

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-05-10,)
PACIFIC EMPIRE CONSTRUCTION PROPERTY)

ORDINANCE BILL NO. 21
for 2005

ORDINANCE NO. 2390

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.

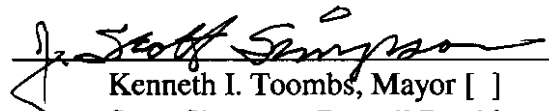
NOW, THEREFORE, the City of Lebanon ordains as follows:

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).

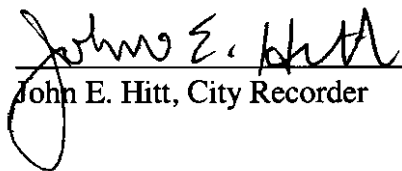
Section 3 Record. The City Recorder shall submit to the Oregon Secretary of State a copy of this Ordinance. The City Recorder is further ordered to send a description by metes and bounds, or legal subdivision, and a map depicting the new boundaries of the City of Lebanon within ten (10) days of the effective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



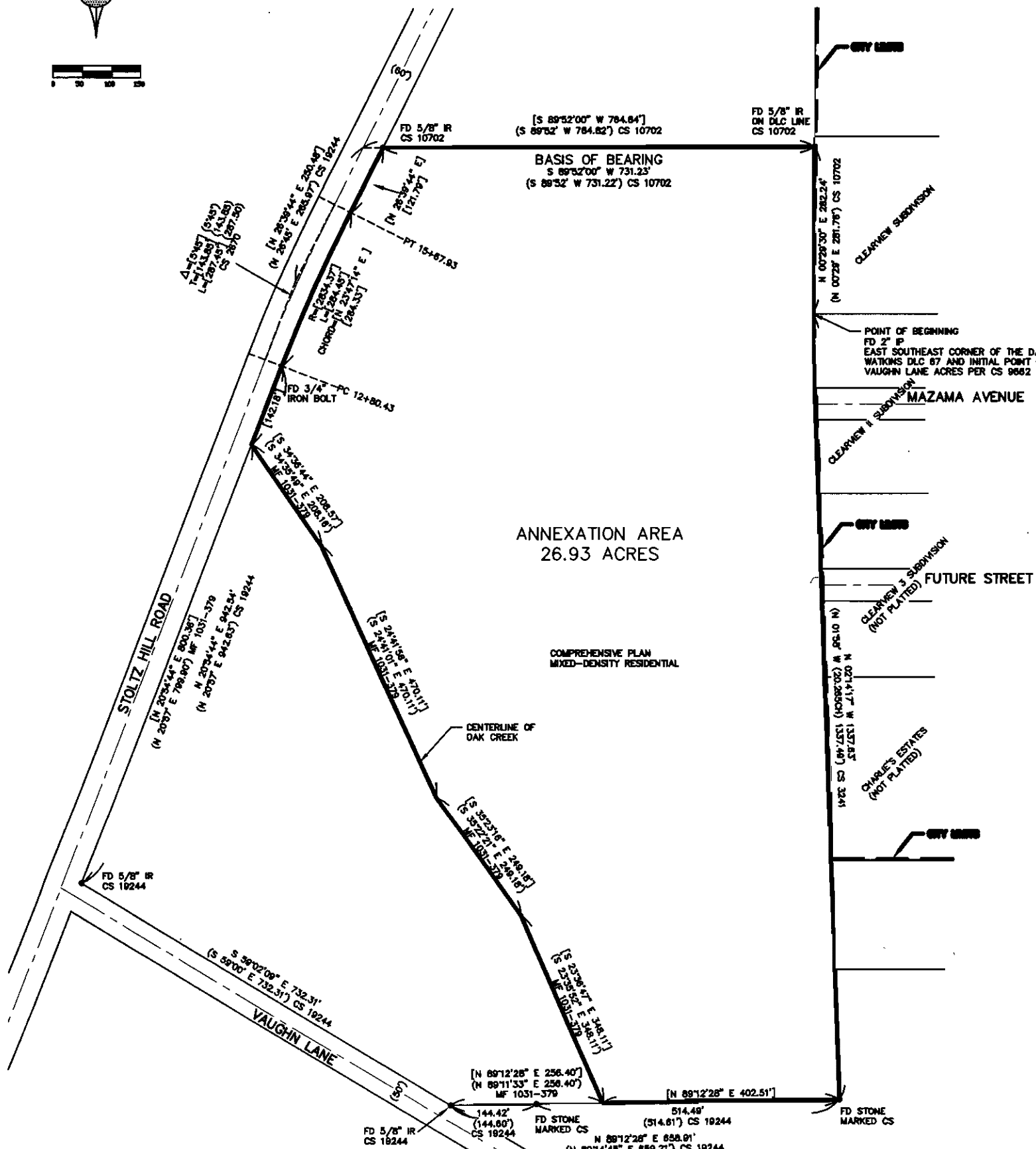
Kenneth I. Toombs, Mayor []
Scott Simpson, Council President [x]

ATTEST:



John E. Hitt, City Recorder

ANNEXATION MAP
PACIFIC EMPIRE CONSTRUCTION, INC
NW 1/4 SEC. 22, T. 12 S., R. 2W., W.M.
LINN COUNTY, OREGON



ANNEXATION AREA
26.93 ACRES

COMPREHENSIVE PLAN
MIXED-DENSITY RESIDENTIAL

DENTERLINE OF
OAK CREEK

CLEARWELL SUBDIVISION

POINT OF BEGINNING
FD 2" IR
EAST SOUTHEAST CORNER OF THE DA
WATKINS DLC 87 AND INITIAL POINT
VAUGHN LANE ACRES PER CS 9862

MAZAMA AVENUE

CLEARWELL 3 SUBDIVISION
(NOT PLATTED)

FUTURE STREET

CHARLES' ESTATES
(NOT PLATTED)

CITY LIMITS

CITY LIMITS

CITY LIMITS

CITY LIMITS

CITY LIMITS

CITY LIMITS

CITY LIMITS

CITY LIMITS

Udell Engineering & Surveying
63 East Ash St.
Lebanon, OR 97355
Ph: 541-451-5125 Fax: 541-451-1366

Tax Lot: 12S-2W-22B-300
Annexation Legal Description

A portion of land in the Northwest ¼ of Section 22, Township 12 South, Range 2 West of the Willamette Meridian, Linn County, Oregon, more particularly described as follows:

Beginning at a 2" iron pipe at the East Southeast corner of the David Watkins Donation Land Claim #67, and the initial point of Vaughn Lane Acres per Linn County Survey #9662; thence

South 02°14'17" East 1337.63 feet to a stone marked CS; thence

South 89°12'28" West 402.51 feet to the centerline of Oak Creek which is North 89°12'28" East 256.40 feet from a 5/8" iron rod on the northerly right-of-way line of Vaughn Lane; thence

Downstream along said creek centerline North 23°36'47" West 348.11 feet, thence North 35°23'16" West 249.18 feet, thence North 24°41'56" West 470.11 feet, thence North 34°36'44" West 208.57 feet to a point on the easterly right-of-way line of Stoltz Hill Road; thence

Along easterly right-of-way of Stoltz Hill Road North 20°54'44" East 142.18 feet to a ¾" bolt; thence

Along said right-of-way, along a 2834.37 foot radius curve to the right 284.45 feet which chord bears North 23°47'14" East 284.33 feet; thence

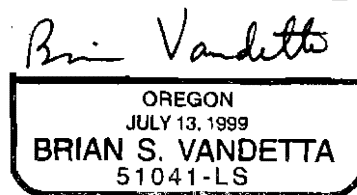
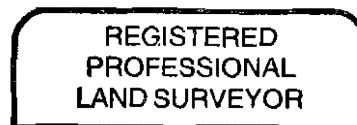
Along said right-of-way North 26°39'44" East 121.79 feet to a 5/8" iron rod; thence

North 89°52'00" East 764.84 feet to a 5/8" iron rod on the said Donation Land Claim line; thence

South 00°29'30" West 282.24 feet to the point of beginning.

I certify the above legal description closes with in the tolerances per ORS 92.


Brian Vandetta, PE PLS



Exp. 6-30-06

EXHIBIT "B"

FINDINGS FOR: File #: A-05-10 **PACIFIC EMPIRE CONSTRUCTION – STOLTZ HILL ROAD**
Tax Lot: T12S-R2W-22B- 300

PART ONE – FINDINGS THAT ADDRESS BASIC RELEVANT ANNEXATION CRITERIA

Criteria 1.1 and 2.1

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.

2004 LCP Chapter 3 (Urbanization) – Annexation Policy #P-191: [The City shall] Recognize and act on the basis that 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 (UGMA), and shall be consistent with applicable State law.

Finding # 1:

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 and 2.2

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

2004 LCP Chapter 3 (Urbanization) – Annexation Policy #P-20: [The City shall] Recognize and act on the basis that all annexations shall be consistent with the goals and policies of the Lebanon Comprehensive Plan.

Finding # 2:

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 1.3, 2.3, and 3.1

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 3 (Urbanization) – Annexation Policy #P-21: [The City shall] Recognize and act on the basis that all lands included within the Urban Growth Boundary are eligible for annexation and urban development. (Areas within the Urban Growth Boundary (UGB) with designated environmental constraints may be annexed and utilized as functional wetlands, parks, open space and related uses.)

2004 LCP Chapter 3 (Urbanization) – Flexible Growth Program Policy #P-13: [The City shall] Recognize and act on the basis that all lands included within the Urban Growth Boundary are suitable for

urban development except for those areas with identified environmental constraints. Nevertheless, those areas with environmental constraints may be utilized as functional wetlands, parks, open space and related uses.

Finding # 3:

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 1.4 and 2.4

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).*

2004 LCP Chapter 3 (Urbanization) – Annexation Policy #P-22: *[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 # 4:

The proposed annexation complies with Annexation Ordinance Section 5 and LCP Annexation Policy #P-22 in that the annexation territory is both contiguous to the existing City limits and within the City's Urban Growth Boundary, and is therefore eligible for annexation and urban development. The annexation territory is contiguous to the existing City Limits on the south.

Criteria 1.5, 1.13, 1.14, and 2.5

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 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.*

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.*

2004 LCP Chapter 3 (Urbanization) – Annexation Policy #P-23: *[The City shall] Deem an annexation orderly if the annexation territory is contiguous to the existing City Limits, and deem an annexation 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).*

Finding # 5:

The proposed annexation complies with the above noted criteria. (1) Since the annexation territory is contiguous to the existing City limits the annexation or this territory is deemed orderly. (2) The annexation is efficient since the annexation territory can be developed to an urban use. This territory can be developed according to the provisions of Lebanon Zoning Ordinance Section 4.020 lists the development opportunities, standards and requirements for the Residential Mixed Density (RM) zone, and this is consistent with all applicable provisions of the Comprehensive Plan. (3) Although not part of this annexation request, the applicant has discussed with the City preliminary development plans that will dedicate part or all of the NWI identified wetlands along Oak Creek to the City for open space, trail development (as set forth in the City's Parks Master Plan), and the maintenance of the historic flood mitigation and drainage functions lands bordering the Creek.

