

**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-05-09,  
ROCKNE GILL ANNEXATION**

**ORDINANCE BILL NO. 20  
for 2005**

**ORDINANCE NO. 2389**

**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.

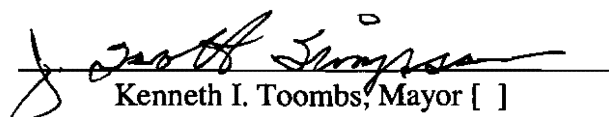
**NOW, THEREFORE**, the City of Lebanon ordains as follows:

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

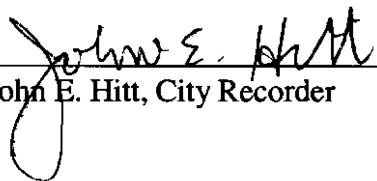
**Section 2. Annexation Area.** Based upon the findings contained above and in Exhibit "B", the contiguous territory described in Exhibit "A" and incorporated herein by this reference as if fully set forth at this point is hereby proclaimed to be annexed to the City of Lebanon, and zoned as indicated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

**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 4 for and 1 against and approved by the Mayor this 14 day of December, 2005.

  
Kenneth I. Toombs, Mayor [ ]  
Scott Simpson, Council President [X]

ATTEST:

  
John E. Hitt, City Recorder

ANNEXATION MAP

FOR

ROCKNE GILL

SE 1/4 SEC. 16 & SW 1/4 SEC. 15,  
T. 12 S., R. 2 W., W.M.  
LINN COUNTY, OREGON

AUGUST 16, 2005

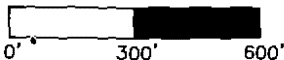
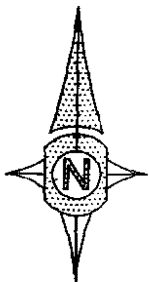


EXHIBIT A  
Page 1 of 2  
T12S-R2W-16-T.L. 2300

(1" IR)  
C.S. 1148

[S 00°06'25" E 1297.56']

[N 89°50'36" W 3017.52']

COMPREHENSIVE PLAN  
LIGHT INDUSTRIAL

COMPREHENSIVE PLAN  
MIXED DENSITY RESIDENTIAL

ANNEXATION AREA  
58.20 AC

APPROX. LOCATION OF  
ZONING DESIGNATION  
BOUNDARY  
PROJECTION OF WEST  
RIGHT-OF-WAY OF  
AIRWAY ROAD

[S 89°28'52" E 1560.52']  
(S89°28'E) C.S. 22037

CITY LIMITS PER CITY  
OF LEBANON  
ORDINANCE NO. 1859

N 00°32'00" E  
724.88'

(60.00')

[S 89°30'00" E 1189.77']

(1/2" IP)  
C.S. 3729

(5/8" IR)  
C.S. 22037

LEGEND

- MONUMENT OF RECORD
  - C.S. COUNTY SURVEY
  - ( ) DATA OF RECORD
  - [ ] CALCULATED DATA
  - IR IRON ROD
  - IP IRON PIPE
- REFERENCE SURVEY: C.S. 3729, C.S. 930, C.S. 1148, C.S. 22037

NE COR DAVID WATKINS  
D.L.C. NO. 67

SOUTH 20.59 CH

EAST 1.77 CH

(3/4" IP)  
C.S. 930  
C.S. 1148  
(N 89°30' W 32.34')  
FOR E  
C.S. 1148

CENTERLINE CENTERLINE  
C.R. 739 & WALKER ROAD

WALKER RD

[N 20°59'42" E 630.95']

STOLTZ HILL RD (C.R. 739)

DAVID WATKINS D.L.C. NO. 67

POINT OF BEGINNING  
BEING SOUTH 20.59 CHAINS,  
EAST 1.77 CHAINS, S 20°52' W  
632.59' BY PRIOR RECORD  
AND N 89°28'52" W 32.02'  
FROM THE NORTHEAST CORNER OF  
DAVID WATKINS D.L.C. NO. 67.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Jim Udell*

OREGON  
September 23, 1977  
JIM UDELL  
1366  
EXPIRES 06-30-2016

ENGINEER 8072 SURVEYOR 1366

JAMES F. UDELL  
ENGINEERING & SURVEYING  
63 EAST ASH ST.  
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97355

PH. (541) 451-5125  
FAX (541) 451-1366

05 GILL ANNEY.

### Annexation Legal

An area of land in Section 15 and 16 in Township 12 South of Range 2 West of the Willamette Meridian, Linn County, Oregon described as follows:

Beginning at a point on the West right-of-way of Stoltz Hill Road (C.R. 739) which bears the following courses and distances from the Northeast corner of the David Watkins D.L.C. No. 67 in Section 16, Township 12 South, Range 2 West, Willamette Meridian, Linn County, Oregon; South 20.59 chains, East 1.77 chains to the centerline of Stoltz Hill Road (C.R. 739), South 20°52' West 632.59 feet along said centerline to a point being that the intersection of the centerline of Stoltz Hill Road (C.R. 739) and the centerline of Walker Road, and North 89°28'52" West 32.02 feet to a point all by prior record; Thence North 20°59'42" East 630.95 feet along the Westerly right-of-way of Stoltz Hill Road to a 3/4" iron pipe; Thence leaving said right-of-way North 89°50'36" West 3017.52 feet to a 1" iron rod; Thence South 00°06'25" East 1297.56 feet to a 1/2" iron pipe; Thence South 89°30'00" East 1189.77 feet to a point on the Westerly right-of-way of Airway Road; Thence North 00°32'00" East 724.88 feet along said right-of-way to a point on the centerline of Walker Road; Thence South 89°28'52" East 1560.52 along said centerline to the point of beginning.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Jim Udell*  
OREGON  
SEPTEMBER 23, 1977  
JIM UDELL  
1366

Exp. 6-30-06

# EXHIBIT "B"

FINDINGS FOR: File #: A-05-09 ROCKNE GILL ANNEXATION

Tax Lot: T12S-R2W-16-2300

## **PROPOSED FINDINGS**

### **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.*

#### **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.*

#### **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.*

#### **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.*

**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.

**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).*

**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 to the immediate south/southeast.

**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.*

**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 4.210 that lists the development opportunities, standards and requirements for the Limited Industrial (ML) zone; this is consistent with all applicable provisions of the Comprehensive Plan. The zoning of this land RM and ML will allow the land to eventually be developed to urban 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.*

**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)*

**Finding # 8:**

The proposed annexation complies with the above noted criteria in that this property is currently vacant and in agricultural use and therefore 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 Stoltz Hill road and Walker Road, (2) water in vicinity of the intersection of Walker and Stoltz Hill Road, (3) city storm drainage system via Oak Creek, and (4) sanitary sewerage service in vicinity of the intersection of Walker and Stoltz Hill Road.*

**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)*

**Finding # 9:**

The proposed annexation complies with the above noted criteria in that this property is vacant and in active agricultural use and therefore does not represent any immediate demands on key City-provided urban utility services. Storm drainage will remain as it is today. Currently the site has surface drainage that primarily enters Oak Creek. No further impact to the storm drainage will be caused by this annexation. Current infrastructure availability is cited in Finding # 8 above.



**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.*

**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. Existing yet undeveloped public rights-of-way exist on and adjacent to the subject property to serve its future access needs. It is reasonable to assume that the future urban development of this annexation territory will result in significant area-wide transportation improvements as this property is strategically located to connect 12<sup>th</sup> Street from the north with Stoltz Hill and Walker Roads to the east providing essential connectivity in this currently connectivity challenged area. This 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.*

**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 east half, and Light Industrial for the west half of the annexation territory. The corresponding City zoning designation for a Comprehensive Plan designation of Mixed Density Residential is Residential Mixed Density (RM) zone and a designation of Light Industrial is assigned Limited Industrial (ML) zoning. 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.*

**Finding # 12:**

The proposed annexation complies with Annexation Ordinance Section 13 in that this property has an identified waterway (Oak Creek) and associated and mapped floodplain that that will likely remain in their current status as the balance of the territory develops to the urban forms and uses 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.*

**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.*

**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.*

**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.*

**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.*

**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 currently vacant and in agricultural use. However, if at some future time development 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.

