

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. 34
for 2002

ORDINANCE NO. 2321

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:

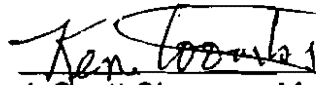
Section 1. Annexation Area. The following contiguous territory described in Exhibit "A" and incorporated herein by this reference is hereby proclaimed to be annexed to the City of Lebanon and zoned as indicated in accordance with the Lebanon Zoning Ordinance No. 1773, and given the zoning of Residential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

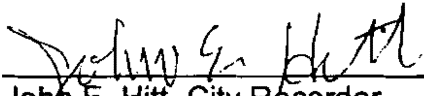
bounds or legal subdivision, and a map depicting the new boundaries of the City within ten (10) days of the effective date of this annexation to the Linn County Assessor, Linn County Clerk, and the State Department of Revenue.

Passed by the Council by a vote of 5 for and 0 against and approved by the Mayor this 14 of August, 2002.



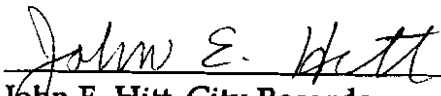
J. Scott Simpson, Mayor []
Ken Toombs, Council President [X]

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 ENGINEERING & SURVEYING

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

CITY OF LEBANON
ANNEXATION FILE
A-02-03

HERB - COOK
ANNEXATION

An area of land in Section 23 of Township 12 South of Range 2 West of the Willamette Meridian Linn County, Oregon more particularly described as follows:

Beginning at a 5/8 iron rod marking the Northwest corner of Lot 1 in Block 1 of White Oaks Addition; thence North 63°04'28" East 200.22 feet to the Northern most corner of said Lot 1 and being on the Westerly right-of-way of Cascade Drive; thence along said Westerly right-of-way the following courses and distances North 29°46'25" West 207.61 feet; thence South 60°07'09" West 15.63 feet; thence along the arc of a 909.93 foot radius curve to the left 284.54 feet (chord bears North 38°50'21" West 283.38 feet) to a 5/8" iron rod; thence North 47°47'51" West 20.09 feet; thence South 89°43'06" East 76.83 feet; thence North 29°46'25" West 336.37 feet to the Southwest right-of-way of US Highway No. 20; thence along said US Highway No. 20 right-of-way South 47°43'56" East 194.60 feet to the Easterly right-of-way of Cascade Drive; thence along said Easterly right-of-way South 29°46'25" East 709.08 feet to a 3/8" iron rod marking the Western most corner of Lot 40 in Sturtevant Subdivision; thence leaving said right-of-way North 51°18'41" East 110.58 feet; thence South 38°47'18" East 108.80 feet to a 5/8" iron rod marking the Eastern most corner of said Lot 40; thence South 60°10'38" West 126.29 feet to the Southern most corner of said Lot 40 on the Eastern right-of-way of Cascade Drive; thence South 60°21'44" West 60.00 feet to the Western right-of-way of Cascade Drive; thence following the arc of a 19.02 foot radius curve to the right 30.84 feet to the Northwest right-of-way of Wagon Wheel Drive (chord bears South 16°40'18" West 27.56 feet); thence along said Northwest right-of-way South 63°06'57" West 180.20 feet to a 5/8" iron rod marking the Southwest corner of Lot 2 in Block 1 of White Oaks Addition; thence North 29°46'45" West 199.92 feet to the point of beginning.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Brian Vandetta

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

EXPIRES

6-30-2002

EXHIBIT 'A₂'

