

A BILL FOR AN ORDINANCE ANNEXING AND ZONING PROPERTY FOLLOWING CONSENT FILED WITH THE CITY COUNCIL BY LANDOWNERS IN SAID AREA PURSUANT TO ORS 222.120 AND ORS 222.170 (File A-02-06)

ORDINANCE BILL NO. 3 for 2003  
ORDINANCE NO. 2339

WHEREAS, the City of Lebanon has received a submission by written request for annexation of real property to the City of Lebanon, 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, the Lebanon 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, and further considering the recommendation of the Lebanon Planning Commission, 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:

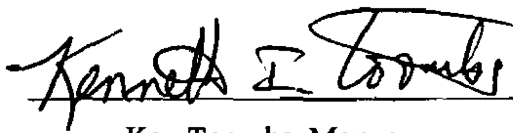
Section 1. Findings. In addition to the findings referred to above, the City Council further adopts and finds those matters contained in Exhibit "B", which is incorporated herein by this reference as if fully set forth at this point.

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

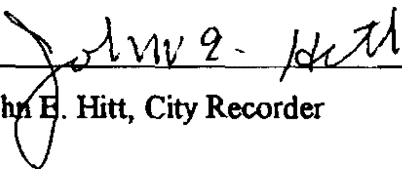
**Section 2. Annexation Area.** Based upon the findings contained above and in Exhibit "B", the contiguous territory described in Exhibit "A" and incorporated herein by this reference as if fully set forth at this point is hereby proclaimed to be annexed to the City of Lebanon, and zoned as indicated in accordance with the Lebanon Zoning Ordinance No. 1773, and given the zoning of Residential Mixed Density (RM).

**Section 3 Record.** The City Recorder shall submit to the Oregon Secretary of State a copy of this Ordinance. The City Recorder is further ordered to send a description by metes and bounds, or legal subdivision, and a map depicting the new boundaries of the City of Lebanon within ten (10) days of the effective date of this annexation ordinance to the Linn County Assessor, Linn County Clerk and the Oregon State Department of Revenue.


Passed by the Lebanon City Council by a vote of 5 for and 1 against and approved by the Mayor this 26<sup>th</sup> day of February, 2003.

  
Ken Toombs, Mayor

ATTEST:

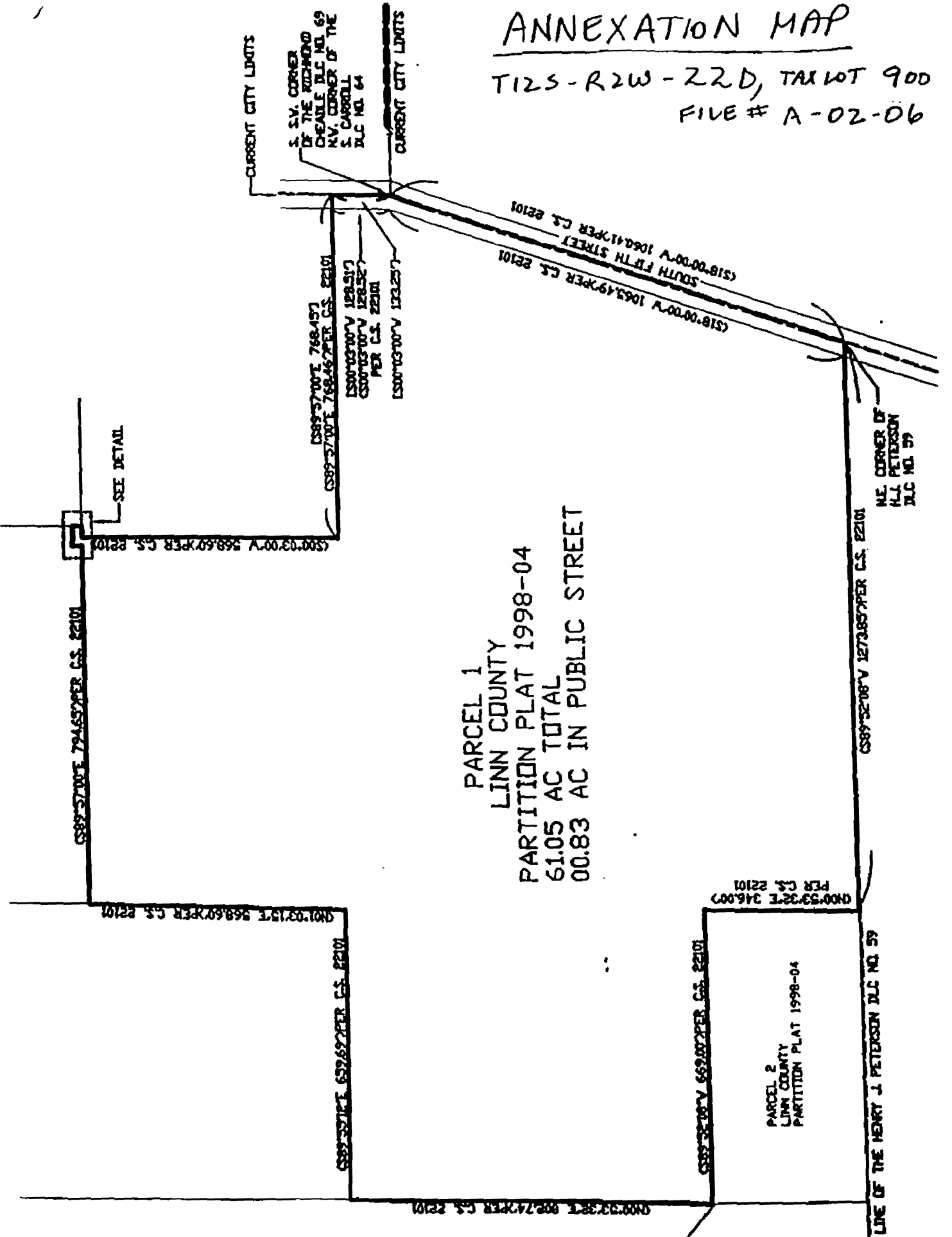
  
John E. Hitt, City Recorder

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

T12S-R2W-22D, TAX LOT 900  
FIVE # A-02-06



PARCEL 1  
 LINN COUNTY  
 PARTITION PLAT 1998-04  
 61.05 AC TOTAL  
 00.83 AC IN PUBLIC STREET

PARCEL 2  
 LINN COUNTY  
 PARTITION PLAT 1998-04

SEE DETAIL

CURRENT CITY LIMITS  
 S.V. CORNER  
 OF THE RICHMOND  
 DEABLE D.C. NO. 69  
 N.V. CORNER OF THE  
 S. CARROLL  
 D.C. NO. 64  
 CURRENT CITY LIMITS