**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.*

**Finding # 18:**

The City's annexation review procedures on annexation request File # A-05-09 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.

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

Nature of Request: Annexation of a 58.20 acre territory comprised of one vacant parcel  
 Applicant: Warrene Gill, Diana Gill Pleasant, Bowgun Properties Limited Partnership, and Diana G. Pleasant Revocable Trust  
 Property Location: Located on the west side of Stoltz Hill Road, south of Airport Road.  
 Assessor's Map and Tax Lot #: Assessor's Map 12S-2W-16, Tax Lot 2300  
 Zone Designation: Eastern Section: Residential Mixed Density (RM) upon annexation.  
 Western Section: Limited Industrial (ML) upon annexation.  
 Comp Plan Designation: Eastern Portion: Mixed Density Residential  
 Western Portion: Light Industrial

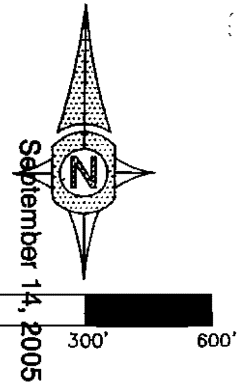
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**INTRODUCTION**

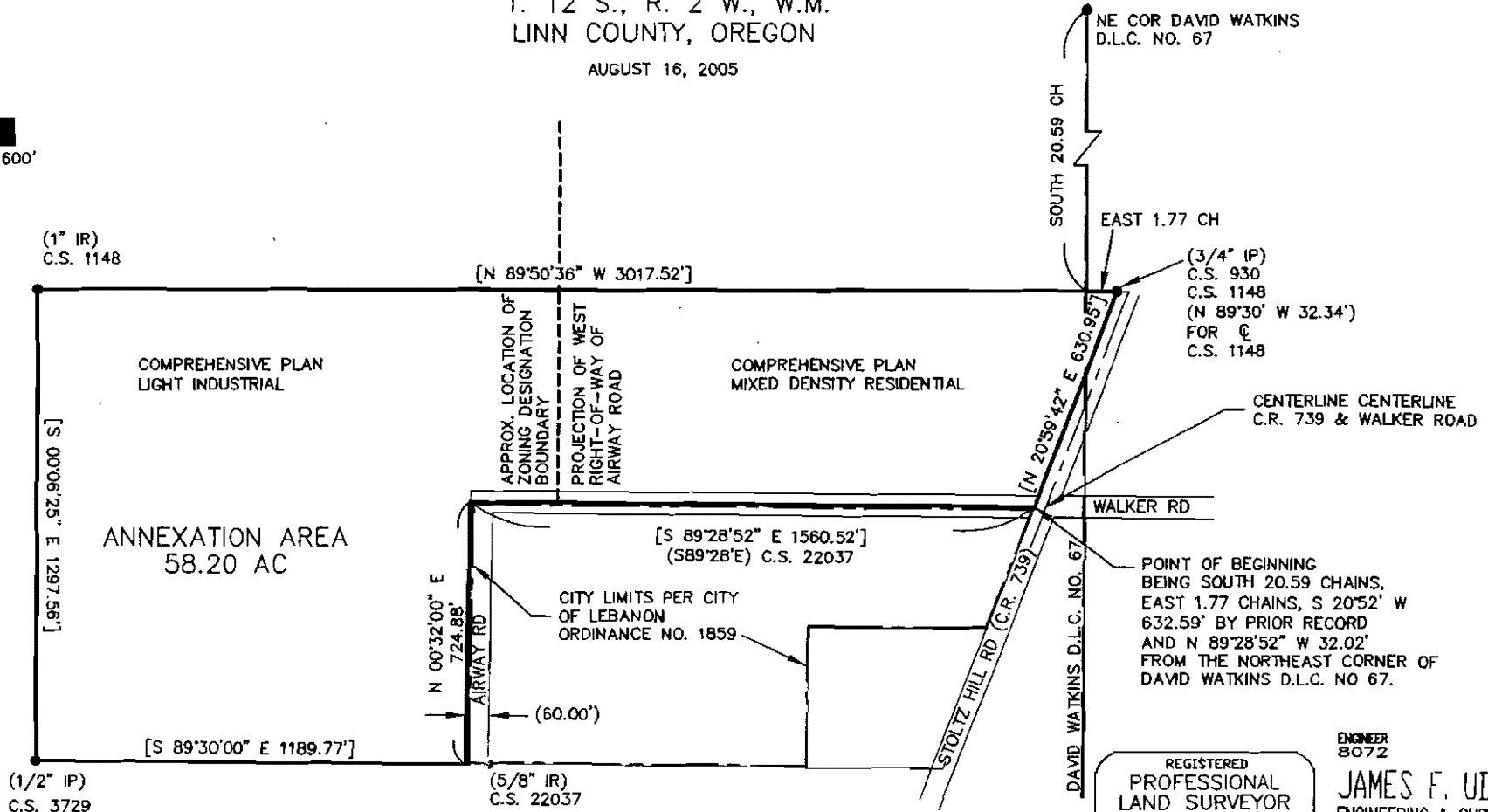
The applicant proposes to annex a 58.20 acre single parcel into Lebanon's City limits. The property has a split Comprehensive Plan designation with the eastern section (19.24 acres) designated Mixed-Density Residential and the western section (38.96 acres) designated Light Industrial. Residential Mixed Density (RM) zoning is being requested for the eastern section and Limited Industrial (ML) zoning is being requested for the western section upon annexation. These zoning designations are consistent with the City's Comprehensive Plan. No change in zoning designation is being requested.

The applicant's petition to annex and narrative is included as Attachment "A".



ANNEXATION MAP  
FOR  
**ROCKNE GILL**  
SE 1/4 SEC. 16 & SW 1/4 SEC. 15,  
T. 12 S., R. 2 W., W.M.  
LINN COUNTY, OREGON  
AUGUST 16, 2005

ANNEXATION MAP  
T12S-R2W-16, TAX LOT 2300  
LEBANON FILE# A-05-09



**LEGEND**

- MONUMENT OF RECORD
  - C.S. COUNTY SURVEY
  - ( ) DATA OF RECORD
  - [ ] CALCULATED DATA
  - IR IRON ROD
  - IP IRON PIPE
- REFERENCE SURVEY: C.S. 3729, C.S. 930, C.S. 1148, C.S. 22037

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Jim Udell*  
OREGON  
September 23, 1977  
**JIM UDELL**  
1366  
EXPIRES 06-30-2006

ENGINEER 8072 SURVEYOR 1366

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63 EAST ASH ST.  
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PH. (541) 451-5125  
FAX (541) 451-1366

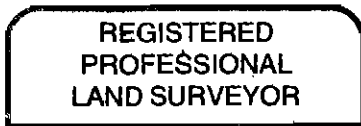
05 GILL ANNEX

LEBANON FILE # A-05-09  
T12S-R2W-16, TAX LOT  
2300

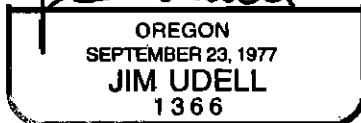
## Annexation Legal

An area of land in Section 15 and 16 in Township 12 South of Range 2 West of the Willamette Meridian, Linn County, Oregon described as follows:

Beginning at a point on the West right-of-way of Stoltz Hill Road (C.R. 739) which bears the following courses and distances from the Northeast corner of the David Watkins D.L.C. No. 67 in Section 16, Township 12 South, Range 2 West, Willamette Meridian, Linn County, Oregon; South 20.59 chains, East 1.77 chains to the centerline of Stoltz Hill Road (C.R. 739), South 20°52' West 632.59 feet along said centerline to a point being that the intersection of the centerline of Stoltz Hill Road (C.R. 739) and the centerline of Walker Road, and North 89°28'52" West 32.02 feet to a point all by prior record; Thence North 20°59'42" East 630.95 feet along the Westerly right-of-way of Stoltz Hill Road to a 3/4" iron pipe; Thence leaving said right-of-way North 89°50'36" West 3017.52 feet to a 1" iron rod; Thence South 00°06'25" East 1297.56 feet to a 1/2" iron pipe; Thence South 89°30'00" East 1189.77 feet to a point on the Westerly right-of-way of Airway Road; Thence North 00°32'00" East 724.88 feet along said right-of-way to a point on the centerline of Walker Road; Thence South 89°28'52" East 1560.52 along said centerline to the point of beginning.

