

**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 (Cole Annexation File A-04-04)**

**ORDINANCE BILL NO. 11  
for 2004**  
**ORDINANCE NO. 2364**

**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", findings adopted by the Lebanon Planning Commission on May 19, 2004, which is incorporated herein by this reference as if fully set forth at this point. In addition thereto, for the reasons stated, the City Council further adopts the



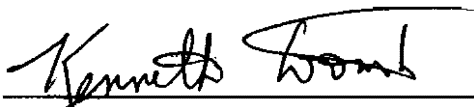
After Recording Please Return To:  
City of Lebanon  
Community Development Department  
853 Main Street, Lebanon, OR 97355

Supplemental Findings, attached as Exhibit "C", which is incorporated herein by this reference as if fully set forth at this point.

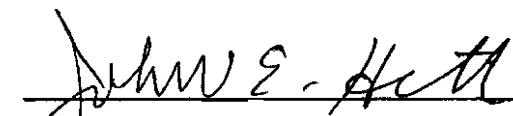
**Section 2. Annexation Area.** Based upon the findings contained above and in Exhibits "B" and "C", the contiguous territory described in Exhibit "A" and incorporated herein by this reference as if fully set forth at this point is hereby proclaimed to be annexed to the City of Lebanon, and zoned as indicated in accordance with the Lebanon Zoning Ordinance No. 1773 and Lebanon Ordinance Number 17 for 2003. Said contiguous and annexed territory is hereby given the zoning of Residential Mixed Density (RM) for the west half of the property and Residential Low Density (RL) for the east half of the property.

**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 6 for and 0 against and approved by the Mayor this 3<sup>rd</sup> day of November, 2004.

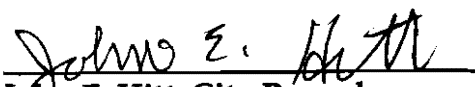
  
\_\_\_\_\_  
Ken Toombs, Mayor

ATTEST:

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

Page 2 – Ordinance for Annexation

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 Ken Toombs, 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

ATTACHMENT "A"