N.E. CORNER OF  
 H.L. PETERSON  
 D.C. NO. 59

LINE OF THE HENRY J. PETERSON D.C. NO. 59

900°33'38"E 802.74' PER C.S. 22101

659°32'08"V 662.00' PER C.S. 22101

900°33'32"E 346.00' PER C.S. 22101

659°52'08"V 1273.85' PER C.S. 22101

1063.49' PER C.S. 22101  
 SOUTH FIFTH STREET  
 1064.13' PER C.S. 22101  
 1063.00' V 1063.49' PER C.S. 22101

1300°03'00"V 123.25' PER C.S. 22101

650°03'00"V 128.51' PER C.S. 22101

650°03'00"V 128.51' PER C.S. 22101

1389°57'00"E 768.45' PER C.S. 22101

590°03'00"V 568.69' PER C.S. 22101

659°57'00"E 794.65' PER C.S. 22101

901°03'15"E 568.69' PER C.S. 22101

659°33'01"E 632.62' PER C.S. 22101

**LEGAL DESCRIPTION:**

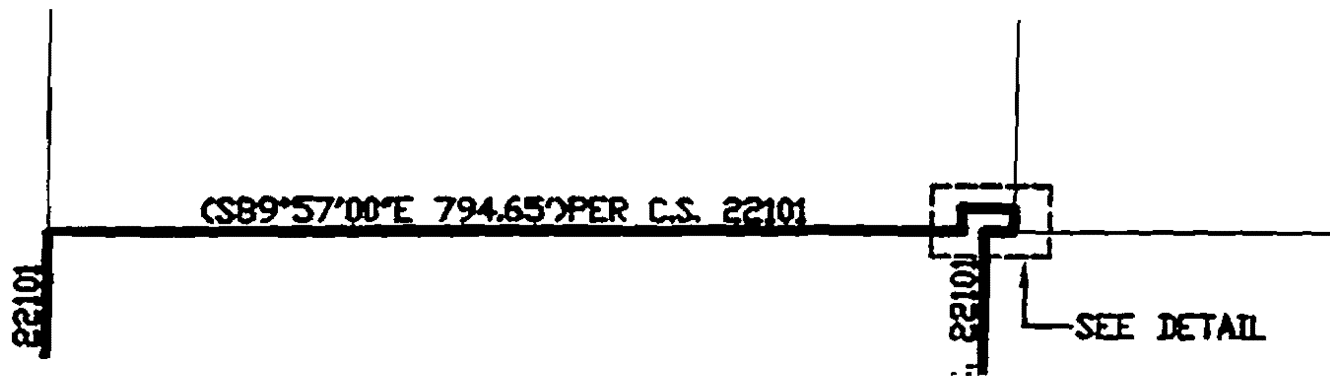
An area of land in the Southeast ¼ of Section 22 in Township 12 South of Range 2 West of the Willamette Meridian, Linn County, Oregon described as follows:

Parcel 1 of Linn County Partition Plat No. 1998-04 more particularly described as follows:

Beginning at the most Westerly Southwest corner of said Parcel 1; thence North 0°53'32" East 802.74 feet; thence South 89°53'12" East 659.69 feet; thence North 1°03'15" East 568.60 feet; thence South 89°57' East 794.64 feet; thence North 1°03'15" East 20.00 feet; thence South 89°57' East 45.36 feet; thence South 1°03'15" West 20.00 feet; thence North 89°57' West 25.36 feet; thence South 0°03' West 568.60 feet; thence South 89°57' East 768.45 feet to the West boundary of the Richmond Cheadle LLC No. 69; thence South 0°03' West 133.25 feet to the South Southwest corner of the Richmond Cheadle LLC No. 69 also being the Northwest corner of the S. Carroll DLC no. 64; thence South 18°00'00" West 1060.41 feet to the Northeast corner of the Henry J. Peterson LLC No. 59; thence South 89°52'08" West 1273.85 feet to the Southeast corner of Parcel 2 of Linn County Partition Plat No. 1998-04; thence North 0°53'32" East 346.00 feet to the Northeast corner of said Parcel 2; thence South 89°52'08" West 669.00 feet to the point of beginning.

LEGAL DESCRIPTION

EXHIBIT "A2"



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

MF1396

By JD Deputy PAGE 14

M-  
R-  
S-  
A-  
O-

8:30 O'clock a.m. 41

MAR 11 2003

# 2 - Cornell

A BILL FOR AN ORDINANCE ANNEXING AND )  
ZONING PROPERTY FOLLOWING CONSENT )  
FILED WITH THE CITY COUNCIL BY )  
LANDOWNERS IN SAID AREA PURSUANT TO )  
ORS 222.120 AND ORS 222.170 (File A-02-06) )

ORDINANCE BILL NO. 3  
for 2003  
ORDINANCE NO. 2339

WHEREAS, the City of Lebanon has received a submission by written request for annexation of real property to the City of Lebanon, 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, the Lebanon 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, and further considering the recommendation of the Lebanon Planning Commission, 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:

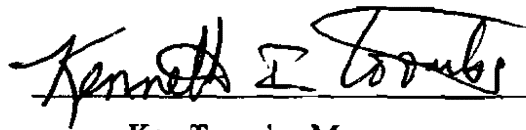
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✓  
After recording please return to:  
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Public Works Administration  
925 Main Street, Lebanon, OR 97355

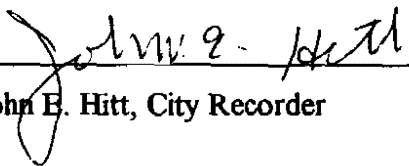
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**Section 3 Record.** The City Recorder shall submit to the Oregon Secretary of State a copy of this Ordinance. The City Recorder is further ordered to send a description by metes and bounds, or legal subdivision, and a map depicting the new boundaries of the City of Lebanon within ten (10) days of the effective date of this annexation ordinance to the Linn County Assessor, Linn County Clerk and the Oregon State Department of Revenue.

