

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.

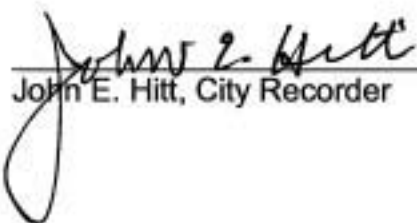
Passed by the Lebanon City Council by a vote of 5 for and 0 against and approved by the Mayor this 28th day of June, 2006.

Kenneth I. Toombs, Mayor []



Ron Miller, Jr., Council President

ATTEST:



John E. Hitt, City Recorder

ANNEXATION MAP
BRIAN AND NOELEEN U. PHILLIPS

SW 1/4 SE 1/4 SEC. 14, T. 12 S., R. 2W., W.M.
 LEBANON, LINN COUNTY, OREGON

SCALE: 1" = 100' MAY 6, 2005



OWNER:

BRIAN PHILLIPS
 NOELEEN U. PHILLIPS
 308 SHARP RD.
 STAYTON, OREGON 97383-1038

PROPERTY:

12-28-1400
 TAX LOTS:
 100, 102,
 1000, 1100, AND 1200

APPLICANT:

BRIAN PHILLIPS
 NOELEEN U. PHILLIPS
 308 SHARP RD.
 STAYTON, OREGON 97383-1038

SURVEYOR:

JM UDELL
 UDELL ENGINEERING AND SURVEYING
 63 EAST ASH ST.
 LEBANON, OREGON 97356



OWNER: PHILLIPS
 85072
 SURVEYOR: UDELL
 13588
Udell
 ENGINEERING & SURVEYING
 63 EAST ASH ST.
 LEBANON, OREGON
 97356
 PH. (541) 451-5125
 FAX (541) 451-1371
 JOB NAME: PHILLIPS

EXHIBIT
 Page 1 of 2
A2

**Brian and Noeleen Phillips
Annexation Legal**

A portion of land located in the Southwest 1/4 of the Southeast 1/4 of Section 14, Township 12 South, Range 2 West of the Willamette Meridian, Linn County, Oregon more particularly described as;

Beginning at the Northwest corner of Lot 9, Linndale Addition, Linn County, Oregon; Thence South 76°06'18" East 186.36 feet to a point marking the Southeast corner of Lot 3 of said subdivision; Thence South 61°01'59" East 77.15 feet to the Westerly most corner of lot 5 of said Subdivision; Thence along the Northwest line of lot 5 North 39°24'27" East 121.38 feet to the Southwesterly right-of-way of River Drive (C.R. 719) coincident with the Northerly most corner of Lot 5; Thence continuing on said right-of-way along a 1115.90 foot radius curve to the right 155.45 feet (Chord of which bears South 54°46'27" East 155.33 feet) to a point; Thence continuing on said right-of-way South 50°47'00" East 258.02 feet to a point; Thence continuing on said right-of-way along a 490.86 foot radius curve to the right 228.46 feet (Chord of which bears South 37°27'00" East 226.40 feet) to a point; Thence continuing along said right-of-way South 24°07'00" East 73.90 feet to a point at the Eastern most corner of Lot 50 in said Linndale Addition and being on the city limits boundary per Ordinance No. 1456; Thence leaving said right-of-way and continuing on said city limits boundary South 89°31'53" West 223.12 feet to a point; Thence continuing on said boundary South 22°46'00" East 274.94 feet to a point; Thence continuing on said boundary South 67°12'00" West 360.29 feet to a point on the West line of Lot 19 of said Linndale Addition; Thence leaving said city limits boundary North 22°48'00" West 958.06 feet to the Point of Beginning.

FINDINGS

Criteria 1.1.1 – 1.1.7

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

Finding # 1:

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

Criteria 1.2.1 and 2.3.1

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

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

Finding # 2:

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

Criteria 1.2.2 and 2.3.2

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

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

Finding # 3:

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

Criteria 1.1.2, 1.2.3, 2.2.1 and 2.3.3

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

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

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

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

Finding # 4:

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

Criteria 1.2.4 and 2.3.4

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

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

Finding # 5:

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

Criteria 1.2.5, 1.2.13, and 2.3.5 (& 1.1.1)

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

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

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

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

Finding # 6:

The proposed annexation complies with the above noted criteria. (1) Since the annexation territory is contiguous to the existing City limits the annexation 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 4.010 lists the development opportunities, standards and requirements for the Residential Low Density (RL) zone, and this is consistent with all applicable provisions of the Comprehensive Plan.

