

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. 12  
for 2002

ORDINANCE NO. 2299

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:

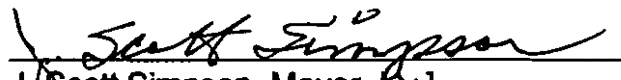
Section 1. Annexation Area. The following contiguous territory described in Exhibit "A" and incorporated herein by this reference is hereby proclaimed to be annexed to the City of Lebanon and zoned as indicated in accordance with the Lebanon Zoning Ordinance No. 1773, and given the zoning of Residential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

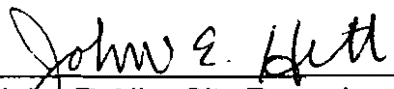
After recording please return to:  
City of Lebanon  
Public Works Administration  
925 Main Street, Lebanon, OR 97355

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 4 for and 0 against and approved by the Mayor this 24<sup>th</sup> of April, 2002.

  
\_\_\_\_\_  
J. Scott Simpson, Mayor [x]  
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.

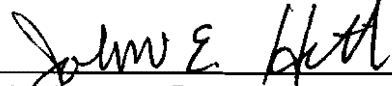
  
\_\_\_\_\_  
John E. Hitt, City Recorder



EXHIBIT "A1"

**JAMES F. UDELL** VOL. 1289 PAGE 835  
**UDELL ENGINEERING & SURVEYING**

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

**ANNEXATION LEGAL DESCRIPTION**

A portion of land in the Northwest 1/4 Section of 15, Township 12 South, Range 2 West of the Willamette Meridian, Linn County, Oregon, more particularly described as follows:

Beginning at a 1/2" iron pipe South 17°05'08" East 102.85 feet from the Southwest corner of the William Ralston D.L.C. No. 48; thence South 00°04'00" East 409.66 feet; thence South 89°49'02" East 269.26 feet, thence North 00°07'39" East 116.64 feet to a 3/4" iron pipe, thence North 00°06'50" East 293.30 feet, thence North 89°52'37" West 270.57 feet to the point 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 SR, Deputy

M  
R 20  
S 10  
A 17  
O

8:30 O'clock a.m.

MAY 03 2002

MF 1289

PAGE 832

41

**CITY OF LEBANON  
PLANNING COMMISSION STAFF REPORT**

**ANNEXATION REQUEST**

**NATURE OF REQUEST:** Annexation of a 2.54 acre annexation territory comprised of two entire parcels containing vacant houses and the northern portion of an adjoining vacant parcel.

**APPLICANT:** Brown Construction, Inc.

**PROPERTY LOCATION:** 1711 and 1745 S. 12<sup>th</sup> Street; on the east side of the street, between Airport Road and "F" Street. Assessor's Map 12-2W-15BC, Tax Lots 2100, 2201, and 2300.

**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 support of as proposed subdivision.

**SITE DESCRIPTION**

The subject property is located on the east side of 12<sup>th</sup> Street (a designated collector improved to a county standard) between Airport Road and "F" Street.

Tax Lot 2100 is a vacant 1.39 acre parcel of which approximately half or 0.72 acres are proposed for annexation. This annexation area is the north half of the parent parcel- the south half was recently annexed (Lebanon File # A-01-05). The site is flat and is covered with grass, has numerous bare or dirt areas that pond water (and therefore do not support a grass cover). According to the aerial photography based land cover maps, the property contained a house (1781-12<sup>th</sup> Street) in October, 1986 but this house had been removed by the date of the March, 1995 aerial photo based land cover map update.

Tax Lot 2201, 0.62 acres, contains a vacant home (1745- 12<sup>th</sup> Street) and is otherwise a vacant field covered in grass. An observation of this parcel in early winter, before the grass started growing, indicated the somewhat recent placement of fill materials on rear portion of this site.

Tax Lot 2300, 1.18 acres, contains a vacant home (1711- 12<sup>th</sup> Street) and is otherwise a vacant field covered in grass. There is a row of 6 deciduous trees along the south property line near the street and a couple of conifer trees north of the house. A small pump house is located behind the house.

