

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-06-04 LEBANON HARDBOARD LLC)))))))	ORDINANCE BILL NO. <u>28</u> for 2006 ORDINANCE NO. <u>2719</u>
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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 General Industrial (Z-IND or MG).

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.

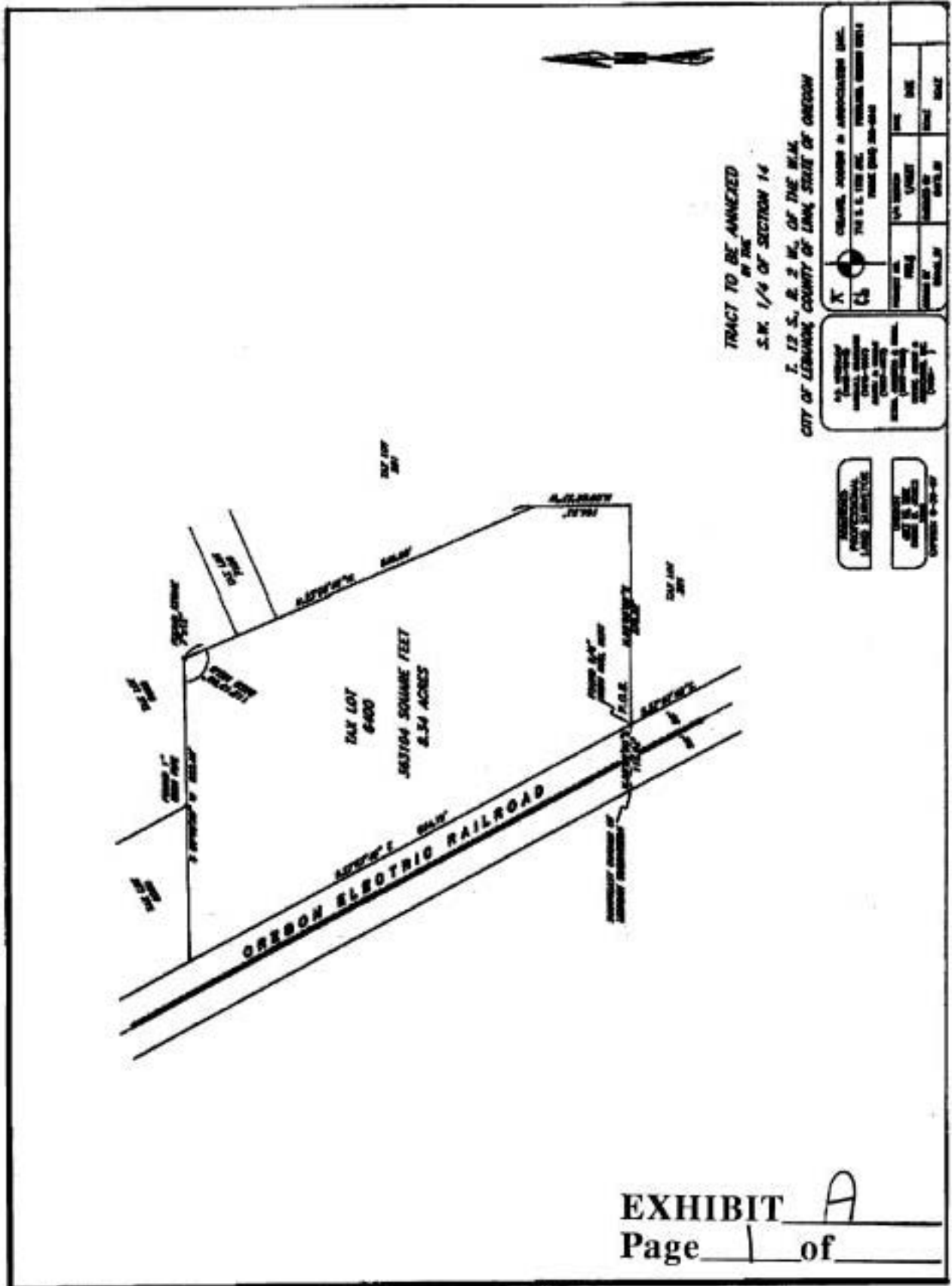
Passed by the Lebanon City Council by a vote of 5 for and 0 against and approved by the Mayor this 9th day of August, 2006.