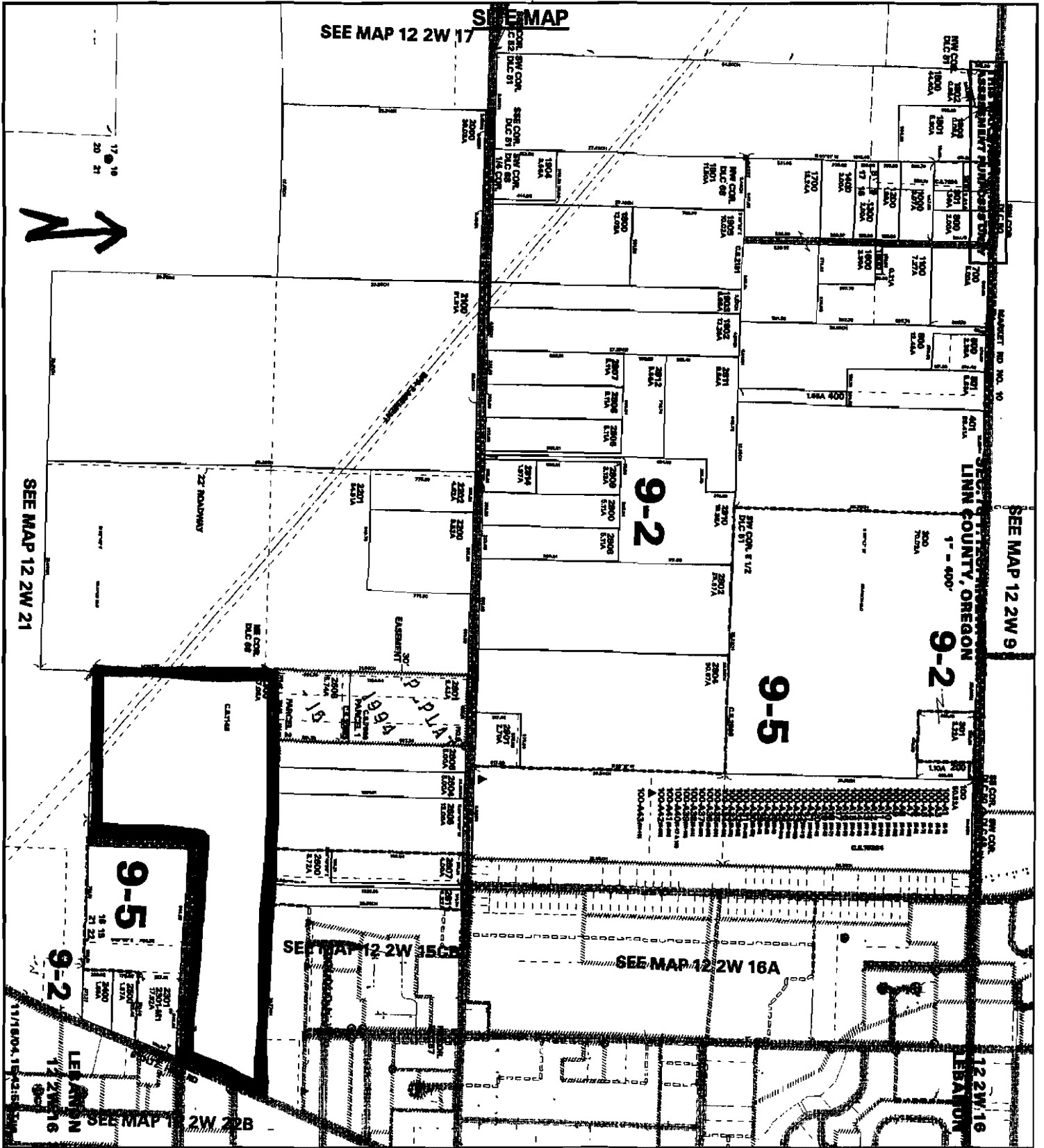


*Jim Udell*



*Exp. 6-30-06*





ANNEXATION  
TERRITORY

FILE #  
A-05-09

NATIONAL FLOOD INSURANCE PROGRAM


**FIRM**  
FLOOD INSURANCE RATE MAP

LINN COUNTY, OREGON  
(UNINCORPORATED AREAS)

PANEL 380 OF 825  
(SEE MAP WORKS FOR PANELS NOT PRINTED)

