SITE DESCRIPTION**

The 4.90 acre subject property is located in a transitional area in the northeast corner of the Lebanon Urban Growth Boundary (UGB). The property is vacant and covered with tall grass, berry brambles, and a variety of trees (maples, cottonwoods, cherry, etc.). A gate providing access from Tennessee Road is located near the northern boundary of the property. The site is generally flat although it changes in elevation a few feet at the east edge of the site.

Surrounding uses are quite variable and includes both annexed and unannexed land within the UGB. The Lebanon wastewater (sewage) treatment plant, an industrial activity, is directly across

LAND COVER MAP.

FILE #  
A-01-03



TENNESSEE

SUBJECT  
PROPERTY

SLOUGH

RIVER

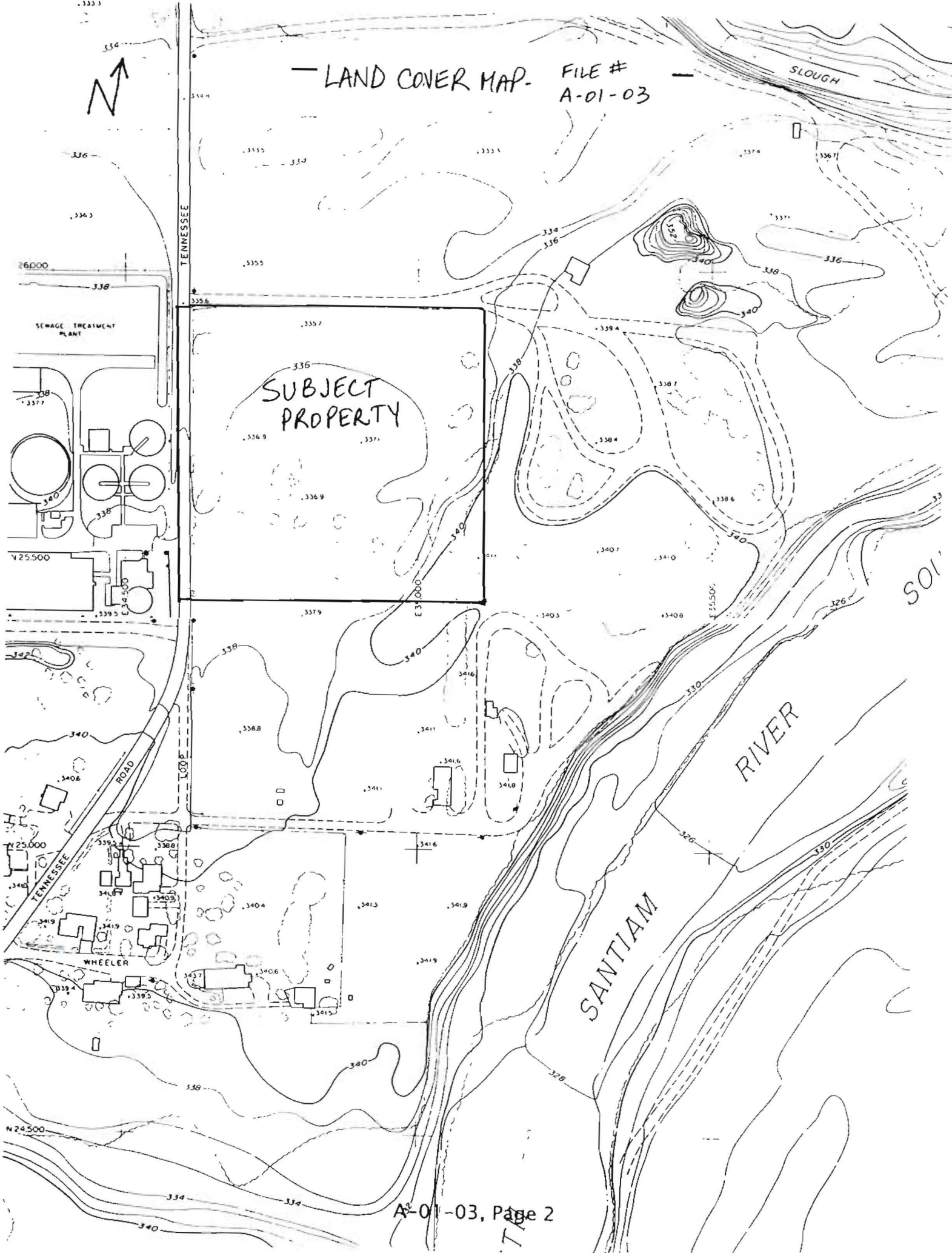
SANTIAM

SOI

SEWAGE TREATMENT PLANT

ROAD

WHEELER



Tennessee Road (to the west) from the site. The treatment plant is the only neighboring property within city limits and it provides the extension of city limits to the site. A large metal storage building is located to the north; otherwise, areas to the north and east are covered with a variety of vegetation. Hank's concrete, an industrial activity, is located to the southeast. Single family dwellings are located to the more distant south, southeast, southwest, and west.

Tennessee Road, a designated arterial, is improved to county standards adjacent to the subject property and is included within the annexation territory.

## **PLANNING AND ZONING CONSIDERATIONS**

The Comprehensive Plan Map designation of the subject property is Special Development District (SPD). The Comprehensive Plan indicates that SPD designated areas have the potential for more than one type of use or for mixed uses. The current request is for annexation of the subject property and a Limited Industrial (ML) zone designation upon annexation. The ML zoning designation for this annexation property is requested as it represents the zone most conducive of the proposed development and it is compatible with the General Industrial (MG) zoning designation of the wastewater treatment plant to the west and neighboring industrial development (Hank's Concrete).

It is staff's opinion that the requested Limited Industrial (ML) zone designation is both reasonable and appropriate. Careful review of subsequent development proposals for this site will help to assure that the property can be developed and be a compatible neighbor with adjacent uses in this area.

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 4.210 lists the development opportunities, standards and requirements for the Limited Industrial (ML) zone.

## **STAFF COMMENTS**

Planning:

The legal description and a map describing the entire annexation area has been submitted.

Engineering Services:

Urban services are or can be made available to serve the proposed annexation. An 8 inch water line is located along Tennessee Road adjacent to the annexation area. The wastewater treatment plant is located to the immediate west.