STATE OF OREGON
County of Linn

8:30 O'clock a.m. 46

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

STEVE DRUCKENMILLER
Linn County Clerk

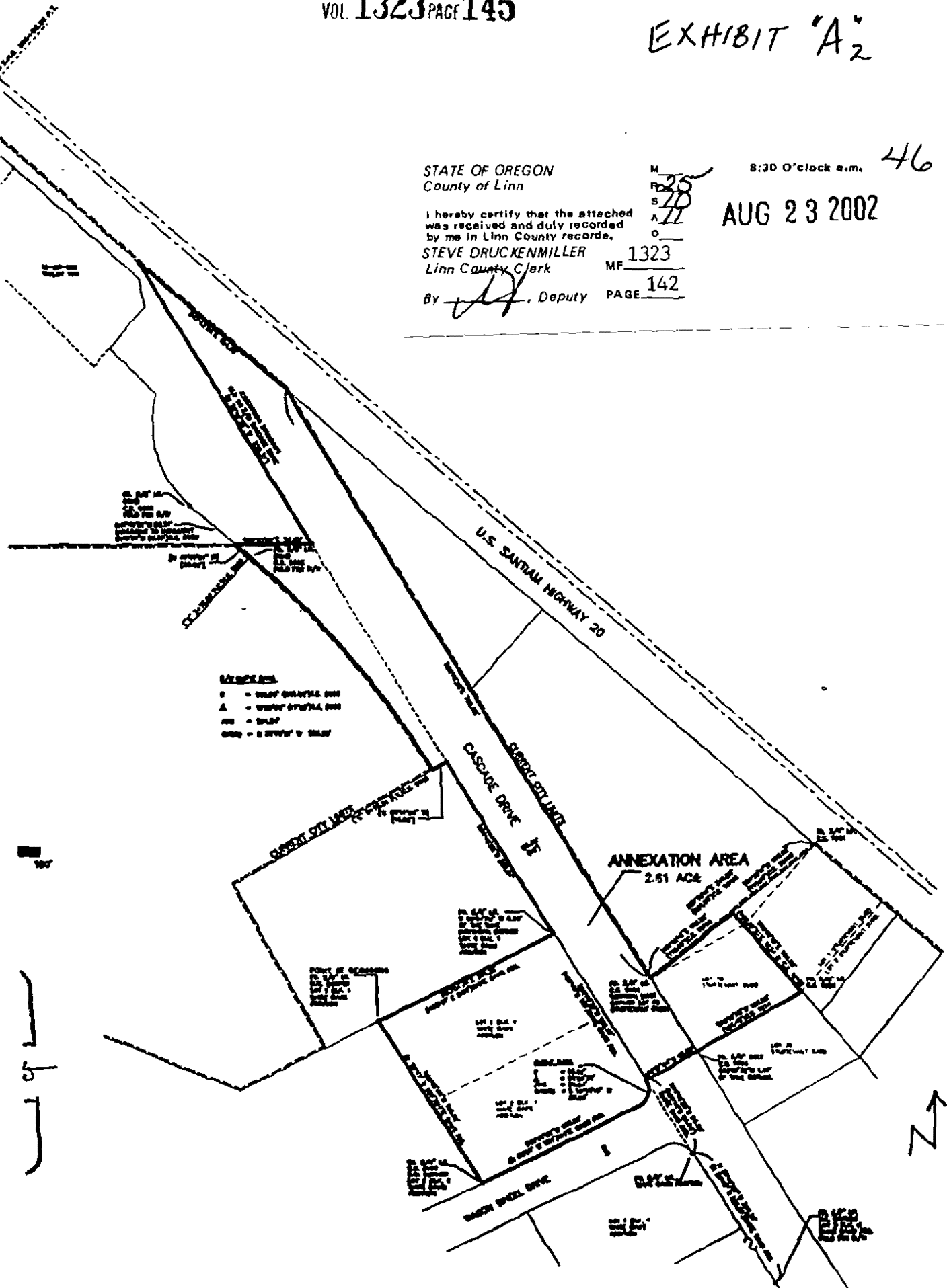
M 25
R 20
S 77
A 77
O

AUG 23 2002

MF 1323

By *[Signature]*, Deputy

PAGE 142



**CITY OF LEBANON
PLANNING COMMISSION STAFF REPORT
ANNEXATION REQUEST**

NATURE OF REQUEST: An approximately 2.61 acre annexation territory comprised of two parcels, one vacant and one containing a single family dwelling, and the abutting Cascade Drive right-of-way from the parcels northward to Santiam Highway.

