

A BILL FOR AN ORDINANCE ANNEXING AND ZONING PROPERTY FOLLOWING HEARING AND UPON THE WRITTEN CONSENT FILED WITH THE CITY COUNCIL BY LANDOWNERS IN SAID AREA PURSUANT TO ORS 222.120 AND ORS 222.170

ORDINANCE BILL NO. 8 for 2002

ORDINANCE NO. 2295

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:

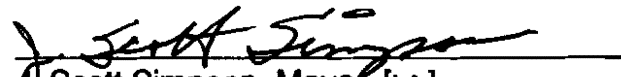
Section 1. Annexation Area. The following contiguous territory described in Exhibit "A" and incorporated herein by this reference is hereby proclaimed to be annexed to the City of Lebanon and zoned as indicated in accordance with the Lebanon Zoning Ordinance No. 1773, and given the zoning of Residential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

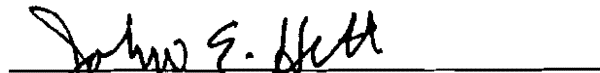
After recording please return to:  
City of Lebanon  
Public Works Administration  
925 Main Street, Lebanon, OR 97355

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.

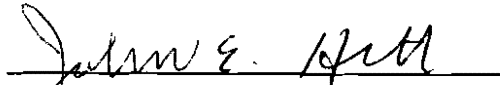
Passed by the Council by a vote of 6 for and 0 against and approved by the Mayor this 10<sup>th</sup> of April, 2002.

  
\_\_\_\_\_  
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

LEBANON FILE # A-02-01  
T125-R2W-13  
TAX LOTS 700 AND 800

ANNEXATION LEGAL  
NORDSTRAND 5.84 ACRES

Beginning at a 1 1/2" iron pipe on the easterly right-of-way of Berlin Road, said pipe being North 70°59'00" West 1178.35 feet from the South quarter corner of Section 13 in Township 12 South , Range 2 West of the Willamette Meridian in Linn County, Oregon; thence North 42°06'00" East 501.12 feet to a point; thence North 45°58'53" West 535.62 feet to a 1" iron rod; thence South 42°11'15" West 335.86 feet to a point on the northerly right-of-way of Berlin Road; thence along said right-of-way South 01°26'00" East 105.16 feet to a point; thence along a 329.27 foot radius curve to the left 260.52 feet (chord bears South 24°06'00" East 253.78 feet); thence South 46°46'00" East 233.25 feet the point of beginning.

I hereby certify this legal closes in accordance to ORS.

REGISTERED PROFESSIONAL LAND SURVEYOR
<i>J. Udell</i>
OREGON SEPTEMBER 23, 1977 JIM UDELL 1366

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. 20  
R. 20  
S. 17  
A. 17  
O.    

MF. 1284

PAGE 841

8:30 O'clock a.m.

APR 19 2002

41

**CITY OF LEBANON  
PLANNING COMMISSION STAFF REPORT**

**ANNEXATION REQUEST**

- NATURE OF REQUEST:** Annexation of a 5.84 acre annexation territory that is comprised of two parcels and includes two dwellings.
- APPLICANT:** Percy and Carole Nordstrand
- PROPERTY LOCATION:** Located at 32763 and 32783 Berlin Road, on the east side of Berlin Road north of the Lebanon Urban Growth Boundary (UGB). Assessor's Map 12-2W-13, Tax Lots 700 and 800.
- ZONE DESIGNATION:** Residential Mixed Density (RM) - upon annexation
- COMP PLAN DESIGNATION:** Mixed Density Residential

**INTRODUCTION**

The applicant proposes to annex this area into the city in order to pursue land divisions that are not permissible under county zoning standards. Attachment "A" is a purpose statement submitted by the applicant's representative.

**SITE DESCRIPTION**

The annexation territory is comprised of two parcels, each containing a dwelling, and a variety of outbuildings/sheds/accessory structures. The property line separating the two parcels is somewhat evident on the ground.

