

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-02-07)

ORDINANCE BILL NO. 8 for 2003

ORDINANCE NO. 2344

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

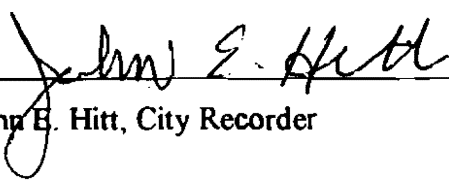
Section 2. Annexation Area. Based upon the findings contained above and in Exhibit "B", the contiguous territory described in Exhibit "A" and incorporated herein by this reference as if fully set forth at this point is hereby proclaimed to be annexed to the City of Lebanon, and zoned as indicated in 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.

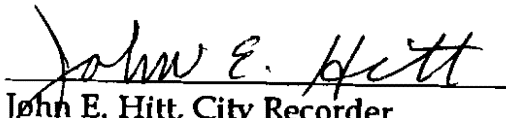
Passed by the Lebanon City Council by a vote of 5 for and 1^{yes} against and approved by the Mayor this 19th day of April, 2003.


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 AND LEGAL DESCRIPTION

FILE # A-02-07

PROPOSED ANNEXATION
FC SCHWINDT AND
SHARON R. BORMANN

SE 1/4 SEC. 23, T. 12 S., R. 2 W., W.M.
LINN COUNTY, OREGON
DECEMBER 3, 2002

LEGEND

● INDUMENT OF RECORD AS NOTED

○ COUNTY SURVEY
() DATA OF RECORD
[] CALCULATED DATA
h FROM PLOT
p FROM PAGE

PROPERTY:

125-PM-230
TAXLOT 1700
3980 S. SARTAN WAY
LEBANON, OR 97351

OWNERS:

F. C. TOMMINS
SHARON R. BORMANN
774 C. OAK ST.
LEBANON, OREGON 97355

LEGAL DESCRIPTION

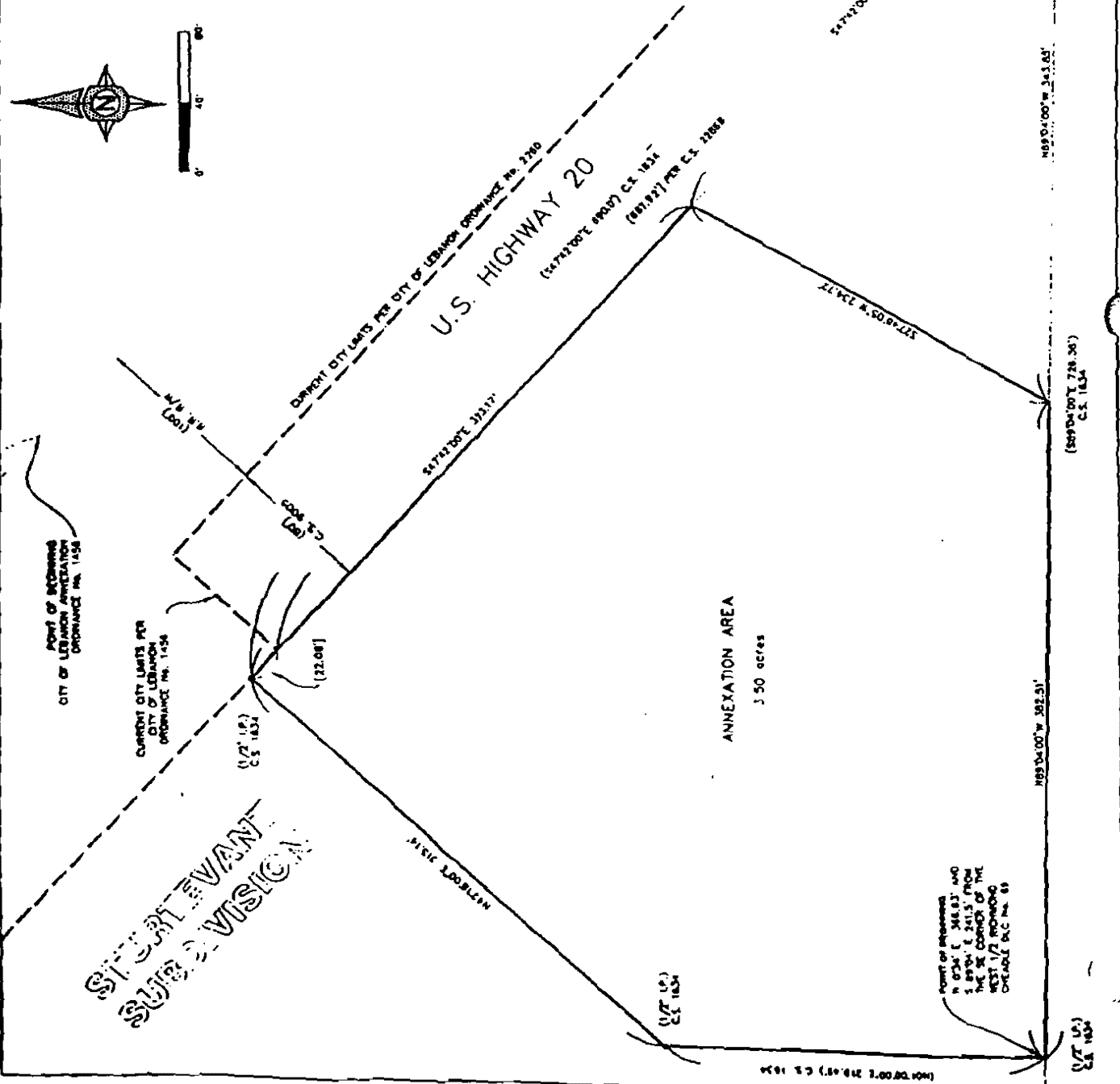
AN AREA OF LAND IN SECTION 23 OF TOWNSHIP 12 SOUTH OF RANGE 2 WEST OF THE WILLAMETTE MERIDIAN, LINN COUNTY, OREGON DESCRIBED AS FOLLOWS:

THE LAND DESCRIBED IN LINN COUNTY DEED REFERENCE WORDS VOLUME 1021 - PAGE 300 MORE PARTICULARLY DESCRIBES AS FOLLOWS:
BEGINNING AT A 3/4" IRON ROD WHICH BEARS NORTH 07°4' EAST 348.93 FEET AND SOUTH 89°04' EAST 241.5 FEET FROM THE SOUTHWEST CORNER OF THE WEST 1/2 OF THE DONATION LAND GRANT OF BORNHOLD ORCHARD NO. 88 IN TOWNSHIP 12 SOUTH OF RANGE 2 WEST OF 1031-2003; THENCE NORTH 100°00' EAST 219.48 FEET TO A 3/4" IRON PEG; THENCE NORTH 45°15'00" EAST 218.10 FEET TO A 1/2" IRON PEG ON THE SOUTHWEST CORNER OF A 1/2 ACRE TRACT AC. 28; THENCE SOUTH 47°42'00" EAST 321.17 FEET ALONG S&B MORTGAGE-847 TO A POINT; THENCE SOUTH 27°48'00" WEST 234.72 FEET TO A POINT; THENCE NORTH 89°04'00" WEST 382.51 FEET TO THE POINT OF BEGINNING

CELESTINE
PROFESSIONAL
LAND SURVEYOR
JIM WELLS
LICENSED 041-30-1906

8072 1526
JAMES F. UDELL
ENGINEERING & SURVEYING
63 EAST ASH ST.
LEBANON, OREGON
97355
PH: (541) 451-5125
FAX: (541) 451-1388

T12S-R2W-23D,
TAX LOT 1700



ST. CATALAN
SURVEY VISION

A-02-07

EXHIBIT "B"

FINDINGS

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.

Finding # 1:

The proposed annexation complies with City Annexation Policy, Section 1, in that urban services can be made available to serve the property without over burdening such services. Design is currently underway to construct a new 12" public sewer line along the northwest property line for the Lebanon Community Foundation's Cheadle Lake Project across Highway 20 directly east of the subject property. This line is adequate to provide sewer service to the subject property. Water can be made available by extending an existing 16" line along the highway from near Market Street. This water extension is consistent with the City's Master Plan for the water system. Storm drainage is also available via the ODOT system in Highway 20 adjacent to the property. It is ODOT's policy to allow property fronting the Highway to drain into their system with onsite detention and water quality provided.

Criteria 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.*

Finding # 2:

The proposed annexation complies with City Annexation Policy, Section 2, in that currently adequate existing right-of-way is provided by the Highway 20 right-of-way that runs along the eastern side of the property. The current ODOT Highway 20 right-of-way is adequate for safe and efficient movement of vehicular traffic, bicycles, and pedestrians adjacent to the subject property. Since the current proposal is an annexation proposal and not a proposal of development, additional public right-of-way may be provided as the property actually develops. Recent case law dictates that public right-of-way shall be dedicated at the time or juncture when the nexus or need is established by an actual development proposal

Criteria 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.*

Finding # 3:

The proposed annexation complies with City Annexation Policy, Section 3, in that public infrastructure improvements are currently being designed (new public sewer line that will be extended through the subject property to serve the Cheadle Lake properties to the east) and additional public improvements will be provided as the property actually develops. Recent case law dictates that such public infrastructure improvements cannot be required prior to the time or juncture when the nexus or need is established by an actual development proposal. Mitigation cannot be required until the impacts of an actual development proposal have been established.

Criteria 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.*

Finding # 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. The property currently has a Comprehensive Plan designation of 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 zoning designation for the subject property. Duplexes are an administrative review approved use in the RM zone.