LEBANON FILE # A-04-04

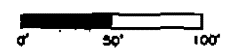
VOL. 1644 PAGE 954

ANNEXATION MAP FOR

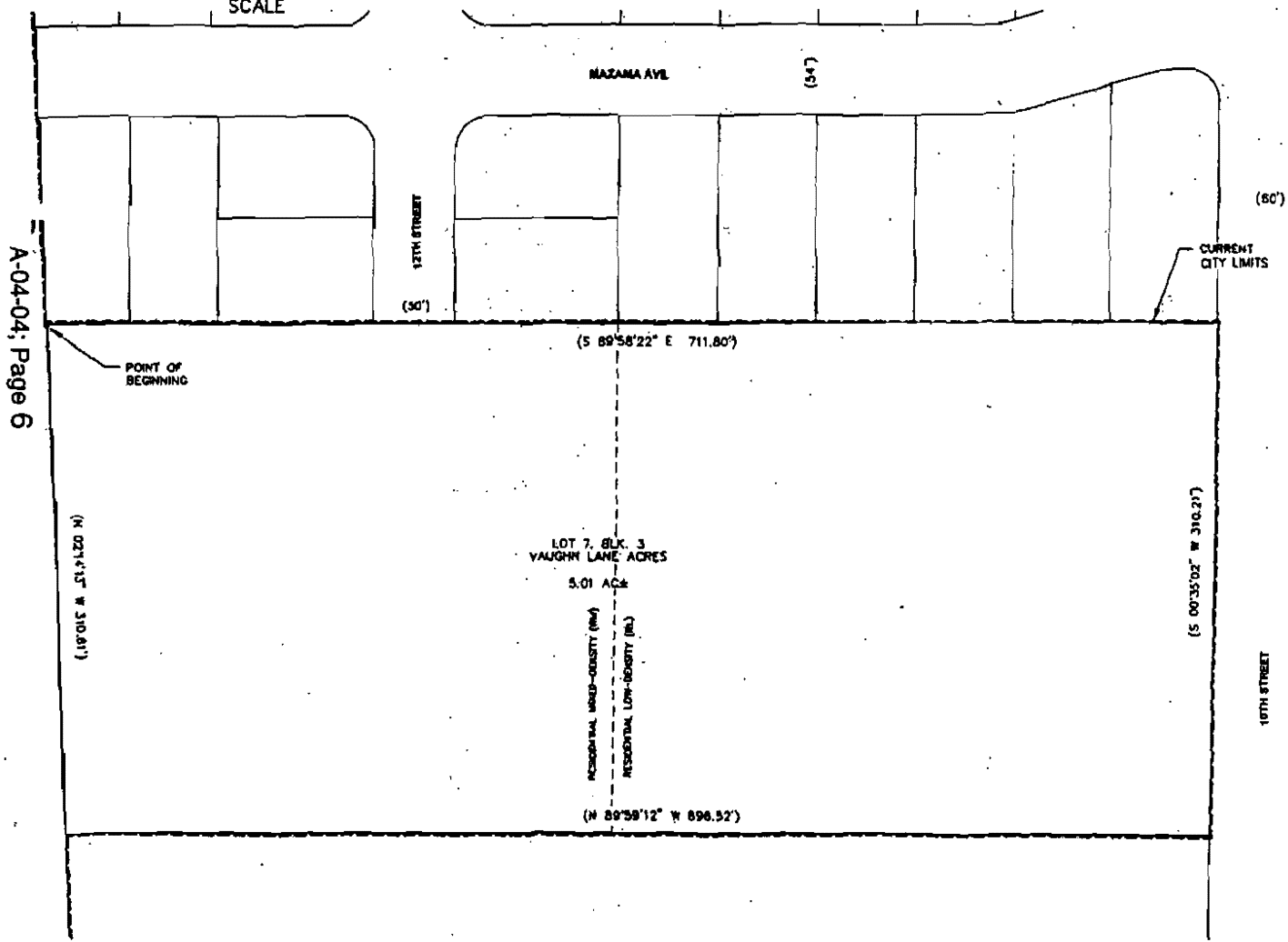
PAUL L. COLE and CORALIE COLE

IN THE RICHARD CHEADLE DLC NO. 86 NW 1/4 SEC. 22, T. 12 S., R. 02W., W.M. CITY OF LEBANON, LINN COUNTY, OREGON

APRIL 14, 2004



SCALE



LEGEND

- MONUMENT OF RECORD AS NOTED
- CR COUNTY ROAD
- FD FOLIO
- C.S. COUNTY SURVEY
- ( ) DATA OF RECORD C.S. 22033 UNLESS NOTED OTHERWISE
- [ ] CALCULATED DATA
- I.R. IRON ROD
- I.P. IRON PIPE
- REFERENCE SURVEY: C.S. 22033
- REFERENCE DEED: WF 706-298

OWNER:

PAUL L. COLE  
CORALIE COLE  
13185 NE 185TH AVE  
BRUSH PRAIRIE, WA 98606

PROPERTY:

MAP 12-2W-22B  
TAX LOT 304

SURVEYOR:

JIM UDELL, PLS.  
BRIAN VANDETTA, PLS.  
UDELL ENGINEERING AND SURVEYING  
83 E. ASH ST.  
LEBANON, OR. 97355

ANNEXATION AREA LEGAL DESCRIPTION:

AN AREA OF LAND IN THE RICHARD CHEADLE DLC NO. 86, NW 1/4 OF SECTION 22 IN TOWNSHIP 12, SOUTH OF RANGE 2 WEST OF THE WELLMETTE MERIDIAN, LINN COUNTY, OREGON DESCRIBED AS FOLLOWS:

BEGINNING AT A 5/8" IRON ROD WHICH IS THE NORTHWEST CORNER OF LOT 7, BLOCK 3 IN VAUGHN LANE ACRES; THENCE SOUTH 89°58'22" EAST 711.80 FEET; THENCE SOUTH 89°58'02" WEST 310.21 FEET; THENCE NORTH 89°59'12" WEST 898.52 FEET; THENCE NORTH 02°14'13" WEST 310.81 FEET TO THE POINT OF BEGINNING.

I HEREBY CERTIFY THE ABOVE LEGAL DESCRIPTION CLOSES WITHIN TOLERANCES OF RECOGNIZED PRACTICES AS PRESCRIBED IN ORS 82.

*Brian Vandetta*  
BRIAN VANDETTA, PLS.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR  
*Brian Vandetta*  
OREGON  
JULY 13, 1999  
BRIAN VANDETTA  
51047-LS

OWNER 8072 SURVEYOR 1308  
JAMES F. UDELL  
ENGINEERING & SURVEYING  
63 EAST ASH ST.  
LEBANON, OREGON  
97355  
PH. (541) 451-8127

NOTE:  
NO PHYSICAL SURVEY WORK WAS PERFORMED IN THE FIELD TO VERIFY THE BOUNDARY OF THIS ANNEXATION COURSES AND DISTANCES ON THIS ANNEXATION MAP WERE TAKEN PER RECORD COUNTY SURVEYS AS NOTED

A-04-04; Page 6

ATTACHMENT "A"  
2

LEBANON FILE #  
A-04-04

T125-R2W-22B,  
TAX LOT 504

ANNEXATION MAP  
FOR

PAUL L. COLE and  
CORALIE COLE

IN THE RICHARD CHEADLE DLC NO. 86  
NW 1/4 SEC. 22, T. 12 S., R. 02W., W.M.  
CITY OF LEBANON, LINN COUNTY, OREGON

APRIL 14, 2004

LEGEND

- MONUMENT OF RECORD AS NOTED.
  - CR COUNTY ROAD
  - FD FOUND
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REFERENCE DEED: MF 706-298

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PAUL L. COLE  
CORALIE COLE  
13105 NE 195TH AVE  
BRUSH PRAIRIE, WA 98606

PROPERTY:

MAP 12-2W-22B  
TAX LOT 504

SURVEYOR:

JIM UDELL, PLS  
BRIAN VANDETTA, PLS  
UDELL ENGINEERING AND SURVEYING  
63 E. ASH ST.  
LEBANON, OR. 97355

ANNEXATION AREA LEGAL DESCRIPTION:

AN AREA OF LAND IN THE RICHARD CHEADLE DLC NO. 86, NW  
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OF THE WILLAMETTE MERIDIAN, LINN COUNTY, OREGON DESCRIBED  
AS FOLLOWS:

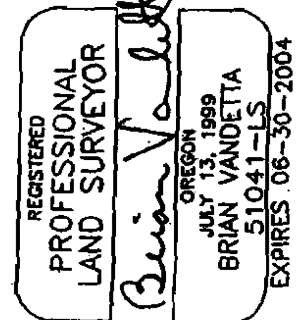
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THENCE NORTH 02°14'13" WEST 310.61 FEET TO THE POINT OF  
BEGINNING.

I HEREBY CERTIFY THE ABOVE LEGAL DESCRIPTION CLOSES WITHIN  
TOLERANCES OF RECOGNIZED PRACTICES AS PRESCRIBED IN ORS  
92.

ENGINEER 8072  
SURVEYOR 1366

**JAMES F. UDELL**  
ENGINEERING & SURVEYING  
63 EAST ASH ST.  
LEBANON, OREGON 97355  
PH. (541) 451-5125  
FAX (541) 451-1366

*Brian Vandetta*  
BRIAN VANDETTA, PLS



**SUMMARY OF PLANNING COMMISSION RECOMMENDATION**

The Planning Commission conducted a public hearing on this proposed annexation on May 19, 2004, and unanimously voted to recommend approval to the City Council.

The Planning Commission based this recommendation on the following:

**Criteria 1.1.1 – 1.1.7**

*Annexation Ordinance Findings: These seven findings constitute the preamble of Lebanon Ordinance Number 17 for 2003, and thereby provide a legal context for the policies that pertain to all annexations to the City of Lebanon.*

**Planning Commission Finding # 1:**

The proposed annexation complies with all Annexation Ordinance Findings in that this land use hearing is in compliance with the legal context established by this preamble.

**Criteria 1.2.1 and 2.3.1**

*Annexation Ordinance Section 2: All Annexations shall conform to the requirements of the Lebanon Municipal Code, Annexation Ordinance, Lebanon Land Development Ordinance, City of Lebanon/Linn County Urban Growth Management Agreement, and shall be consistent with applicable State law.*

*LCP Chapter 4 (Urbanization) – Annexation Policy #1: All Annexations shall conform to the requirements of the Lebanon Municipal Code, Annexation Ordinance, Lebanon Land Development Ordinance, City of Lebanon/Linn County Urban Growth Management Agreement, and shall be consistent with applicable State law.*

**Planning Commission Finding # 2:**

The proposed annexation complies with Annexation Ordinance Section 2 and LCP Annexation Policy #1 in that this proposal is in compliance with the requirements set forth by these provisions. The findings below detail this compliance.

**Criteria 1.2.2 and 2.3.2**

*Annexation Ordinance Section 3: All Annexations shall be consistent with the goals and policies of the Lebanon Comprehensive Plan.*

*LCP Chapter 4 (Urbanization) – Annexation Policy #2: All Annexations shall be consistent with the goals and policies of the Lebanon Comprehensive Plan.*

**Planning Commission Finding # 3:**

The proposed annexation complies with Annexation Ordinance Section 3 and LCP Annexation Policy #2 in that this proposal is consistent with the goals and policies of the Lebanon Comprehensive Plan. The findings below detail this compliance.

**Criteria 1.1.2, 1.2.3, 2.2.1 and 2.3.3**

*Annexation Ordinance Finding B (Criteria 1.1.2): The original Urban Growth Boundary of the City was established with the adoption and acknowledgment of Lebanon's Comprehensive Plan and Comprehensive Plan Map. This Plan, Map and the corresponding Urban Growth Boundary were accepted by both the City and the State. The acknowledgment of the Comprehensive Plan and Map established that all lands included within the Urban Growth Boundary are eligible for annexation (when they are contiguous to city limits) and urban development (except for minor inclusions of areas with environmental constraints) and other urban uses. The area within the Urban Growth Boundary designated for urban development and other urban uses has therefore been acknowledged as land needed by the City.*

*Annexation Ordinance Section 4: All lands included within the Urban Growth Boundary are eligible for annexation and urban development. Areas within the Urban Growth Boundary with designated environmental constraints may be annexed and utilized as functional wetlands, parks, open space and related uses.*

*LCP Chapter 4 (Urbanization) – Flexible Growth Program Policy #1: All lands included within the Urban Growth Boundary have been determined as suitable for urban development except those areas designated as undevelopable due to environmental constraints such as wetlands, drainage courses, flooding or steep slopes. However, those areas inside the City's Urban Growth Boundary with environmental constraints may be utilized as functional wetlands, parks, open space and related uses.*

*LCP Chapter 4 (Urbanization) – Annexation Policy #3: All lands included within the Urban Growth Boundary are eligible for annexation and urban development. Areas within the Urban Growth Boundary with designated environmental constraints may be annexed and utilized as functional wetlands, parks, open space and related uses.*

**Planning Commission Finding # 4:**

The proposed annexation complies with the above noted criteria in that the annexation territory is within the City's Urban Growth Boundary, and is therefore eligible for annexation and urban development. This annexation territory has been identified as land needed by the City for nearly a quarter of a century.