Criteria 1.6 and 2.6

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

2004 LCP Chapter 3 (Urbanization) – Annexation Policy #P-24: *[The City shall] Recognize and act on the basis that development proposals are NOT REQUIRED for annexation requests.*

Finding # 6:

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

Criteria 1.7 and 2.7

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.*

2004 LCP Chapter 3 (Urbanization) – Annexation Policy #P-25: *[The City shall] Consider as part of the annexation process of developed property or properties, 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.*

Finding # 7:

The proposed annexation complies with the above noted criteria in that this property currently has two manufactured with adequate services from both an on-site septic system and well. Access to City-provided services is not sought at this time, and therefore there are no anticipated needs at this time on the key City-provided urban utility services (i.e., are water, storm drainage, sanitary sewerage, and streets). However, all City services can be made available to the territory.

- **Sanitary Sewer:** The proposed annexation site occupies a portion of the West Side Interceptor future alignment. The developer will be required to construct this segment of the West Side Interceptor with the development project. At time of this application staff has also determined that an interim system pumping station and force main conveying flows to 12th and Kees is the acceptable method of serving this site.
- **Water:** An existing 8 inch water distribution line is located adjacent to the site in Mazama Ave. This main could likely be utilized to provide domestic water and fire protection for future development. At time of development proposal it will be determined what fire flow and domestic demands are and how those demands can best be served.
- **Storm Drainage:** Stoltz Hill, a county road, borders the property on the west and has been previously constructed to a county standard with storm drainage available in the roadway ditches. At time of development proposal it will be determined what the storm drainage demands are and how those demands can best be served.
- **Streets:** Stoltz Hill Road with improvements could be utilized to provide transportation access for future development. At time of development proposal it will be determined what the traffic demands are and how those demands can best be served.

Criteria 1.8 and 2.8

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.*

2004 LCP Chapter 3 (Urbanization) – Annexation Policy # P-26: *[The City shall] Consider as part of the annexation process of developed property or properties, the impacts on the capacities of key City-provided urban utility services needed to satisfy the anticipated demands of the properties discussed in P-25 above.*

Finding #8:

The proposed annexation complies with the above noted criteria in that this property currently has two manufactured with adequate services from both an on-site septic system and well. Access to City-provided services is not sought at this time, and therefore there are no anticipated needs at this time on the key City-provided urban utility services (i.e., are water, storm drainage, sanitary sewerage, and streets). However, all City services can be made available to the territory.

Criterion 1.9

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 # 9:

The proposed annexation complies with Annexation Ordinance Section 10 in that any additional necessary right-of-way issues will be addressed when this property develops. **Although not part of this annexation request, the applicant has discussed with the City preliminary development plans that will dedicate trail access from a proposed new street that will connect with the trail that is to be developed along the Creek.**

Criteria 1.10, 1.11, and 4.0

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 # 10:

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 designation on the subject property is Residential Mixed Density Residential (C-RM). The corresponding City zoning designation for a Comprehensive Plan designation of Residential Mixed Density Residential (RM) is Residential Mixed Density Residential (Z-RM). The applicant is requesting a Residential Mixed Density Residential (Z-RM) zoning designation for the subject property. Therefore, a City zoning designation of Residential Mixed Density Residential (Z-RM) can automatically be assigned at this time, without a separate hearing. This action is NOT a zoning map amendment.

Criterion 1.14

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.*

Finding # 11:

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

Criterion 2.9

2004 LCP Chapter 3 (Urbanization) – Annexation Policy # P-27: *[The City shall] Expand the City Limits as necessary to accommodate development, including housing, commercial, industrial, and services (that will in turn accommodate population growth).*

Finding # 12:

The proposed annexation complies with the above noted criterion in that the annexation of this property is indeed necessary to accommodate development, specifically residential and open space additions to the City as discussed above in Findings 5 and 9. It is anticipated that the development proposals by the applicant will be submitted immediately following approval of this annexation request. It is reasonable to conclude that the major economic development activity in the community in recent months can be anticipated to generate population growth as many new jobs are created in the relatively near future. Accordingly, housing development opportunities and open spaces, trails, and related amenities, will be in demand in the community. This annexation (i.e., expansion of the City limits) is therefore necessary to accommodate such development.

Criterion 3.2

2004 LCP Chapter 3 (Urbanization) – Flexible Growth Program Policy P-14: *[The City shall] Implement and administer land development policies and requirements that are both orderly and efficient, as well as flexible so as to be responsive to site specific conditions and circumstances.*

Finding # 13:

The proposed annexation complies with the above noted criterion in that the annexation of this property is resulting in flexible and creative development proposals (to be submitted upon approval of this annexation request) that are responsive to the site specific conditions and circumstances that will promote the orderly and efficient extension of community services: (1) protection of wetlands and the riparian corridor along Oak Creek and thus the maintenance of their historic flood mitigation and drainage functions; (2) the likely dedication of the above noted NWI identified wetlands along Oak Creek also

helps meet the community's needs for open space and recreation via trail development, as set forth in the City's Parks Master Plan; and, (3) the sanitary pump station to be developed to serve the proposed subdivision will have the capacity to serve a much wider area, thus helping the City resolve system constraints and thereby opening up additional lands for residential development. In addition the subsequent development of this property provides needed housing.

PART TWO – FINDINGS THAT ADDRESS SITE SPECIFIC RELEVANT ANNEXATION CRITERIA

Criteria 5.1 and 5.2

2004 Lebanon Comprehensive Plan (LCP) Criteria – Chapter 2 – Natural Environment

5.1 Natural Resource Goals 4, 7, 10, 14 18

5.2 Natural Resource Policies 5, 6, 7, 8, 9, 10, 13, 19

Finding # 14:

The proposed annexation complies with the above noted criteria in that the annexation of this property brings it under the jurisdiction and protection of the City, and thus any subsequent development must conform to polices and goals of the Comprehensive Plan and development codes (as does the preliminary development plan discussed with the City by the applicant), including the following:

- Recognition of the opportunities and constraints posed by the natural environment; protection of the unique resources of the area; and the assurance that the future development will not result in adverse impacts on the natural environment.
- Conformity to the regulations for riparian zones and flood plains that minimize or prevent loss of riparian vegetation and conflicting development.
- Protection of the site's sensitive environmental features: wetlands and riparian lands.
- Working with the City and any other applicable agencies to establish nature trails.
- Future development of the site will assure environmentally friendly development and redevelopment since the final project proposal must demonstrate that the plans are able to successfully coordinate with the City's special studies relating to transportation, recreation (e.g., trails, parks and open space), riparian protection, and habitat management.
- Protection of fish and wildlife habitat along stream corridors by managing the riparian habitat and controlling erosion, and the retention of standing trees and natural vegetation along the natural drainage course and waterway associated with Oak Creek.
- Provision of a designated greenway along Oak Creek to protect natural vegetation and water resource values and a public pedestrian/bicycle access where physically practical.
- Protect of the designated riparian areas along Oak Creek through the implementation and enforcement of the Riparian Protection Zone (Lebanon Municipal Code chapter 17.27).
- Restriction of development near Oak Creek so that it will not require channelization, excessive removal of stream side vegetation, or alteration of stream banks and the filling of the stream channel along this section of Oak Creek.
- Protection of Oak Creek's in-channel vegetation (i.e., the bank vegetation between the water's edge and the topographic break at the level of the surrounding terrain) through the conformity to the existing development standards and the City's project review procedures.
- Protection of the natural wetlands and Oak Creek on this site and the maintenance of the existing surface water drainage patterns and thus the maintenance of the water quality benefits derived from such natural water bodies.
- Preservation of the significant areas of natural vegetation on this site to the maximum extent

possible (implemented through the City's planning review process).

Criteria 5.3

2004 Lebanon Comprehensive Plan (LCP) Criteria – Chapter 2 – Natural Environment

5.3 Natural Hazard Policies 6, 7, 8, 9, 10, 11

Finding # 15:

The proposed annexation complies with the above noted criteria in that the annexation of this property brings it under the jurisdiction and protection of the City, and thus any subsequent development must conform to polices and goals of the Comprehensive Plan and development codes (as does the preliminary development plan discussed with the City by the applicant), including the following:

- Any proposed development within the identified flood zone along Oak Creek on this site shall conform to the standards of the Federal Emergency Management Agency's National Flood Insurance Program.
- Any proposed development on land designated as a flood plain along Oak Creek on this site shall conform fully with development standards consistent with the Federal Emergency Management Agency (FEMA) regulations to minimize impacts on the flood flows and flood levels to allow for construction of safe structures that comply with FEMA and state standards for areas that are affected by flooding.
- Any proposed development within the Oak Creek floodway on this site shall conform to applicable Municipal, County, State, and Federal requirements so as to not significantly alter the patterns of flood water flows.
- Any proposed development on this site shall conform to any applicable Federal Emergency Management Agency (FEMA) National Flood Insurance Program regulations.
- Any proposed development on this site shall contribute to the mitigation of flooding in this area and to prevent increasing the flood hazard in other areas.
- Any proposed development on this site shall contribute to the City's acquisition of open space and access along the Oak Creek drainage way as both a part of the City's flood mitigation efforts and Open Space program.

Criteria 6.0

2004 LCP Criteria – Chapter 4 – Land Use: Goal G-4, and Policies P-7, 44, and 45

Finding # 16:

The proposed annexation complies with the above noted criteria in that the annexation of this property brings it under the jurisdiction and protection of the City, and thus any subsequent development must conform to polices and goals of the Comprehensive Plan and development codes (as does the preliminary development plan discussed with the City by the applicant), including the following considerations:

- The Requirement that land development proposals be consistent with the City's Comprehensive Plan, Development Code, Municipal Code, Facility Plans, and all adopted standards and enforcement codes of the City. The burden of proof regarding demonstration of compliance with the applicable standards, plans and codes lies with the applicant. Acknowledgement during the

site review and approval process that portions of some sites may be constrained (e.g., flood-prone areas, drainage courses and wetlands) and thus unable to support the development of structures. These constrained areas may be maintained in their current status as open areas and thereby enhance the urban environment.

- Support and encourage the management of the City's waterways and drainage courses as community greenways preserving and enhancing (policy decision) their vegetation and drainage function while creating a system of natural corridors throughout the community.

Although the annexation of this property does NOT include a development proposal at this time, the applicant has discussed preliminary development plans with the City. The applicant has shown both a willingness and creativity in crafting a development proposal that is compatible with the community's natural environment and that meets established needs and plans for enhanced recreation facilities in a natural setting. Furthermore, the applicant has shown a willingness to comply with all the above enumerated applicable standards when a development proposal is submitted at a later date.

Criteria 7.0

2004 LCP Criteria – Chapter 4 – Public Facilities and Services Polices P-2, and 60

Finding # 17:

The proposed annexation complies with the above noted criteria in that the annexation of this property brings it under the jurisdiction and protection of the City, and thus any subsequent development must conform to polices and goals of the Comprehensive Plan and development codes (as does the preliminary development plan discussed with the City by the applicant), including the following considerations:

- Maintain directives and technical standards for the extension of services as identified in the various original or updated infrastructure master plans and studies, such as the Wastewater Facility Study Master Plan, the Water Facility Study, Storm Drainage Master Plan, and the Transportation System Plan (TSP). Although the annexation of this property does NOT include a development proposal at this time, the applicant has discussed preliminary development plans with the City. The applicant has shown a willingness to comply with all the above enumerated applicable standards when a development proposal is submitted at a later date.
- Require that wherever possible, open drainage courses that can function as linear greenways be preserved as open space in order to maximize drainage capacity. Although the annexation of this property does NOT include a development proposal at this time, the applicant has discussed preliminary development plans with the City. The applicant has shown both a willingness and creativity in crafting a development proposal that is compatible with the community's natural environment and that meets established needs and plans for using the existing drainage patterns, and wetlands bordering Oak creek on this site to function as both a linear greenway, thus preserving it as open space and maximizing its drainage capacity.

