

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-06-01,  
CHARLEY/FLANAGAN PROPERTY

) ORDINANCE BILL NO. 13  
) for 2006  
)  
) ORDINANCE NO. 2704  
)  
)

**WHEREAS**, the City of Lebanon has received a submission by written request for annexation of real property to the City of Lebanon, signed by more than one-half of the landowners who also own more than one-half of the land in the contiguous territory described in Exhibit "A", which real property represents more than one-half of the assessed value of all real property in the contiguous territory to be annexed; and

**WHEREAS**, the Lebanon City Council has elected to dispense with submitting the question of the proposed annexation to the electors of the City, initiating the annexation of the territory pursuant to ORS 222.120, calling a hearing and directing that notice be given as required by ORS 222.120(3); and

**WHEREAS**, after conducting the hearing and considering all objections or remonstrances with reference to the proposed annexation, and further considering the recommendation of the Lebanon Planning Commission, the City Council finds that this annexation is in the best interest of the City and of the contiguous territory.

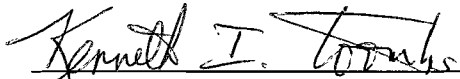
**NOW, THEREFORE**, the City of Lebanon ordains as follows:

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

**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).

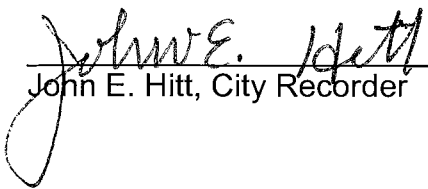
**Section 3 Record.** The City Recorder shall submit to the Oregon Secretary of State a copy of this Ordinance. The City Recorder is further ordered to send a description by metes and bounds, or legal subdivision, and a map depicting the new boundaries of the City of Lebanon within ten (10) days of the 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 5 for and 0 against and approved by the Mayor this 30 day of April, 2006.

  
\_\_\_\_\_  
Kenneth I. Toombs, Mayor

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\_\_\_\_\_  
J. Scott Simpson, Council President~~

ATTEST:

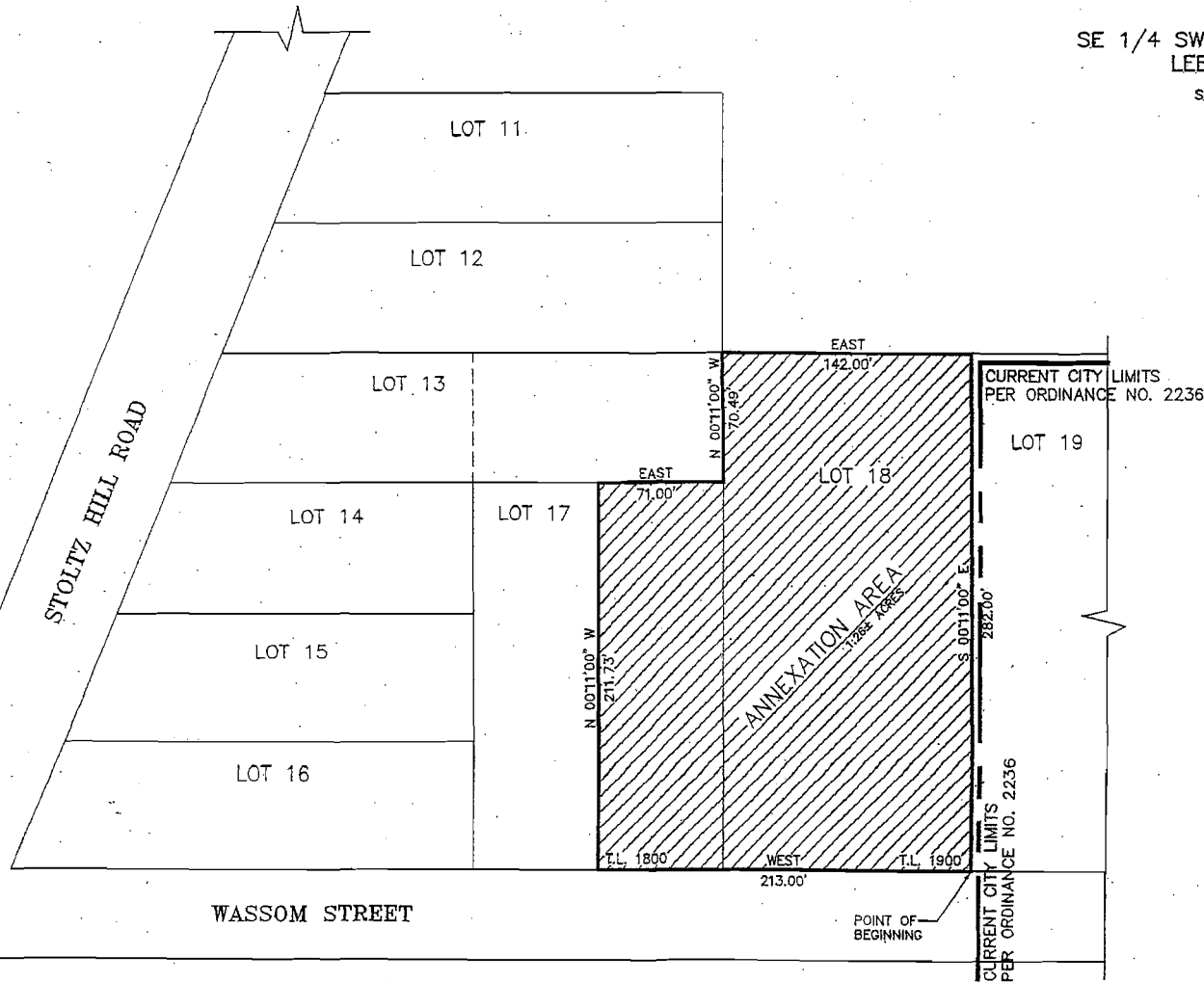
  
\_\_\_\_\_  
John E. Hitt, City Recorder

ANNEXATION MAP  
**BRAD CHARLEY**

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

SCALE: 1" = 50'