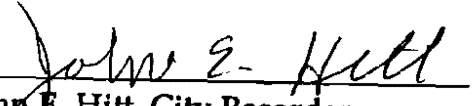
Passed by the Lebanon City Council by a vote of 5 for and 1 against and approved by the Mayor this 26<sup>th</sup> day of February, 2003.

  
Ken Toombs, Mayor

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 VOL 1416 PAGE 633  
 T125-R2W-22D,T.L.900  
 LEBANON FILE # A-02-06  
 EXHIBIT "A"

PROPOSED ANNEXATION

THOMAS H. CORNELL, TRUSTEE  
 RHONDA L. CORNELL, TRUSTEE  
 CORNELL FAMILY TRUST

SE 1/4 OF SECTION 22, T. 12 S., R. 2 W., W.M.  
 LINN COUNTY, OREGON

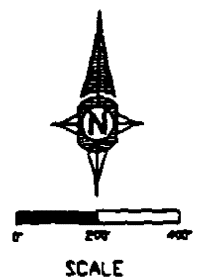
OCTOBER 31, 2002

LEGAL DESCRIPTION:

An area of land in the Southwest 1/4 of Section 22 in Township 22 South of Range 2 West of the Willamette Meridian, Linn County, Oregon described as follows:

Parcel 1 of Linn County Partition Plat No. 1998-04 more particularly described as follows:

Beginning at the east westerly Southwest corner of said Parcel 1; thence North 87°27' East 262.24 feet thence South 87°27' East 629.49 feet thence North 1°32' East 264.88 feet thence South 87°27' East 794.64 feet thence North 1°32' East 268.88 feet thence South 87°27' East 45.24 feet thence South 1°32' West 258.88 feet thence North 87°27' West 252.56 feet thence South 1°32' West 268.88 feet thence South 87°27' East 784.64 feet to the West boundary of the Richard Charles B.L.C. No. 69 thence South 87°27' West 252.56 feet to the South Southwest corner of the Richard Charles B.L.C. No. 69 also being the Northwest corner of the S. Cornell B.L.C. No. 64 thence South 87°27' West 268.88 feet to the Northwest corner of the Henry J. Peterson B.L.C. No. 69 thence South 87°27' West 272.88 feet to the Southwest corner of Parcel 2 of Linn County Partition Plat No. 1998-04 thence North 87°27' East 264.88 feet to the Northwest corner of said Parcel 1 thence South 87°27' West 642.56 feet to the point of beginning.



LEGEND

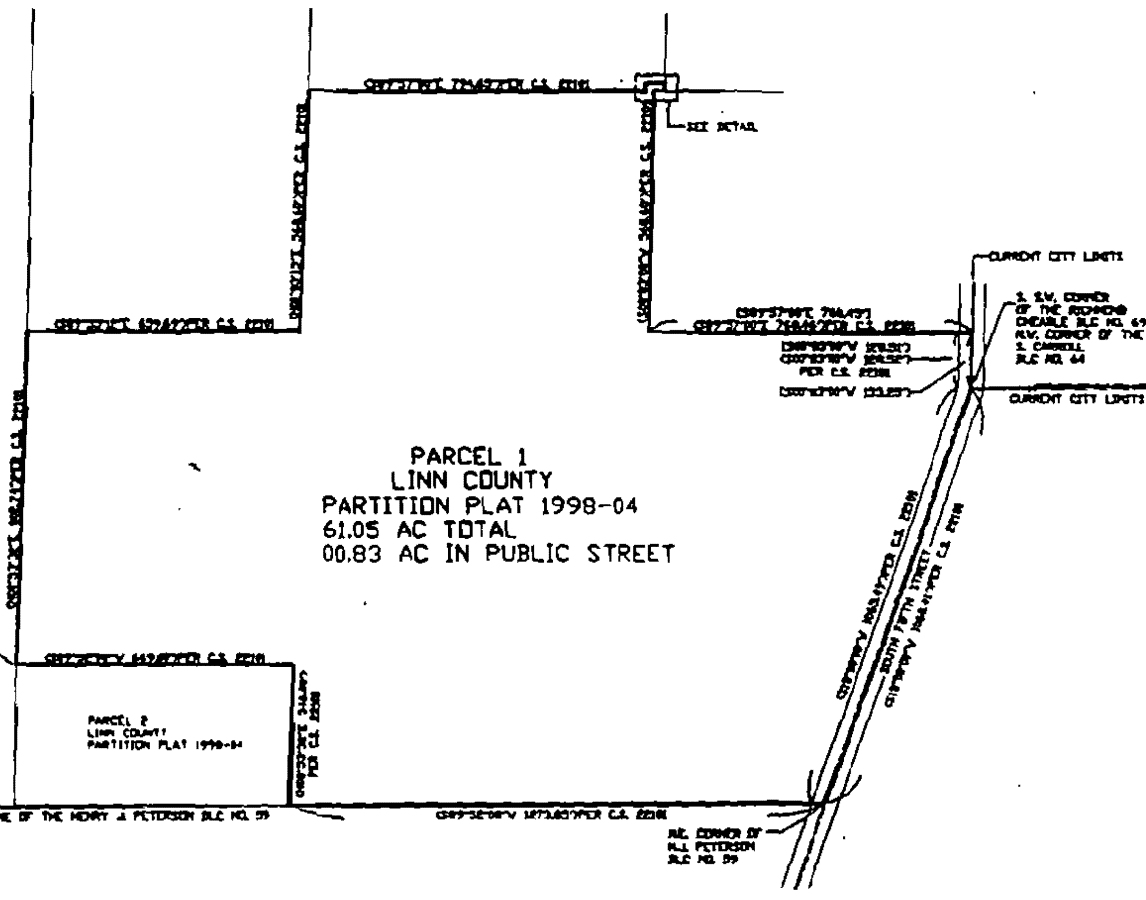
( ) DATA OF RECORD  
 D.L.C. DONATION LAND CLAIM  
 REFERENCE SURVEY: C.S. 22101