APPLICANT: Thomas Herb and Norm and Nancy Cook

PROPERTY LOCATION: Located at 265 Cascade Drive (Tax Lot 1400) and the vacant parcel (Tax Lot 2000) directly across the street {on the west side} from 265 Cascade Drive, immediately north of the intersection of Cascade and Wagon Wheel drives. Assessor's Map 12-2W-23A, Tax Lot 1400 and Assessor's Map 12-2W-23B, Tax Lot 2000.

ZONE DESIGNATION: Residential Mixed Density (RM) - upon annexation

COMP PLAN DESIGNATION: Mixed Density Residential

INTRODUCTION

The applicants propose to annex this area into the city in order to connect an existing home (265 Cascade Drive- Tax Lot 1400) to a new sewer line extension and to develop vacant property (Tax Lot 2000) including city permitted land division and sewer connection.

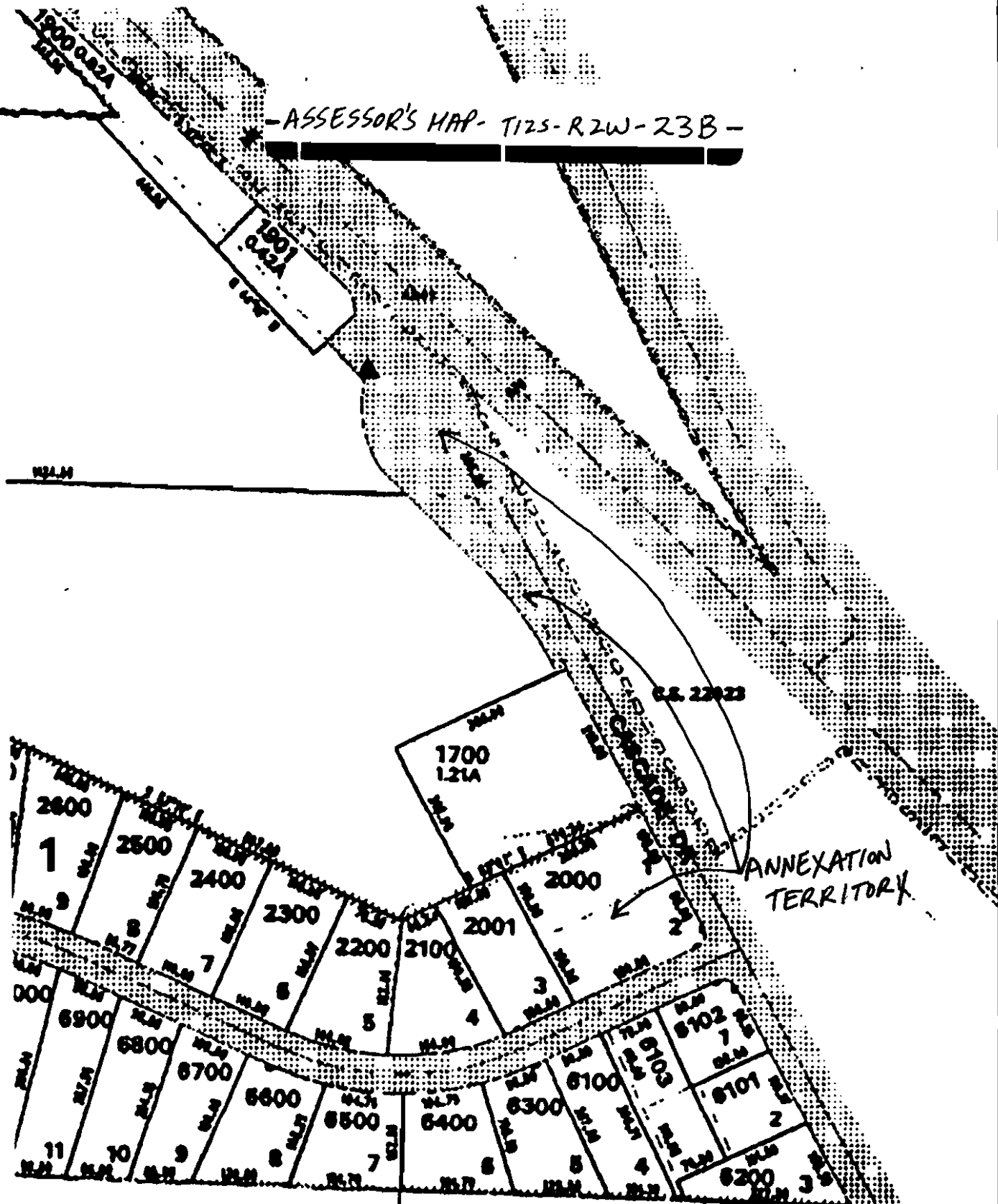
SITE DESCRIPTION

The subject properties are located on both sides of Cascade Drive at 265 Cascade Drive (Tax Lot 1400) and the vacant parcel (Tax Lot 2000) directly across the street {on the west side} from 265 Cascade Drive, immediately north of the intersection of Cascade and Wagon Wheel drives. Cascade Drive is a designated collector improved to a county standard.

Tax Lot 1400 is comprised of Lot 40 of the Sturtevant Subdivision, it contains an older home, a couple of sheds or outbuildings and includes an older vehicle that appears inoperable with license plate tags that expired in April, 1999. This older home is served by an existing on-site well and septic system although this property is annexing in order to obtain (currently under construction) city sewer service. Staff has some concern about this property, particularly the inoperable vehicle with expired tags represents a latent nuisance abatement burden for the city. Consequently, staff are recommending that this potential nuisance be abated prior to City Council action on this annexation request.

Tax Lot 2000 is comprised of Lots 1 & 2, Block 1, White Oaks Addition Subdivision. This site is a corner lot bordering Cascade and Wagon Wheel drives at the northwest corner of this intersection. This vacant site has no vegetation other than grass. Two piles of dirt and dirt/vegetation debris are located in the middle of this otherwise flat site. A gravel driveway leading to the property to the north is located in the north portion of this site.