EXHIBIT     B      
PAGE      OF

**Criteria 1.2.4 and 2.3.4**

*Annexation Ordinance Section 5: The City shall only annex land that is contiguous to the existing City limits and is within the City's Urban Growth Boundary (UGB).*

*LCP Chapter 4 (Urbanization) – Annexation Policy #4: The City shall only annex land that is contiguous to the existing City limits and is within the City's Urban Growth Boundary (UGB).*

**Planning Commission Finding # 5:**

The proposed annexation complies with Annexation Ordinance Section 5 and LCP Annexation Policy #4 in that the annexation territory is both contiguous to the existing City limits and within the City's Urban Growth Boundary, and is therefore eligible for annexation and urban development. The annexation territory is contiguous to the existing City Limits on three sides, the east, north and south.

**Criteria 1.2.5, 1.2.13, and 2.3.5 (& 1.1.1)**

*Annexation Ordinance Section 6: An annexation shall be deemed orderly if the annexation territory is contiguous to the existing City limits. An annexation is efficient if the annexation territory can be developed or redeveloped to an urban use. Urban uses may include functional wetlands, parks, open space and related uses.*

*Annexation Ordinance Section 14: An "urban use" is hereby defined as any land use that is authorized under the terms and provisions of the land use regulations, Zoning Ordinance, Subdivision Ordinance, Comprehensive Plan, and other related documents of the City of Lebanon.*

*LCP Chapter 4 (Urbanization) – Annexation Policy #5: An annexation shall be deemed orderly if the annexation territory is contiguous to the existing City limits. An annexation is efficient if the annexation territory can be developed or redeveloped to an urban use. Urban uses may include functional wetlands, parks, open space and related uses.*

*Annexation Ordinance Finding A (Criteria 1.1.1): Implementation of the City's Annexation Ordinance and its policies ensure the orderly expansion of City Limits and the efficient provision of key City-provided urban utility services, which are hereby defined as water, storm drainage, sanitary sewerage, and streets.*

**Planning Commission Finding # 6:**

The proposed annexation complies with the above noted criteria. (1) Since the annexation territory is contiguous to the existing City limits the annexation of this territory is deemed orderly. (2) The annexation is efficient since the annexation territory can be developed to a conforming urban use. This territory can be developed according to the provisions of Lebanon Zoning Ordinance Section 4.020 that lists the development opportunities, standards and requirements for the Residential Mixed Density (RM) zone, and Section 4.010 that lists the development opportunities, standards and requirements for the Residential Low Density (RL) zone; this is consistent with all applicable provisions of the Comprehensive Plan. The zoning of this land RM and RL will allow the land to eventually be developed to urban lot standards.

**Criteria 1.2.6 and 2.3.6 (& 1.14)**

*Annexation Ordinance Section 7: Development proposals are NOT REQUIRED for annexation requests.*

*LCP Chapter 4 (Urbanization) – Annexation Policy #6: Development proposals are NOT REQUIRED for annexation requests.*

*Annexation Ordinance Finding D (Criteria 1.1.4): Annexation proposals do not require site specific development proposals.*

**Planning Commission Finding # 7:**

The proposed annexation complies with the above noted criteria in that no development proposal was required to be submitted at this time.

**Criteria 1.2.7 and 2.3.7 (& 1.1.1 and 1.16)**

*Annexation Ordinance Section 8: As part of the annexation process of developed property or properties, the City shall consider the anticipated demands to access key City-provided urban utility services, which are water, storm drainage, sanitary sewerage, and streets, of existing development within the annexation territory.*

*LCP Chapter 4 (Urbanization) – Annexation Policy #7: As part of the annexation process of developed property or properties, the City shall consider the anticipated demands to access key City-provided urban utility services, which are water, storm drainage, sanitary sewerage, and streets, of existing development within the annexation territory.*

*Annexation Ordinance Finding A (Criteria 1.1.1), and Annexation Ordinance Finding F (Criteria 1.1.6)*

**Planning Commission Finding # 8:**

The proposed annexation complies with the above noted criteria in that this property is currently developed with one single family residence and no impacts will be created by the access to key city – provided urban utility services since such services will not be accessed until further development occurs.

At this juncture there is not any proposal that would place additional (or a change in) demands on the key City-provided urban utility services (i.e., sanitary sewerage, water, storm drainage, and streets). However, this annexation territory has ready access to (1) the street system via both 12<sup>th</sup> Street and 10<sup>th</sup> Street, (2) water via both a 12-inch water line along 10<sup>th</sup> Street, and an 8" line along 12<sup>th</sup> Street, (3) city storm drainage system via a 54" line in 10th Street, and (4) sanitary sewerage service via 10' lines in both 10<sup>th</sup> and 12<sup>th</sup> Streets.