PACIFIC EMPIRE CONSTRUCTION – STOLTZ HILL ROAD**PLANNING COMMISSION STAFF REPORT****for November 16, 2005****ANNEXATION REQUEST**

NATURE OF REQUEST: Annexation of an approximately 26.92 acre territory comprised of one tax lot.
APPLICANT: Pacific Empire Construction
PROPERTY LOCATION: Located at 2925 Stoltz Hill Road, about .5 miles south of Airport Road of the Mountain River Drive bridge intersection and east of Fuller Lane.
ASSESSOR'S MAP AND TAX LOT #s: Assessor's Map 12S-2W-22B, Tax Lot 300.
ZONE DESIGNATION: Residential Mixed Density (RM) [Z-RM] upon annexation
COMPREHENSIVE PLAN DESIGNATION: Residential Mixed Density (C-RM)

STAFF REPORT TABLE OF CONTENTS

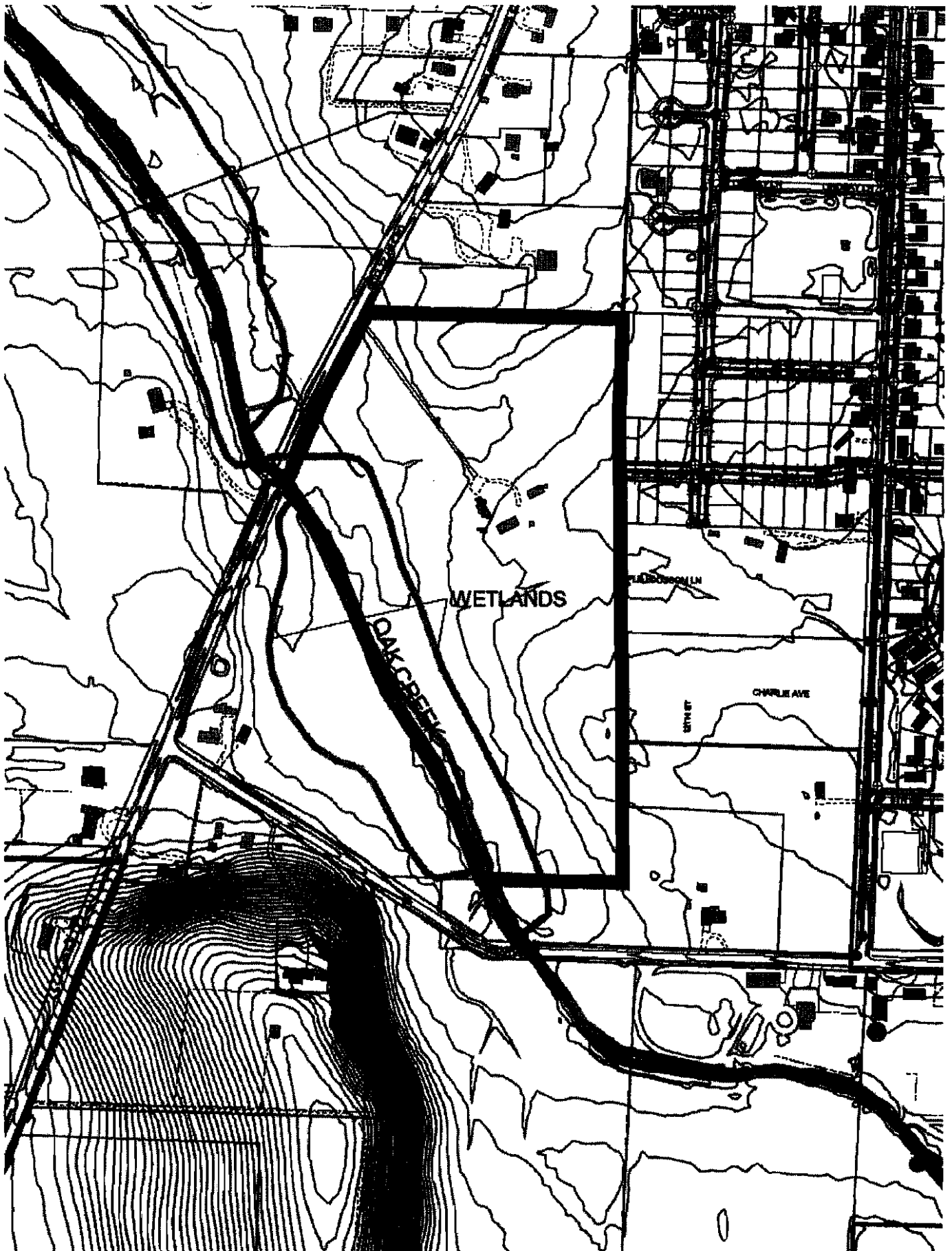
	Page
• Nature of Request, Applicant, Property Location, Assessor's Map and Tax Lot #s, Zone and Comp Plan Designations	1
• Introduction	1
• Site Maps	2
• Annexation Map	5
• Site Description	6
• Planning and Zoning Considerations	6
• Relevant Criteria	9
• Staff Comments	12
• Staff Recommendation & Proposed Findings	15
• Annexation Zoning Matrix	23
• ANNEXATIONS ARE NOT ZONING MAP AMENDMENTS – A City of Lebanon Community Development Memorandum dated February 2005	24
• EXHIBITS	25

INTRODUCTION

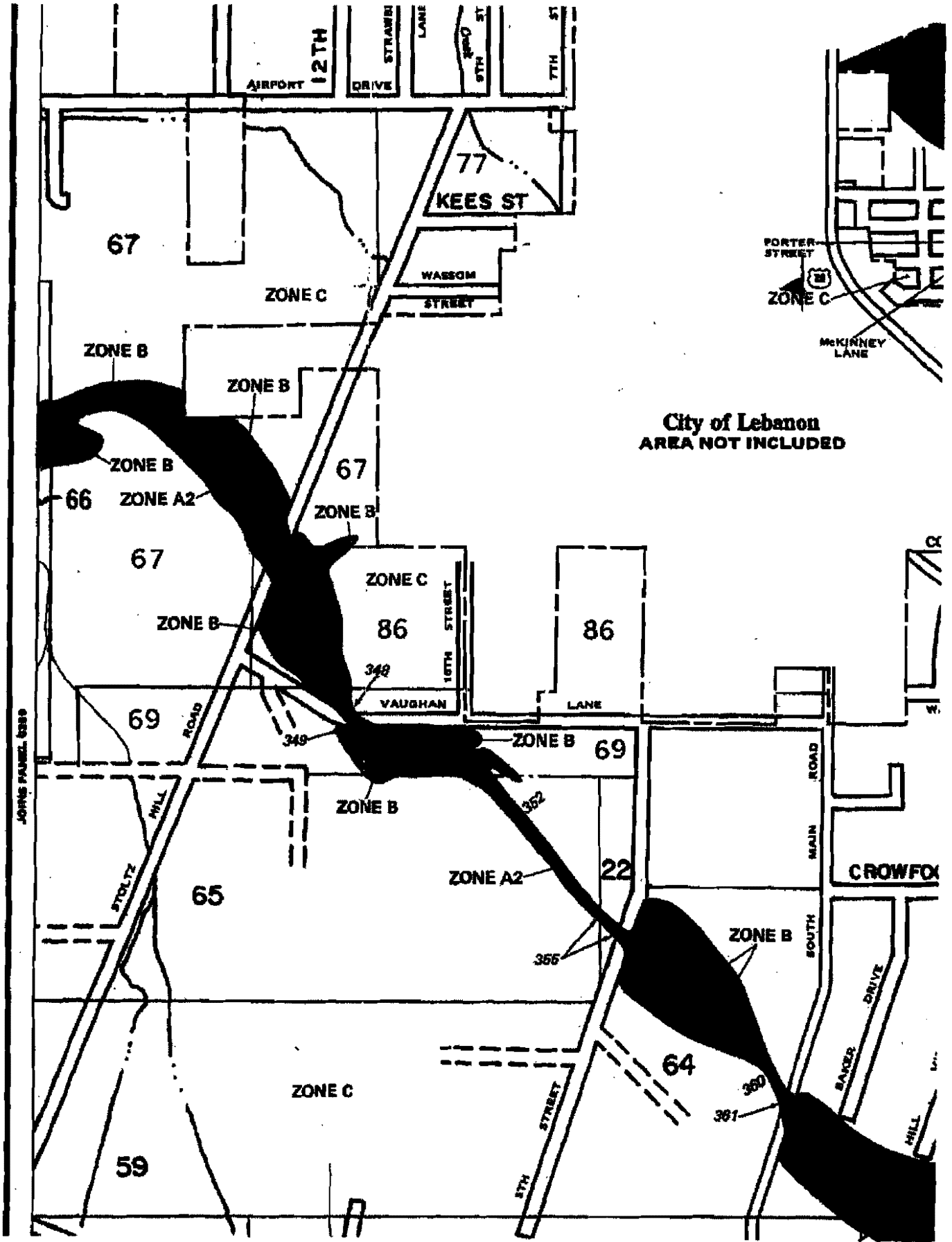
The applicant is requesting annexation of an approximately a 26.92 acre territory that is comprised of one tax lot. The territory is located on the east side of Stoltz Hill Road, east of where Oak Creek crosses Stoltz Hill Road. It is within the City's urban growth boundary and is contiguous with the City limits to the east. The Comprehensive Plan Map identifies the designation of the subject property as Residential Mixed Density Residential (C-RM) that assigns Residential Mixed Density Residential (Z-RM) zoning upon annexation. A Residential Mixed Density Residential (Z-RM) zoning designation is being requested upon annexation. This zoning designation is consistent with the City's Comprehensive Plan. No change in zoning designation is being requested.

The applicant has submitted a Narrative Statement (Exhibit A).