Surrounding uses and land use designations to the north, east, and south are residential. All of these adjacent properties are unannexed. The property to the south of Tax Lot 2100 contained a house in March, 1995 but this house has subsequently been removed and replaced with a large metal outbuilding or shed. The property to the north contains an occupied house. Single family dwellings are

THIS MAP WAS PREPARED FOR  
ASSESSMENT PURPOSES ONLY

SW1/4 NW1/4 SEC.15 T.128. R.02W. W.M.  
LINN COUNTY, OREGON

12 2W 15BC  
LEBANON

1" = 100'

SEE MAP 12 2W 15B8

MAP CREATED 2-19-02  
REV: 71-24-06 03  
CONSOLIDATIONS  
2001 INTO 2100  
2200 INTO 2300  
2000 INTO 2100 (12-274-10CC)  
2101 INTO 2100 (12-274-10CC)  
2000 TRANS. TO 800 (12-274-06A)

WEST 2008.12' & N 00°04'50" W 1298.74'  
FROM SE COR. S.A. RECKERSON  
DLC NO.08

WEST 1414.34' &  
N 00°10'00" E 1298.73'  
FROM SE COR. S.A.  
RECKERSON DLC  
NO.08

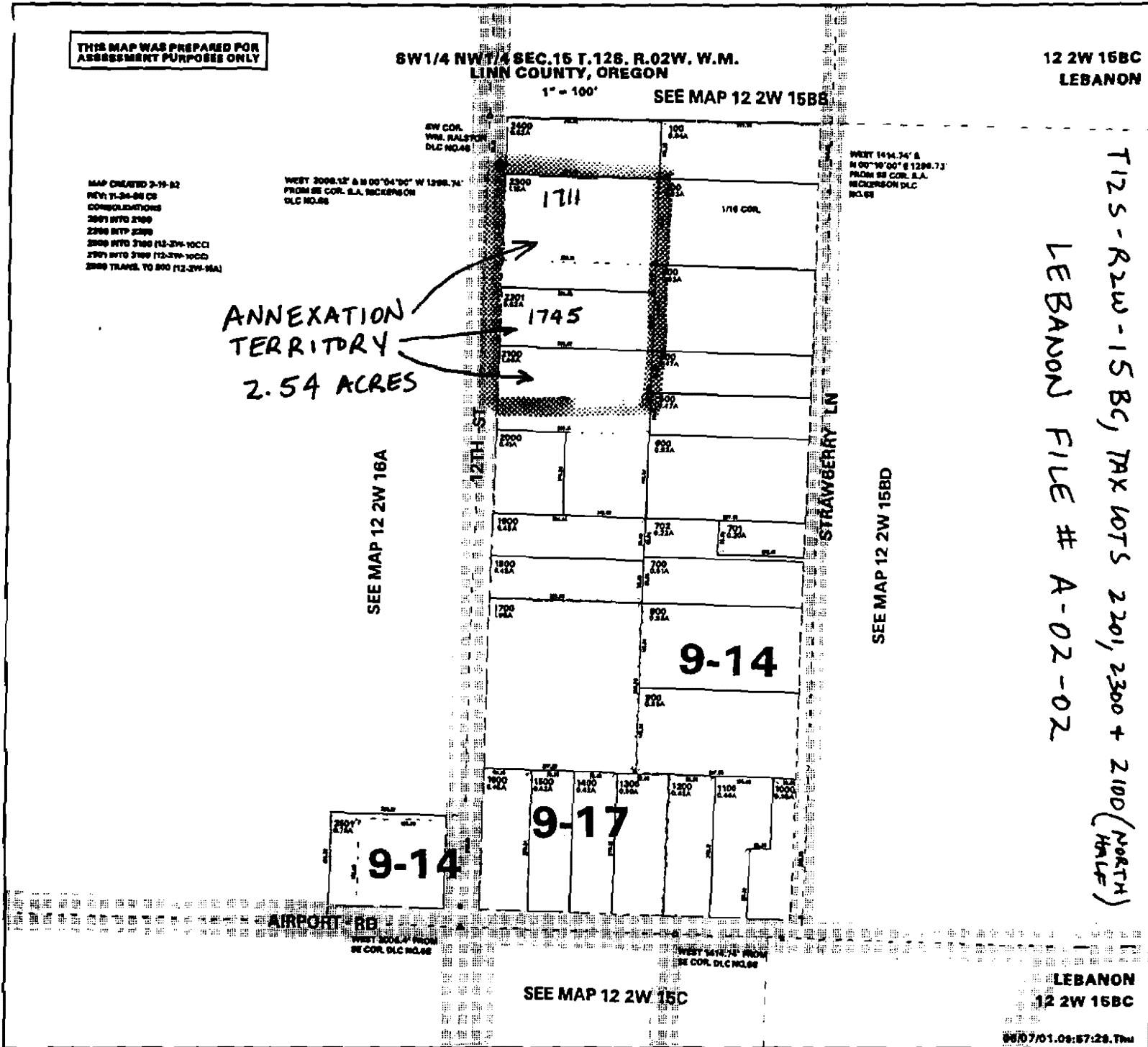
ANNEXATION  
TERRITORY  
2.54 ACRES

SEE MAP 12 2W 16A

SEE MAP 12 2W 15BD

T12S - R2W - 15BC, TAX LOTS 2201, 2300 + 2100 (NORTH HALF)

ASSESSOR'S MAP



SEE MAP 12 2W 15C

LEBANON  
12 2W 15BC

LAND COVER MAP

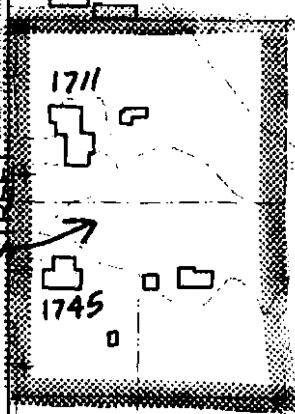
FILE #  
A-02-02

STRE



ANNEXATION  
TERRITORY

2.54  
ACRES



12TH

LANE

STRAWBERRY

CREEK

AIRPORT ROAD

15C

located on the properties to the north, east and south. This neighborhood is a transitional area with the properties on the west side of 12<sup>th</sup> Street being industrially zoned.

Industrially developed properties to the west include West Coast Industrial Systems and the currently under construction Willamette Valley Rehabilitation Center (WVRC) site. The Lebanon State Airport is located farther to the west.