PROPERTY:

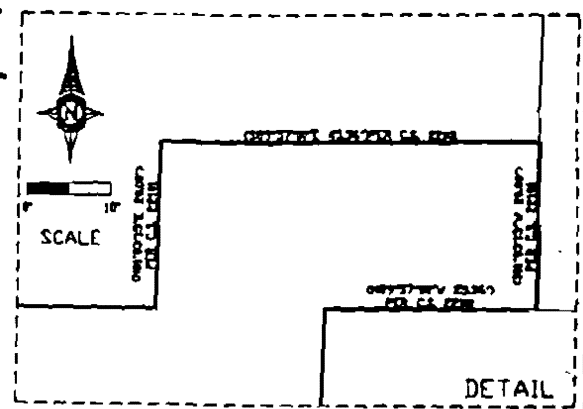
225-24-223  
 TABLE 90

OWNERS:

THOMAS H. CORNELL, TRUSTEE  
 RHONDA L. CORNELL, TRUSTEE  
 CORNELL FAMILY TRUST  
 JAMES F. UDELL, JR.  
 LEBANON, OREGON 97335



PARCEL 1  
 LINN COUNTY  
 PARTITION PLAT 1998-04  
 61.05 AC TOTAL  
 00.83 AC IN PUBLIC STREET



REGISTERED  
 PROFESSIONAL  
 LAND SURVEYOR  
 JAMES F. UDELL, JR.  
 1966  
 EXPIRES 04-30-2004

8072 1548  
 JAMES F. UDELL  
 ENGINEERING & SURVEYING  
 83 EAST ASH ST.  
 LEBANON, OREGON  
 97335  
 PH. (541) 451-3123  
 FAX (541) 451-1368  
 FJUCORNELL@WORLDNET



FILE # A-02-06

VOL. 1416 PAGE 634

**LEGAL DESCRIPTION:**

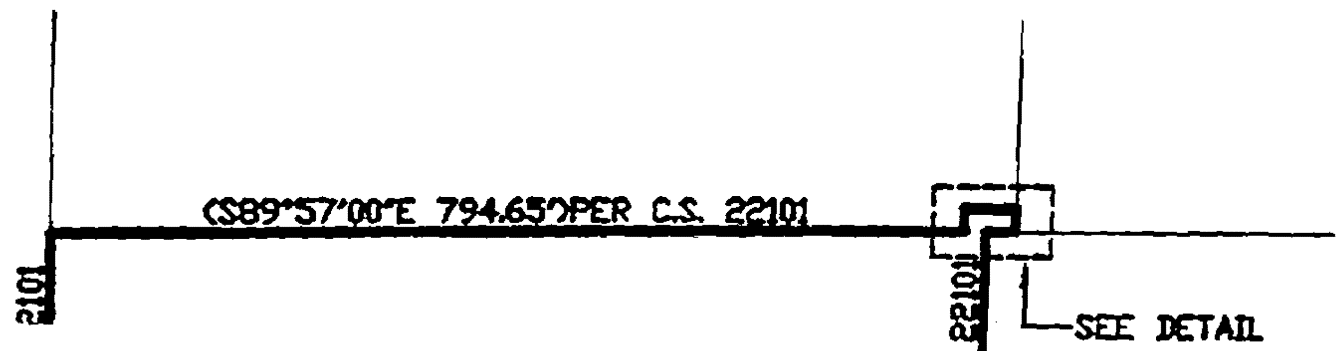
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LEGAL DESCRIPTION

EXHIBIT "A" 2



**EXHIBIT A**  
**FINDINGS OF FACT AND CONCLUSIONS OF LAW**  
**SUPPORTING THE APPLICATION OF THE CORNELL FAMILY TRUST**  
**Annexation of approximately a 61.05 acre territory comprised of one vacant parcel, and**  
**the abutting South Fifth Street right-of-way.**  
**Located on the west side of South Fifth Street and approximately ¼ mile south of Vaughn**  
**Lane. Assessor's Map 12-2W-22D, Tax Lot 900.**  
**File #A-02-06**

**A. Proposal**

1. The applicant proposed to annex a 60-acre site in support of future residential development. The applicant provided evidence that approximately 50 of the 60 acres are fully developable due to the constraints imposed by Oak Creek which is within the annexation territory.
2. Oak Creek is within the Riparian Protection (RP) Subzone; these City adopted, state mandated protection requirements for fish bearing streams are a City designation and are not implemented by Linn County in its administration of the urban growth area. Consequently, annexation of this property would avail City implemented creek protection measures not currently required by Linn County.
3. The Lebanon Parks Master Plan identifies an open space area and a recreational pedestrian trail along Oak Creek. Annexation of this property will aid in the acquisition and development of this future trail system.
4. The future Reeves Parkway is identified as being routed through this property. With appropriate conditions, annexation and subsequent development of the subject property will promote the establishment of the right-of-way and road improvements for this critical element of the City's transportation network and plan.
5. The site is adjacent to the East Linn Christian Academy (ELCA), a private school located just outside the Lebanon Urban Growth Boundary (UGB). The residential development of the subject property will avail housing opportunities in immediate proximity to this popular private educational facility.

**B. Property Background**

1. The subject property consists of a large grass seed field and Oak Creek and its abutting floodplain. The portion of the subject property between Oak Creek and 5<sup>th</sup> Street (a designated collector improved to county standards) is not actively farmed and this natural area is dominated by shrubs, grasses and brambles. This similar condition exists immediately across or south and west of Oak Creek from the natural area described above. Both of these non-farmed natural areas are impacted by Oak Creek flooding and are part of the 10 acres that the applicant identified as having development limitations. It is also reasonable to assume that jurisdictional wetlands are located in immediate proximity to Oak Creek which is mapped as a linear wetland (on the subject property) according to the National Wetland Inventory (NWI) map.