**Criteria 1.2.8 and 2.3.8 (&1.1.1 and 1.1.6)**

*Annexation Ordinance Section 9: As part of the annexation process of developed property or properties, the City shall consider the impacts on key City-provided urban utility services needed to serve these properties, which are water, storm drainage, sanitary sewerage, and streets.*

*LCP Chapter 4 (Urbanization) – Annexation Policy #8: As part of the annexation process of developed property or properties, the City shall consider the impacts on key City-provided urban utility services needed to serve these properties, which are water, storm drainage, sanitary sewerage, and streets.*

*Annexation Ordinance Finding A (Criteria 1.1.1), and Annexation Ordinance Finding F (Criteria 1.1.6)*

**Planning Commission Finding # 9:**

The proposed annexation complies with the above noted criteria in that this property has one single family residence which contains a potable well and onsite septic system. Since the property is "self sufficient" by having its own water supply and onsite septic no impact to the city's water and sanitary sewer system will be felt. Storm drainage will remain as it is today. Currently the site has surface drainage that ultimately enters Oak Creek. No further impact to the storm drainage will be caused by this annexation. Additionally, when this site further develops with a conforming use in the future, foreseeable allowed uses of this property will be well within the capacities of the four key City-provided urban utility services in geographical proximity to the annexation property. This annexation territory has ready access to (1) the street system via both 12<sup>th</sup> Street and 10<sup>th</sup> Street, (2) water via both a 12-inch water line along 10<sup>th</sup> Street, and an 8" line along 12<sup>th</sup> Street, (3) city storm drainage system via a 54" line in 10<sup>th</sup> Street, and (4) sanitary sewerage service via 10' lines in both 10<sup>th</sup> and 12<sup>th</sup> Streets.

**Criterion 1.2.9**

*Annexation Ordinance Section 10: Needed Public rights-of-way, as identified in adopted transportation plans as necessary for the safe and efficient movement of traffic, bicycles and pedestrians, shall be dedicated to the City either with annexation or when the property develops and/or redevelops and thus creates an increased demand for the benefits and utility provided by additional rights-of-way dedication.*

**Planning Commission Finding # 10:**

The proposed annexation complies with Annexation Ordinance Section 10 in the annexation territory in that this annexation places no new burdens on the transportation system at this time. However, the annexation of this land will provide the City with governmental control of how this property develops in the future. Thus the City will be in apposition to require that the remainder of 12th Street Rights-of-Way be dedicated with any future development. This also will ensure that neighboring properties to the South will have a future access way provided with future developments. Thus annexation will have a very positive implication to the future development of streets in the immediate area. In short, this annexation provides an effective vehicle for the City to achieve future connectivity in this area, thus ensuring compliance with the Comprehensive Plan, the Transportation System Plan (TSP), and the State's Transportation Planning Rule (TPR).

**Criteria 1.2.10, 1.2.11, and 3.1**

*Annexation Ordinance Section 11: Upon annexation, the annexation territory shall be assigned zoning classifications in accordance with the adopted Comprehensive Plan Map, as shown in the City's Annexation Zoning Matrix. Such zoning assignments in and of themselves are not a zoning map change and shall not require approval of a zoning map amendment, or a separate proceeding.*

*Annexation Ordinance Section 12: If a zoning designation other than one in accordance with the Comprehensive Plan Map (shown in the Annexation Zoning Matrix) is requested by an applicant, the zoning requested shall not be granted until the Comprehensive Plan Map is appropriately amended to reflect concurrence. Such an amendment shall require a separate application, hearing and decision, which may be held concurrently with an annexation hearing and will not become effective until the annexation is complete.*

*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.*

**Planning Commission Finding # 11:**

This proposed Annexation is in compliance with Annexation Ordinance Sections 11 and 12, and 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 designations on the subject property are Mixed Density Residential for the west half, and Single Family Residential for the east half of the site. The corresponding City zoning designation for a Comprehensive Plan designation of Mixed Density Residential is Residential Mixed Density (RM) zone and a designation of Single Family Residential is Residential Low Density (RL). The applicant is requesting these aforementioned zoning designations. Therefore, these City zoning designations can automatically be assigned at this time, without a separate hearing. This action is NOT a zoning map amendment.

**Criterion 1.2.12**

*Annexation Ordinance Section 13: The areas within the Urban Growth Boundary with designated environmental constraints may be annexed and developed as functional wetlands, parks, open space and related uses.*

**Planning Commission Finding # 12:**

The proposed annexation complies with Annexation Ordinance Section 13 in that this property has no designated environmental constraints that would prevent future development as according to the assigned City zoning designations.

**Criterion 1.2.14 (and 1.1.5)**

*Annexation Ordinance Section 15: At the applicant's discretion and with the City's concurrence, a development or redevelopment proposal for an annexation territory may be acted upon by the Planning Commission immediately following the Commission's hearing on the annexation proposal and a decision of recommendation of approval to the City Council. However, any approval of the Planning Commission of such a development or redevelopment proposal must be contingent upon subsequent approval of the annexation by City Council.*

*Annexation Ordinance Finding E (Criteria 1.1.5): Proposals for the development or redevelopment of properties that pertain to annexation proposals are a separate land use process, requiring separate application. Except as specified below in Section 15, the City may not act upon such development or redevelopment proposals related to an annexation territory until the annexation proposal has been approved. These development or redevelopment proposals will be acted upon after approval of the annexation, and thus require a separate hearing or process.*

**Planning Commission Finding # 13:**

The proposed annexation complies with Annexation Ordinance Section 15 and Annexation Ordinance Finding E in that no development proposal has been submitted at this time.