## **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.

### 2. Engineering:

Urban services are or can be made available to serve the proposed annexation. The following comments review the city's infrastructure. Redevelopment of this area may require additional infrastructure improvements.

- A. Streets - The adjacent 12<sup>th</sup> Street is available to serve the annexation. This section of 12<sup>th</sup> street is presently a county standard road.
- B. Water - An 8-inch water main exists along 12<sup>th</sup> Street. Connection to city water will involve costs for service lines, meters, plumbing permit fees and a water systems development charge.
- C. Drainage - A county standard roadside ditch exists along 12<sup>th</sup> Street. Further development may require a city standard piped storm drainage system.
- D. Sanitary sewer - A 12-inch sanitary sewer main exists along 12<sup>th</sup> Street. Connection to city sanitary sewer will involve costs for service lines, plumbing permit fees and a sanitary sewer systems development charge.

For each dwelling unit, connection to a city utility or building permit issuance will also cause to be due remaining streets, drainage and parks systems development charges.

All of the above permits, fees and processes are detailed in the city's Site Development Guide.

## **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 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 (other than 12<sup>th</sup> Street which is an improved County Standard) comply with City Standards.
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 complies with City Annexation Policy, Section 5, in that a public need exists for developable lots (infill and redevelopment potential) 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 MAP  
**BROWN CONSTRUCTION, INC.**