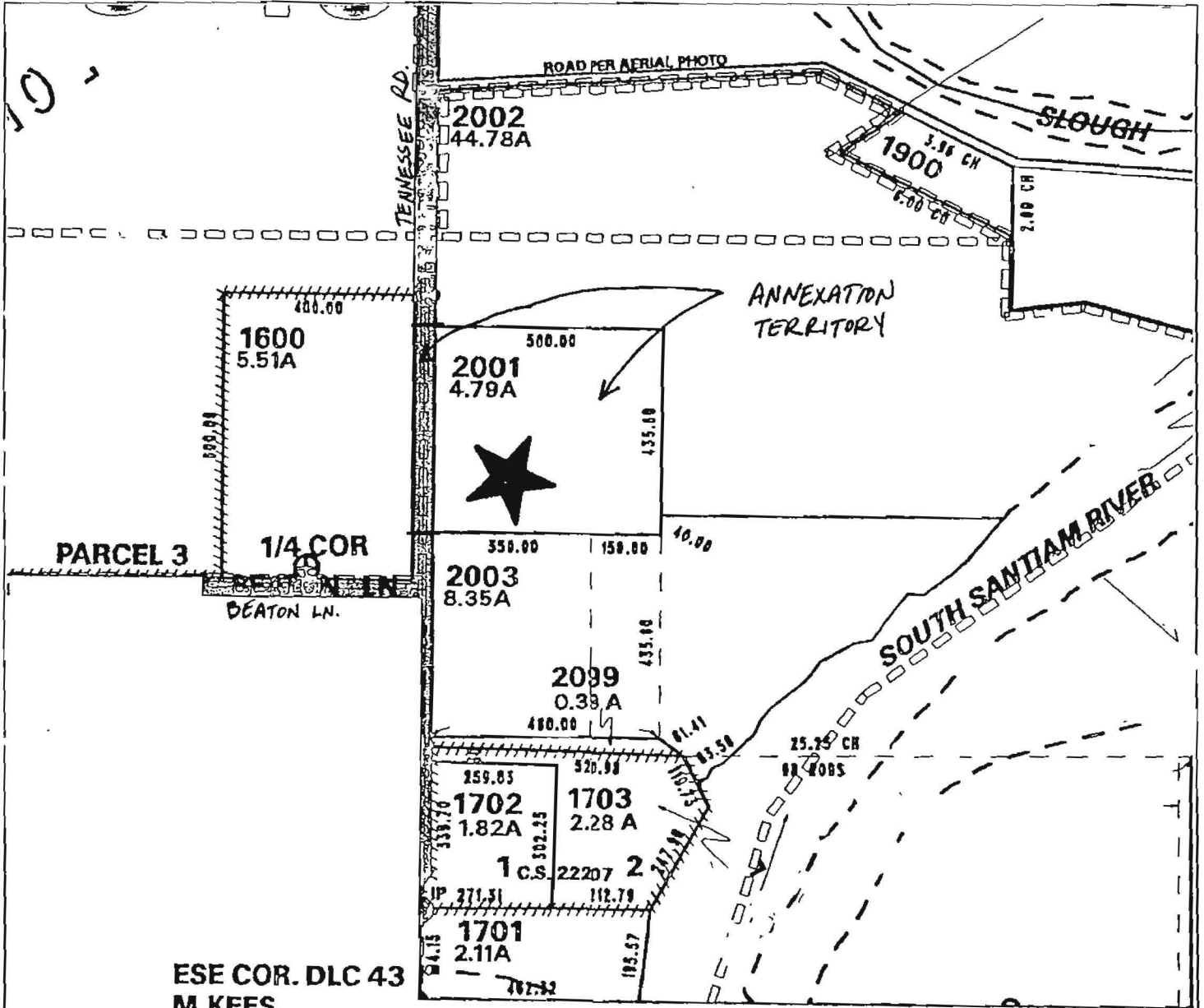
## **RELEVANT CRITERIA**

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*

# ANNEXATION MAP

FILE # A-01-03 MORSE BROS. - TENNESSEE ROAD

ASSESSOR'S MAP T12S-R2W-2, TAX LOT 2001



ESE COR. DLC 43  
M.KEES

SW COR  
DLC 44

28.40



ANNEXATION FILE # A-01-03

MORSE BROS. - TENNESSEE ROAD

LEGAL DESCRIPTION

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*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 available or can be extended 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.
3. The proposed annexation complies with City Annexation Policy, Section 3, in that adequate

public infrastructure exists.

4. The proposed annexation complies with City Annexation Policy, Section 5, in that there is an apparent marketplace demand for truck and auto repair and for storage of RV's and boats as indicated in the applicant's narrative.
5. 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.
6. 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.

# ATTACHMENT "A"

Doug Parker  
City Planner  
925 Main Street  
Lebanon, Oregon 97355

Dear Doug:

The purpose for the annexation of the 4 acres on Tennessee Road is to provide a truck and auto repair service. In conjunction with this service will be a covered RV storage enabling boat and RV owners in Lebanon to have a dry secure area to store their boats and RV's off the street. The site has an 8" water mainline available and is directly across the street from the wastewater treatment plant. The property is fronted by Tennessee Road and has adequate visibility for access.

This use is permissible under the Lebanon Comprehensive Plan and fits with the neighboring land use which is Hanks Concrete Products and the Lebanon wastewater treatment plant.

Thank you for your consideration in this matter.



Greg Morse  
Designated Representative  
Morse Brothers, Inc.

cc: tno  
gm