Kenneth I. Toombs, Mayor

ATTEST:


Linda Kaser, City Clerk / Co-City Recorder

Annexation Map





CJ2



CHASE, JONES & ASSOCIATES INC.

FORMERLY BOOTH & WRIGHT

Land Surveyors & Engineers Since 1885

716 S.E. 11th AVENUE

PORTLAND, OREGON 97214

TEL. (503) 228-9844

February 10, 2006

#11743

LEGAL DESCRIPTION

A tract of land in the S.W. ¼ of Section 14, Township 12 South, Range 2 West, of the Willamette Meridian in the City of Lebanon, Linn County, and the State of Oregon, being more particularly described as follows:

Beginning at a point which is North 89°50'00" East 113.04 feet from the southeast corner of the MORGAN SUBDIVISION said point also being on the easterly right of way line of the Oregon Electric Railway Company; thence North 89°50'00" East a distance of 376.92 feet; thence North 00°06'37" West a distance of 164.53 feet; thence North 23°06'40" West a distance of 648.80 feet to the center of a found stone 7" x 13"; thence South 89°08'20" West a distance of 522.49 feet to the east right of way line of the Oregon Electric Railway Company; thence along said east right of way line South 27°57'40" East a distance of 854.19 feet to the POINT OF BEGINNING.

The above described tract contains 363,104 square feet or 8.34 acres more or less.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Eric D. Jones

OREGON
JULY 16, 1992
ERRIC D. JONES
1776

EX-6-30-07

FINDINGS FOR
LEBANON HARDBOARD ANNEXATION
FILE NO. A-06-04

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 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. According to the National Wetland Inventory ("NWI"), there is a Freshwater Emergent Wetland located on the Subject Property. While this fact has no relevancy for annexation, such issues must be adequately addressed at time of development.

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 and 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 # 5a:

The proposed annexation complies with **part** of the above noted criteria: (1) Since the annexation territory is contiguous to the existing City limits the annexation or this territory is deemed "orderly."

Finding # 5b:

However, since this property does not have any apparent legal access for transportation or utilities, it cannot be deemed "efficient," because without such access the annexation territory cannot be developed to an urban use. However, there are remedies for these deficiencies that the applicant can undertake before this annexation request is scheduled for City Council action. See Planning Comments E, F, and G for the details.

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, although the intended public uses cited in Finding #5 above are duly noted.

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 the annexation territory is currently undeveloped. 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, City services cannot currently be made available to the territory.

- **Sanitary Sewer:** The closest existing City Sanitary Sewer approximately 1200 feet northerly near the intersection of River Drive and Mountain River Drive At the time of a development proposal it will be determined what the peak demand of the annexation site on the sanitary conveyance system will be and how that demand will best be served. Preliminary planning has located a future sanitary lift station on Franklin near the canal crossing.
- **Water:** Existing 16 inch water transmission mains are located approximately 1200 feet either northerly close to the Mountain River Drive - River Drive intersection or easterly at highway 20. No apparent direct access to extend public water mains exists. Should legal access be provided these water mains could potentially be extended to provide domestic water and fire protection for future development.
- **Storm Drainage:** The Subject Property currently has no apparent direct access to City storm drainage services.
- **Streets:** No apparent direct access to a public street exists at this time. The transportation facility plan shows Market Street being extended through the southern tip of this land. At the time of a 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 annexation territory is currently undeveloped. 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, City services cannot currently be made available to the territory. (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:

Annexation of this territory complies with the above noted criteria in that the annexation of this territory facilitates future development, including housing, commercial, industrial, and services (that will in turn accommodate population growth).

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 any additional necessary right-of-way issues will be addressed when this property develops.