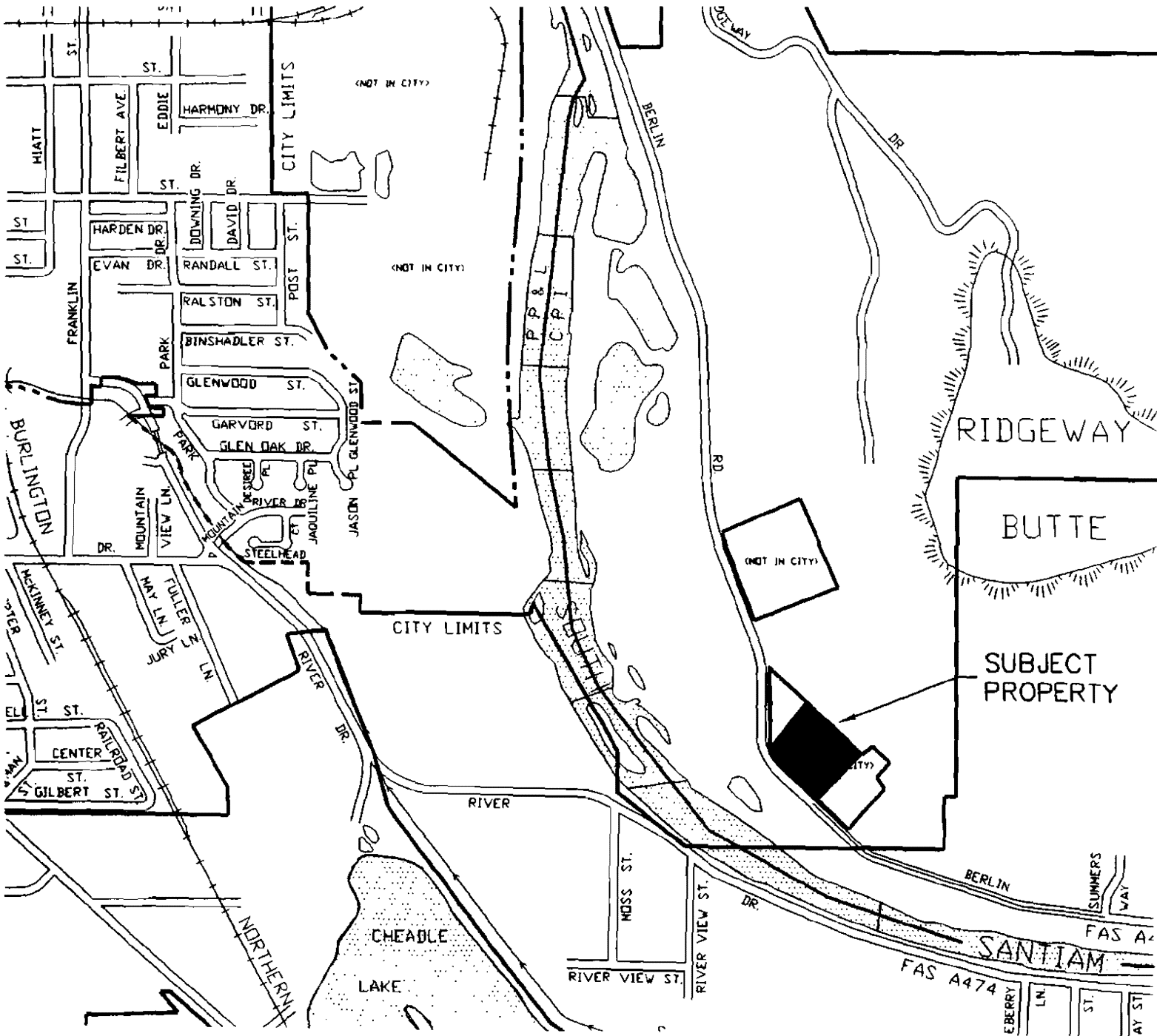
Tax Lot 800, the north parcel, approximately 1.60 acres, contains a manufactured home (32783 Berlin Rd.), a newer, large metal shed building, an interesting wood carving in front of the dwelling and a play house (or other building such as a kennel) behind the dwelling. This parcel includes a large maintained grass area with scattered trees, deciduous trees along the road and the development on this parcel is in the flat area midway between Berlin Road and the toe of the slope of Ridgeway Butte. This property has a dedicated driveway/road approach.