-ASSESSOR'S MAP- T12S-R2W-23B -



ANNEXATION TERRITORY

LEBANON
12 2W 23B

07/23/01.10:25:08.Mon

9-47

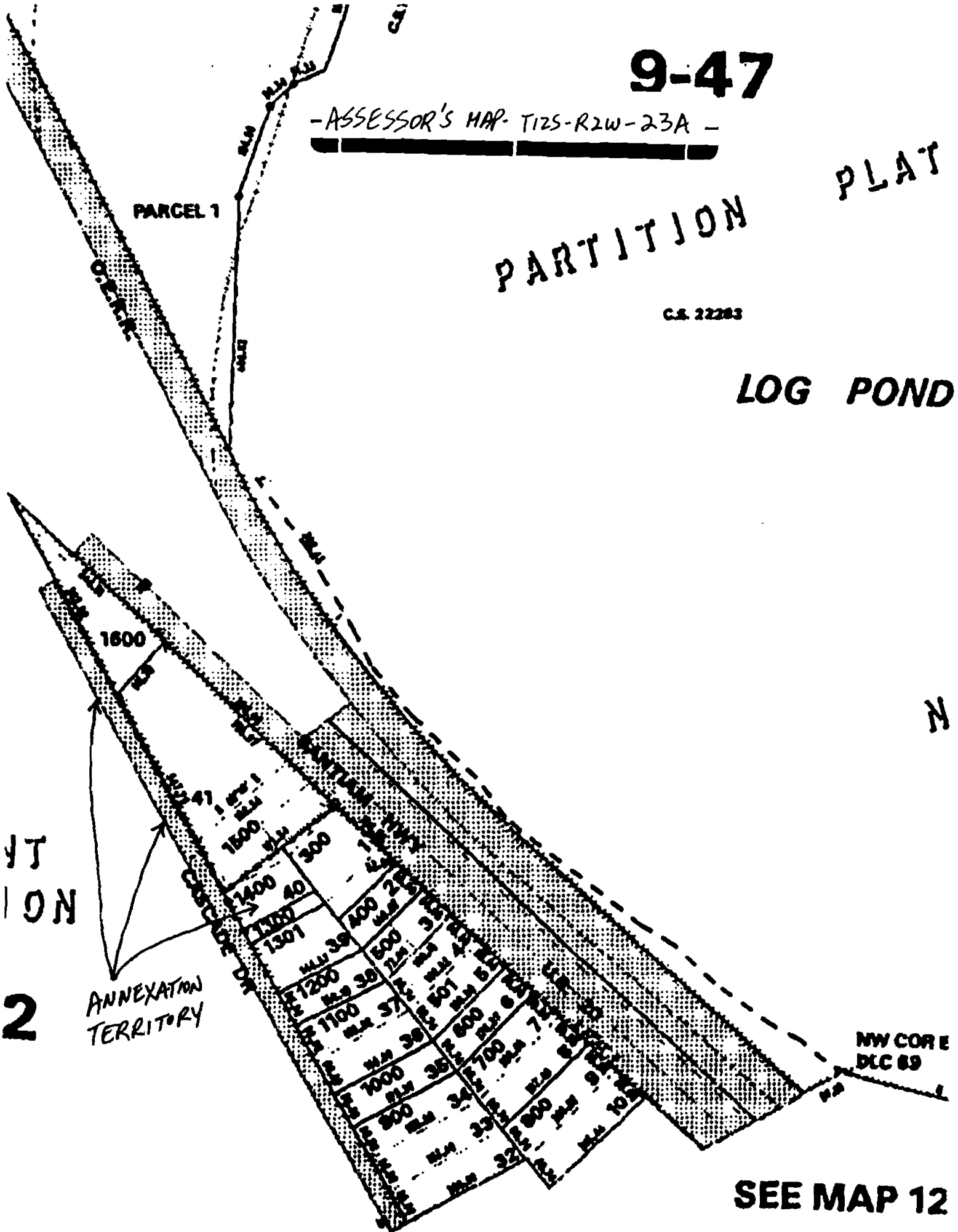
-ASSESSOR'S MAP- T12S-R2W-23A -

PLAT

PARTITION

C.S. 22283

LOG POND



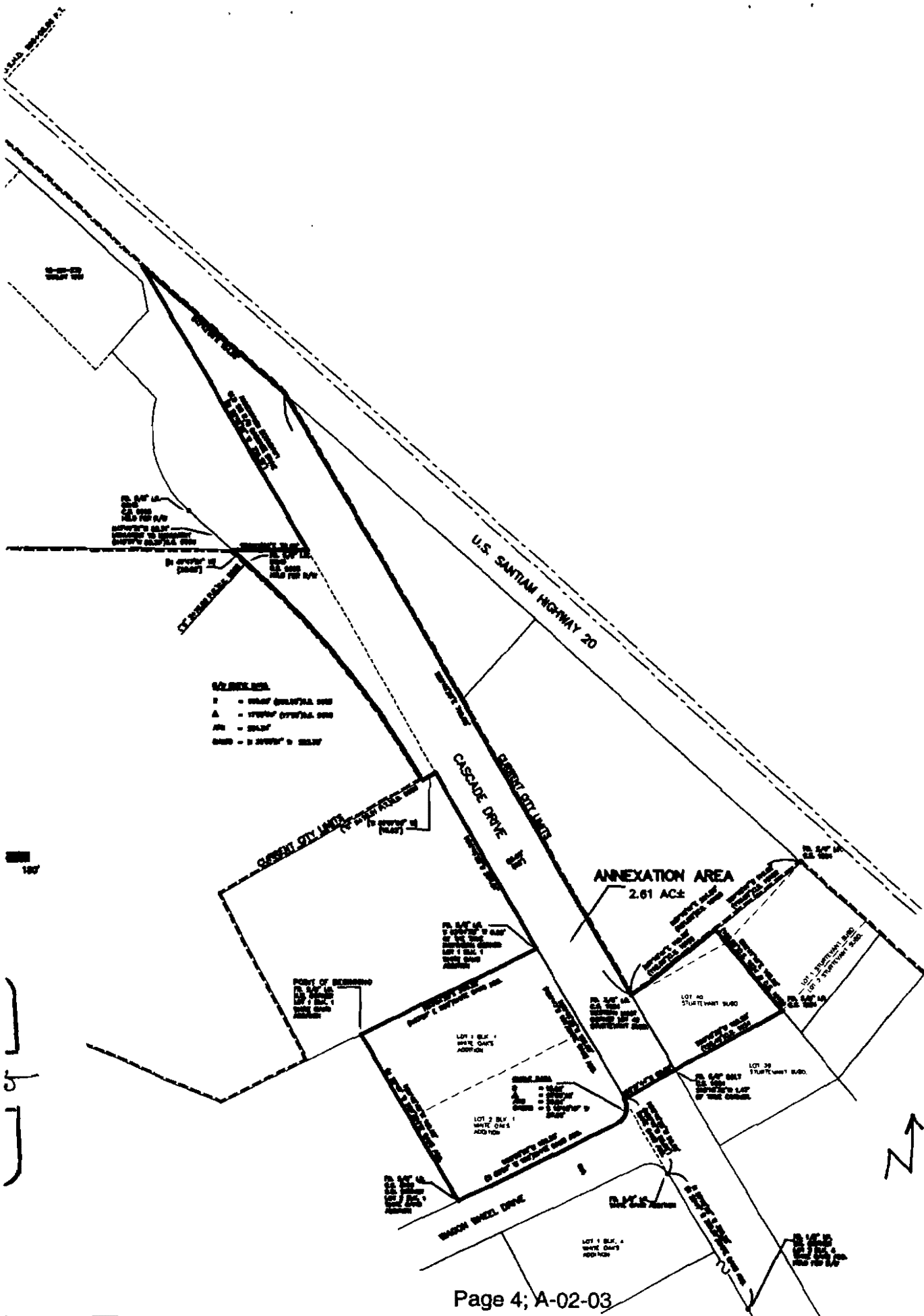
PARTITION

2

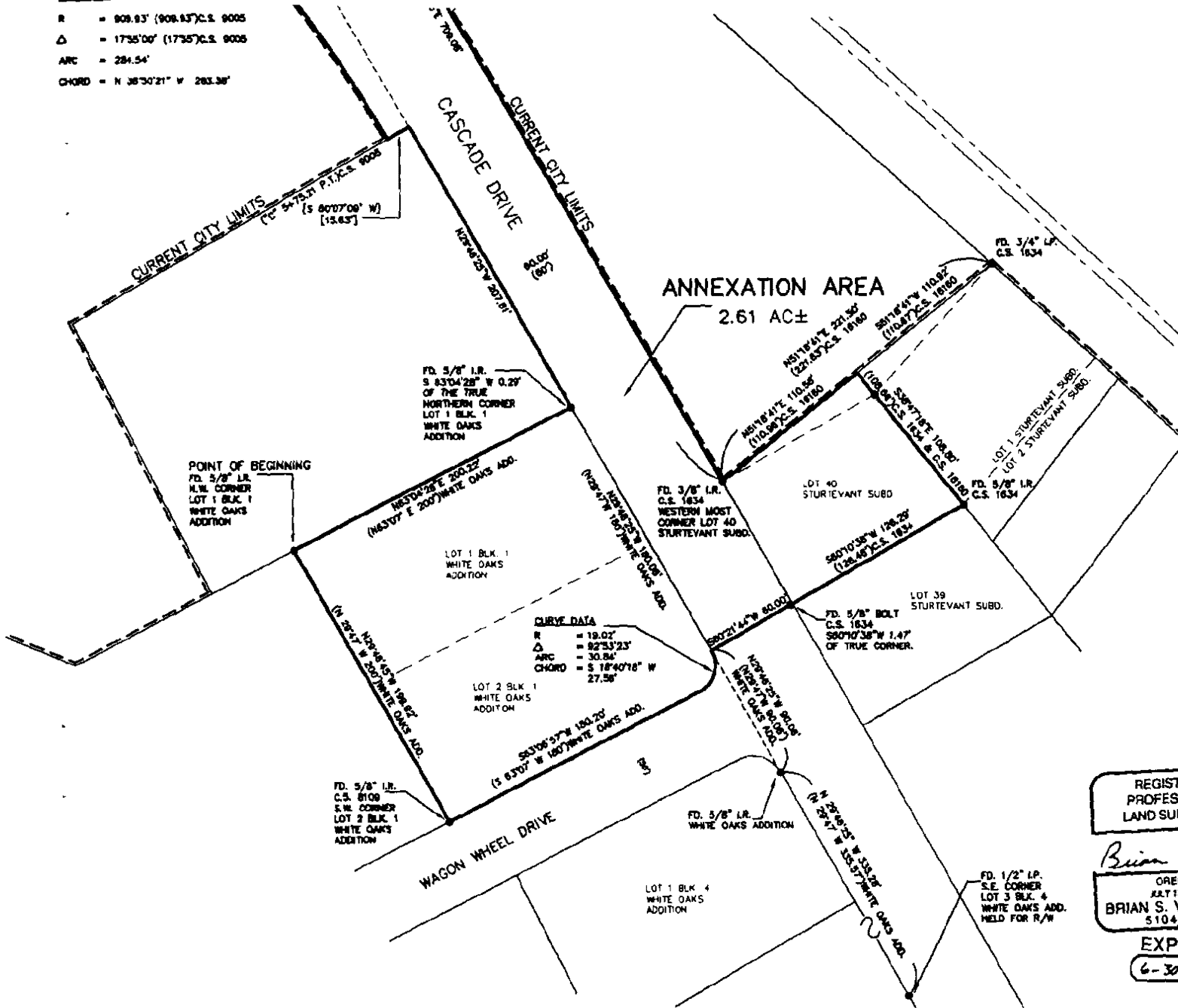
ANNEXATION TERRITORY

N

SEE MAP 12



R = 908.83' (908.83') C.S. 9005
 Δ = 1735'00" (1735') C.S. 9005
 ARC = 284.54'
 CHORD = N 38°50'21" W 283.38'



ANNEXATION MAP
HERB-COOK

date 4-04-02
 project HERB-COOK.DWG
 drawn by BSV
 checked by

SHEET 1
 of 1

SCALE: 1" = 60'

REGISTERED PROFESSIONAL LAND SURVEYOR

Brian Vandetta
 OREGON
 R.T. 13, 1999
 BRIAN S. VANDETTA
 51041-LS

EXPIRES
 6-30-2002

The properties surrounding Tax Lot 2000 are developed and designated as residential and are unannexed. The two properties on either side of Tax Lot 1400 are commercially developed with Poor Richards nursery to the north and Mid Valley Business Machines located to the south.