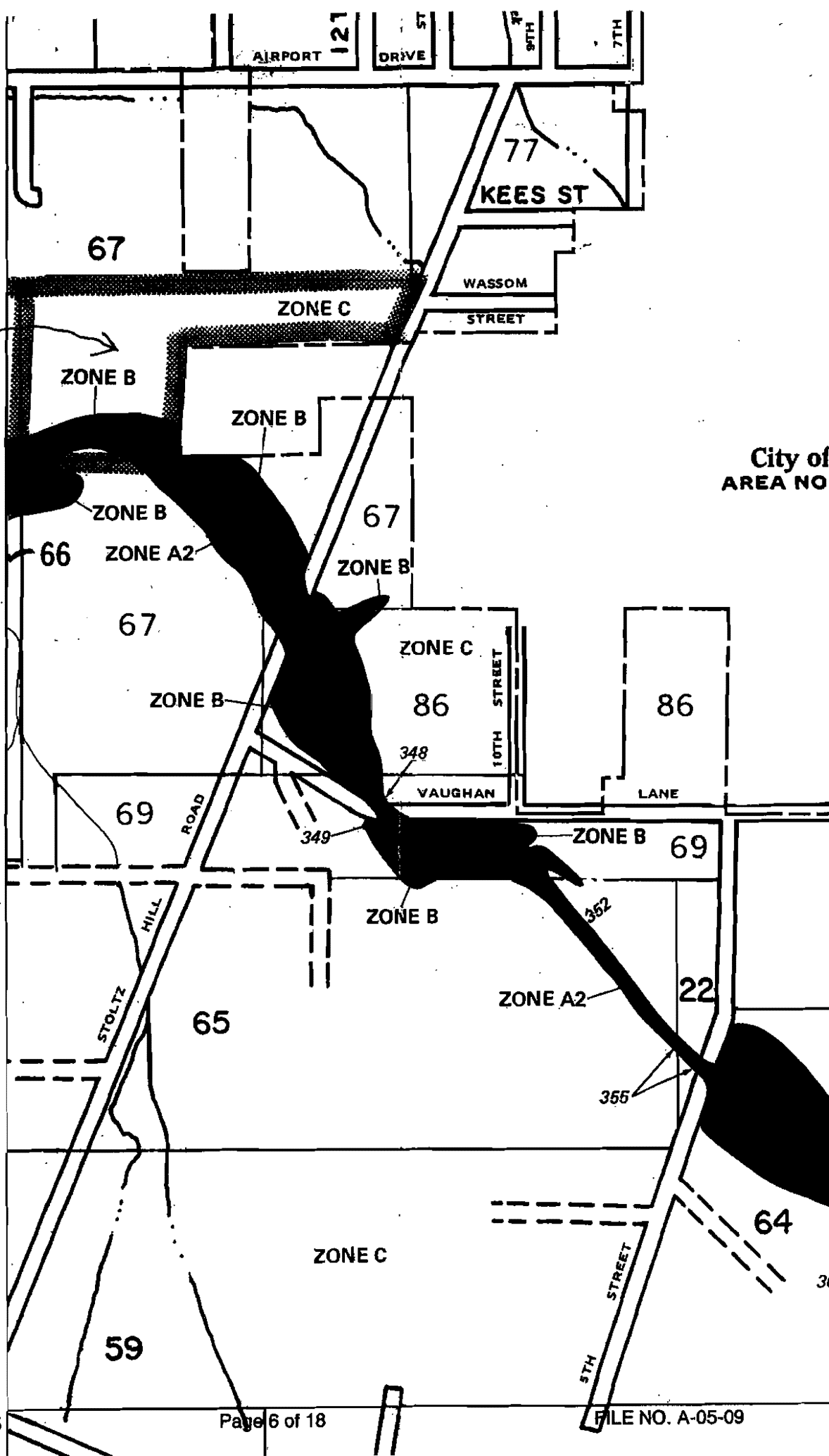
COMMUNITY-PANEL NUMBER  
410136 0380 B

EFFECTIVE DATE:  
SEPTEMBER 20, 1986

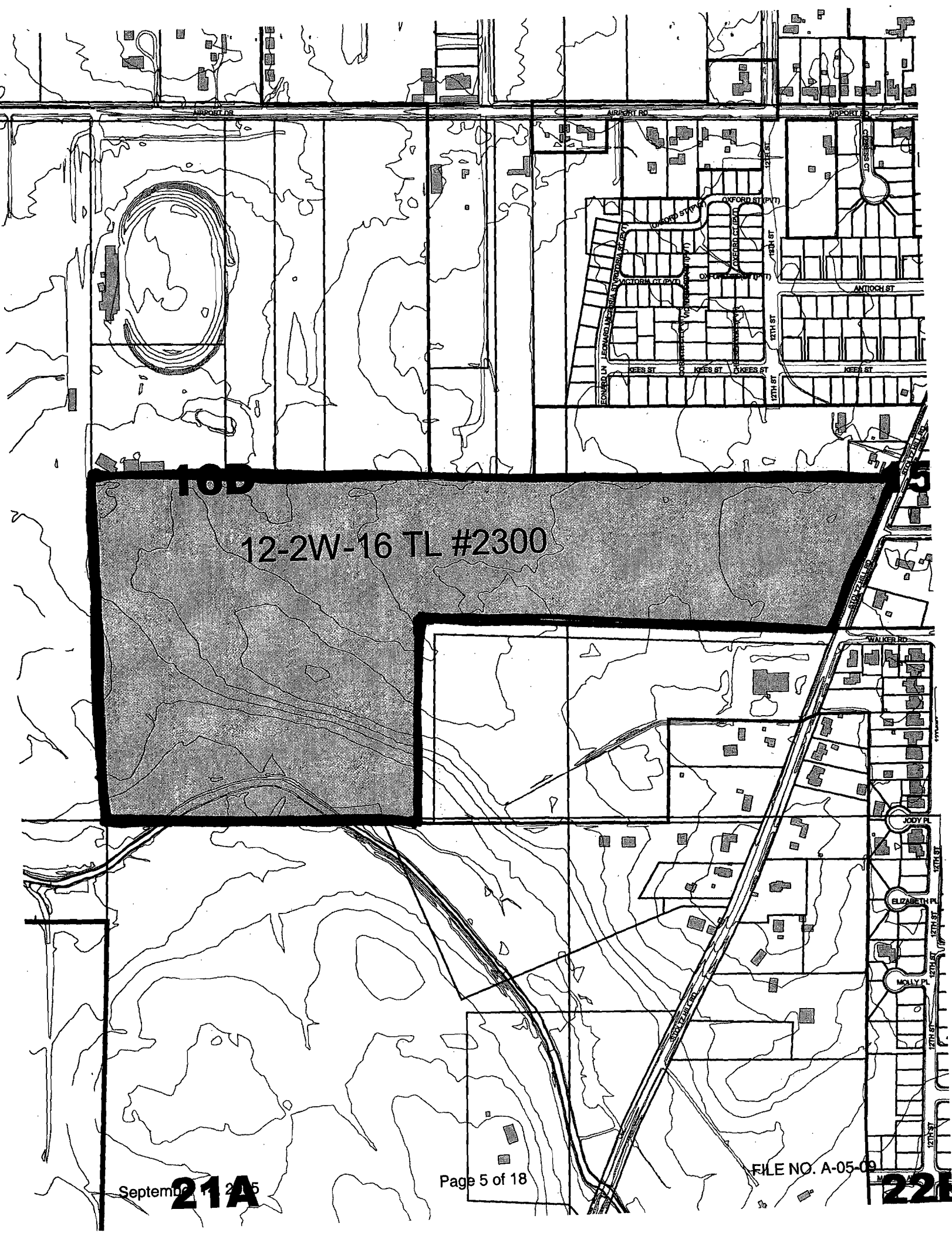


Federal Emergency Management Agency

JOINS PANEL 0360



City of  
AREA NO



**10D**

12-2W-16 TL #2300

## **SITE DESCRIPTION**

The annexation territory contains approximately 630 feet of frontage on Stoltz Hill Road, an improved county road. The annexation territory is currently planted in seed crops, except for small riparian and wetland areas in the southern portion of the property. There are no structures on the property. It is relatively flat and contains no constraints related to steep slopes. No other significant topographical features are present. A BPA easement and power line run through the southwest corner of the property. Another major natural feature in the southwest quadrant of the property is Oak Creek and its accompanying flood plain. The "A" zone (within the 100-year) flood plain is somewhat substantial in this area with the "B" zone (100-500 year) being much narrower [FEMA Flood Insurance Flood Map- panel # 410136 0380 B]— both the A & B zones on this annexation territory are covered with riparian vegetation and are not in active agricultural use as is the balance of the territory.

The annexation territory is bordered by industrially and residentially zoned and/or designated land and the Lebanon Speedway to the north, rural residential use to the north, northeast, east and southeast, a church to the east/southeast and farm uses to the southwest and west.

Dedicated yet undeveloped public rights-of-way abut the annexation territory along its common border with the church property to the south/southeast.

## **PLANNING AND ZONING CONSIDERATIONS**

1. The Comprehensive Plan Map identifies the eastern section (19.24 acres) of the parcel as a Mixed-Density Residential designation, and Light Industrial designation for the western section (38.96 acres). The parcel will be assigned a Residential Mixed Density (RM) zoning for the eastern section, and Limited Industrial (ML) zoning for the western section upon annexation.
2. The industrially designated portion of the annexation territory is within the Aircraft Control (AC) Subzone and is subject to those requirements and restrictions as listed in Lebanon Zoning Ordinance Section 4.510.
3. The following contain the factors and conditions that the City considers in evaluating an annexation request: (1) City of Lebanon 2003 Annexation Ordinance; (2) 2003 Amended 1980 Lebanon Comprehensive Plan Policies – (a) Introductory Provisions, Administrative Policy #8; (b) Urbanization Element, Flexible Growth Program, Policies #1 and 2 (page 4-P-1); (c) Urbanization Element, Annexations, Policies #1 through 8 (page 4-P-2); (d) Public Facilities and Services Element, General Policy #2 (page 8-P-1); and (e) Public Facilities and Services Element, Water System, Policies #5 and 6; and Sewerage Facilities, Policy #2 (pages 8-P-4, 5); (3) 1980 Lebanon Comprehensive Plan Policies as follows: (i) Chapter 1: Introductory Provisions -- General Goals and Objectives, Goals 2 and 5 (LCP page 1-17); (ii) Chapter 3, Population and Economy, Overall Goals and Policies 2, 3 and 4 (LCP page 3-P-1); (iii) Chapter 5, Land Use, Overall Goal -- Industrial Land Use and Policies #4, 9, 11 (LCP page 5-P-4, 5); (4) Zoning Ordinance Section 3.050, Zoning of Annexed Areas; (5) City of Lebanon/Linn County – Urban Growth Management Agreement, Section 2: Delineation of Authority in the Urban Growth Area (UGA), and Section 5, Annexations.
4. Lebanon Zoning Ordinance Section 4.020 lists the development opportunities, standards, and requirements for the Residential Mixed Density (RM) zone; and Lebanon Zoning Ordinance Section 4.210 lists the development opportunities, standards, and requirements for the Limited Industrial (ML) zone.