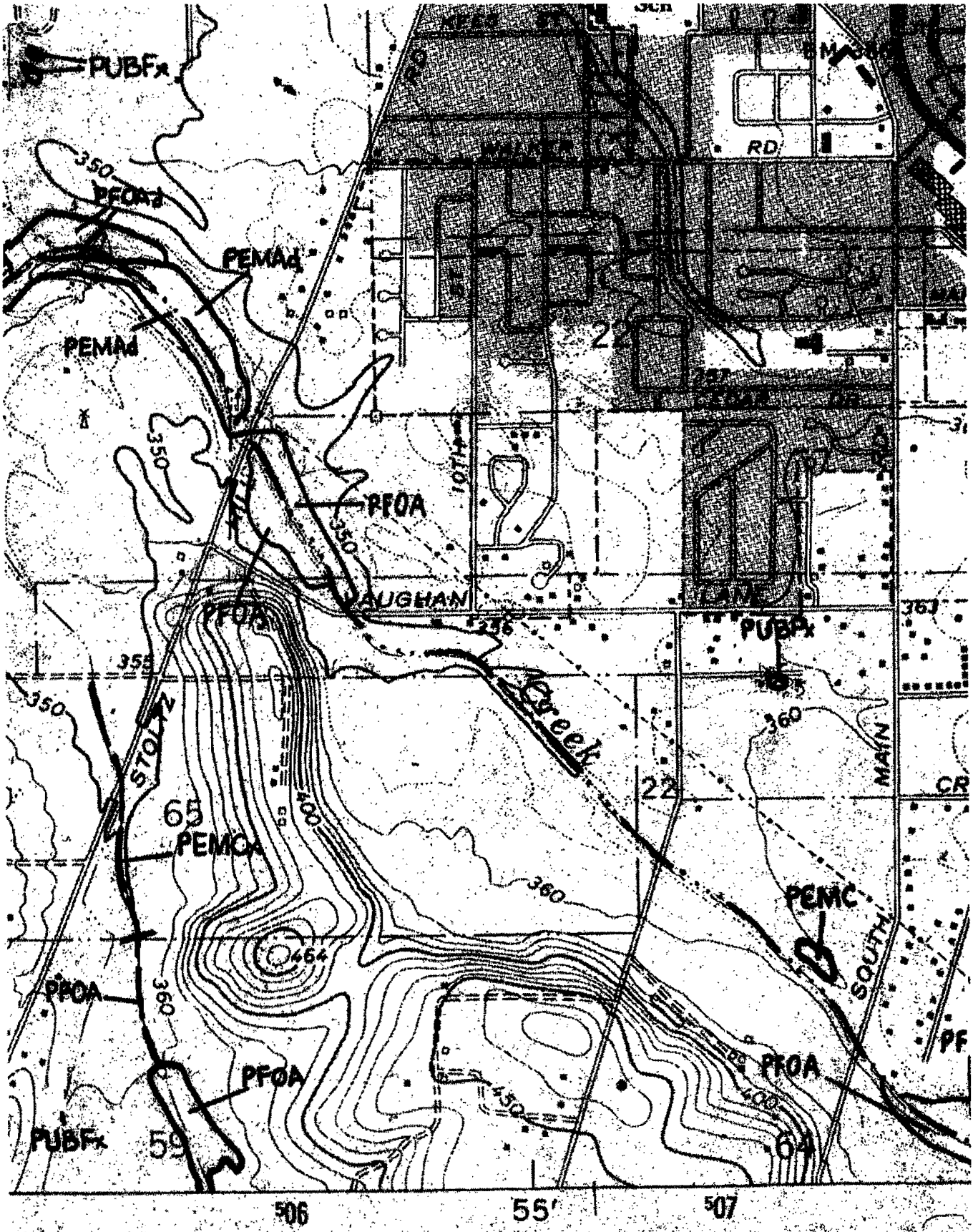
LAND COVER MAP



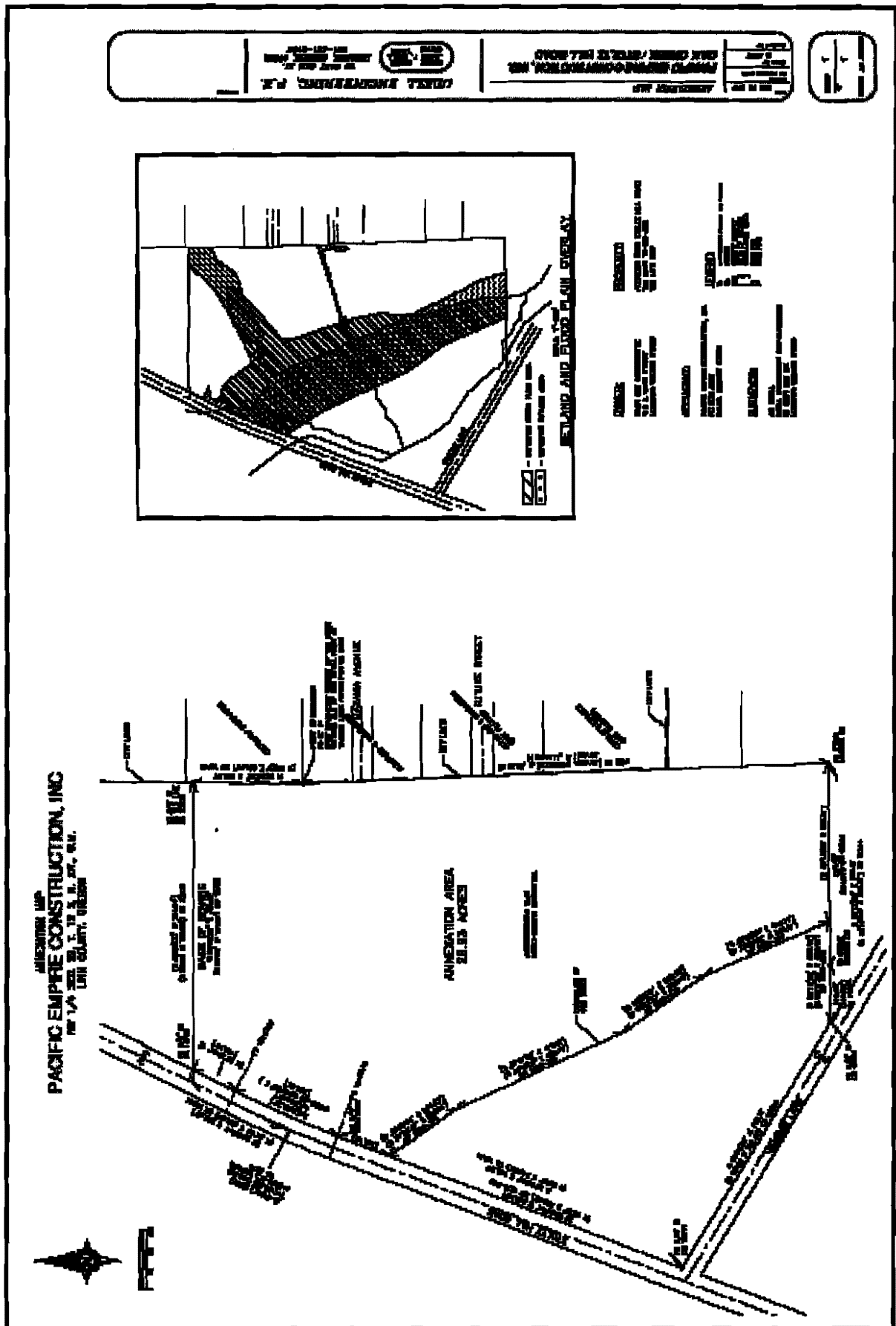
FEMA Flood Plain Map



Wetlands (NWI) Map



Annexation Map



SITE DESCRIPTION

The annexation territory is composed of one tax lot. It is located in the southwestern portion of the City's urban growth area. It contains two single-family dwellings and three general purpose sheds. The property has approximately 500 feet of frontage on Stoltz Hill Road. Oak Creek forms the western/southwestern boundary of the property. This portion of the property contains approximately 12.4 acres of wetlands and floodplain that are constrained lands not readily available for development. The balance of the property, after a sloped area leading from Oak Creek, is relatively flat and available for urban development.

The annexation territory is bordered by land designated for mixed density residential development to the northeast and east. A small portion of the property borders land designated for light industrial use to the west, across Stoltz Hill Road.

The annexation territory is bordered by residential uses to the north, east, south and northwest. It is bordered by vacant and agricultural land to the west and southwest, across Stoltz Hill Road.

PLANNING AND ZONING CONSIDERATIONS

1. The Comprehensive Plan Map identifies the designation of the subject property as Residential Mixed Density Residential (RM) that assigns Residential Mixed Density Residential (RM) zoning upon annexation.

The following contain the factors and conditions that the City considers in evaluating an annexation request: (1) **2003 ANNEXATION ORDINANCE** (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); (2) **2004 LEBANON COMPREHENSIVE PLAN**: (i) **Chapter 2 Natural Environment** Natural Resource Goals G-4, G-7, G-10, G-14, G-18; Policies P-5 thru 10, P-13, P-19; Natural Hazard Policies P-6 thru 11; (ii) **Chapter 3 Urbanization** Policies P-13 & 14, P-19 thru 27; (iii) **Chapter 4 Land Use** Goal G-4; Policies P-7, P- 44 & 45; (iv) **Chapter 9 Public Facilities** General Policies P-2, P-60; (3) **1980 LEBANON ZONING ORDINANCE** Section 3.050 – Zoning of Annexed Areas.

2. Lebanon Zoning Ordinance Section 4.020 lists the development opportunities, standards and requirements for the Residential Mixed Density Residential (RM) zone.

BASIC RELEVANT ANNEXATION 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 – Provisions of the Annexation Ordinance Sections:**

- 1.1 **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.

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

- 1.3 **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.

- 1.4 **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).

- 1.5 **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.
- 1.6 **Section 7:** Development proposals are NOT REQUIRED for annexation requests.
- 1.7 **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.
- 1.8 **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.
- 1.9 **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.
- 1.10 **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.
- 1.11 **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.
- 1.12 **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.
- 1.13 **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.
- 1.14 **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.

2.0 2004 Lebanon Comprehensive Plan (LCP) Criteria – Chapter 3: Urbanization – Annexation Policies -- The City shall:

- 2.1 P-19:** Recognize and act on the basis that 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 (*UGMA*), and shall be consistent with applicable State law.
- 2.2 P-20:** Recognize and act on the basis that all annexations shall be consistent with the goals and policies of the Lebanon Comprehensive Plan.
- 2.3 P-21:** Recognize and act on the basis that all lands included within the Urban Growth Boundary are eligible for annexation and urban development. (Areas within the Urban Growth Boundary (UGB) with designated environmental constraints may be annexed and utilized as functional wetlands, parks, open space and related uses.)
- 2.4 P-22:** Only annex land that is contiguous to the existing City limits and is within the City's Urban Growth Boundary (UGB).
- 2.5 P-23:** Deem an annexation orderly if the annexation territory is contiguous to the existing City Limits, and deem an annexation 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).
- 2.6 P-24:** Recognize and act on the basis that development proposals are NOT REQUIRED for annexation requests.
- 2.7 P-25:** Consider as part of the annexation process of developed property or properties, 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.
- 2.8 P-26:** Consider as part of the annexation process of developed property or properties, the impacts on the capacities of key City-provided urban utility services needed to satisfy the anticipated demands of the properties discussed in P-25 above.
- 2.9 P-27:** Expand the City Limits as necessary to accommodate development, including housing, commercial, industrial, and services (that will in turn accommodate population growth).

3.0 2004 Lebanon Comprehensive Plan (LCP) Criteria, Chapter 3: Urbanization – Flexible Growth Program Policies – The City shall:

- 3.1 P-13:** Recognize and act on the basis that all lands included within the Urban Growth Boundary are suitable for urban development except for those areas with identified environmental constraints. Nevertheless, those areas with environmental constraints may be utilized as functional wetlands, parks, open space and related uses.
- 3.2 P-14:** Implement and administer land development policies and requirements that are both orderly and efficient, as well as flexible so as to be responsive to site specific conditions and circumstances.

- 4.0 1980 Zoning Ordinance Criteria – 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.*

SITE SPECIFIC RELEVANT ANNEXATION CRITERIA

5.0 2004 Lebanon Comprehensive Plan (LCP) Criteria – Chapter 2 – Natural Environment

5.1 The City's Natural Resource Goals include the following:

- G-4:** Recognizing the opportunities and constraints posed by the natural environment; to protect the unique resources of the area; and to ensure that future development will not result in adverse impacts on the natural environment.
- G-7:** Developing and implementing regulations for riparian zones and flood plains that minimize or prevent loss of riparian vegetation and conflicting development.
- G-10:** Protecting sensitive environmental features such as steep slopes, wetlands, and riparian lands.
- G-14:** Working with federal, state, and county agencies to establish nature trails and river access.
- G-18:** Creating Special Planning overlay zones for natural areas of community importance that assure environmentally friendly development and redevelopment by requiring project proposals to demonstrate that plans are able to successfully coordinate with the City's special studies that pertain to such areas relating to transportation, recreation, riparian protection, habitat management, and so on.