**Criterion 2.1.1**

*LCP Chapter 1 (Introductory Provisions) – Administrative Policies And Recommendations, Policy #8: The City of Lebanon Comprehensive Plan shall be consistent with the applicable Statewide Planning Goals.*

**Planning Commission Finding # 14:**

The proposed annexation complies with this policy of the Lebanon Comprehensive plan in that the Comprehensive Plan in its entirety has been accepted and acknowledged by the Oregon Department of Conservation and Land Development (DLCD). Acknowledgement of a Comprehensive Plan is dependent upon DLCD concluding that the Comprehensive Plan is consistent with the applicable Statewide Planning Goals.

**Criterion 2.2.2**

*LCP Chapter 1 (Urbanization) – Flexible Growth Program Policy #2: The City shall maintain an orderly and efficient, yet flexible, approach to the growth of the City and extension of the City limits through the implementation of the Annexation Policies contained in this Plan, the Lebanon/Linn County Urban Growth Management Agreement, and the City's Annexation Ordinance.*

**Planning Commission Finding # 15:**

The proposed annexation complies with this policy of the Lebanon Comprehensive Plan in that this annexation constitutes an implementation of the Annexation Policies contained in this Plan, the Lebanon/Linn County Urban Growth Management Agreement, and the City's Annexation Ordinance, and therefore this annexation maintains an orderly and efficient, yet flexible, approach to the growth of the City and extension of the City limits.

**Criterion 2.4.1 (and 1.1.7)**

*LCP Chapter 8 (Public Facilities and Services Policies and Recommendations) – General Policies, Policy #2: The city shall consider impacts on key City-provided urban utility services (water, storm drainage, sanitary sewerage, and streets) and any other community facilities that are identified by service providers as substantially impacted by the proposal before development proposals, or rezoning applications are approved.*

*Annexation Ordinance Finding G (Criteria 1.1.7): The annexation of a territory that is vacant and undeveloped does not represent any change or impact on any City-provided urban utility services, and therefore the annexation of such a territory does not need to consider such issues.*

**Planning Commission Finding # 16:**

The proposed annexation complies with this Public Facilities and Services Policy of the Lebanon Comprehensive plan in that this annexation does NOT include a development proposal or a rezoning application. Therefore, at this time the City is under no obligation to consider impacts on key City-provided urban utility services (water, storm drainage, and streets) other than sanitary service or any other community facilities, which is in compliance with Annexation Ordinance Finding G (Criteria 1.1.7). Therefore, there are no incremental or adverse impacts at this time on other key City-provided urban utility services (i.e., water, storm drainage, and streets).

However, if at some future time development proposals, and/or rezoning applications regarding this territory are submitted to the City, the City shall at that time consider impacts on key City-provided urban utility services (water, storm drainage, sanitary sewerage, and streets) and any other community facilities that are identified by service providers as substantially impacted by the proposal(s) before development proposals, and/or rezoning applications are approved.

Yet, it is again worth noting that the four key City-provided urban utility services (water, storm drainage, sanitary sewerage, and streets) are available to serve this site, as noted in Findings 8 and 9 above.



**Criterion 2.5.1**

*LCP Chapter 8 (Public Facilities and Services Policies and Recommendations) – Sewerage Facilities, Policy #2: The provision of sewerage service determines the urban development potential. Extension of public sanitary sewer infrastructure shall be in accordance with the City's Facilities Plans, as amended by special studies, or the City's Capital Improvement plans, and/or by official City Council action.*

**Planning Commission Finding # 17:**

The proposed annexation complies with this policy of the Lebanon Comprehensive plan in that this annexation does NOT include any sewer line extension nor is any needed to serve this site which is adjacent to the existing 54-inch sewer line. This new utility facility has substantial unused capacity and can readily provide sanitary service to this property without causing adverse impacts to the system.

However, if at some future time re-development or in-fill proposals regarding this territory are submitted to the City, the City shall at that time consider impacts on sanitary sewerage, and the availability of public sanitary sewer infrastructure in accordance with the City's Facilities Plans (as amended by special studies, or the City's Capital Improvement plans, and/or by official City Council action), before such development proposals are approved.

Yet, it is worth noting that this sewerage service line has abundant unused capacity.

**Criteria 4.1 and 4.2****City of Lebanon/Linn County – Urban Growth Management Agreement**

*Section 2: Delineation of Authority in the Urban Growth Area (UGA), 2<sup>nd</sup> paragraph: The Lebanon Comprehensive Plan designates the future city zoning UGA lands will receive upon annexation to the City.*

*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.*

**Planning Commission Finding # 18:**

The City's annexation review procedures on annexation request File # A-04-04 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.