## STAFF COMMENTS

### 1. Planning:

- A. The legal description and a map describing the entire annexation area have been submitted and are included in this report.

### 2. Engineering Services Division:

- a. The closest existing City sanitary sewer utility lines that may potentially be utilized by this site are found approximately 300 feet northerly on 12<sup>th</sup> St. just south of Kees. . At time of a development proposal it will be determined what the peak demand on the sanitary conveyance system will be and how that demand will best be served.
- b. An existing 12 inch water main is also located just south of the 12<sup>th</sup> and Kees intersection approximately 300 feet north of the proposed annexation. This main could potentially be extended to provide domestic water and fire protection for future development.
- c. Stoltz Hill Road , a county road, borders the property on the east and has been previously constructed to a county standard with storm drainage available in the roadway ditches. This county road with improvements could likely be utilized to provide transportation access for future development. At time of a development proposal it will be determined what the traffic demands are and how those demands can best be served. Transportation master planning and recent collaborative efforts with the county and state have identified a parkway alignment going through the property. At time of development proposal this parkway would need to be accounted for in the proposal. The applicant should be aware that all access locations to the county road and construction within that right of way is permitted by Linn County.
- d. In addition to the roadway ditches on the east, an open channel storm drainage facility exists just north of the abutting property to the immediate north running east-west, parallel to the east half of the north property line of the annexation territory.
5. In addition to infrastructure improvement costs, future development will have expenses associated with it such as service lines, meters, plumbing permit fees, and sewer and water system development charges.
6. All permits, fees and processes are detailed in the City's site development guide.

## RELEVANT CRITERIA

### 1.0 Criteria Based on the City of Lebanon Ordinance Number 17 for 2003, an Ordinance Making Findings and Adopting Policies for the Annexation of Real Property into the City Limits

#### 1.1 Annexation Ordinance Findings:

- 1.1.1 A: 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. [See Findings 1, 6, 8, & 9]

- 1.1.2 B: 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. **[See Findings 1 & 4]**
- 1.1.3 C: Annexation incorporates territory within the Urban Growth Area into the City Limits. **[See Finding #1]**
- 1.1.4 D: Annexation proposals do not require site specific development proposals. **[See Findings 1 & 7]**
- 1.1.5 E: 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. **[See Findings 1 & 13]**
- 1.1.6 F: As part of the annexation process of developed property or properties, the City will consider the anticipated demands of existing development within the annexation territory to access City-provided urban utility services, which are water, storm drainage, sanitary sewerage, and streets. Furthermore, as part of the annexation process of developed property or properties, the City will consider the impacts on these same key City-provided urban utility services, water, storm drainage, sanitary sewerage, and streets, needed to serve these developed properties. **[See Findings 1, 8 & 9]**
- 1.1.7 G: 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. **[See Findings 1 & 16]**
- 1.2 Provisions of the Annexation Ordinance Sections:
- 1.2.1 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. **[See Finding # 2]**
- 1.2.2 Section 3: All Annexations shall be consistent with the goals and policies of the Lebanon Comprehensive Plan. **[See Finding # 3]**
- 1.2.3 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. **[See Finding # 4]**
- 1.2.4 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). **[See Finding # 5]**

- 1.2.5 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. [See Finding # 6]
- 1.2.6 Section 7: Development proposals are NOT REQUIRED for annexation requests. [See Finding # 7]
- 1.2.7 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. [See Finding # 8]
- 1.2.8 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. [See Finding # 9]
- 1.2.9 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. [See Finding # 10]
- 1.2.10 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. [See Finding # 11]
- 1.2.11 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. [See Finding # 11]
- 1.2.12 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. [See Finding # 12]
- 1.2.13 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. [See Finding # 6]
- 1.2.14 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. [See Finding # 13]

2.0 Lebanon Comprehensive Plan (LCP) Criteria

2.1 Chapter 1: Introductory Provisions -- Administrative Policies And Recommendations (LCP page 1-P-1)

2.1.1 Policy #8: The City of Lebanon Comprehensive Plan shall be consistent with the applicable Statewide Planning Goals. [See Finding # 14]

2.2 Chapter 4: Urbanization -- Flexible Growth Program (LCP page 4-P-1)

2.2.1 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. [See Finding # 4]

2.2.2 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. [See Finding # 15]

2.3 Chapter 4: Urbanization -- Annexations (LCP page 4-P-2)

2.3.1 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. [See Finding # 2]

2.3.2 Policy #2: All Annexations shall be consistent with the goals and policies of the Lebanon Comprehensive Plan. [See Finding # 3]

2.3.3 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. [See Finding # 4]

2.3.4 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). [See Finding # 5]

2.3.5 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. [See Finding # 6]

2.3.6 Policy #6: Development proposals are NOT REQUIRED for annexation requests. [See Finding # 7]

2.3.7 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. [See Finding # 8]

2.3.8 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. [See Finding # 9]



- 2.4. Chapter 8: Public Facilities and Services Policies and Recommendations -- General Policies (LCP page 8-P-1)
- 2.4.1 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. **See Finding # 16**
- 2.5 Chapter 8: Public Facilities and Services Policies and Recommendations -- Sewerage Facilities (LCP pages 8-P-4 & 8-P-5)
- 2.5.1 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. **See Finding # 17**
- 3.0 Zoning Ordinance Criteria
- 3.1 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. **See Finding # 11**
- 4.0 City of Lebanon/Linn County -- Urban Growth Management Agreement
- 4.1 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. **See Finding # 13**
- 4.2 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. **See Finding # 13**

### **RECOMMENDATION**

Unless the public hearing identifies otherwise unknown reasons why the proposed annexation would be to the detriment of surrounding properties, the neighborhood or the City, staff recommends that the Planning Commission recommend to the City Council that the proposed annexation be approved.

## **PROPOSED FINDINGS**

### **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.*

#### **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.*

#### **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.*

#### **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.*

#### **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.

**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).*

**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 to the immediate south/southeast.

**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.*

**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 4.210 that lists the development opportunities, standards and requirements for the Limited Industrial (ML) zone; this is consistent with all applicable provisions of the Comprehensive Plan. The zoning of this land RM and ML will allow the land to eventually be developed to urban 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.*

**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)*

**Finding # 8:**

The proposed annexation complies with the above noted criteria in that this property is currently vacant and in agricultural use and therefore 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 Stoltz Hill road and Walker Road, (2) water in vicinity of the intersection of Walker and Stoltz Hill Road, (3) city storm drainage system via Oak Creek , and (4) sanitary sewerage service in vicinity of the intersection of Walker and Stoltz Hill Road.

**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)*

**Finding # 9:**

The proposed annexation complies with the above noted criteria in that this property is vacant and in active agricultural use and therefore does not represent any immediate demands on key City-provided urban utility services. Storm drainage will remain as it is today. Currently the site has surface drainage that primarily enters Oak Creek. No further impact to the storm drainage will be caused by this annexation. Current infrastructure availability is cited in Finding # 8 above.