5.2 The City's Natural Resource Policies include the following – [*The City shall:*]

- P-5:** Protect fish and wildlife habitat along stream corridors by managing the riparian habitat and controlling erosion, and by requiring that areas of standing trees and natural vegetation along natural drainage courses and waterways be maintained to the maximum extent possible.
- P-6:** Use designated greenways along select water courses to protect natural vegetation and water resource values and provide public pedestrian/bicycle access where physically practical.
- P-7:** Protect designated riparian areas in the UGB through the implementation and enforcement of the Riparian Protection Zone (Lebanon Municipal Code chapter 17.27).
- P-8:** Restrict development of land that requires channelization, excessive removal of stream side vegetation, alteration of stream banks and filling of stream channels.
- P-9:** Protect in-channel vegetation (i.e., the bank vegetation between the water's edge and the topographic break at the level of the surrounding terrain) through the implementation of existing development standards and the City's project review procedures.
- P-10:** Protect natural ponds, sloughs, wetlands, rivers, and streams (including intermittent ones) to maintain existing surface water drainage patterns and to maintain the water quality benefits derived from such natural water bodies.
- P-13:** Require that development on slopes in excess of 15 percent maintain the maximum vegetative cover per the City's development code to protect soils and mitigate erosion and land-slippage problems.
- P-19:** Preserve significant areas of natural vegetation to the maximum extent possible through the planning review process.

5.3 The City's Natural Hazard Policies include the following – [The City shall:]

- P-6:** Require that development within identified flood zone areas conform to the standards of the Federal Emergency Management Agency's National Flood Insurance Program.
- P-7:** Require that if development is proposed on land designated as flood plain, development standards will be implemented consistent with the Federal Emergency Management Agency (FEMA) regulations to minimize impacts on the flood flows and flood levels to allow for construction of safe structures that comply with FEMA and state standards for areas that are affected by flooding.
- P-8:** Regulate development within floodways according to applicable Municipal, County, State, and Federal requirements so as to not significantly alter the patterns of flood water flows.
- P-9:** Continue participation in the Federal Emergency Management Agency (FEMA) National Flood Insurance Program in order to help make the community a safer place to live and to lower residents' insurance premiums.
- P-10:** Regulate development in flood-prone areas of the community to mitigate the problem of flooding and to prevent an increased flood hazard in other areas.
- P-11:** When possible, continue acquiring open space areas and access easements along the Santiam River and on Oak and Burkhart Creek drainage ways as both a part of the City's flood mitigation efforts and Open Space program.

6.0 2004 Lebanon Comprehensive Plan (LCP) Criteria – Chapter 4 Land Use

6.1 The City's Land Use Goals include the following:

- G-4:** Promoting and encouraging planned development methods for special lands that display the following characteristics: property of large sizes or those that are well situated in relation to the street and traffic circulation network; properties that have natural features that limit development potential; and properties that involve significant natural or cultural resources, particularly active or passive recreational opportunities.

6.2 The City's Land Use Policies include the following – [The City shall:]

- P-7:** Require that land development proposals be consistent with the City's Comprehensive Plan, Development Code, Municipal Code, Facility Plans, and all adopted standards and enforcement codes of the City. The burden of proof regarding demonstration of compliance with the applicable standards, plans and codes lies with the applicant.
- P-44:** Acknowledge during the site review and approval process that portions of some sites may be constrained (e.g., flood-prone areas, drainage courses and steep slopes greater than 30 percent) and thus unable to support the development of structures. These constrained areas may be maintained in their current status as open areas and thereby enhance the urban environment.
- P-45:** Support and encourage the management of the City's waterways and drainage courses as community greenways preserving and enhancing (policy decision) their vegetation and drainage function while creating a system of natural corridors throughout the community.

7.0 2004 Lebanon Comprehensive Plan (LCP) Criteria – Chapter 9 Public Facilities and Services

7.1 The City's Public Facilities and Services Policies Include the following – [The City shall:]

P-7: Maintain directives and technical standards for the extension of services as identified in the various original or updated infrastructure master plans and studies, such as the Wastewater Facility Study Master Plan, the Water Facility Study, Storm Drainage Master Plan, and the Transportation System Plan (TSP).

P-60: Require that wherever possible, open drainage courses that can function as linear greenways be preserved as open space in order to maximize drainage capacity.

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.
- B. 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.
- C. 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 south.
- D. The annexation territory can be developed for urban uses. 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 this is consistent with all applicable provisions of the Comprehensive Plan.
- E. Access to City-provided services is not sought at this time, and therefore there are no impacts at this time on the key City-provided urban utility services (i.e., water, storm drainage, sanitary sewerage, and streets).
- F. Currently the subject property does not have a City zoning designation because it is not within the City limits. However, since the property is within the City's Urban Growth Boundary, the current Comprehensive Plan designation on the subject property is Residential Mixed Density (C-RM). The corresponding City zoning designation for a Comprehensive Plan designation of Residential Mixed Density (C-RM) is Residential Mixed Density (Z-RM). The applicant is requesting a Residential Mixed Density (Z-RM) zoning designation for the subject property. Therefore, a City zoning designation of Residential Mixed Density (Z-RM) can automatically be assigned at this time without a separate hearing. **This action is NOT a zoning map amendment.**
- G. This annexation is an implementation of the Annexation Policies contained in the City's 2004 Comprehensive Plan, the Lebanon/Linn County Urban Growth Management Agreement, and the City's Annexation Ordinance.
- H. The annexation of this property does NOT include a new development proposal or a rezoning application. However, the applicant has discussed preliminary development plans with the City. The applicant has shown both a willingness and creativity in crafting a development proposal that is compatible with the community's natural environment and that meets established needs and plans for enhanced recreation facilities (i.e., multi-use trail/path) in a natural setting.
- I. The annexation of this property brings it under the jurisdiction and protection of the City, and thus any subsequent development must conform to policies and goals of the Comprehensive Plan and development codes, including the following considerations [see LCP Natural Resource Goals 4, 7, 10, 14 18; Natural Resource Policies 5, 6, 7, 8, 9, 10, 13, 19; Natural Hazard Policies 6, 7, 8, 9, 10, 11; Land Use Goal 4 and Policies 7, 44, and 45; and, Public Facilities and Services Policies P-2, and 60]:
 - Recognition of the opportunities and constraints posed by the natural environment; protection of the unique resources of the area; and the assurance that the future development will not result in adverse impacts on the natural environment.

- Conformity to the regulations for riparian zones and flood plains that minimize or prevent loss of riparian vegetation and conflicting development.
- Protection of the site's sensitive environmental features: wetlands and riparian lands.
- Working with the City and any other applicable agencies to establish nature trails.
- Future development of the site will assure environmentally friendly development and redevelopment since the final project proposal must demonstrate that the plans are able to successfully coordinate with the City's special studies relating to transportation, recreation (e.g., trails, parks and open space), riparian protection, and habitat management.
- Protection of fish and wildlife habitat along stream corridors by managing the riparian habitat and controlling erosion, and the retention of standing trees and natural vegetation along the natural drainage course and waterway associated with Oak Creek.
- Provision of a designated greenway along Oak Creek to protect natural vegetation and water resource values and a public pedestrian/bicycle access where physically practical.
- Protect of the designated riparian areas along Oak Creek through the implementation and enforcement of the Riparian Protection Zone (Lebanon Municipal Code chapter 17.27).
- Restriction of the development so that it will not require channelization, excessive removal of stream side vegetation, or alteration of stream banks and the filling of the stream channel along this section of Oak Creek.
- Protection of Oak Creek's in-channel vegetation (i.e., the bank vegetation between the water's edge and the topographic break at the level of the surrounding terrain) through the conformity to the existing development standards and the City's project review procedures.
- Protection of the natural wetlands and Oak Creek on this site and the maintenance of the existing surface water drainage patterns and thus the maintenance of the water quality benefits derived from such natural water bodies.
- Preservation of the significant areas of natural vegetation on this site to the maximum extent possible (implemented through the City's planning review process). Any proposed development within the identified flood zone along Oak Creek on this site shall conform to the standards of the Federal Emergency Management Agency's National Flood Insurance Program.
- Any proposed development on land designated as a flood plain along Oak Creek on this site shall conform fully with development standards consistent with the Federal Emergency Management Agency (FEMA) regulations to minimize impacts on the flood flows and flood levels to allow for construction of safe structures that comply with FEMA and state standards for areas that are affected by flooding.
- Any proposed development within the Oak Creek floodway on this site shall conform to applicable Municipal, County, State, and Federal requirements so as to not significantly alter the patterns of flood water flows.
- Any proposed development on this site shall conform to any applicable Federal Emergency Management Agency (FEMA) National Flood Insurance Program regulations.
- Any proposed development on this site shall contribute to the mitigation of flooding in this area and to prevent increasing the flood hazard in other areas.
- Any proposed development on this site shall contribute to the City's acquisition of open space and access along the Oak Creek drainage way as both a part of the City's flood mitigation efforts and Open Space program.

- Although the annexation of this property does NOT include a development proposal at this time, the applicant has discussed preliminary development plans with the City. The applicant has shown both a willingness and creativity in crafting a development proposal that meets the below enumerated criteria and is compatible with the community's natural environment and that meets established needs and plans for enhanced recreation facilities in a natural setting.
 - The Requirement that land development proposals be consistent with the City's Comprehensive Plan, Development Code, Municipal Code, Facility Plans, and all adopted standards and enforcement codes of the City. The burden of proof regarding demonstration of compliance with the applicable standards, plans and codes lies with the applicant.
 - Acknowledgement during the site review and approval process that portions of some sites may be constrained (e.g., flood-prone areas, drainage courses and steep slopes greater than 30 percent) and thus unable to support the development of structures. These constrained areas may be maintained in their current status as open areas and thereby enhance the urban environment.
 - Support and encourage the management of the City's waterways and drainage courses as community greenways preserving and enhancing (policy decision) their vegetation and drainage function while creating a system of natural corridors throughout the community.
 - Maintain directives and technical standards for the extension of services as identified in the various original or updated infrastructure master plans and studies, such as the Wastewater Facility Study Master Plan, the Water Facility Study, Storm Drainage Master Plan, and the Transportation System Plan (TSP).
 - Require that wherever possible, open drainage courses that can function as linear greenways be preserved as open space in order to maximize drainage capacity.

2. Current Status of Infrastructure (Engineering Comments):

- A. The proposed annexation site occupies a portion of the West Side Interceptor future alignment. The developer will be required to construct this segment of the West Side Interceptor with the development project. At time of this application staff has also determined that an interim system pumping station and force main conveying flows to 12th and Kees is the acceptable method of serving this site. Tools such as, cost recovery, wastewater system development credits and funds would likely be available to help the developer fund the oversize portions of the necessary wastewater facilities.
- B. An existing 8 inch water distribution line is located adjacent to the site in Mazama Ave. This main could likely be utilized to provide domestic water and fire protection for future development. At time of development proposal it will be determined what fire flow and domestic demands are and how those demands can best be served.
- C. Stolts Hill, a county road, borders the property on the west and has been previously constructed to a county standard with storm drainage available in the roadway ditches. This road with improvements could be utilized to provide transportation access for future development. At time of development proposal it will be determined what the traffic and storm drainage demands are and how those demands can best be served.
- D. In addition to infrastructure improvement costs, future development will have expenses associated with it such as service lines, meters, plumbing permit fees, and system development charges.
- E. All permits, fees and processes are detailed in the City's site Development guide.
- F. The application shows 54 feet of right of way for streets the city requests two more feet to accommodate 5 foot planter strips.