2. Oak Creek is mapped on the FEMA Flood Insurance Rate Map as containing a limited flood plain within the subject property. The adjacent upstream property across (on the east side of) 5<sup>th</sup> Street has a substantial flood plain/water detention area as do downstream areas abutting road crossings or other flow constraints.
3. The subject property abuts the Lebanon Urban Growth Boundary (UGB) along its south property line. The property is adjacent to the Lebanon City Limits at its northeast corner.
4. Surrounding land uses include the forested ELCA campus to the immediate south; large agricultural fields to the east (across 5<sup>th</sup> Street), northwest and west (up a sloping hillside); rural residences to the north, northeast and southeast; and a farmstead near the southwest corner of the property.
5. The Comprehensive Plan Map identifies the designation of the subject property as Mixed Density Residential that assigns a Residential Mixed Density zoning upon annexation.

**C. Applicable Criteria in General**

1. 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. Applicable policies from the Comprehensive Plan are explained reviewed in these findings.
2. The City's Comprehensive Plan and Zoning Ordinance have been acknowledged by the Land Conservation and Development Commission (LCDC), and therefore meet the Statewide Planning Goals pursuant to ORS 197.015. According to OAR 660-001-0310, "A city annexation made in compliance with a comprehensive plan acknowledged pursuant to ORS 197.251(1) shall be considered by (the) Land Conservation and Development Commission to have been made in accordance with the goals unless the acknowledged comprehensive plan and implementing ordinances do not control the annexation."

**D. Compliance With Annexation Policy Section 1**

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. The language of the policy means that urban services are available or can be made available to serve the property in its current state. However, the policy could be interpreted to mean that services are available or can be made available to serve the property when it is developed. Both interpretations are plausible and are met by the applicant.
3. The applicant has met the first plausible interpretation of the criterion by showing that urban services are available or can be made available to serve the property in its current state. The property is currently developed for farm use. It contains no structures. There are no individuals residing on the site or using urban services. Water and street services are provided as demonstrated in Finding D.4. Drainage of the current site is into Oak Creek. No septic service is needed at this time based on the property's current development. The property is served by all other urban

services. See Finding D.4.e.

4. Alternatively, the applicant meets the second interpretation because it has shown that urban services are available or can be made available to serve the property when it is developed. In this case the policy does not require services to be available at the time of annexation but rather when the development takes place. The City finds that urban services are or can be made available to serve the proposed annexation area if developed in the future for residential use.

4a. Streets - South 5th Street, currently a county standard road, borders the site on the east. The street provides current connectivity with the City's transportation network. The proposed alignment for Reeves Parkway identified in the city's draft Transportation System Plan runs through the site. Future development of the site will require a right-of-way dedication for the parkway and is a condition of approval of this application. For future residential development, additional improvements as needed to 5th Street, Reeves Parkway, and local street extensions will be determined by planning staff and public works as part of any development plan and site plan review.

4b. Water - A 16-inch water main runs the length of South 5th Street and has ample capacity to serve the site in the event of future residential development. The City's two 2,000,000 gallon reservoirs, one of which is on 5<sup>th</sup> Street, are sufficient to supply water to the Cornell property and the City's treatment facility on 2<sup>nd</sup> Street has more than enough capacity to treat any additional water used by a 50 acre residential development. Additional water main extensions and connection to City water as required for future site development will be determined by planning staff and public works as part of any development plan and site plan review.

4c. Drainage - Surface drainage from the subject property flows to Oak Creek that runs through the site. Drainage for future residential development can be handled on site if necessary, but Oak Creek also has sufficient capacity to handle such storm drainage. Upon review of any future development plan and site plan review, the City shall require a right-of-way dedication along Oak Creek in order to facilitate City maintenance of the drainage way, and piped and/or surface drainage improvements as determined by planning staff and public works.

4d. Sanitary Sewer - The nearest sanitary sewer main is a 10-inch main on 10th Street that terminates at Vaughan Lane. The new Westside Interceptor will eventually provide sanitary sewer service to this site. The current sewer system has capacity to serve residential development of the Cornell property, based on staff's estimate that the current system is adequate to handle development of at least 70 additional residential acres. Properties previously annexed into the City that have not been developed are irrelevant to this determination since they do not currently use any sewer capacity. A review of available sewer capacity will be made at the time of a specific development proposal. Limitations in sewer discharge and/or downstream improvements to the collection system may be required at that time, as well as imposition of costs for service lines, plumbing permit fees, and a sanitary sewer system development charge. These costs and conditions shall be determined by planning staff and public works as part of any development plan and site plan review.

4e. Other Urban Services - One purpose for establishing the UGB was to plan for needed services, such as housing, parks, schools, etc. Urban services were planned for and discussed in the

context of the Plan. At the time the Plan was formulated, it analyzed how such services could be planned for or otherwise made available. The Plan, incorporated herein by reference, already addresses the provision of other types of urban services, and the City finds that such services are available or can be made available, and that additional development will not overburden those services.

**E. Compliance With City Annexation Policy Section 2**

1. 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.

2. The unambiguous language of the policy requires that the necessary rights-of-way be based on the property as it exists at the time of annexation. The Cornell property, as currently developed, consists of a farm with no residential uses. The adjacent county road, 5<sup>th</sup> Street, has a 60' right-of-way and is sufficient to provide safe and efficient movement of traffic to and from the property to be annexed based on its current development and the fact that no residential traffic uses the property.

3. Alternatively, the proposed annexation also complies with the policy in that appropriate public right-of-ways will be provided as the property actually develops. Future public right-of-way that will be dedicated is for the proposed Reeve's Parkway that will eventually run northwest to southeast in the northeast quadrant of the property, as per the City's Adopted Transportation Master Plan and draft Transportation System Plan (TSP). Additional right-of-ways will be secured as determined by planning staff and public works as part of any development plan and site plan review. This shall include improvements to 5th Street and local street extensions as needed, as well as a right-of-way dedication along Oak Creek in order to facilitate City maintenance of the drainage way. It shall also include securing City access along Oak Creek for an Open Space area and Trail as per the Adopted Parks Master Plan.

**F. Compliance With City Annexation Policy Section 3**

1. 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.

2. The language of the policy requires a program to update services that "do not meet standards" rather than services that "will" not meet standards. The Cornell property is not currently serviced by urban utility services other than water and streets. Finding D.3. The applicant cannot present a program to upgrade the other facilities because they do not exist. Other types of services (police, fire, etc.) currently serve the subject property and the annexation itself will not cause any increased demand on those services. As currently developed, the property does not require any upgrade in services.