**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.*

**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. Existing yet undeveloped public rights-of-way exist on and adjacent to the subject property to serve its future access needs. It is reasonable to assume that the future urban development of this annexation territory will result in significant area-wide transportation improvements as this property is strategically located to connect 12<sup>th</sup> Street from the north with Stoltz Hill and Walker Roads to the east providing essential connectivity in this currently connectivity challenged area. This 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.*

**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 east half, and Light Industrial for the west half of the annexation territory. The corresponding City zoning designation for a Comprehensive Plan designation of Mixed Density Residential is Residential Mixed Density (RM) zone and a designation of Light Industrial is assigned Limited Industrial (ML) zoning. 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.*

**Finding # 12:**

The proposed annexation complies with Annexation Ordinance Section 13 in that this property has an identified waterway (Oak Creek) and associated and mapped floodplain that that will likely remain in their current status as the balance of the territory develops to the urban forms and uses 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.*

**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.*

**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.*

**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.*

**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.*

**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 currently vacant and in agricultural use. However, if at some future time development 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.

**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.*

**Finding # 18:**

The City's annexation review procedures on annexation request File # A-05-09 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.

# EXHIBIT A

## PETITION FOR ANNEXATION TO THE CITY OF LEBANON

NATURE OF REQUEST:	Annexation of a 58.20 acre territory comprised of the property identified as T12S-R2W-Section 16, Tax Lot 2300.
APPLICANTS:	Warrene Gill, Diana Gill Pleasant, Bowgun Properties Limited Partnership, and Diana G. Pleasant Revocable Trust
PROPERTY LOCATION:	Located on the west side of Stoltz Hill Road, south of Airport Road.
ASSESSOR'S MAP AND TAX LOT #s:	Assessor's Map 12S-2W-16, Tax Lot 2300
ZONE DESIGNATION:	Eastern Section: Residential Mixed Density (RM) upon annexation. Western Section: Limited Industrial (ML) upon annexation.
COMP PLAN DESIGNATION:	Eastern Portion: Mixed Density Residential Western Portion: Light Industrial

## ANNEXATION NARRATIVE

### INTRODUCTION

The applicants are requesting annexation of a 58.20 acre territory that is comprised of 12S-2W-16, Tax Lot 2300. The territory is located on the west side of Stoltz Hill Road, south of Airport Road. The property has a split Comprehensive Plan designation with the eastern section (19.24 acres) designated Mixed-Density Residential and the western section (38.96 acres) designated Light Industrial. Residential Mixed Density (RM) zoning is being requested for the eastern section and Limited Industrial (ML) zoning is being requested for the western section upon annexation. These zoning designations are consistent with the City's Comprehensive Plan. No change in zoning designation is being requested. Parts of the annexation territory are contiguous with the City limits to the north and south.



## **SITE DESCRIPTION**

The annexation territory is composed of 58.20 acres identified as 12S-2W-Section 16, Tax Lot 2300. The property is owned by Warrene Gill, Diana Gill Pleasant, Bowgun Properties Limited Partnership, and Diana G. Pleasant Revocable Trust. It is currently planted in seed crops, except for small riparian and wetland areas in the southern portion of the property. There are no structures on the property. The annexation territory contains approximately 630 feet of frontage on Stoltz Hill Road, an improved county road. It is relatively flat and contains no constraints related to steep slopes. There are small riparian and wetland areas in the southern portion of the property. No other significant topographical or natural features are present. There are no other identified environmental constraints. A BPA easement and power line run through the southwest corner of the property.

The annexation territory is bordered by commercial uses to the northwest, residential use to the northeast and east, a church to the southeast and farm uses to the southwest and west.

## **ANNEXATION PETITION COMPLIANCE WITH APPLICABLE REVIEW CRITERIA**

The factors and conditions applicable to evaluating this annexation request are:

- **City of Lebanon Ordinance Number 17 for 2003**, an Ordinance Making Findings and Adopting Policies for the Annexation of Real Property into the City Limits; and
- **Lebanon Comprehensive Plan:**
  - (a) Introductory Provisions, Administrative Policy #8;
  - (b) Urbanization Element, Flexible Growth Program, Policies #1 and 2 (page 4-P1);
  - (c) Urbanization Element, Annexations, Policies #1 through 8 (page 4-P-2);
  - (d) Public Facilities and Services Element, General Policy #2 (page 8-P-1); and
  - (e) Public Facilities and Services Element, Sewerage Facilities, Policy #2 (pages 8-P-4, 5);
- **Zoning Ordinance Section 3.050**, Zoning of Annexed Areas;
- **City of Lebanon/Linn County – Urban Growth Management Agreement**, Section 2: Delineation of Authority in the Urban Growth Area (UGA), and Section 5, Annexations.

Lebanon Zoning Ordinance Section 4.010 lists the development opportunities, standards and requirements for the Residential Mixed Density (RL) zone.

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**Applicable Provisions of the Annexation Ordinance (LAO), Lebanon Comprehensive Plan (LCP), Lebanon Zoning Ordinance (LZO) and Lebanon/Linn County Urban Growth Management Agreement (UGMA):**

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**LAO 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.

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

**LCP Chapter 4- 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.

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

**Applicants' Statement:** *The evidence submitted with this petition demonstrates that the proposed annexation conforms to the requirements of the Lebanon Municipal Code, Annexation Ordinance, Lebanon Land Development Ordinance and the City of Lebanon/Linn County Urban Growth Management Agreement, and that the request is consistent with applicable State law and with the goals and policies of the Lebanon Comprehensive Plan.*

**LAO 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 – 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 – 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.

**Applicants' Statement:** *The proposed annexation territory is within the City's urban growth boundary and therefore is eligible for annexation and urban development. A small portion of the property contains riparian and wetland features. This area may be utilized as functional wetlands, parks, open space or related uses. The property does not contain steep slopes. Therefore, the territory complies with LAO Section 4, LCP Flexible Growth Policy #1 and LCP Annexation Policy #4 and is eligible for annexation and urban development.*

**LAO 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 – 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).

**Applicants' Statement:** *The proposed annexation territory is within the City's urban growth boundary. Portions of the territory are contiguous with the City limits to the north and south. Therefore, the territory complies with LAO Section 5 and LCP Chapter 4, Annexation Policy #4.*

**LAO 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.

**LAO 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 – 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.

**Applicants' Statement:** *The proposed annexation territory is contiguous to the existing City limits to the north and south, therefore annexation of the territory is considered orderly. The territory can be developed with many of the urban uses allowed in the Residential Mixed Density Zone (LZO 4.010) and the Limited Industrial Zone (LZO 4.210). The annexation territory is approximately 58.20 acres and contains about 630 feet of frontage on Stoltz Hill Road, an improved county. All City services can be made available to the territory. Water is available in the Stoltz Hill right-of-way and can be extended through the site with future development. Sanitary sewer is available in Stoltz Hill right-of-way just north of*

*the subject property and can be extended south and through the site with future development. Storm drainage is available with roadside ditches along Stoltz Hill right-of-way and with Oak Creek at the southwest corner of the subject property. Future development can comply with all City standards. Therefore, the proposed annexation is efficient and orderly and complies with the applicable provisions of the City's Annexation Ordinance (LAO Section 14) and Comprehensive Plan (LCP Chapter 4 Annexation Policy #5).*

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

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

**Applicants' Statement:** *No development proposal has been submitted with this petition for annexation.*

**LAO 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 – 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.

**Applicants' Statement:** *There is no existing development on the property. Access to City services is not requested at this time. There will be no demand placed on key City-provided urban utility services from existing development within the annexation territory. Therefore, the proposed annexation complies with LAO Section 8 and LCP Chapter 4, Annexation Policy #7.*