RECOMMENDATION

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

PROPOSED FINDINGS

PART ONE – FINDINGS THAT ADDRESS BASIC RELEVANT ANNEXATION CRITERIA

Criteria 1.1 and 2.1

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.

2004 LCP Chapter 3 (Urbanization) – Annexation Policy #P-191: [The City shall] Recognize and act on the basis that 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 (UGMA), and shall be consistent with applicable State law.

Finding # 1:

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 and 2.2

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

2004 LCP Chapter 3 (Urbanization) – Annexation Policy #P-20: [The City shall] Recognize and act on the basis that all annexations shall be consistent with the goals and policies of the Lebanon Comprehensive Plan.

Finding # 2:

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 1.3, 2.3, and 3.1

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 3 (Urbanization) – Annexation Policy #P-21: [The City shall] Recognize and act on the basis that all lands included within the Urban Growth Boundary are eligible for annexation and urban development. (Areas within the Urban Growth Boundary (UGB) with designated environmental constraints may be annexed and utilized as functional wetlands, parks, open space and related uses.)

2004 LCP Chapter 3 (Urbanization) – Flexible Growth Program Policy #P-13: [The City shall] Recognize and act on the basis that all lands included within the Urban Growth Boundary are suitable for urban development except for those areas with identified environmental constraints. Nevertheless, those areas with environmental constraints may be utilized as functional wetlands, parks, open space and related uses.

Finding # 3:

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 1.4 and 2.4

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).*

2004 LCP Chapter 3 (Urbanization) – Annexation Policy #P-22: *[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 # 4:

The proposed annexation complies with Annexation Ordinance Section 5 and LCP Annexation Policy #P-22 in that the annexation territory is both contiguous to the existing City limits and within the City's Urban Growth Boundary, and is therefore eligible for annexation and urban development. The annexation territory is contiguous to the existing City Limits on the south.

Criteria 1.5, 1.13, 1.14, and 2.5

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 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.*

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.*

2004 LCP Chapter 3 (Urbanization) – Annexation Policy #P-23: *[The City shall] Deem an annexation orderly if the annexation territory is contiguous to the existing City Limits, and deem an annexation 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).*

Finding # 5:

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 an urban use. This territory can be developed according to the provisions of Lebanon Zoning Ordinance Section 4.020 lists the development opportunities, standards and requirements for the Residential Mixed Density (RM) zone, and this is consistent with all applicable provisions of the Comprehensive Plan. (3) Although not part of this annexation request, the applicant has discussed with the City preliminary development plans that will dedicate part or all of the NWI identified wetlands along Oak Creek to the City for open space, trail development (as set forth in the City's Parks Master Plan), and the maintenance of the historic flood mitigation and drainage functions lands bordering the Creek.

Criteria 1.6 and 2.6

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

2004 LCP Chapter 3 (Urbanization) – Annexation Policy #P-24: *[The City shall] Recognize and act on the basis that development proposals are NOT REQUIRED for annexation requests.*

Finding # 6:

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

Criteria 1.7 and 2.7

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.*

2004 LCP Chapter 3 (Urbanization) – Annexation Policy #P-25: *[The City shall] Consider as part of the annexation process of developed property or properties, 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.*

Finding # 7:

The proposed annexation complies with the above noted criteria in that this property currently has two manufactured with adequate services from both an on-site septic system and well. Access to City-provided services is not sought at this time, and therefore there are no anticipated needs at this time on the key City-provided urban utility services (i.e., are water, storm drainage, sanitary sewerage, and streets). However, all City services can be made available to the territory.

- **Sanitary Sewer:** The proposed annexation site occupies a portion of the West Side Interceptor future alignment. The developer will be required to construct this segment of the West Side Interceptor with the development project. At time of this application staff has also determined that an interim system pumping station and force main conveying flows to 12th and Kees is the acceptable method of serving this site.
- **Water:** An existing 8 inch water distribution line is located adjacent to the site in Mazama Ave. This main could likely be utilized to provide domestic water and fire protection for future development. At time of development proposal it will be determined what fire flow and domestic demands are and how those demands can best be served.
- **Storm Drainage:** Stolts Hill, a county road, borders the property on the west and has been previously constructed to a county standard with storm drainage available in the roadway ditches. At time of development proposal it will be determined what the storm drainage demands are and how those demands can best be served.
- **Streets:** Stolts Hill Road with improvements could be utilized to provide transportation access for future development. At time of development proposal it will be determined what the traffic demands are and how those demands can best be served.

Criteria 1.8 and 2.8

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.*

2004 LCP Chapter 3 (Urbanization) – Annexation Policy # P-26: *[The City shall] Consider as part of the annexation process of developed property or properties, the impacts on the capacities of key City-provided urban utility services needed to satisfy the anticipated demands of the properties discussed in P-25 above.*

Finding #8:

The proposed annexation complies with the above noted criteria in that this property currently has two manufactured with adequate services from both an on-site septic system and well. Access to City-provided services is not sought at this time, and therefore there are no anticipated needs at this time on the key City-provided urban utility services (i.e., are water, storm drainage, sanitary sewerage, and streets). However, all City services can be made available to the territory. (See **Finding # 7** for further details.)

Criterion 1.9

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 # 9:

The proposed annexation complies with Annexation Ordinance Section 10 in that any additional necessary right-of-way issues will be addressed when this property develops. **Although not part of this annexation request, the applicant has discussed with the City preliminary development plans that will dedicate trail access from a proposed new street that will connect with the trail that is to be developed along the Creek.**

Criteria 1.10, 1.11, and 4.0

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 # 10:

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 designation on the subject property is Residential Mixed Density Residential (C-RM). The corresponding City zoning designation for a Comprehensive Plan designation of Residential Mixed Density Residential (RM) is Residential Mixed Density Residential (Z-RM). The applicant is requesting a Residential Mixed Density Residential (Z-RM) zoning designation for the subject property. Therefore, a City zoning designation of Residential Mixed Density Residential (Z-RM) can automatically be assigned at this time, without a separate hearing. This action is NOT a zoning map amendment.

Criterion 1.14

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.*

Finding # 11:

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

Criterion 2.9

2004 LCP Chapter 3 (Urbanization) – Annexation Policy # P-27: *[The City shall] Expand the City Limits as necessary to accommodate development, including housing, commercial, industrial, and services (that will in turn accommodate population growth).*

Finding # 12:

The proposed annexation complies with the above noted criterion in that the annexation of this property is indeed necessary to accommodate development, specifically residential and open space additions to the City as discussed above in Findings 5 and 9. It is anticipated that the development proposals by the applicant will be submitted immediately following approval of this annexation request. It is reasonable to conclude that the major economic development activity in the community in recent months can be anticipated to generate population growth as many new jobs are created in the relatively near future. Accordingly, housing development opportunities and open spaces, trails, and related amenities, will be in demand in the community. This annexation (i.e., expansion of the City limits) is therefore necessary to accommodate such development.

Criterion 3.2

2004 LCP Chapter 3 (Urbanization) – Flexible Growth Program Policy P-14: *[The City shall] Implement and administer land development policies and requirements that are both orderly and efficient, as well as flexible so as to be responsive to site specific conditions and circumstances.*

Finding # 13:

The proposed annexation complies with the above noted criterion in that the annexation of this property is resulting in flexible and creative development proposals (to be submitted upon approval of this annexation request) that are responsive to the site specific conditions and circumstances that will promote the orderly and efficient extension of community services: (1) protection of wetlands and the riparian corridor along Oak Creek and thus the maintenance of their historic flood mitigation and drainage functions; (2) the likely dedication of the above noted NWI identified wetlands along Oak Creek also helps meet the community's needs for open space and recreation via trail development, as set forth in the City's Parks Master Plan; and, (3) the sanitary pump station to be developed to serve the proposed subdivision will have the capacity to serve a much wider area, thus helping the City resolve system constraints and thereby opening up additional lands for residential development. In addition the subsequent development of this property provides needed housing.

PART TWO – FINDINGS THAT ADDRESS SITE SPECIFIC RELEVANT ANNEXATION CRITERIA

Criteria 5.1 and 5.2

2004 Lebanon Comprehensive Plan (LCP) Criteria – Chapter 2 – Natural Environment

5.1 Natural Resource Goals 4, 7, 10, 14 18

5.2 Natural Resource Policies 5, 6, 7, 8, 9, 10, 13, 19

Finding # 14:

The proposed annexation complies with the above noted criteria in that the annexation of this property brings it under the jurisdiction and protection of the City, and thus any subsequent development must conform to policies and goals of the Comprehensive Plan and development codes (as does the preliminary development plan discussed with the City by the applicant), including the following:

- Recognition of the opportunities and constraints posed by the natural environment; protection of the unique resources of the area; and the assurance that the future development will not result in adverse impacts on the natural environment.
- Conformity to the regulations for riparian zones and flood plains that minimize or prevent loss of riparian vegetation and conflicting development.
- Protection of the site's sensitive environmental features: wetlands and riparian lands.
- Working with the City and any other applicable agencies to establish nature trails.
- Future development of the site will assure environmentally friendly development and redevelopment since the final project proposal must demonstrate that the plans are able to successfully coordinate with the City's special studies relating to transportation, recreation (e.g., trails, parks and open space), riparian protection, and habitat management.
- Protection of fish and wildlife habitat along stream corridors by managing the riparian habitat and controlling erosion, and the retention of standing trees and natural vegetation along the natural drainage course and waterway associated with Oak Creek.
- Provision of a designated greenway along Oak Creek to protect natural vegetation and water resource values and a public pedestrian/bicycle access where physically practical.
- Protect of the designated riparian areas along Oak Creek through the implementation and enforcement of the Riparian Protection Zone (Lebanon Municipal Code chapter 17.27).
- Restriction of development near Oak Creek so that it will not require channelization, excessive removal of stream side vegetation, or alteration of stream banks and the filling of the stream channel along this section of Oak Creek.
- Protection of Oak Creek's in-channel vegetation (i.e., the bank vegetation between the water's edge and the topographic break at the level of the surrounding terrain) through the conformity to the existing development standards and the City's project review procedures.
- Protection of the natural wetlands and Oak Creek on this site and the maintenance of the existing surface water drainage patterns and thus the maintenance of the water quality benefits derived from such natural water bodies.
- Preservation of the significant areas of natural vegetation on this site to the maximum extent possible (implemented through the City's planning review process).