**STAFF RECOMMENDATION FOR CITY COUNCIL**

If the City Council concludes that this proposed annexation has successfully and adequately addressed the applicable criteria cited in this staff report from the City's 2003 revised Annexation Ordinance, updated (2003) Comprehensive Plan, Zoning Ordinance, and the City of Lebanon/Linn County Urban Growth Management Agreement, as well as effectively addressing applicable testimony, then staff recommends that the City Council **APPROVE** this annexation request.

However, if the City Council concludes that this proposed annexation has **NOT** successfully and adequately addressed the applicable criteria cited in this staff report from the City's 2003 revised Annexation Ordinance, updated (2003) Comprehensive Plan, Zoning Ordinance, and the City of Lebanon/Linn County Urban Growth Management Agreement, and has **NOT** effectively addressed applicable testimony, then staff recommends that the City Council **DENY** this annexation request.

**PROPOSED FINDINGS FOR CITY COUNCIL**

Staff shall write draft findings based on the above staff report, testimony, and City Council discussion. These draft findings will be distributed to the City Council prior to the next City Council meeting so that the Council may take final action on the findings and the proposed annexation.

**SUPPLEMENTAL FINDINGS**

These supplemental findings are entered into this 3<sup>rd</sup> day of November, 2004, by the City of Lebanon City Council. In addition to expressly adopting the Planning Commission Staff Report of May 19, 2004, these supplemental findings address statewide planning goals.

The Applicant's annexation request has been analyzed under the annexation criteria and policies adopted by this City Council in Ordinances 2352 and 2353 on November 12, 2003. Those ordinances were adopted as a part of subtask 6.1 of the City of Lebanon's periodic review Order No. 001621. On March 25, 2004, the Department of Land Conservation and Development ("DLCD") reviewed these ordinances and determined that the amendments complied with statewide planning goals and thus were approved by DLCD. Subsequently, an appeal was taken to place the matter in front of the Land Conservation and Development Commission ("LCDC") at its hearing on June 10, 2004, LCDC affirmed the DLCD affirmation, again affirming the City's adoption of Ordinance Nos. 2352 and 2353. The LCDC written affirmation order was entered on September 20, 2004, but is subject to appeal.

Since it is unclear whether the Order will be appealed, we enter these supplemental findings as to the Statewide Planning Goals. In making Goal findings, the City Council expressly recognizes that these findings are specific to this particular property at this particular time. The fact that findings are made with respect to the individual property in this circumstance should not be construed as an admission that such findings will be necessary in other circumstances.

The City Council makes the following goal findings:

1. Goal 1 - Citizen Involvement. This goal calls for the "opportunity for citizens to be involved in all phases of the planning process." The decision in this case has been

made in accordance with the City's quasi-judicial process which allows for citizen participation at both the Planning Commission level and at the City Council level.

2. Goal 2 - Land Use Planning. This goal outlines the basic procedures of Oregon's Statewide Planning Program and also contained standards for taking exceptions to statewide planning goals. This goal is not applicable to this annexation request.
3. Goal 3 - Agricultural Lands. This goal aims to "preserve and maintain" agricultural lands. The property proposed for annexation in this instance already has a comprehensive plan map identification of Mixed Density Residential and Single Family Residential and thus is not considered agricultural land subject to the provisions of this goal.
4. Goal 4 - Forest Lands. This goal defines forest lands and seeks to achieve conservation of forest lands for forest uses. The subject parcel has a comprehensive plan map designation of Mixed Density Residential and Single Family Residential and thus is not considered forest land. Thus, this goal is not applicable.
5. Goal 5 - Open Spaces, Scenic and Historic Areas and Natural Resources. The property contains no inventoried open spaces, scenic and historic areas nor natural resources and thus this goal is not applicable to this proposed annexation.
6. Goal 6 - Air, Water and Land Resources Quality. This goal requires that local comprehensive plans be consistent with state and federal regulations. While this goal is not directly applicable to this annexation decision, any development on the site will be consistent with state and federal regulations related to air, water and land resource quality as such regulations will be directly applicable to any development.

7. Goal 7 - Areas Subject to Natural Disasters and Hazards. This goal deals with development in places subject to natural hazards, including floods and landslides. No such natural disaster or hazard area exists on this site and thus this goal is not applicable.
8. Goal 8 - Recreation Needs. This goal calls for each community to evaluate its areas and facilities for recreation and develop plans to deal with projected demand for them. Although this goal is not directly applicable to this proposed annexation of residential land, the annexation territory is in immediate proximity to the park facilities called Christopher Columbus Park. Development at this site will be able to take advantage of the proximity of the park to provide some recreation needs.
9. Goal 9 - Economy of the State. Goal 9 seeks to diversify and improve the economy of the state. This goal deals with economic growth and activity based upon activity concerning business, industrial and commercial activities which generate employment, products and services consistent with the availability of long term human natural resources. This property has been identified as residential property by its comprehensive plan designation of Mixed Density Residential and Single Family Residential. To the extent that it applies to this goal, this property will provide needed housing by expanding an existing neighborhood which has been successful in attracting residents .
10. Goal 10 - Housing. This goal specifies that each city must plan for and accommodate needed housing types. This site has already been designated Mixed Density Residential and Single Family Residential on the comprehensive plan. It

will supply continued and varied residences in an area that already contains residential development. Development will represent an orderly extension of an existing subdivision which is currently in the city limits. The development therefore provides for diverse and needed housing types. Goal 10 is satisfied..