**LAO 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 – 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.

**Applicants' Statement:** *The proposed annexation territory is not developed. Access to City services is not requested at this time. Therefore, there will be no impacts on water, storm drainage, sanitary sewerage or streets from existing development as a result of this annexation.*

*The annexation territory contains sufficient frontage on Stoltz Hill Road (630 feet) to provide access to development consistent with the requirements of Lebanon ordinances. Stoltz Hill Road is an improved county road with two travel lanes and paved shoulders. It has the capacity to provide for development of the annexation territory with uses allowed in the RM and ML zones. Potential improvement requirements can be reviewed in conjunction with a specific development proposal.*

*Water supply, storm drainage and sanitary sewerage services can comply with City standards.*

*A specific development plan has not been submitted with the petition for application. The following information on sewer and water demand is based on residential development of the eastern section (19.24 acres) of the property at a density of 6.0 dwelling units per acre, a typical use and density permitted in the RM zone, and development of the western section of the property (38.96 acres) with uses typical in the Limited Industrial zone.*

- *Sanitary sewer demand – approximately 283,100 gallons per day.*
- *Water demand – approximately 108,500 gallons per day.*

*These estimates are being provided to the City Engineer for review.*

*All City services in the area of the annexation territory appear to have sufficient capacity to service the property when it is developed. Therefore, the proposed annexation complies with LAO Section 9 and LCP Chapter 4, Annexation Policy #8.*

**LAO 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.**

**Applicants' Statement:** *The portion of Stoltz Hill road that is contiguous with the annexation territory contains sufficient dedicated public right-of-way (60 feet) to comply with the Lebanon Transportation Plan. The proposed annexation complies with LAO Section 10.*

**LAO 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.

**LAO 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.

**LZO 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.

**Applicants' Statement:** *The property is within the City's Urban Growth Boundary. The Comprehensive Plan designation for the eastern section of the territory is Mixed-Density Residential. The corresponding City zoning for this designation is Residential Mixed Density (RM). The applicants are requesting a Residential Mixed Density (RM) zoning designation for this section of the annexation territory. The Comprehensive Plan designation for the western section of the property is Light Industrial. The corresponding City zoning for this designation is Limited Industrial (ML). The applicants are requesting a Limited Industrial zoning designation for this section of the annexation territory. No zoning map amendment is necessary to apply the RM and ML zoning to the annexation area. Therefore, the proposed annexation complies with LAO Sections 11 and 12 and LZO Section 3.050.*

**LAO 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.

**Applicants' Statement:** *The property has a small riparian and wetland area in the southern portion. This area may be developed as functional wetlands, parks, open space or a related use permitted in Lebanon Ordinances. Therefore, the proposed annexation complies with LAO Section 13.*

**LAO Section 15:** At the Applicants' 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.

**Applicants' Statement:** *No development or redevelopment proposal is being submitted at this time.*

**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.

**Applicants' Statement:** *The LCP has been acknowledged by the Oregon Land Conservation and Development Commission to be in compliance with the Statewide Planning Goals. Therefore, the application complies with LCP Chapter 1, Policy #8. Additional findings of fact which specifically address the individual statewide planning goals are attached.*

**LCP Chapter 4: 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.

**Applicants' Statement:** *The proposed annexation is consistent with the criteria in the LCP, LZO and the City's Annexation Ordinance and complies with the provisions of the Lebanon/Linn County UGM Agreement. The annexation is orderly in that the property is contiguous with the City limits. It is efficient in that all City services are available to the territory and the territory can be developed to many of the urban uses allowed in the RM and ML zones in a manner that is consistent with the City's development standards. Therefore, the proposed annexation complies with LCP Chapter 4, Flexible Growth Policy #2.*

**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.

**Applicants' Statement:** *The proposed annexation does not include a development proposal or rezoning application. City policies and ordinances do not require the City to evaluate impacts of potential development on urban services at this time. City water, sanitary sewer, storm drainage and street facilities are available and have sufficient capacity to serve permitted development on the property. The impact of the current uses on the property (none) on urban services and potential impacts of future development allowed in the RM and ML zones have been discussed. Detailed information on the impacts of development on services will be provided in conjunction with a future application for development of the property. Therefore, the annexation proposal complies with LCP Chapter 8, Public Facilities and Services Policies and Recommendations, General Policy #2.*

**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.

**Applicants' Statement:** *The proposed annexation does not include a development proposal. Detailed information on the impacts of proposed development on the sanitary sewerage system will be provided in conjunction with an application for development of the property. Sanitary sewerage facilities can be made available to serve the property.*

### **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.



**Applicants' Statement:** *The annexation territory is within the City's UGB and is subject to the provisions of the Lebanon/Linn County UGM Agreement. The territory is eligible for annexation in that it is within the UGB and contiguous with the City limits. The applicants have requested annexation through the procedures established by the City through their Annexation Ordinance. The annexation proposal complies with the Lebanon/Linn County Urban Growth Management Agreement.*

**Gill, Gill-Pleasant, Bowgun Properties, D. G. Pleasant Revocable Trust -  
Annexation Petition**

**EXHIBIT A-1**

**SUPPLEMENTAL FINDINGS ADDRESSING  
STATEWIDE PLANNING GOALS**

This annexation petition has been reviewed for compliance with the criteria and policies adopted by the Lebanon 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's periodic review Order No. 001621. On March 25, 2004, the Department of Land Conservation and Development ("DLCD") reviewed these ordinances and determined the amendments complied with statewide planning goals and thus were approved by DLCD. The ordinances were appealed to the Land Conservation and Development Commission ("LCDC"). LCDC affirmed the DLCD approval of the City of Lebanon's Ordinances No. 2352 and 2353 on June 10, 2004. The LCDC affirmation order was entered on September 20, 2004.

The following Findings address the criteria in the Statewide Planning Goals as they apply to this annexation petition.

**Supplemental Finding 1.**

**Goal 1 – Citizen Involvement.** This goal calls for the “opportunity for citizens to be involved in all phases of the planning process.” The annexation petition has been reviewed in accordance with the City's Acknowledged procedures for compliance with Goal 1. These procedures include public notification, the opportunity to provide written and oral testimony before the decision-making authority at or prior to two public hearings and notification of the City's decision and the procedures for appealing the decision. These procedures have been followed. Therefore, the annexation petition complies with Statewide Planning Goal 1.

**Supplemental Finding 2.**

**Goal 2 – Land Use Planning.** Goal 2 mandates the establishment of “a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.” The land use program in place in the City of Lebanon, including the Comprehensive Plan and Zoning Ordinance used to review this annexation petition, is acknowledged to be in compliance with Statewide Planning Goal 2. Substantial evidence has been submitted to demonstrate compliance with the City's criteria and standards and with the requirements of the statewide planning goals. This evidence was relied upon by the City in adopting previous findings of fact in support of the decision to approve the annexation petition. It constitutes an adequate factual base for the City's decision. The review of this

annexation petition has complied with the City's land use program and the City's findings and decision are based on substantial evidence that provides an adequate factual base for the decision. Therefore, the annexation petition complies with Statewide Planning Goal 2.

### **Supplemental Finding 3.**

Goal 3 – Agricultural Lands. Goal 3 addresses the state's policy to "preserve and maintain" agricultural lands. The property proposed for annexation is in an acknowledged exception area in that it is within an urban growth boundary and is designated for residential uses in the City's comprehensive plan. It is not considered agricultural land under Goal 3 and it is not subject to the provisions of this goal. Therefore, Statewide Planning Goal 3 does not apply to the annexation petition.

### **Supplemental Finding 4.**

Goal 4 – Forest Lands. This goal addresses the state's policies for protection of forest lands. The property proposed for annexation is in an acknowledged exception area in that it is within an urban growth boundary and is designated for residential uses in the City's comprehensive plan. It is not considered forest land under Goal 4 and it is not subject to the provisions of this goal. Therefore, Statewide Planning Goal 4 does not apply to the annexation petition.