JANUARY 9, 2008



Annexation Map

OWNER:

PROPERTY:

T.L. 1800  
 BRAD W. AND LAURIE A. CHARLEY  
 981 WASSOM STREET  
 LEBANON, OREGON 97355

12-2W-15DC  
 TAX LOTS:  
 1800 AND 1900

T.L. 1900  
 RICHARD L. AND ANNA MARIE FLANAGAN  
 975 WASSOM STREET  
 LEBANON, OREGON 97355

APPLICANT:

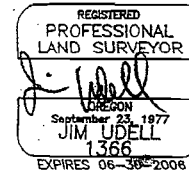
BRAD CHARLEY  
 981 WASSOM STREET  
 LEBANON, OREGON 97355

SURVEYOR:

JIM UDELL  
 UDELL ENGINEERING AND SURVEYING  
 63 EAST ASH ST.  
 LEBANON, OREGON 97355



SCALE: 1" = 50'  
 0 25 50 75



ENGINEER 8072 SURVEYOR 1368

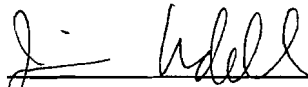
**Udell**  
 ENGINEERING & SURVEYING  
 63 EAST ASH ST.  
 LEBANON, OREGON  
 97355  
 (541) 451-5125  
 FAX (541) 451-1366  
 JOB NAME: PHILLIPS

## Charley/Flanagan Annexation Legal Description

A portion of land located in the Southeast 1/4 of the Southwest 1/4 of Section 15, Township 12 South, Range 2 West of the Willamette Meridian, Linn County, Oregon more particularly described as follows:

Beginning at the Southeast corner of Lot 18, Harmony Subdivision, Linn County, Oregon; thence South  $00^{\circ}11'00''$  East 50.00 feet to a point on the Southerly Right-of-Way of Wassom Street; thence West along the Southerly Right-of-Way of Wassom Street 213.00 feet; thence North  $00^{\circ}11'00''$  West 261.50 feet; thence East 71.00 feet to a point on the west line of said Lot 18; thence North  $00^{\circ}11'00''$  West 70.50 feet the Northwest corner of Lot 18, Harmony Subdivision, Linn County, Oregon; thence East 142.00 feet to the Northeast corner of said Lot 18; thence South  $00^{\circ}11'00''$  East 282.00 feet to the Point of Beginning.

I, Jim Udell, being a Registered Land Surveyor in the State of Oregon, certify this legal description closes per recognized tolerances in the surveying profession and per ORS.

  
\_\_\_\_\_  
Jim Udell, PLS 1366

## **FINDINGS -- 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 and 2.3,**

**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.)*

#### **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 to the east.

#### **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 (and in fact is already developed in a manner that is consistent with City provisions). This territory is already developed (and could be redeveloped) 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.

#### **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 is currently vacant. 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 applicant's engineer and the City Engineer have determined that City sewer service can be accessed with an extension from the sewer line at Wassom.
- **Water:** Water service is located at Wassom.
- **Drainage:** The site is served by existing drainage.
- **Transportation Access:** Wassom Street currently serves the two subject properties.

### 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 territory currently has two existing single family homes, one on each tax lot. 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, the applicant's engineer and the City Engineer have determined that City sewer service (and water service) can be accessed with an extension from the existing lines at Wassom when the applicants/owners are ready to connect to City Services. (See **Finding # 7** for further details.)

### **Criterion 2.9**

**2004 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).*

#### **Finding #9:**

The proposed annexation complies with the above noted criterion in that the annexation of this property is indeed necessary to accommodate development, specifically residential. It is anticipated that the development proposals by the applicant will be submitted 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 will be in demand in the community. This annexation (i.e., expansion of the City limits) is therefore necessary to accommodate such development, by enabling the continuing viability of the homes in annexation territory, and making possible the potential future redevelopment of these tax lots.

### **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 # 10:**

The proposed annexation complies with Annexation Ordinance Section 10 in that the additional necessary right-of-way is being addressed at the time of annexation. The entire right-of-way for Wassom Street fronting the annexation territory will be included in the annexation territory. The legal description and annexation map must be modified to show this inclusion before this annexation will be scheduled for a City Council hearing.



**Criteria 1.10, 1.11, and 3.0**

**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 # 11:**

This proposed Annexation is in compliance with Annexation Ordinance Sections 11 and 12, and Zoning Ordinance Section 3.050. Currently the subject property does not have a City zoning designation because it is not within the City limits. However, since the property is within the City's Urban Growth Boundary, the current Comprehensive Plan 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 # 12:**

The proposed annexation complies with Annexation Ordinance Section 15 in that no development proposal has been submitted at this time. The annexation consists of two tax lots, and each tax lot has an existing single family home.