11. Goal 11 - Public Facilities and Services. Goal 11 calls for efficient planning of public services such as sewers, water, law enforcement and fire protection. As the Planning Commission Staff Report describes, a 10 inch sanitary sewer main is available along the 10<sup>th</sup> Street side of the property. A 12 inch water main is available on the east side of 10<sup>th</sup> Street and at 12<sup>th</sup> Street. The site presently drains surface water generally toward the northwest. A 54 inch piped storm drainage is available along the 10<sup>th</sup> Street side of the property. City services and utility services are available to serve the urban build out of this territory, though no all City standard infrastructure and utility service improvements are complete at this time. However, the City Facility Plans have been prepared which identify the ultimate infrastructure improvements which will be needed to serve the full urban density development of the subject property. The Facility Plans identify site-specific infrastructure improvements and extensions which will be needed to serve the site. These further service improvements will be made upon development of the subject property. See findings #8 and # 9 of the Planning Commission Staff Report. Testimony presented cited a partial transcript of a Citizens's Advisory Committee meeting which indicates that future improvements need to be made to the City's Harrison Street Pump Station to avoid system

overflow in case of a future 25 year flood event. However, the Council finds that problems which have previously occurred because of this pump station have not occurred at the latest five year event. The Council has previously committed itself to making improvements to or the elimination of the pump station as soon as financially able. Therefore, the City Council finds that this goal has been satisfied.

12. Goal 12 - Transportation. Goal 12 aims to provide a “safe, convenient and economic transportation system.” This annexation territory is adjacent to 10<sup>th</sup> Street and also has 12<sup>th</sup> Street available to serve it. As the territory currently has but one single family residence on it, the annexation places no new burdens on the City’s transportation system. Future development will provide the City with the ability to require that the remainder of the 12<sup>th</sup> Street rights of way be dedicated with future developments this dedication and future improvement to 12<sup>th</sup> Street will ensure that neighboring properties to the South will have a future access way for future developments and will provide an effective vehicle fo the City to achieve future connectivity in this area as those developments occur. The City Council finds that the improvement of this development, with additional streets and right of way, will help ensure future compliance with the City’s Comprehensive Plan, the Transportation System Plan and the State’s Transportation Planning Rule.. This goal has been satisfied.
13. Goal 13 - Energy. Goal 13 states that land and uses developed on the land shall be “managed and controlled as to maximize the conservation of all forms of

energy.” To the extent that this goal is applicable, it is satisfied because the site is located within the City’s UGB and located adjacent to adequate transportation systems, or systems which will be improved and adequate at the time of development.

14. Goal 14 - Urbanization. This goal is to provide for an orderly and efficient transition from rural to urban land uses. Land within UGBs are considered to be available over time for urban uses based on consideration of: (1) orderly, economic provision for public facilities and services; (2) availability of sufficient land for the various uses to ensure choices in the marketplace; (3) compliance with the statewide planning goals or Plan polices; and (4) encouragement of development within urban areas before conversion to urbanizable areas.

The subject property is already located within the City’s UGB and is designated on the Plan Map for Mixed Density Residential and Single Family Residential use. The subject property is adjacent to an existing residential use and is needed at this time for the expansion needed housing and transportation needs for connectivity within the City’s transportation system. The added residential use to which this annexed property may be used will provide for orderly and economic provision for public facilities and services because development will require the added dedication of public right of way mentioned above, as well as additional public services such as water, storm drainage, sewerage and streets at little or no cost to the City. Additionally, this residential use assures the sufficient land for such uses to ensure choices in the marketplace because the development of this

area provides for residential development consistent with the surrounding properties. The factors listed above have been met.

City water and sewer lines, adequately sized to serve the proposed use, are readily available to the subject property. The storm drainage system has been shown to be adequate to serve the increased runoff anticipated from allowed development.

Therefore public services will be provided in an orderly an economic manner, and factor (1) is met. See also findings for Goals 11 and 12.

Compliance with the statewide planning goals and with applicable provisions of the Plan has been addressed and demonstrated elsewhere. Factor (3) is met.

Goal 14 is satisfied.

15. Goal 15 - Willamette Greenway. Goal 15 administers land adjacent to the Willamette River and is not applicable to this application.
16. Goal 16 - Estuarine Resources. This goal is not applicable because this site is not an identified estuary site subject to this goal.
17. Goal 17 - Coastal Shorelands. This goal defines planning areas at the Oregon Coast. This goal is not applicable.
18. Goal 18 - Beaches and Dunes. Goal 18 applies to beaches and dunes at the Oregon Coast and is not applicable to this site.
19. Ocean Resources. This goal aims to conserve the long-term values of the ocean environment. This goal is not applicable to this site.



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  
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101  
8:30 O'clock a.m.

NOV 12 2004

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By  Deputy PAGE 952