### **Supplemental Finding 5.**

Goal 5 – Open Spaces, Scenic and Historic Areas and Natural Resources. The property contains no inventoried or otherwise identified open space, scenic and historic areas or other land that is subject to Statewide Planning Goal 5. Therefore, Statewide Planning Goal 5 does not apply to this annexation petition.

### **Supplemental Finding 6.**

Goal 6 – Air, Water and Land Resources Quality. Goal 6 requires that local comprehensive plans be consistent with state and federal regulations. The City's acknowledged Plan and Ordinances contain regulations requiring compliance with applicable state and federal regulations. While Goal 6 is not directly applicable to this annexation decision, future development on the site must comply with City ordinances which require consistency with applicable state and federal regulations related to air, water and land resource quality. Therefore, the annexation petition complies with Statewide Planning Goal 6.

### **Supplemental Finding 7.**

Goal 7 – Areas Subject to Natural Disasters and Hazards. Goal 7 relates to development in areas subject to natural hazards, including floods and slope failures. No areas prone to natural disaster or hazards as defined by the Goal are present in the annexation area. Therefore, Statewide Planning Goal 7 does not apply to this annexation petition.

### **Supplemental Finding 8.**

Goal 8 – Recreation Needs. Goal 8 requires communities to evaluate their recreation needs and develop plans to deal with the projected demand. The annexation petition does not contain any area identified as needed by the City to address a current or projected recreation need under Goal 8. Therefore, the annexation petition complies with Statewide Planning Goal 8.

### **Supplemental Finding 9.**

Goal 9 – Economy of the State. Goal 9 requires jurisdictions to seek ways to diversify and improve their economy and the overall economy of the state. The proposed zoning designation of the property allows for a range of uses including mixed residential and limited industrial. All of the potential uses are consistent with the acknowledged Goal 9 elements of the City's Plan and ordinances. Therefore, the annexation petition complies with Statewide Planning Goal 9.

### **Supplemental Finding 10.**

Goal 10 – Housing. Goal 10 requires that Cities plan for and accommodate needed housing types. The annexation area would be zoned for mixed density residential and limited industrial development upon annexation. These designations allow for establishment of a variety of housing types that are consistent with the identified housing needs of the City, region and state, including single and multi-family housing. Therefore, the annexation petition complies with Statewide Planning Goal 10.

### **Supplemental Finding 11.**

Goal 11 – Public Facilities and Services. Goal 11 requires efficient planning of public services such as sewers, water, law enforcement, and fire protection. The annexation area is undeveloped. There would be no immediate impacts on City-provided urban utility services (i.e., water, storm drainage, sanitary sewerage, and streets). The City Engineer has determined that the demand created by allowed uses of this property will be well within the capacities of City-provided urban utility services when the property is developed. The annexation territory has access to all necessary urban services, including: (1) Improved streets (frontage on Stoltz Hill Road; (2) An adequately sized water main; (3) The City's storm drainage system; and (4) The City's sanitary sewerage system. The area is within the service area of the Lebanon Fire District. All public and private urban

service providers have indicated they have the capacity to serve anticipated growth in the community through the year 2025. Therefore, the annexation petition complies with Statewide Planning Goal 11.

#### **Supplemental Finding 12.**

Goal 12 – Transportation. Goal 12 is “to provide and encourage a safe, convenient and economic transportation system.” The annexation area is undeveloped. There will be no impacts on the transportation system at the current time. The property contains frontage on Stoltz Hill Road, an improved street. Stoltz Hill Road contains sufficient right-of-way to comply with the City’s acknowledged Transportation Plan. The transportation system has the capacity to serve the property when it is fully developed with uses allowed in the Residential Mixed Density and Limited Industrial Zones. Therefore, the annexation petition complies with Statewide Planning Goal 12.

#### **Supplemental Finding 13.**

Goal 13 – Energy. Goal 13 requires land and uses developed on the land be “managed and controlled as to maximize the conservation of all forms of energy.” The annexation territory provides for orderly and efficient use of land and conversion of land to urban uses. It is within the Lebanon Urban Growth Boundary and contiguous to the City Limits. It is bordered by urban development level on three sides. City services are available to the property with sufficient capacity to accommodate development with urban uses permitted in the Residential Mixed Density and Limited Industrial Zones. The orderly and efficient expansion of the City provides maximum efficiency in energy use and conservation. Therefore, the annexation petition complies with Statewide Planning Goal 13.

#### **Supplemental Finding 14.**

Goal 14 – Urbanization. Goal 14 requires the City to establish urban growth boundaries to separate urbanizable land from rural land. The annexation area is within the City’s acknowledged urban growth boundary. Annexation of the property is orderly and efficient in that the property is within the urban growth boundary, can be fully developed with urban uses allowed in the Residential Mixed Density and Limited Industrial Zones and can be efficiently served by existing City services. Therefore, the annexation petition complies with Statewide Planning Goal 14.

#### **Supplemental Finding 15.**

Goal 15 – Willamette Greenway. Goal 15 provides regulations and guidelines for administering land adjacent to the Willamette River. The annexation area is not adjacent to the Willamette River. Therefore, Goal 15 does not apply to the annexation petition.

**Supplemental Finding 16.**

Goal 16 – Estuarine Resources. Goal 16 provides regulations and guidelines for administering land in an identified estuary site. The annexation area is not an identified estuary site. Therefore, Goal 16 does not apply to the annexation petition.

**Supplemental Finding 17.**

Goal 17 – Coastal Shorelands. Goal 17 provides regulations and guidelines for administering designated coastal shorelands. The annexation area does not contain coastal shorelands. Therefore, Goal 17 does not apply to the annexation petition.

**Supplemental Finding 18.**

Goal 18 – Beaches and Dunes. Goal 18 provides regulations and guidelines for administering designated beaches and dunes. The annexation area does not contain beaches or dunes. Therefore, Goal 18 does not apply to the annexation area.

**Supplemental Finding 19.**

Goal 19 – Ocean Resources. Goal 19 provides regulations and guidelines for administering ocean resources. The annexation area does not contain ocean resources. Therefore, Goal 18 does not apply to the annexation area.



# City of Lebanon Community Development

## MEMORANDUM

**TO:** John Hitt, City Administrator  
**FROM:** Doug Parker, Community Development Manager   
**CC:** Tom McHill, City Attorney  
**SUBJECT:** Annexation and Zoning of Property  
**Applicant:** Rockne Gill

**DATE:** December 7, 2005  
**Planning File:** A-05-09  
**Map/Tax Lot:** 12-2W-16,  
2300

This is a request to annex a 58.20 acre territory comprised of one parcel located west of Stoltz Hill Road between Walker Road and Wassom Street – the property is currently vacant and in farm use. The annexation territory is both west and north of the Family Bible Church (former LBCC campus) located on Stoltz Hill Road at Walker Road. The property is designated as both Residential Mixed-Density (C-RM) and Light Industrial (C-IND) on the City of Lebanon Comprehensive Plan Map and as indicated on the annexation map (Exhibit "A"). A Residential Mixed Density (Z-RM) zoning designation will be assigned to the east portion and Limited Industrial (Z-ML) zoning designation to the west portion upon annexation as indicated on both the City of Lebanon Comprehensive Plan Map and the annexation map (Exhibit "A"). These are the Comprehensive Plan Map designated zoning assignments and do not constitute a zoning map amendment or zone change. Oak Creek is located in the southern portion of this property.

On September 14, 2005, the Planning Commission conducted a public hearing and voted unanimously to recommend approval of this proposed annexation and zoning assignments to the City Council.

The Planning Commission staff report (Lebanon File # A-05-09) is included for review, including a legal description and an annexation map.

At this time it is appropriate for the City Council to conduct a public hearing regarding the proposed annexation and, if approved, adopt a bill for an ordinance annexing and zoning the property as requested.