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 General Industrial (C-IND) that assigns General Industrial (MG) zoning upon annexation (as per the 1980 Zoning Map). A General Industrial (MG) zoning designation is being requested upon annexation for the subject property. Therefore, a City zoning designation of General Industrial (MG) 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 Annexation in that no development proposal has been submitted at this time.

PART TWO – FINDINGS THAT ADDRESS SITE SPECIFIC RELEVANT ANNEXATION CRITERIA

Criteria 5.1 and 5.2

2004 LCP Criteria – Chapter 4 – Land Use: Narrative Text [5.2,5.2.2.1, 5.2.1(1)], and Policy P-7 Narrative Text 5.2, and 5.2.1 and 5.2.1(1)

5.2 Identified Special Development, Redevelopment and Infill Opportunity Areas: Various areas in the community have been identified as having significant redevelopment and infill opportunities. These properties include current and/or former residential neighborhoods and large abandoned industrial sites. The identification of these areas is a dynamic and ongoing process that will change and expand over time. The initial list of identified redevelopment areas include: (a) Lebanite – River Road Industrial Block (b) Santiam River Mixed Use Opportunity Area; (c) Russell Drive Neighborhood Area; (d) Ridgeway Butte Riparian Mixed Use Area; (e) Ridgeway Butte Upland Special Residential and Natural Resources Management Area; (f) Ninth and "B" Street Neighborhood; (g) Burkhart Creek Neighborhood Area; (h) Downtown Historic Railroad Area; (i) Crowfoot Road Neighborhood; (j) Academy Square Area; and, (k) Cheadle Lake Mixed Use Area. The boundaries noted below for each of these areas are approximations.

5.2.1 Currently Designated Industrial Areas

Changing socio-economic dynamics as well as a shift in community values indicate that the time for redesignating two areas of Lebanon is rapidly approaching. As noted in other sections of this Comprehensive Plan, the wood products industry was once the backbone of the community's economy. A number of heavy industrial sites devoted to this sector of the economy once dominated major stretches of the community However, these uses and their supporting infrastructure . . . have long been in decline and for the most part these industries have shut their doors. Sites which once provided the mainstay of the local and area economy now lie idle and even vacant in many cases.

These same areas . . . are gaining new importance as community and social values also change. These areas are becoming increasingly valued for their aesthetic and intrinsic natural values. . . . Such areas also increase value as potential sites for a mix of recreational, commercial, and residential developments.

Two key areas that fit the above description are: (1) the Lebanite – River Road Industrial Block, and (2) the Santiam River Mixed Use Opportunity Area.

(1) Lebanite – River Road Industrial Block: *This area is the former site of two large mills, Champion and Lebanite. There is also an undeveloped residentially designated portion of the area north of the mill sites. The railroad creates a boundary west, and Russell Drive and River Road create the area's boundary to the north and the east. The northern boundary of Cheadle Lake forms the southern boundary. The southern half is in the City Limits and is zoned General Industrial, and the northern portion is partially in the City Limits (Residential Low Density), and partially in the Urban Growth Area (also Residential Low Density).*

P-7: *[The City shall:]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.*

Finding # 13:

The proposed annexation and automatic first assignment of zoning is not necessarily in compliance with the above noted criteria in that the annexation of this property brings it into the City under the current allowed zoning of General Industrial. However, the vision of the community expressed in the above noted sections of the 2004 Comprehensive Plan indicate that the subject property is part of an area that the community would prefer to see developed to enhance **"their aesthetic and intrinsic natural values. . . . Such areas also increase value as potential sites for a mix of recreational, commercial, and residential developments."**

It is to be further noted that the annexation of this territory and first assignment of zoning to General Industrial (as per the comprehensive Plan Map), does not preclude the applicant from pursuing Comprehensive Plan Map and Zoning Map amendments to promote **recreational, commercial, and residential developments** that would be more consistent with the above noted long range vision of the community for this area. Such amendments would be in keeping with the **identified highest and best use of this area** as well as the vision of the community as noted in the 2004 Comprehensive Plan. Such redesignation and subsequent development would also be in keeping with the residential character of existing development west, north and east of the subject property. The City would welcome such Comprehensive Plan Map and Zoning Map amendments at a later date.