Criteria 1.2.6 and 2.3.6 (& 1.14)

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

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

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

Finding # 7:

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

Criteria 1.2.7 and 2.3.7 (& 1.1.1 and 1.16)

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

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

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

Finding # 8:

The proposed annexation complies with the above noted criteria in that this property currently has one single-family residence 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. Water is on the North side of Russell Drive at Mountain River Drive and Sanitary Sewer is on the North side of the canal in Mountain River Drive. The sanitary sewer will require a pump station and force main construction to connect to the existing system. Storm drainage will have to be extended from the existing large culvert which crosses under the canal southeast along River Road.

Criteria 1.2.8 and 2.3.8 (&1.1.1 and 1.1.6)

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

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

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

Finding # 9:

The proposed annexation complies with the above noted criteria in that this property currently has one single-family residence 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 impacts at this time on the key City-provided urban utility services (i.e., are water, storm drainage, sanitary sewerage, and streets). However, when it develops, any foreseeable allowed uses of this property will be well within the capacities of the four key City-provided urban utility services in geographical proximity to the annexation property. However, All City services can be made available to the territory. Water is on the North side of Russell Drive at Mountain River Drive and Sanitary Sewer is on the North side of the canal in Mountain River Drive. The sanitary sewer will require a pump station and force main construction to connect to the existing system. Storm drainage will have to be extended from the existing large culvert which crosses under the canal southeast along River Road.

Criterion 1.2.9

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

Finding # 10:

The proposed annexation complies with Annexation Ordinance Section 10 in that any additional necessary right-of-way issues will be addressed when this property develops.

Criteria 1.2.10, 1.2.11, and 3.1

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

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

Zoning Ordinance Section 3.050 – Zoning of Annexed Areas: All areas annexed to the City shall be placed in a zoning classification in accordance with the adopted Comprehensive Plan. If a zoning designation other than one in accordance with the Comprehensive Plan is requested by an applicant, the zoning requested shall not be granted until the plan is amended to reflect concurrence.

Finding # 11:

This proposed Annexation is in compliance with Annexation Ordinance Sections 11 and 12, and Zoning Ordinance Section 3.050. Currently the subject property does not have a City zoning designation because it is not within the City limits. However, since the property is within the City's Urban Growth Boundary, the current Comprehensive Plan designation on the subject property is Single-Family Residential. The corresponding City zoning designation for a Comprehensive Plan designation of Single-Family Residential is Residential Low Density (RL). The applicant is requesting a Residential Low Density (RL) zoning designation for the subject property. Therefore, a City zoning designation of Residential Low Density (RL) can automatically be assigned at this time, without a separate hearing. This action is NOT a zoning map amendment.

Criterion 1.2.12

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

Finding # 12:

The proposed annexation complies with Annexation Ordinance Section 13 in that this property has no designated environmental constraints that would prevent development as Residential Low Density (RL) sites.

Criterion 1.2.14 (and 1.1.5)

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

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

Finding # 13:

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

Criterion 2.1.1

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

Finding # 14:

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

Criterion 2.2.2

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

Finding # 15:

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

Criterion 2.4.1 (and 1.1.7)

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

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

Finding # 16:

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

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

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

Criterion 2.5.1

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

Finding # 17:

The proposed annexation complies with this policy of the Lebanon Comprehensive plan in that this annexation does NOT include a development proposal. Therefore, at this time the City is under no obligation to consider impacts on sanitary sewerage.

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

Yet, it is worth noting that sanitary sewerage infrastructure is located approximately 700 feet northerly near the intersection of Park Street and Mountain River Drive.

Criteria 4.1 and 4.2

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

Section 2: Delineation of Authority in the Urban Growth Area (UGA), 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.*

Finding # 18:

The City's annexation review procedures on annexation request File # A-04-02 have complied with the City of Lebanon/Linn County Urban Growth Management Agreement, Sections 2 and 5 regarding City authority to annex lands within the urban growth area and assign City Zoning in accordance with the Lebanon Comprehensive Plan Map.