SEC. 15, T. 12 S., R. 2 W., W.M.  
 CITY OF LEBANON, LINN COUNTY, OREGON

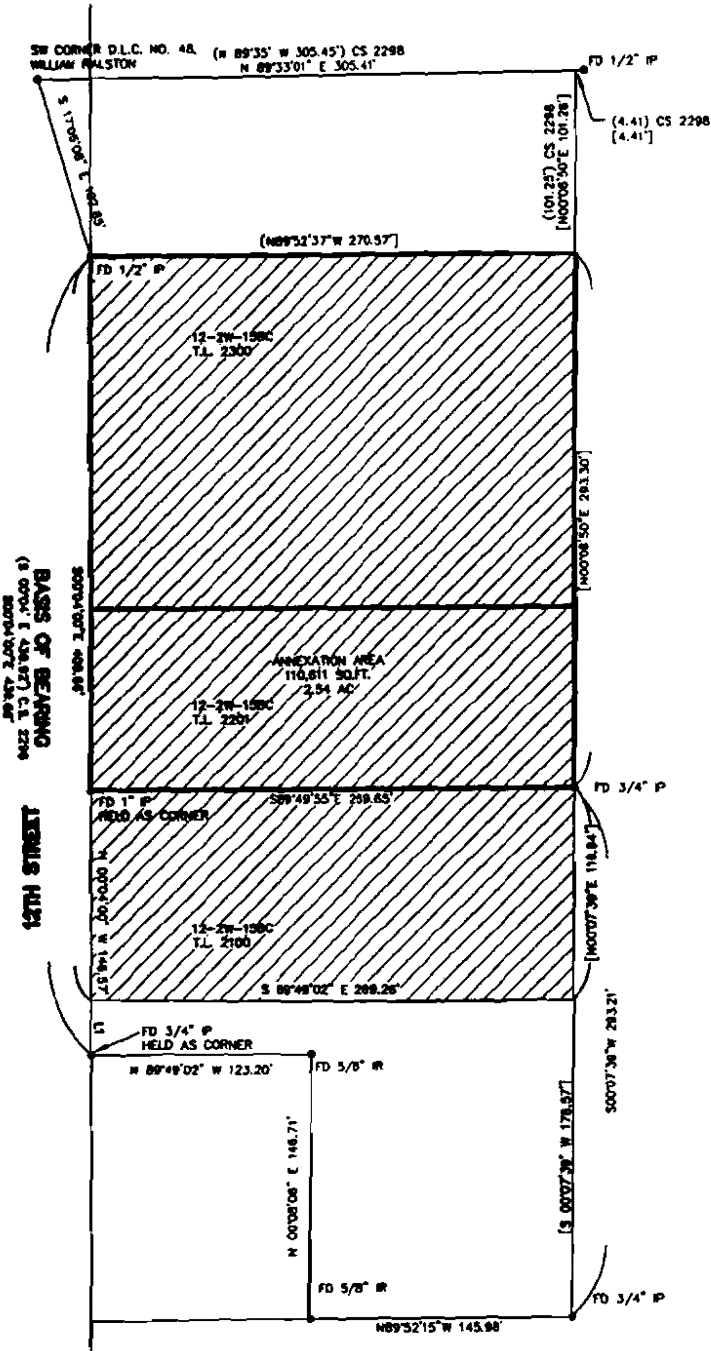
SCALE: 1"=50' NOVEMBER 13, 2001

**LEGEND**

- MONUMENT FOUND AS NOTED
- FD FOUND
- C.S. COUNTY SURVEY
- ( ) DATA OF RECORD
- [ ] REFERENCE SURVEY: C.S.
- [ ] CALCULATED DATA
- R IRON ROD
- P IRON PIPE



SCALE: 1"=50'



**ANNEXATION MAP**

LEBANON FILE # A-02-02  
 12-2W-15 BC; TAX LOTS 2201, 2300 +  
 2100 (BIRTH HALF)

**DEVELOPER**  
 BROWN CONSTRUCTION, INC.  
 P.O. BOX 2068  
 LEBANON, OREGON 97355

**PROPERTY**  
 TAX MAP: 12-2W-15BC  
 TAX LOT: 2100, 2201, AND 2300

**ENGINEER AND SURVEYOR**  
 UDELL ENGINEERING AND SURVEYING  
 63 E. ASH STREET  
 LEBANON, OREGON 97355

DRAWN 0072 CHECKED 1366

**JAMES F. UDELL**  
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