Tax Lot 700, the south parcel, approximately 4.24 acres, contains a stick-frame house (32763 Berlin Road) and a variety of sheds/outbuildings including an older metal building in the flats, a large gazebo in front of the house and two older sheds/outbuildings on either side of the house. This parcel includes a large open field of unmaintained grass, scattered trees and the development on this parcel is mainly at the toe of the slope of Ridgeway Butte. This property has a shared driveway/road approach with an adjacent parcel.

Surrounding land uses include adjacent single family dwellings to the immediate northwest and southeast, Ridgeway Butte forest land to the northeast, riparian vegetation and areas to the west across Berlin Road with the Santiam River farther west. Single family dwellings are also located to the south/southwest across Berlin Road between the road and river. The UGB is 400-500 feet to the

# LOCATIONAL MAP - NORDSTRAND ANNEXATION

FILE # A-02-01



9-21

ASSESSOR'S MAP

T12S-R2W-13  
TAX LOTS 700 AND 800

9-22

1/4 COR.

LOT 2



LOT 3

1200  
68.22A

1300  
40.00A

1000  
70.2A  
C.R. 2228

1301  
40.00A

ANNEXATION  
TERRITORY

9-21

9-18

LOT 4

1400  
74.00A

9-2

9-56

9-1

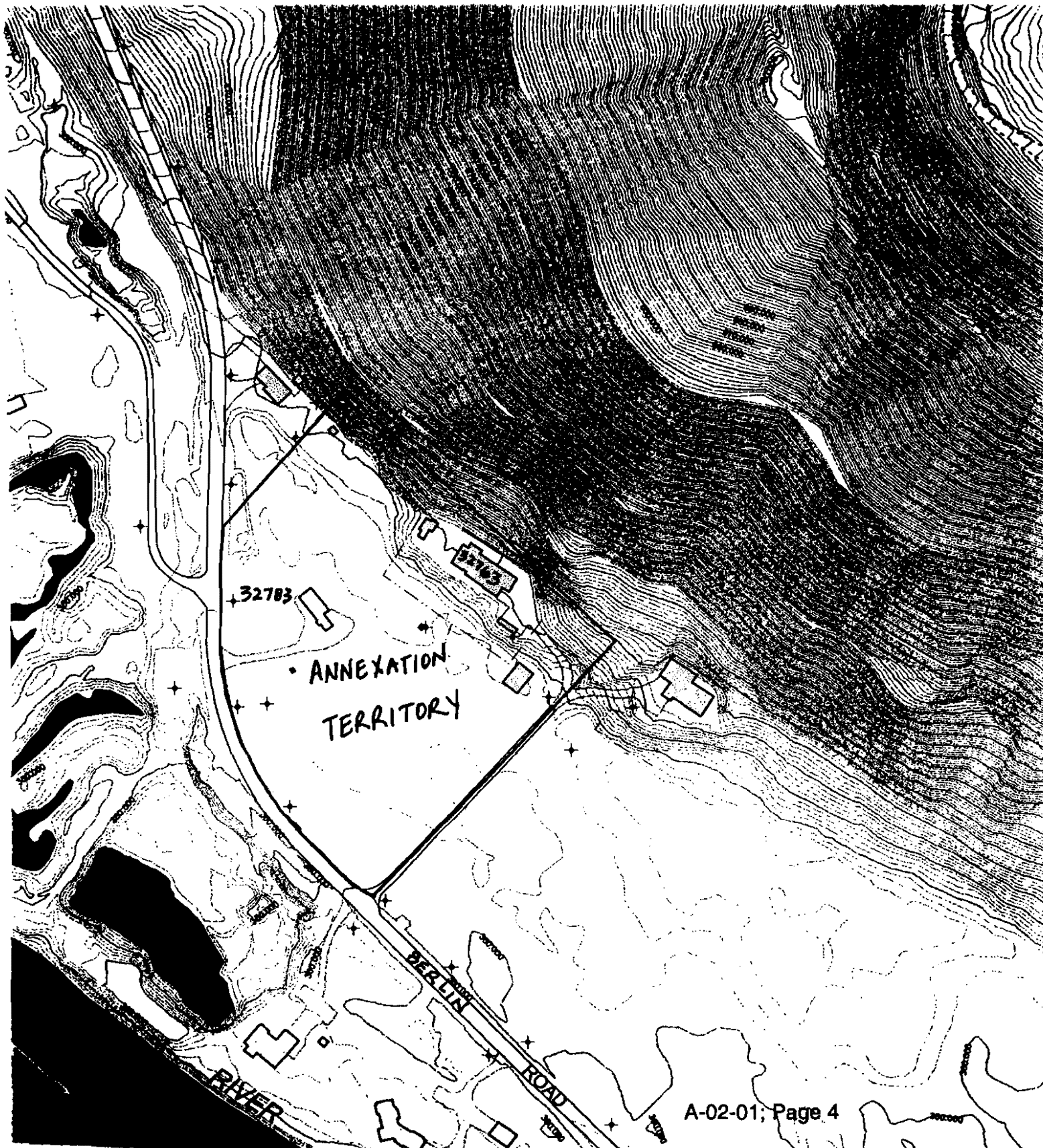
SEE MAP 12 2W 24B

# LAND COVER MAP



NORDSTRAND ANNEXATION

LEBANON FILE # A-02-01





## **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.
- B. Due to the absence of city services, future development applications for this property may be referred to the Planning Commission for approval determination.
- C. If future land divisions in the annexation territory are approved, the newly created parcels will be required to use existing driveway approaches as this is a dangerous section of Berlin Road (at a high speed curve) where the placement of additional road approaches would likely compromise public safety.

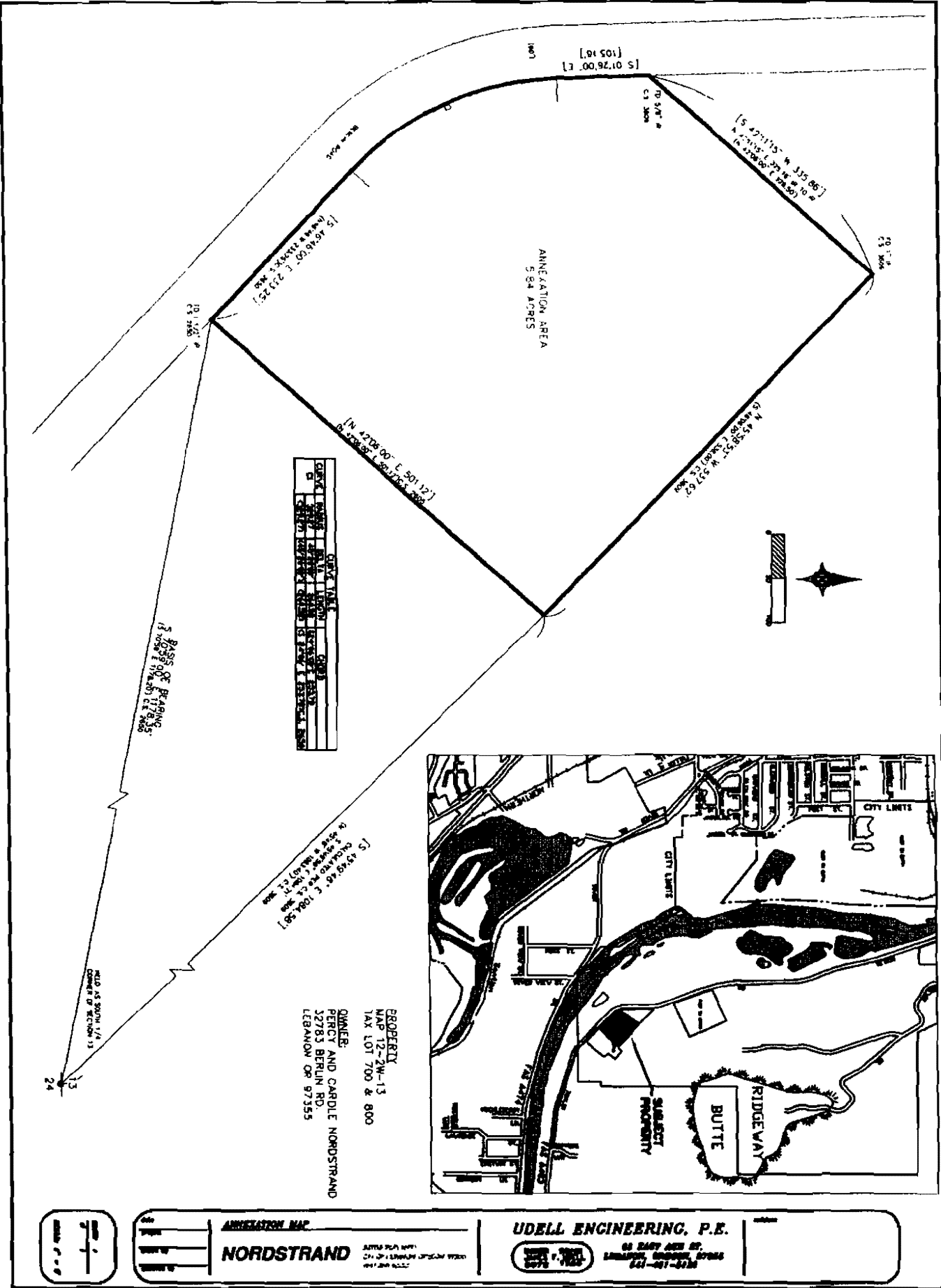
### 2. Engineering:

- A. There are currently no urban services available to serve the proposed annexation area. Development of this site may require infrastructure improvements. Urban services can be made available to serve the proposed annexation, but the necessary improvements are extensive and could prove cost-prohibitive.
- B. Berlin Road is a designated arterial road that is improved to county standards.

## **RELEVANT CRITERIA**

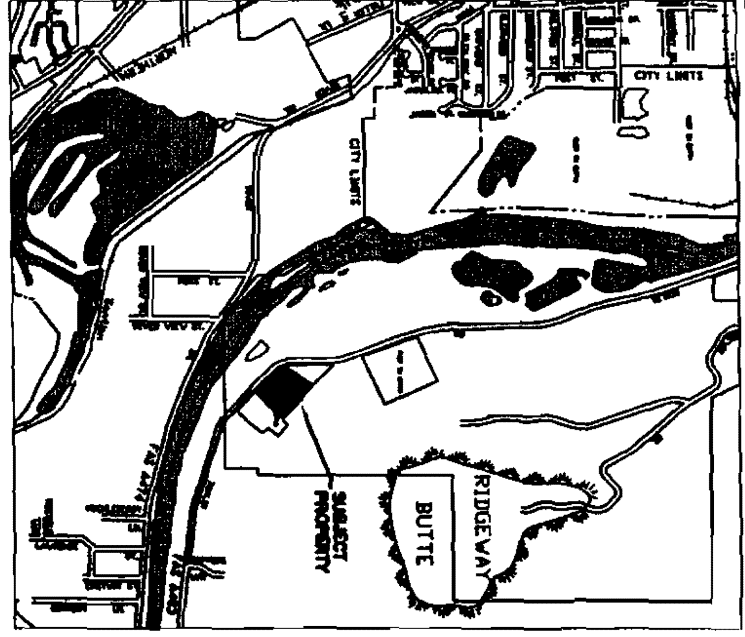
- 1. City Annexation Policy, Section 1, requires *proof that urban services are available or can be made available to serve the property considered for annexation and that the additional demands that would be placed on those services will not overburden their present capacities.*
- 2. City Annexation 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.*