3. Alternatively, the proposed annexation complies with the policy in that public infrastructure improvements will be provided as the property actually develops as determined by planning staff and public works as part of any development plan and site plan review

context of the Plan. At the time the Plan was formulated, it analyzed how such services could be planned for or otherwise made available. The Plan, incorporated herein by reference, already addresses the provision of other types of urban services, and the City finds that such services are available or can be made available, and that additional development will not overburden those services.

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3. Alternatively, the proposed annexation complies with the policy in that public infrastructure improvements will be provided as the property actually develops as determined by planning staff and public works as part of any development plan and site plan review

**G. Compliance With City Annexation Policy 4**

1. 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.
2. The proposed annexation complies with this policy in that the property complies with Zoning Ordinance and Comprehensive Plan policies pertaining to the property and zoning. The City's Comprehensive Plan designation is Mixed Density Residential for the subject property. The requested zoning upon annexation is Residential Mixed Density (RM), which is consistent with both the goals and policies of the Comprehensive Plan and Zoning Ordinance.
3. Oak Creek is within the Riparian Protection (RP) Subzone; these City adopted, state mandated protection requirements for fish bearing streams are a City designation and are not implemented by Linn County in its administration of the urban growth area. Consequently, annexation of this property would avail City implemented creek protection measures not currently required by the County.
4. The Lebanon Parks Master Plan identifies an open space area and a recreational pedestrian trail along Oak Creek- annexation of this property will aid in the acquisition and development of this future trail system.
5. The future Reeves Parkway is identified as being routed through this property and therefore annexation and subsequent development of this site will promote the establishment of the right-of-way and road improvements for this critical element of the City's transportation network and plan.
6. The site is also adjacent to the East Linn Christian Academy (ELCA), a private school located just outside the Lebanon Urban Growth Boundary (UGB). The residential development of the subject property will avail housing opportunities in immediate proximity to this popular private educational facility.

**H. Compliance With City Annexation Policy Section 5**

1. City Annexation Policy Section 5 states that it shall be the burden of proof on the applicant that a public need exists for the proposed annexation and that the annexation is in the public's interest.
2. The proposed annexation complies with City Annexation Policy, Section 5, in that a public need exists regarding a variety of issues. Based on current and projected rates of population growth, the City has a need to incorporate more residential land to accommodate such projected growth. If the land is not incorporated to provide areas of higher densities of residential development, then the rural areas will be under increased pressure to urbanize thus threatening to create sprawl conditions and encroachment on farmland. The City's 1997 Residential Lands Study states that the City will need at least 390 acres of land to support residential development to the year 2017. Only 109 acres of land have been annexed into the City since 1997, and several of these properties were already developed. Thus, there is a need for at least 281 more acres of land to be annexed into the City in order to meet residential housing requirements by 2017.

3. The area within the UGB has already been determined to be necessary for urbanization. The Comprehensive Plan specifically states at pg. 4-7 that the UGB contains urbanizable lands which are:

1. Determined to be **necessary** and suitable for future urban uses;
- ...
3. Are **needed** for the expansion of the urban area.

Plan, pg. 4-7 (emphasis added).

4. There is no requirement in the Comprehensive Plan or Zoning Ordinance that says land within city limits available to meet the public need must be identified and inventoried.

5. Annexation of this property will serve the public interest by providing needed land for residential development. Annexation will also serve the public interest in the following ways:

5a. Oak Creek is within the Riparian Protection (RP) Subzone; these City adopted, state mandated protection requirements for fish bearing streams are a City designation and are not implemented by Linn County in its administration of the urban growth area. Consequently, annexation of this property would avail City implemented creek protection measures not currently required by the County.

5b. The Lebanon Parks Master Plan identifies an open space area and a recreational pedestrian trail along Oak Creek- annexation of this property will aid in the acquisition and development of this future trail system.

5c. The future Reeves Parkway is identified as being routed through this property and therefore annexation and subsequent development of this site will promote the establishment of the right-of-way and road improvements for this critical element of the City's transportation network and plan.

5d. The site is adjacent to the East Linn Christian Academy (ELCA), a private school located just outside the Lebanon Urban Growth Boundary (UGB). The residential development of the subject property will avail housing opportunities in immediate proximity to this popular private educational facility.

**I. Compliance With Urbanization Element of the Comprehensive Plan, Phased Growth Program, Policy #1**

1. Urbanization Element of the Comprehensive Plan, Phased Growth Program, Policy #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.

2. The proposed annexation complies with this policy. The areas immediately to the east of the subject property are within the City limits, as are the properties further to the northwest across Vaughn Street. By annexing this larger parcel, it will provide "economies of scale" by spreading the cost of improvements over several lots, as recognized in pg. 4-8 of the Comprehensive Plan.



Future development of the parcel will extend utility services, allowing intervening property owners to tie into those services. This will reduce their costs and increase their incentive to annex into the City, leading to an orderly, compact growth pattern.

**J. Compliance With Urbanization Element of the Comprehensive Plan, Annexation Policy #1**

1. Urbanization Element of the Comprehensive Plan, Annexation Policy #1 states that the City shall annex land only within the Urban Growth Boundary on the basis of findings that support the need for additional developable land in order to maintain an orderly, compact growth pattern within the city's service capability.

2. The application complies with this policy:

- 2a. The proposed Annexation is within the City's Urban Growth Boundary.
- 2b. The need for additional developable land has been noted above.
- 2c. The compact growth pattern has also been discussed above.

Based on current and projected rates of population growth, the City has a need to incorporate more residential land to accommodate such projected growth. If the land is not incorporated to provide areas of higher densities of residential development, then the rural areas will be under increased pressure to urbanize, thus threatening to create sprawl conditions and encroachment on farmland. The proposed annexation promotes an orderly, compact growth pattern in that the areas immediately east of the subject property are within the City limits, as are the properties further to the northwest across Vaughan Street. As noted in the previous findings, this annexation and subsequent development of the subject property are within the City's service capabilities.

**K. Compliance With Urbanization Element of the Comprehensive Plan, Annexation Policy #3**

1. Urbanization Element of the Comprehensive Plan, Annexation Policy #3 states that unless otherwise approved by the City, specific development proposals shall be required for annexation requests on vacant land adjacent to the City to insure completion within a reasonable time limit in conformance with a plan approved by the city.

