

A BILL FOR AN ORDINANCE ANNEXING AND)	
ZONING PROPERTY FOLLOWING HEARING AND)	ORDINANCE BILL NO. <u>2</u>
UPON THE WRITTEN CONSENT FILED WITH)	for 2002
THE CITY COUNCIL BY LANDOWNERS IN)	
SAID AREA PURSUANT TO ORS 222.120 AND)	ORDINANCE NO. <u>2284</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:

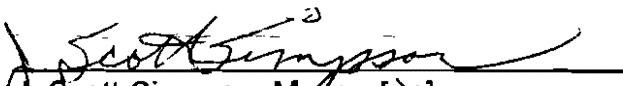
Section 1. Annexation Area. The following contiguous territory described in Exhibit "A" and incorporated herein by this reference is hereby proclaimed to be annexed to the City of Lebanon and zoned as indicated in accordance with the Lebanon Zoning Ordinance No. 1773, and given the zoning of Residential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

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 9 of January, 2002.

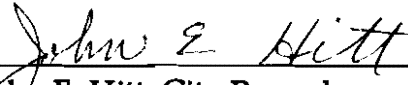

J. Scott Simpson, Mayor []
Ken Toombs, Council President []

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

JAMES F. UDELL UDELL ENGINEERING & SURVEYING

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

MATS

ANNEXATION LEGAL

An area of land in Section 15 of Township 12 South of Range 2 West of the Willamette Meridian, Linn County, Oregon described as follows:

Beginning at a 3/4" iron pipe on the West right-of-way of 7TH Street which bears South 89°49'00" West 30.00 feet and South 0°11'00" East 571.20 feet from the Northeast corner of the S.A. Dickerson DLC No. 68; thence South 89°46'40" West 387.39 feet to a point; thence South 0°10'53" East 208.68 feet to a point; thence North 89°48'09" East 387.40 feet to a 3/4" iron pipe on the West right-of-way of 7TH Street; thence North 0°11'00" West 208.84 feet to the point of beginning.

Contains 1.857 AC +/-

I hereby certify the above legal description closes within the tolerance recognized by the surveying profession.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Brian Vandetta

OREGON
JULY 13, 1999
BRIAN S. VANDETTA
51041-LS

EXPIRES

6-30-2002

LEBANON FILE#
A-01-04

T12S-R2W-15BD,
T.L. 3600 + 3700

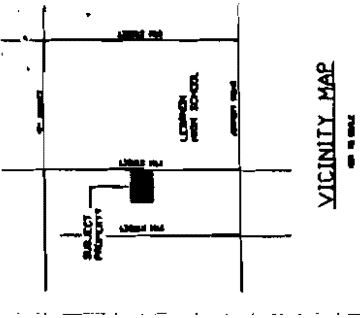
EXHIBIT "A1"

ANNEXATION MAP

PROPERTY:
 TOWN OF LEBANON
 125 S - R 2 W - 15 B D,
 T. L. 3600 Y 3700

DRAWN BY:
 J. W. HARRIS

ENGINEER/SURVEYOR:
 J. W. HARRIS



7TH STREET

7TH STREET

N 01°11'00" W 208.84'



S 89°46'40" W 387.39'

ANNEXATION AREA
 1.857 AC±

N 89°46'09" E 387.40'

LEBANON
 FILE # A-01-04

T 12 S - R 2 W - 15 B D,
 T. L. 3600 Y 3700

S 01°53' E 208.68'

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 [Signature], Deputy

M 20
A 11
O

MF 1257

PAGE 300

8:30 O'clock a.m. ⁴¹

JAN 24 2002

**CITY OF LEBANON
PLANNING COMMISSION STAFF REPORT
ANNEXATION REQUEST — 7TH STREET**

NATURE OF REQUEST: This approximately 1.85 acre annexation area is comprised of two parcels (one vacant and one containing a single family dwelling) abutting the west side of 7th Street. This annexation is in support of a multiple-family dwelling (apartment complex) proposed for this site.

APPLICANT: 2 M Enterprises, LLC.

PROPERTY LOCATION: Located at 1870 S. 7th Street which is on the west side of 7th Street directly across from Lebanon High School. Assessor's Map 12-2W-15BD, Tax Lots 3600 and 3700.

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 a multiple-family dwelling (apartment complex) proposed for this site. The conditional use planning approval for the multi-family residential development of this site is being reviewed concurrently (separate public hearing).

SITE DESCRIPTION

The subject property is comprised of two adjacent parcels- one containing an older (abandoned) home and the other being vacant with some significant trees. Tax Lot 3700, containing the house, has a gravel driveway with an on-site "street light", scattered fruit trees and a grass rear yard. Tax Lot 3600, vacant, contains a rather significant split trunk, large cedar tree in the front of the lot along with a large birch tree near the north property line, fruit tree and a large grass open area in the rear or west portion of the lot.