Criteria 5.3

2004 Lebanon Comprehensive Plan (LCP) Criteria – Chapter 2 – Natural Environment

5.3 Natural Hazard Policies 6, 7, 8, 9, 10, 11

Finding # 15:

The proposed annexation complies with the above noted criteria in that the annexation of this property brings it under the jurisdiction and protection of the City, and thus any subsequent development must conform to policies and goals of the Comprehensive Plan and development codes (as does the preliminary development plan discussed with the City by the applicant), including the following:

- Any proposed development within the identified flood zone along Oak Creek on this site shall conform to the standards of the Federal Emergency Management Agency's National Flood Insurance Program.
- Any proposed development on land designated as a flood plain along Oak Creek on this site shall conform fully with development standards consistent with the Federal Emergency Management Agency (FEMA) regulations to minimize impacts on the flood flows and flood levels to allow for construction of safe structures that comply with FEMA and state standards for areas that are affected by flooding.
- Any proposed development within the Oak Creek floodway on this site shall conform to applicable Municipal, County, State, and Federal requirements so as to not significantly alter the patterns of flood water flows.
- Any proposed development on this site shall conform to any applicable Federal Emergency Management Agency (FEMA) National Flood Insurance Program regulations.
- Any proposed development on this site shall contribute to the mitigation of flooding in this area and to prevent increasing the flood hazard in other areas.
- Any proposed development on this site shall contribute to the City's acquisition of open space and access along the Oak Creek drainage way as both a part of the City's flood mitigation efforts and Open Space program.

Criteria 6.0

2004 LCP Criteria – Chapter 4 – Land Use: Goal G-4, and Polices P-7, 44, and 45

Finding # 16:

The proposed annexation complies with the above noted criteria in that the annexation of this property brings it under the jurisdiction and protection of the City, and thus any subsequent development must conform to polices and goals of the Comprehensive Plan and development codes (as does the preliminary development plan discussed with the City by the applicant), including the following considerations:

- The Requirement that land development proposals be consistent with the City's Comprehensive Plan, Development Code, Municipal Code, Facility Plans, and all adopted standards and enforcement codes of the City. The burden of proof regarding demonstration of compliance with the applicable standards, plans and codes lies with the applicant. Acknowledgement during the site review and approval process that portions of some sites may be constrained (e.g., flood-prone areas, drainage courses and wetlands) and thus unable to support the development of structures. These constrained areas may be maintained in their current status as open areas and thereby enhance the urban environment.
- Support and encourage the management of the City's waterways and drainage courses as community greenways preserving and enhancing (policy decision) their vegetation and drainage function while creating a system of natural corridors throughout the community.

Although the annexation of this property does NOT include a development proposal at this time, the applicant has discussed preliminary development plans with the City. The applicant has shown both a willingness and creativity in crafting a development proposal that that is compatible with the community's natural environment and that meets established needs and plans for enhanced recreation facilities in a natural setting. Furthermore, the applicant has shown a willingness to comply with all the above enumerated applicable standards when a development proposal is submitted at a later date.

Criteria 7.0

2004 LCP Criteria – Chapter 4 – Public Facilities and Services Polices P-2, and 60

Finding # 17:

The proposed annexation complies with the above noted criteria in that the annexation of this property brings it under the jurisdiction and protection of the City, and thus any subsequent development must conform to polices and goals of the Comprehensive Plan and development codes (as does the preliminary development plan discussed with the City by the applicant), including the following considerations:

- Maintain directives and technical standards for the extension of services as identified in the various original or updated infrastructure master plans and studies, such as the Wastewater Facility Study Master Plan, the Water Facility Study, Storm Drainage Master Plan, and the Transportation System Plan (TSP). Although the annexation of this property does NOT include a development proposal at this time, the applicant has discussed preliminary development plans with the City. The applicant has shown a willingness to comply with all the above enumerated applicable standards when a development proposal is submitted at a later date.
- Require that wherever possible, open drainage courses that can function as linear greenways be preserved as open space in order to maximize drainage capacity. Although the annexation of this property does NOT include a development proposal at this time, the applicant has discussed preliminary development plans with the City. The applicant has shown both a willingness and creativity in crafting a development proposal that that is compatible with the community's natural environment and that meets established needs and plans for using the existing drainage patterns, and wetlands bordering Oak creek on this site to function as both a linear greenway, thus preserving it as open space and maximizing its drainage capacity.

**October 2005 ANNEXATION ZONING MATRIX:
For Property Annexed into the City of Lebanon**

2004 City of Lebanon Comprehensive Plan Designations	City of Lebanon Zoning Designations (1980) [as per 2004 LCP]
Residential Low Density (C-RL)	Residential Low Density Zone (RL) [Z-RL]
Residential Mixed Density (C-RM)	Residential Mixed Density Zone (RM) [Z-RM]
	*Residential High Density Zone (RH) [Z-RH]
Mixed Use (C-MU)	Mixed Use Zone (MU) [Z-MU]
Neighborhood Mixed Use (C-NMU)	Neighborhood Mixed Use Zone [Z-NMU]
Commercial (C-CM)	**Neighborhood Commercial Zone (CN) [Z-NCM]
	*Central Business Commercial Zone (CB) [Z-CCM]
	Highway Commercial Zone (CH) [Z-HCM]
Industrial (C-IND)	Industrial Zone (ML & MG) [Z-IND]
Public Use (C-PU)	Public Use Zone [Z-PU]
Key	
* (or) Red Lettering & Yellow Shading	Based upon the Zoning Ordinance descriptions of these zones, there are no un-annexed properties in the UGB eligible to be assigned to these zone designations. (October 04, and October 05)
** (or) Blue Lettering & Blue Shading	This zone is for small neighborhood shopping clusters. Such designations would require a zone change and an Administrative Review Process.



CITY OF LEBANON

Community Development/Planning
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853 Main Street
Lebanon, Oregon 97355-3211

ANNEXATIONS ARE NOT ZONING MAP AMENDMENTS

(FEBRUARY 2005)

Annexations involve the *“first application of city zoning to property that already has a city comprehensive plan map designation . . . but has never had a city zoning map designation,”* and are therefore NOT zoning map amendments.

1. When the City annexes property into the City limits it automatically assigns the City Zoning map classification that corresponds to the Comprehensive Plan Map designation (see attached **ANNEXATION ZONING MATRIX**). This is not an amendment of the Zoning Map; it is rather the realization or fleshing out of the Zoning Map that lies latent “beneath” the Comprehensive Plan Map. The act of annexation merely enables the revealing of the Zoning Map classification of the annexed property that was intended when both the Comprehensive Plan Map and Zoning Map were adopted 25 years ago (1980).
2. It is this understanding of the annexation process and first assignment of City zoning that is embodied in the following 1980 Lebanon Zoning Ordinance section:

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.*
3. It is important to note that LZO Section 3.050 does NOT mandate that the City shall amend its Zoning Map in order to incorporate newly annexed properties. Instead, this provision of LZO states that annexed areas shall be **PLACED** in a zoning classification in accordance with the adopted Comprehensive Plan. The intentional use of the word “placed” is indicative of the fact that the Zone already exists prior to annexation. In short, the classifications of the Zoning Map are coextensive with their corresponding Comprehensive Plan Map designations; however, the Zoning Map classifications can only become apparent when a property is annexed.
4. Prior to annexation there is simply no City zone on a property to change or amend.
5. It is also important to note that the second part of LZO Section 3.050 lays the ground work for a Comprehensive Plan Map amendment when the annexation process deviates from the above noted process: *“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.”* This request necessitates an amendment process because of the incongruence between the zoning request and the “latent zoning map” that corresponds to the Comprehensive Plan Map.
6. Sections 3.030 and 3.040 of the 1980 Lebanon Zoning Ordinance provide the parameters for amending the Zoning Map.

Exhibit A
Applicant's Narrative

**PETITION FOR ANNEXATION TO
THE CITY OF LEBANON**

NATURE OF REQUEST: APPLICANT:	Annexation of approximately a 26.92 acre territory comprised of one tax lot. Pacific Empire Construction, Inc. PO Box 3925, Salem, OR 97302
PROPERTY LOCATION:	Located on the east side of Stoltz Hill Road, about $\frac{1}{2}$ mile south of Airport Road.
ASSESSOR'S MAP AND TAX LOT:	Assessor's Map T12S - R2W — Section 22B, Tax Lot 300
ZONE DESIGNATION:	Residential Mixed Density (RM) upon annexation Mixed-
COMP PLAN DESIGNATION:	Density Residential

ANNEXATION NARRATIVE

INTRODUCTION

The applicant is requesting annexation of an approximately a 26.92 acre territory that is comprised of one tax lot. The territory is located on the east side of Stoltz Hill Road, about mile south of Airport Road. It is within the City's urban growth boundary and is contiguous with the City limits to the east. The property is designated as Mixed-Density Residential on the City of Lebanon's Comprehensive Plan Map. A Residential Mixed Density Residential (RM) zoning designation is being requested upon annexation. This zoning designation is consistent with the City's Comprehensive Plan. No change in zoning designation is being requested.

SITE DESCRIPTION

The annexation territory is composed of one tax lot owned by Mary A. Morrissette. It is located in the southwestern portion of the City's urban growth area. It contains two single-family dwellings and three general purpose sheds. The property has approximately 500 feet of frontage on Stoltz Hill Road. Oak Creek forms the western/southwestern boundary of the property. This portion of the property contains approximately 12.4 acres of wetlands and floodplain. The annexation territory is bordered by land designated for mixed density residential development to the north, east, south and northwest. A small portion of the property borders land designated for light industrial use to the west, across Stoltz Hill Road. The annexation territory is bordered by residential uses to the north, east, south and northwest. It is bordered by vacant and agricultural land to the west and southwest, across Stoltz Hill Road.

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.
- **Lebanon Comprehensive Plan Chapter 1**, Introduction, Narrative, Finding 2.0.
- **Lebanon Comprehensive Plan Chapter 3**, Urbanization, Flexible Growth Program Policies P-13 and P-14.
- **Lebanon Comprehensive Plan Chapter 3**, Urbanization, Annexation Policies P-19, P-20, P-21, P-22, P-23, P-24, P-25, P-26 and P-27.
- **Lebanon Comprehensive Plan: Chapter 3**, Urbanization, Annexation Findings 3.3.1 through 3.3.10, 3.4.1, 3.4.2, 3.4.3, 3.4.6 and 3.5.1.
- **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 4.020 lists the development opportunities, standards and requirements for the Residential Mixed Density (RM) zone.

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

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 3 – Urbanization, Annexation Policy P-19: The City shall recognize and act on the basis that 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 (*UGMA*), and shall be consistent with applicable State law.

LCP Chapter 3 – Urbanization, Annexation Policy P-20: The City shall recognize and act on the basis that all annexations shall be consistent with the goals and policies of the Lebanon Comprehensive Plan.

LCP Chapter 3 – Urbanization, Annexation Finding 3.3.1: The City's Annexation Ordinance will be consistent with this Comprehensive Plan and will implement the principles and policies of this Comprehensive Plan as they relate to annexations.

LCP Chapter 3 – Urbanization, Annexation Finding 3.3.2: Together the City's Annexation Ordinance and the annexation policies and principles contained in this Comprehensive Plan Chapter establish the annexation process and procedures used by the City.

LCP Chapter 3 – Urbanization, Annexation Finding 3.3.3: The implementation of the City's Annexation Ordinance and the policies of this Comprehensive Plan, and the resulting process and procedures, address the four factors to be considered when a city converts urbanizable land in its Urban Growth Boundary (UGB) for urban uses as set forth in Statewide Planning Goal 14 (see Section 2.1.3 above).

***Applicant's 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. Compliance with the specific provisions of the applicable codes, ordinances and agreements is demonstrated in subsequent sections. Therefore, the petition complies with LAO Sections 2 and 3 and LCP Urbanization Policies P-19 and P-20.*

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.

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.

LCP Chapter 3 – Urbanization, Annexation Policy P-21: The City shall recognize and act on the basis that all lands included within the Urban Growth Boundary are eligible for annexation and urban development. (Areas within the Urban Growth Boundary (UGB) with designated environmental constraints may be annexed and utilized as functional wetlands, parks, open space and related uses.)