2. The proposed annexation complies with this policy. The applicant has not provided a specific conceptual development plan for the development of subject property. However, the applicant suggests 50 of the 60 acres are developable due to the constraints imposed by Oak Creek, and that those acres will eventually be developed for residential uses. The applicant has provided sufficient information through his engineer to determine what city services will be required to serve the subdivision development of the site which in turn permits an evaluation of potential impacts on community facilities. See Finding D.4. The applicant has indicated that he will submit a subdivision proposal for the site once the annexation is completed therefore a reasonable time limit for the development of the property will be achieved.

3. The unambiguous language of this policy allows the City to waive the requirement for a specific development proposal. The provision of key urban facilities and services is made in accordance with locally adopted development standards. These standards include the ability of the

City to waive the development proposal requirement. This makes sense from an economic standpoint, since few developers will go to the time and expense of coming up with a detailed set of development plans unless they are assured the property can be annexed in the first place. The City is not requiring a specific development proposal in this case.

**L. Compliance With Public Facilities and Services Element of the Comprehensive Plan, General Policy #2**

1. Public Facilities and Services Element of the Comprehensive Plan, General Policy #2 states that the City shall consider impacts on community facilities before annexation requests are approved.

2. The findings above discuss the potential impacts on community facilities, both in the property's current state, and if developed for residential use. Finding D. The proposed annexation complies with this policy in that the annexation will not result in an adverse impact on community facilities.

**M. Compliance With Zoning Ordinance Section 3.050**

1. Zoning Ordinance Section 3.050 says that all areas annexed to the City shall be placed in a zoning classification in accordance with the adopted Comprehensive Plan. If a zoning designation other than one in accordance with the Comprehensive Plan is requested by an applicant, the zoning requested shall not be granted until the plan is amended to reflect concurrence.

2. This proposed annexation is in compliance with Zoning Ordinance Section 3.050. Currently the subject property does not have a City zoning designation because it is not within the City limits. However, since the property is within the City's Urban Growth Boundary, the current Comprehensive Plan designation on the subject property is Mixed Density Residential. The corresponding City zoning designation for a Comprehensive Plan designation of Mixed Density Residential is Residential Mixed Density (RM). The applicant is requesting a Residential Mixed Density (RM) zoning designation for the subject property, which is consistent with the Zoning Ordinance.

3. The unambiguous language of LZO 3.050 does not require a separate zone change application under LZO 9.010 and 9.020 in order to change the zoning on the subject property in conjunction with its annexation.

**N. Compliance With City of Lebanon/Linn County Urban Growth Management Agreement**

1. Section 2 of the City of Lebanon/Linn County Urban Growth Management Agreement states that the Lebanon Comprehensive Plan designates the future city zoning UGA lands will receive upon annexation to the city.

2. Section 5 of the UGMA states that the UGMA identifies land that may be subject to future City annexation. The City may annex land using its own procedures in accordance with state law. Only land within the urban growth boundary will be considered for annexation. The City will notify the County of any proposed annexations. Upon annexation, the City assumes all jurisdiction for land use actions.

3. The City's annexation review procedures on annexation request File #A-02-06 have complied with the City of Lebanon/Linn County Urban Growth Management Agreement, Sections 2 and 5 regarding city authority to annex lands within the urban growth area and assign city zoning in accordance with the Lebanon Comprehensive Plan Map.

**O. Conditions of Approval**

1. Future development of the site will require a right-of-way dedication for the Reeves Parkway. Additional improvements as needed to 5th Street, Reeves Parkway, and local street extensions will be determined by planning staff and public works as part of any development plan and site plan review.

2. Additional water main extensions and connection to City water as required for future site development will be determined by planning staff and public works as part of any development plan and site plan review.

3. Upon review of any future development plan and site plan review, the City shall require a right-of-way dedication along Oak Creek in order to facilitate City maintenance of the drainage way. Piped and/or surface drainage improvements shall be required as determined by planning staff and public works.

4. A review of available sewer capacity will be made at the time of a specific development proposal. Limitations in sewer discharge and/or downstream improvements to the collection system may be required at that time, as well as imposition of costs for service lines, plumbing permit fees, and a sanitary sewer system development charge. These costs and conditions shall be determined by planning staff and public works as part of any development plan and site plan review.

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 JD Deputy MF1416  
PAGE 631

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APR 28 2003

AN ORDINANCE AFFIRMING THE CITY	)	
OF LEBANON'S LAND USE DECISION	)	ORDINANCE BILL NO. <u>4</u>
IN ORDINANCE BILL NO. 34 FOR 2002,	)	For 2003
ORDINANCE 2321, (HERB/COOK)	)	
AND MAKING FURTHER FINDINGS IN	)	ORDINANCE NO. <u>2340</u>
SUPPORT OF SUCH DECISION	)	

**WHEREAS;** the City Council for the City of Lebanon passed Ordinance Bill Number 34 for 2002, Ordinance 2321, on August 14, 2002 which approved the annexation of that certain property described herein in Exhibit "A", which is incorporated here by this reference, assigning said property certain zoning; and

**WHEREAS,** said decision of the City Council was appealed to the Land Use Board of Appeals for the State of Oregon by the Friends of Linn County (FOLC), LUBA Case Number 2002-107; and

**WHEREAS,** the parties stipulated that such appeal be remanded to the local governing body for further proceedings to allow the issues raised by FOLC to be addressed by the City Council; and

**WHEREAS,** the City of Lebanon has received a submission by written request for annexation of real property to the City of Lebanon, 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,** the Lebanon 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

After recording please return to: City of Lebanon Public Works Administration 925 Main Street, Lebanon, OR 97355
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**WHEREAS**, after conducting the hearing and considering all objections or remonstrances with reference to the proposed annexation, and further considering the recommendation of the Lebanon Planning Commission, the issues raised in the appeal of this matter in LUBA Case No. 2002-107, 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. Findings.** In addition to the findings referred to above, the City Council further adopts and finds those matters contained in Exhibit "B", which is incorporated herein by this reference as if fully set forth at this point.