Surrounding land uses include large, unannexed lots to the south, west and north. Single family dwellings on large lots with large rear yards are located to the south, west and north. Lebanon High School, specifically the baseball field, is located to the east across 7th Street.

7th Street, a collector improved to county standards, abuts the east property line. This street has no sidewalk on the west side (adjacent to the subject property) but does have a multi-purpose paved path on the east side of the street adjacent to the high school. No parking is permitted on the west side of 7th Street where there is a shallow drainage ditch.

PLANNING AND ZONING CONSIDERATIONS

The Comprehensive Plan Map identifies the designation of the subject property as Mixed Density

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY

SE1/4 NW1/4 SEC. 15 T. 12S. R. 02W. W.M.
LINN COUNTY, OREGON

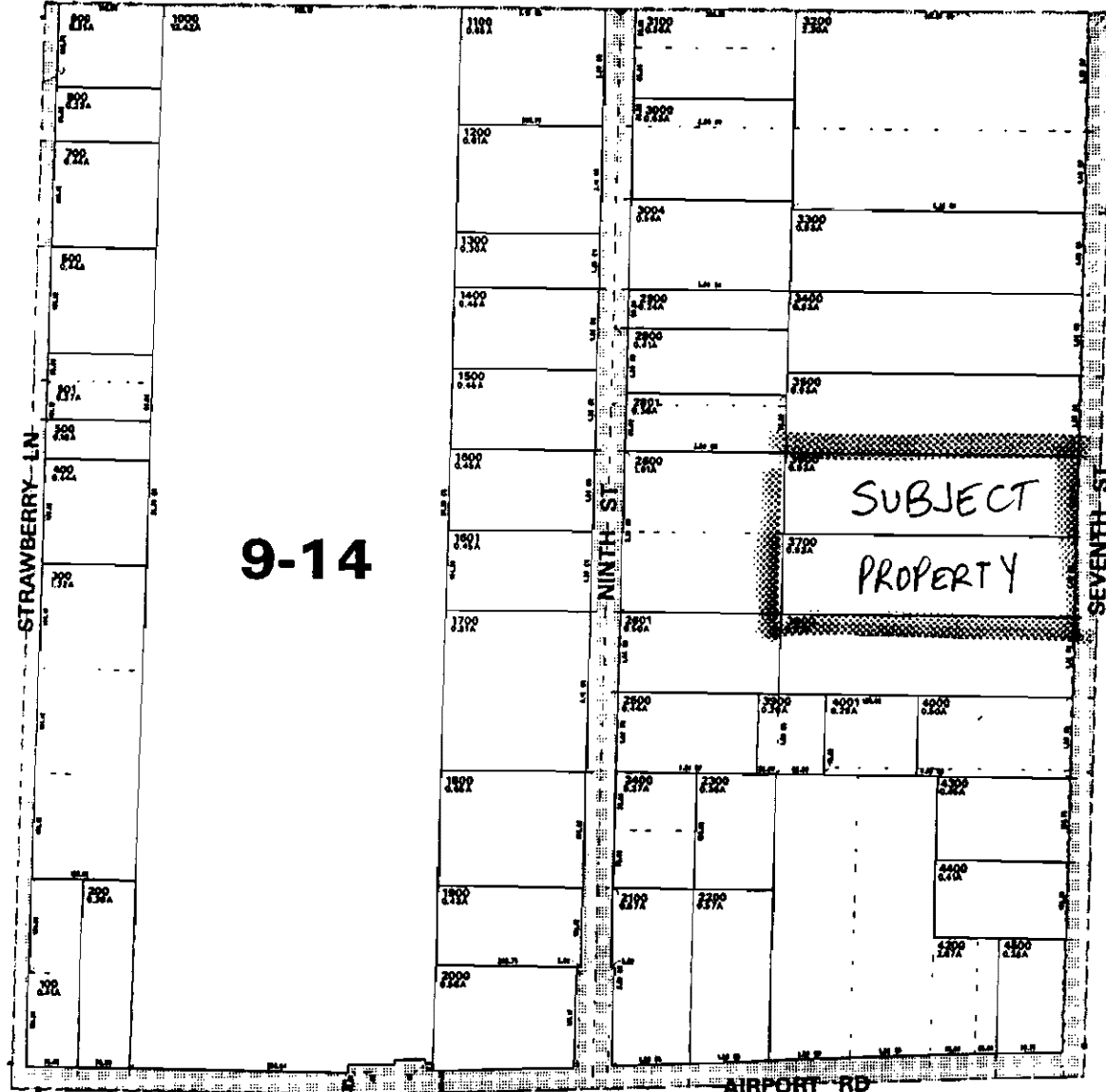


12 2W 15BD
LEBANON

1" = 100'