Criteria 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.*

Finding # 5:

The proposed annexation complies with City Annexation Policy, Section 5, in that a public need exists for lots that can be developed to support new housing creation, especially for the housing option that duplexes represent. It is in the public interest to use this land efficiently, as would be the case if allowable housing densities are increased on the subject property by annexation and city zoning options. Annexation of this property allows for infill and redevelopment potential. It is in the best interest of the public to annex such areas to allow for increased tax base revenue and consistent development of city services.

Criteria 6:

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.

Finding # 6:

The proposed annexation complies with this policy. The property is adjacent to several small parcels, single family residences, to the north within the Urban Growth Boundary, which have not annexed into the City. By annexing this larger parcel, it will provide "economies of scale" by spreading the cost of improvements over a larger area, 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.

Criteria 7:

Urbanization Element of the Comprehensive Plan, Annexation Policy #1 (page 4-P-2): 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.*

Finding # 7:

The proposed annexation complies with Urbanization Element of the Comprehensive Plan, Annexation Policy #1 (page 4-P-2) based on several facts:

- The proposed Annexation is within the City's Urban Growth Boundary.
- A public need exists for lots that can be developed to support new housing creation, especially duplex rental opportunities.
- A public need exists to provide areas for housing of greater density that create less impact on the availability of land.
- Annexation of this property allows for infill and redevelopment potential.
- It is in the public interest to use this land efficiently, as would be the case if allowable housing densities are increased (through city zoning assignment) on the subject property.
- It is in the best interest of the public to annex such areas to allow for increased tax base revenue and consistent development of city services.
- Since potable water, sanitary sewer and storm drainage services (via extensions from existing services) are available and are adequately sized to provide for the subject property this annexation would be within City service capabilities.
- Furthermore, since the annexation area is very miniscule in comparison with the size of the City and its infrastructure capacities, this will have a minimal to negligible impact upon City services.

The City has a need to annex more residential land to accommodate projected growth. If the land is not incorporated to provide areas of higher densities, such as duplex rental

opportunities, the rural areas will be under increased pressure to urbanize, which may create sprawl conditions.

Currently adequate existing right of way is provided by the Highway 20 right of way that runs along the eastern side of the property. This ODOT right of way provides for safe and efficient movement of vehicular traffic, bicycles, and pedestrians.

Criteria 8:

Urbanization Element of the Comprehensive Plan, Annexation Policy #3 (page 4-P-2): 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.

Finding # 8:

The proposed annexation complies with Urbanization Element of the Comprehensive Plan, Annexation Policy #3 (page 4-P-2) in that the applicant has submitted a conceptual development plan indicating how the property can be and is intended to be developed with duplex housing units. Any subsequent developments or redevelopment of this property will be subject to the requirements of the Mixed-Density Residential zone and other applicable provisions of the Lebanon Land Development Code and Comprehensive Plan.

Criteria 9:

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.

Finding # 9:

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. Since the annexation area is very miniscule in comparison with the size of the City and its infrastructure capacities, this will have a minimal to negligible impact upon City services.

Criteria 10:

Zoning Ordinance Section 3.050 – Zoning of Annexed Areas: 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.

Finding # 10:

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 zoning designation for the subject property.

Criteria 11

City of Lebanon/Linn County - Urban Growth Management Agreement, Section 2: Delineation of Authority in the Urban Growth Area (UGA), 2nd paragraph: The Lebanon Comprehensive Plan designates the future city zoning UGA lands will receive upon annexation to the City.

Finding # 11:

The City's annexation review procedures on annexation request File #A-02-07 have complied with the City of Lebanon/Linn County Urban Growth Management Agreement, Section 2 regarding city authority to annex lands within the urban growth area and assign city zoning in accordance with the Lebanon Comprehensive Plan Map.

Criteria 12

City of Lebanon/Linn County - Urban Growth Management Agreement, Section 5: Annexations: The UGA 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 UGA 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.

Finding # 12:

The City's annexation review procedures on annexation request File #A-02-07 have complied with the City of Lebanon/Linn County Urban Growth Management Agreement, Section 5 regarding city authority to annex lands within the urban growth area and assign city zoning in accordance with the Lebanon Comprehensive Plan Map. The zoning assigned, Residential Mixed Density (RM) is consistent with the Comprehensive Plan and the City has followed the procedures set forth in the Urban Growth Management Agreement with appropriate notice to interested parties. Such an agreement is in accordance with State law as it provides sufficient public notice and participation in considering the zoning assignment. The City also finds that the assignment of a zone, rather than a change in zoning, does not require separate procedures or hearings and that the process contained with the City of Lebanon/Linn County Urban Growth Management Agreement is consistent with state law.

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

M 20
R 20
S 20
A 20
O —

8:30 O'clock a.m. Cel

APR 28 2003

MF 1416

By [Signature] Deputy PAGE 645