# ANNEXATION MAP - LEBANON FILE # A-02-01



**CITY TABLE**

CITY	NAME	DATE	BY	REMARKS
1	ANNEXATION	12/22/13	UD	ANNEXATION
2	ANNEXATION	12/22/13	UD	ANNEXATION
3	ANNEXATION	12/22/13	UD	ANNEXATION
4	ANNEXATION	12/22/13	UD	ANNEXATION
5	ANNEXATION	12/22/13	UD	ANNEXATION
6	ANNEXATION	12/22/13	UD	ANNEXATION
7	ANNEXATION	12/22/13	UD	ANNEXATION
8	ANNEXATION	12/22/13	UD	ANNEXATION
9	ANNEXATION	12/22/13	UD	ANNEXATION
10	ANNEXATION	12/22/13	UD	ANNEXATION



**PROPERTY**  
 MAP 12-24-13  
 TAX LOT 700 & 800

**OWNER:**  
 PERCY AND CAROLE NORDSTRAND  
 32783 BERLIN RD.  
 LEBANON OR 97355

	<b>ANNEXATION MAP</b> <b>NORDSTRAND</b>	<b>UD</b> <b>UD</b> <b>UD</b> <b>UD</b>	<b>UD</b> <b>UD</b> <b>UD</b> <b>UD</b>
	AFTER PLAN 10071 24 OF LEBANON OFFICIAL MAP 04/2008 0000	<b>UD</b> <b>UD</b> <b>UD</b> <b>UD</b>	<b>UD</b> <b>UD</b> <b>UD</b> <b>UD</b>

# JAMES F. UDELL UDELL ENGINEERING & SURVEYING

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

LEBANON FILE # A-02-01  
T12S-R2W-13  
TAX LOTS 700 AND 800

## ANNEXATION LEGAL NORDSTRAND 5.84 ACRES

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I hereby certify this legal closes in accordance to ORS.



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**

Although this annexation territory is not currently served by city services and there are currently no definitive plans to extend city services to these properties, the area is within the Urban Growth Boundary (UGB) and therefore potentially eligible for annexation. Additionally, annexing the proposed annexation territory will reduce the area of unannexed "islands" in the UGB. Consequently, 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 does not comply with City Annexation Policy, Section 1, in that urban services are not currently available to serve the property and the future provision of such services is technically feasible but uncertain due to substantial costs.
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 does not comply with City Annexation Policy, Section 3, in that city standard public infrastructure improvements are not currently provided at the subject property nor are they proposed at this time.
4. The proposed annexation complies with City Annexation Policy, Section 4, in that the property complies with Zoning Ordinance and Comprehensive Plan policies pertaining to the property and zoning.
5. The proposed annexation does not comply with City Annexation Policy, Section 5, in that the proposed annexation has not addressed any public need whatsoever.
6. The proposed annexation somewhat 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 by annexing part of an unannexed "island" surrounded by city lands but will create two small residual "islands" on either side of the middle annexation territory.
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.

ATTACHMENT "A"

# JAMES F. UDELL UDELL ENGINEERING & SURVEYING

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

Doug Parker  
City of Lebanon  
925 Main St.  
Lebanon, OR 97355

Re: Nordstrand Annexation

Dear Mr. Parker

The purpose of this annexation is to clear-up some property overlaps, i.e. drainfield crossing tax lot lines, and to create two additional 1 acres parcels for sale. Since the county is not set up to handle lot line adjustments or partitions less than 10 acres in the UGB it is most desirable to annex. The existing two parcels have drainfields and were reviewed and approved by the county. The Nordstrand's have paid for the septic evaluations and gained approval from Linn County Environmental Health for septic drainfields on the two additional lots.

We contacted the Lebanon Rural fire district and they have indicated the dwellings could be allowed but may require residential fire sprinkler systems. The intent is for the Nordstrands to agree with these requirements

One final note the property being annexed is in an island of county jurisdiction within the city limits and urban growth boundary.

Sincerely  
Jim Udell  
Engineer for the applicant