All other properties in the neighborhood are residential including Santiam Village Manufactured Home Park located to the north. Both Seven Oak middle school and Crowfoot elementary school are located to the south along Cascade Drive.

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. The inoperable vehicle with expired tags on Tax Lot 1400 represents a latent nuisance abatement burden for the city. Consequently, this potential nuisance must be abated prior to City Council action on this annexation request. Contact city staff after this vehicle has either been removed or had its license renewed.

2. Engineering:

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

A. **Streets** - The adjacent Cascade Drive is available to serve the annexation. Cascade Drive is presently a county standard road. An Irrevocable Petition for Public (street) Improvements for each annexed property must be provided prior to city utility line (sewer) connection.

B. **Water** - The nearest water mains are a 12-inch main on Santiam Highway southeast of Truman Street and an 8-inch main on Market Street. Further development may require a substantial water line extension. Connection to a new city water main will also involve costs for service lines, meters, plumbing permit fees, and a water system development charge.

C. **Drainage** - A county standard roadside ditch exists along Cascade Drive. Further development may require drainage improvements.

D. **Sanitary Sewer** - A 12-inch sanitary sewer main is currently being constructed on Cascade Drive to extend to 7 Oak School. Upon acceptance, this sewer will be available to serve the

annexation. Connection to city sanitary sewer will involve costs for service lines, plumbing permit fees, and a sanitary sewer system development charge. In addition, there may be a cost recovery assessment due to reimburse the Lebanon Community School District for extending the sanitary sewer.

For each dwelling unit, connection to a city utility or building permit issuance will also cause to be due all remaining streets, drainage, and parks system 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 after the inoperable vehicle has either been removed or had its license renewed.

PROPOSED FINDINGS

1. The proposed annexation complies with City Annexation Policy, Section 1, in that some urban services (sanitary sewer) are being 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 (sanitary sewer) improvements are currently under construction to 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.

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