LCP Chapter 3 – Urbanization, Flexible Growth Program Policy P-13: The City shall recognize and act on the basis that all lands included within the Urban Growth Boundary are suitable for urban development except for those areas with identified environmental constraints. Nevertheless, those areas with environmental constraints may be utilized as functional wetlands, parks, open space and related uses.

LCP Chapter 3 – Urbanization, Flexible Growth Program Policy P-14: Implement and administer land development policies and requirements that are both orderly and efficient, as well as flexible so as to be responsive to site specific conditions and circumstances.

LCP Chapter 3 – Urbanization, Annexation Finding 3.3.4: The implementation of the City's Annexation Ordinance and the policies of this Comprehensive Plan, and the resulting process and procedures, will ensure the orderly expansion of City limits since only land that is adjacent to the City limits and is in the Urban Growth Area is eligible for annexation.

LCP Chapter 3 – Urbanization, Annexation Finding 3.3.5: The implementation of the City's Annexation Ordinance and its policies will provide a basis for the efficient provision of key City-provided urban utility services, which are hereby defined as water, storm drainage, sanitary sewerage, and streets.

CP Chapter 3 – Urbanization, Annexation Finding 3.4.3: Areas within the Urban Growth Boundary with designated environmental constraints may be annexed and developed as functional wetlands, parks, open space and related uses.

***Applicant's Statement:** The proposed annexation territory is within the City's urban growth boundary and therefore is eligible for annexation and is suitable for urban development. It is contiguous with the City limits to the east. Oak Creek forms the western/southwestern boundary of the property. There is an identified floodplain along Oak Creek. A portion of the property has been identified as containing jurisdictional wetlands. This area may be annexed and the wetland impacts mitigated in compliance with state and local laws or utilized as functional wetlands, parks, open space or related uses. The property does not contain steep slopes or any other identified environmental constraints.*

The proposed annexation is orderly in that the property is contiguous with the City limits. It is efficient in that it is within the UGB, is eligible for urban development, all City services are available to the territory and the territory can be developed to many of the urban uses allowed in the RM zone in a manner that is consistent with the City's development standards.

Therefore, the proposed annexation complies with LAO Sections 4 and 13, Urbanization Policies P-13, P-14 and P-21.

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 3 – Urbanization, Annexation Policy P-22: The City shall only annex land that is contiguous to the existing City limits and is within the City's Urban Growth Boundary (UGB).

***Applicant's Statement:** The proposed annexation territory is within the City's urban growth boundary. It is contiguous with the City limits to the east. Therefore, the proposed annexation complies with LAO Section 5 and LCP Urbanization Policy P-22.*

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 3 – Urbanization, Annexation Policy P-23: The City shall deem an annexation orderly if the annexation territory is contiguous to the existing City limits, and deem an annexation 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).

LCP Chapter 3 – Urbanization, Annexation Finding 3.3.4: The implementation of the City's Annexation Ordinance and the policies of this Comprehensive Plan, and the resulting process and procedures, will ensure the orderly expansion of City limits since only land that is adjacent to the City limits and is in the Urban Growth Area is eligible for annexation.

***Applicant's Statement:** The proposed annexation territory is within the UGB and is contiguous to the existing City limits to the east, 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 4.020). The annexation territory is 26.92 acres and contains approximately 500 feet of frontage on Stoltz Hill Road. Development can comply with all City standards. Therefore, the proposed annexation is efficient.*

The proposed annexation is orderly and efficient and complies with the LAO Sections 6 and 14 and LCP Urbanization Policy 23.

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

LAO 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.

LCP Chapter 3 – Urbanization, Annexation Policy P-24: The City shall recognize and act on the basis that development proposals are NOT REQUIRED for annexation requests.

LCP Chapter 3 – Urbanization, Annexation Finding 3.3.6: Annexation proposals do not require site specific development proposals.

Applicant's Statement: The applicant anticipates submitting an application for subdivision of the property into residential lots for review by the Planning Commission in December 2005. The plan will be consistent with the standards in the Residential Mixed Density zone in the Lebanon Zoning Ordinance. No development proposal is being submitted at this time.

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.

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 3 – Urbanization, Annexation Policy P-25: The City shall consider as part of the annexation process of developed property or properties, 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 3 – Urbanization, Annexation Policy P-26: The City shall consider as part of the annexation process of developed property or properties, the impacts on the capacities of key City-provided urban utility services needed to satisfy the anticipated demands of the properties discussed in P-25 above.

LCP Chapter 3 – Urbanization, Annexation Finding 3.3.8: 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 if they access the four key City-provided urban utility services (water, storm drainage, sanitary sewerage, and streets), and will also consider the capacity of the existing infrastructure of these City-provided urban utility services to satisfy the anticipated potential new demands.

LCP Chapter 3 – Urbanization, Annexation Finding 3.3.9: The annexation of a territory that is vacant or 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.

LCP Chapter 3 – Urbanization, Annexation Finding 3.5.1: Urban densities within the Urban Growth Area (UGA) are already accounted for in the City's facilities plans.

Applicant's Statement: *There are two single family dwellings (mobile homes) within the annexation territory. There will be minimal impacts to City services based on existing development in the territory. Demand on key City-provided urban utility services from these dwellings has been anticipated in City plans and can be provided.*

The annexation territory contains sufficient frontage on Stoltz Hill Road (approximately 500 feet) to provide access to future development consistent with the requirements of Lebanon ordinances. Stoltz Hill Road has capacity to provide for development of the annexation territory with uses allowed in the RM zone. Stoltz Hill Road is improved to Linn County standards. It contains two paved travel lanes and paved shoulders. Any improvements to the water, sewerage and drainage systems necessary to service future development can be constructed to comply with City standards.

The applicant anticipates submitting an application for subdivision of the property into residential lots for review by the Planning Commission in December 2005. This plan will provide detailed information on the public improvements necessary to serve the development. In general, water will be provided by connecting to existing lines in Clearview 1, 2, and 3, subdivisions to the east of the annexation territory. These lines are adequately sized to serve the annexation territory. Sanitary sewer from the territory will be gravity flow to Stoltz Hill Road, then pumped north approximately 2,600 feet to the existing gravity system at Kees Street. This plan has been reviewed and accepted by City engineering staff.

The southwest portion of the property contains about 12.4 acres of wetlands and floodplain. There are approximately 14.5 acres of developable land. At a development density of 4.5 units per acre, the property could be developed with about 66 single-family dwelling units. This is a typical use and density in the RM zone. Based on this development, the estimated sanitary sewer and water demand is:

- *Sanitary sewer – III approximately 43,500 gallons per day.*
- *Sanitary sewer – total peak wet weather demand – 83,258 gallons per day. •*
- *Water demand – approximately 16,566 gallons per day.*

These estimates have been provided to the City Engineer for review.

There is sufficient capacity for all City services in the area of the annexation territory to provide service when the property is developed. The property has frontage on an improved section of Stoltz Hill Road. Water, sanitary sewer and drainage are available to the property with sufficient capacity to provide services to future development allowed in the RM zone.

Therefore, the proposed annexation complies with LAO Sections 8 and 9 and LCP Urbanization Policies P-25 and P-26.

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.

LCP Chapter 3 – Urbanization, Annexation Finding 3.3.10: Needed public rights-of-way, as identified in adopted transportation plans as necessary for the safe and efficient movement of traffic, bicycles and pedestrians, will 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.

***Applicant's Statement:** The portion of Stoltz Hill Road contiguous with or within the annexation territory contains sufficient dedicated public right-of-way 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.

LCP Chapter 3 – Urbanization, Annexation Finding 3.4.1: Unannexed property in the Urban Growth Area does not have a City zoning designation, but does have a City Comprehensive Plan Map designation that indicates the long-term planned use for the property.

LCP Chapter 3 – Urbanization, Annexation Finding 3.4.2: The City's Comprehensive Plan and Comprehensive Plan Map direct all long range land use planning in the Urban Growth Area.

LCP Chapter 3 – Urbanization, Annexation Finding 3.4.3: Upon annexation, an annexation territory will automatically be assigned City zoning classifications in accordance with the adopted Comprehensive Plan Map, as shown in the City's Annexation Zoning Matrix (see Table 4-2 in Chapter 4: *Land Use*). Such zoning assignments, in and of themselves, are not a Zoning Map change and do not require approval of a Zoning Map Amendment, or a separate proceeding.

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.

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

LCP Chapter 1: Introduction -- Narrative, Finding 2.0: The City of Lebanon recognizes its responsibility to include consideration of the Statewide Planning Goals and Guidelines as adopted by the Land Conservation and Development Commission (LCDC). Therefore, the City's Comprehensive Plan is intended to be consistent with the applicable Statewide Planning Goals.

Applicant's Statement. *The LCP has been acknowledged by the Oregon Land Conservation and Development Commission to be in compliance with the Statewide Planning Goals.*

LCP Chapter 3 – Urbanization, Annexation Policy P-27: Expand the City limits as necessary to accommodate development, including housing, commercial, industrial, and services (that will in turn accommodate population growth).

LCP Chapter 3 – Urbanization, Annexation Policy P-30: The City shall manage its Urban Growth Boundary and the lands within so as to make available sufficient land for the various uses to ensure choices in the market place, through implementation of land use regulations and land use policies.

LCP Chapter 3 – Urbanization, Annexation Finding 3.2.2: The continued annexation and subsequent development of land for residential uses are essential to the continued health and vitality of the community.

Applicant's Statement: *The application is for annexation of residentially designated territory within the City's urban growth boundary and contiguous with the City limits. The Lebanon Comprehensive Plan states, "The continued annexation and subsequent development of land for residential uses are essential to the continued health and vitality of the community." The proposed annexation provides land for residential uses. Therefore, the proposed annexation complies with LCP Urbanization Policies P-27 and P-30.*

City of Lebanon/Linn County -- Urban Growth Management Agreement

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

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.

Applicant's 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 applicant has 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.*

Conclusion:

Applicant's Statement: *The evidence submitted demonstrates that the proposed annexation is consistent with the provisions and 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 zone in a manner that is consistent with the City's development standards. It provides for the continued annexation and potential future development of land for residential uses which are essential to the continued health and vitality of the community.*



City of Lebanon Community Development

MEMORANDUM

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

DATE: December 7, 2005
Planning File: A-05-10
Map/Tax Lot: 12-2W-22B,
300

This is a request to annex a 26.92 acre territory comprised of one parcel located at 2925 Stoltz Hill Road. The property is designated as Residential Mixed-Density (C-RM) on the City of Lebanon Comprehensive Plan Map. A Residential Mixed Density (Z-RM) zoning designation will be assigned upon annexation. This is the Comprehensive Plan Map designated zoning assignment and does not constitute a zoning map amendment or zone change. Oak Creek is the southwestern boundary of this property.

On November 16, 2005, the Planning Commission conducted a public hearing and voted unanimously to recommend approval of this proposed annexation and zoning assignment to the City Council.

The Planning Commission staff report (Lebanon File # A-05-10) is included for review, including a legal description and an annexation map.

It is noteworthy that the Planning Commission, at its January 18, 2006 meeting will conduct a public hearing to consider a subdivision request for this property (Planning File No. S-05-08-: Crimson Estates) proposing to create 85 residential lots and a 10.20 acre wetland/ riparian/floodplain public dedication area including a multi-use public path/trail.

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.