SEE MAP 12 2W 15BA

SEE MAP 12 2W 15BC



9-14

SEE MAP 12 2W 15AC

ASSESSOR'S MAP

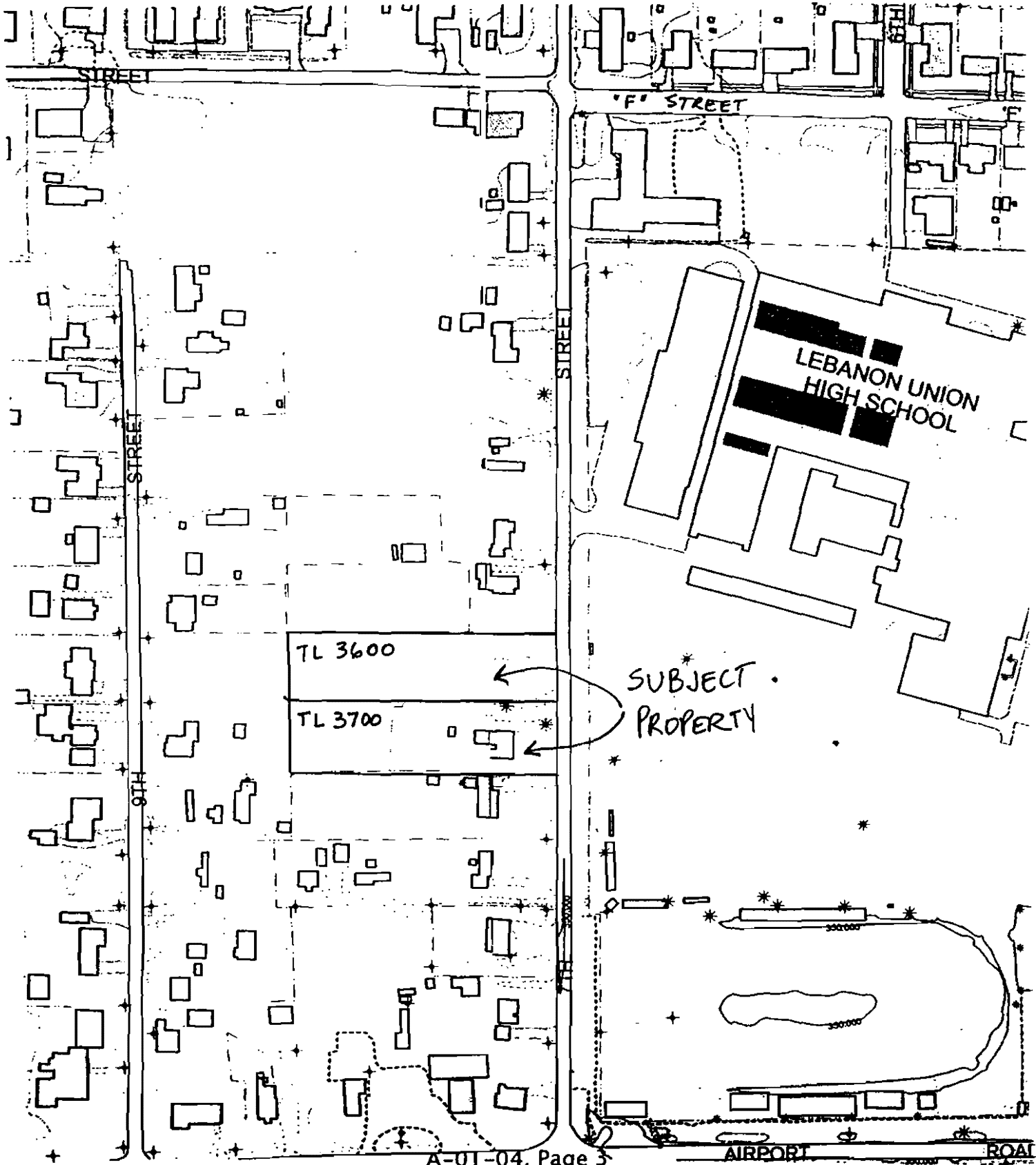
SEE MAP 12 2W 15CA

LEBANON
12 2W 15BD

09/28/00 16:58:11 Thu

LAND COVER MAP

ASSESSOR'S MAP T125-R2W-15 BD, TAX LOTS
3600 & 3700



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 can be made available to serve the proposed annexation. The following comments review the adjacent infrastructure. Development of this site will require infrastructure improvements.

Streets - 7th Street, a county standard roadway, is adjacent to and serves the property.

Water - A 12-inch water main is available on the east side of 7th Street. Water main extensions will be required to serve the site.

Sanitary sewer - Sewer mains terminate at the intersection of 7th Street with "F" Street to the north and Airport Road to the south. A public sewer main extension will be required to serve the site.

Drainage - The site presently surface drains, generally toward the northwest and toward a roadside ditch on the west side of 7th Street. A public storm drainage extension will be required to serve the site. Drainage improvements will be required to avoid adversely impacting adjoining properties.

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.
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 a conditional use public hearing is scheduled regarding the multiple-family residential development of the subject property. The site development plans of this proposal will be required to demonstrate compliance 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, especially multiple-family residential in proximity to schools and shopping.
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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