**Section 2. Annexation Area.** Based upon the findings contained above and in Exhibit "B", the contiguous territory described in Exhibit "A" and incorporated herein by this reference as if fully set forth at this point is hereby proclaimed, again, to be annexed to the City of Lebanon, Ordinance Bill Number 34 for 2002, Ordinance Number 2321 is hereby affirmed and the subject property is zoned as indicated in accordance with the Lebanon Zoning Ordinance No. 1773, given the zoning of Residential Mixed Density (RM) for Linn County Tax Lot 1400 and Residential Low Density (RL) for Linn County Tax Lot 2000.

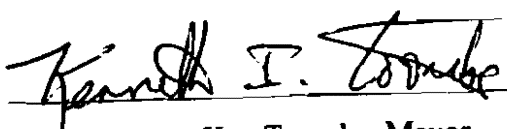
**Section 3 Record.** The City Recorder shall submit to the Oregon Secretary of State a copy of this Ordinance. The City Recorder is further ordered to send a description by metes and bounds, or legal subdivision, and a map depicting the new boundaries of the City of Lebanon within ten (10) days of the effective date of this annexation ordinance to the Linn County Assessor, Linn County Clerk and the Oregon State Department of Revenue, if required by said agencies as a result of this ordinance affirming the Council's prior decision.

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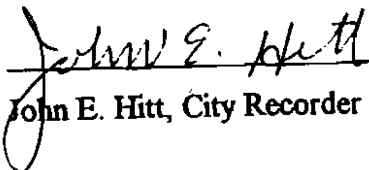
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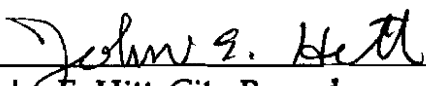
Passed by the Lebanon City Council by a vote of 5 for and 1 against and approved by the Mayor this 26<sup>th</sup> day of February, 2003.

  
Ken Toombs, Mayor

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

VIII 1396 PAGE 22

# JAMES F. UDELL ENGINEERING & SURVEYING

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

EXHIBIT "A"

PAGE 1 OF 2

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

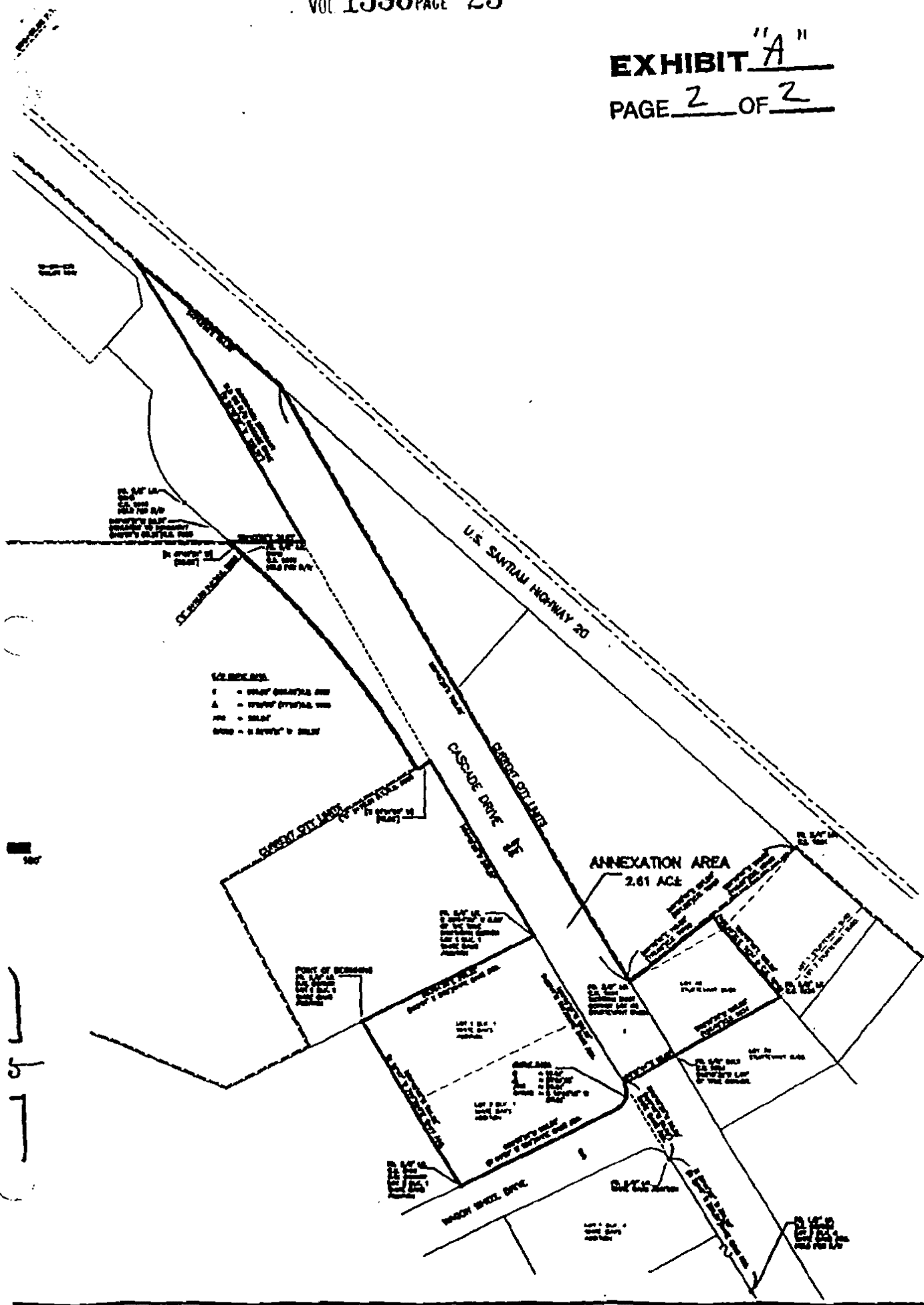
*Brian Vandetta*

OREGON  
JULY 13, 1999  
BRIAN S. VANDETTA  
61041-LS

EXPIRES

6-30-2002

EXHIBIT "A"  
PAGE 2 OF 2



ANNEXATION MAP  
I IIDEI ENGINEERING, P.E. |



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

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8:30 O'clock a.m. 46

MAR 11 2003

MF 1396

By [Signature] Deputy PAGE 19