

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-06-05 BJARNSON TRUST)))))))	ORDINANCE BILL NO. <u>29</u> for 2006 ORDINANCE NO. <u>2720</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.

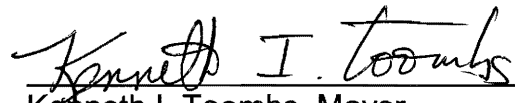
NOW, THEREFORE, the City of Lebanon ordains as follows:

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 Limited Industrial (Z-IND or ML).

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 9th day of August, 2006.



Kenneth I. Toombs, Mayor

ATTEST:



Linda Kaser, City Clerk / Co-City Recorder

Annexation Description

Beginning at the Northeast corner of the Asa H. Peterson D.L.C. No. 66 in the Southeast and Southwest 1/4 of Section 16 and the Northeast and Northwest 1/4 of Section 21, Township 12 South, Range 2 West, Willamette Meridian, Linn County, Oregon; thence South 00°02'00" West 1567.50 feet along the East line of said D.L.C. No. 66 to a iron pipe; thence South 89°42'00" West 1440.12 feet to a iron pipe; thence North 00°02'00" East 2249.22± feet to a 5/8" iron rod; thence South 89°55'00" East 842.76 feet to a 5/8" iron rod; thence North 00°02'00" East 745.30± feet to the South right-of-way of Airport Road (C.R. 707); thence along said right-of-way South 89°55'00" East 107.17 feet to a 1/2" iron rod; thence South 84°12'22" East 50.25 feet to a 1/2" iron rod; thence South 89°55'00" East 440.17 feet to a 1/2" iron rod; thence leaving said right-of-way South 00°02'00" West 1412.38± feet to the point of beginning.

Bearing and distances based on C.S. 1157-B, C.S. 8045, and C.S. 21583

I hereby certify the above legal description closes within the tolerances of normal land surveying practices and per ORS 92.



Jim Udell
PLS 1366

June 7/2006
Date

EXHIBIT A
Page 1 of 2

ANNEXATION MAP
DENNIS BJARNSON

SW 1/4 & SE 1/4 SEC. 16,
 NW 1/4 & NE 1/4 SEC. 21,
 T. 12 S., R. 2 W., W.M.
 LINN COUNTY, OREGON
 3/31/2006

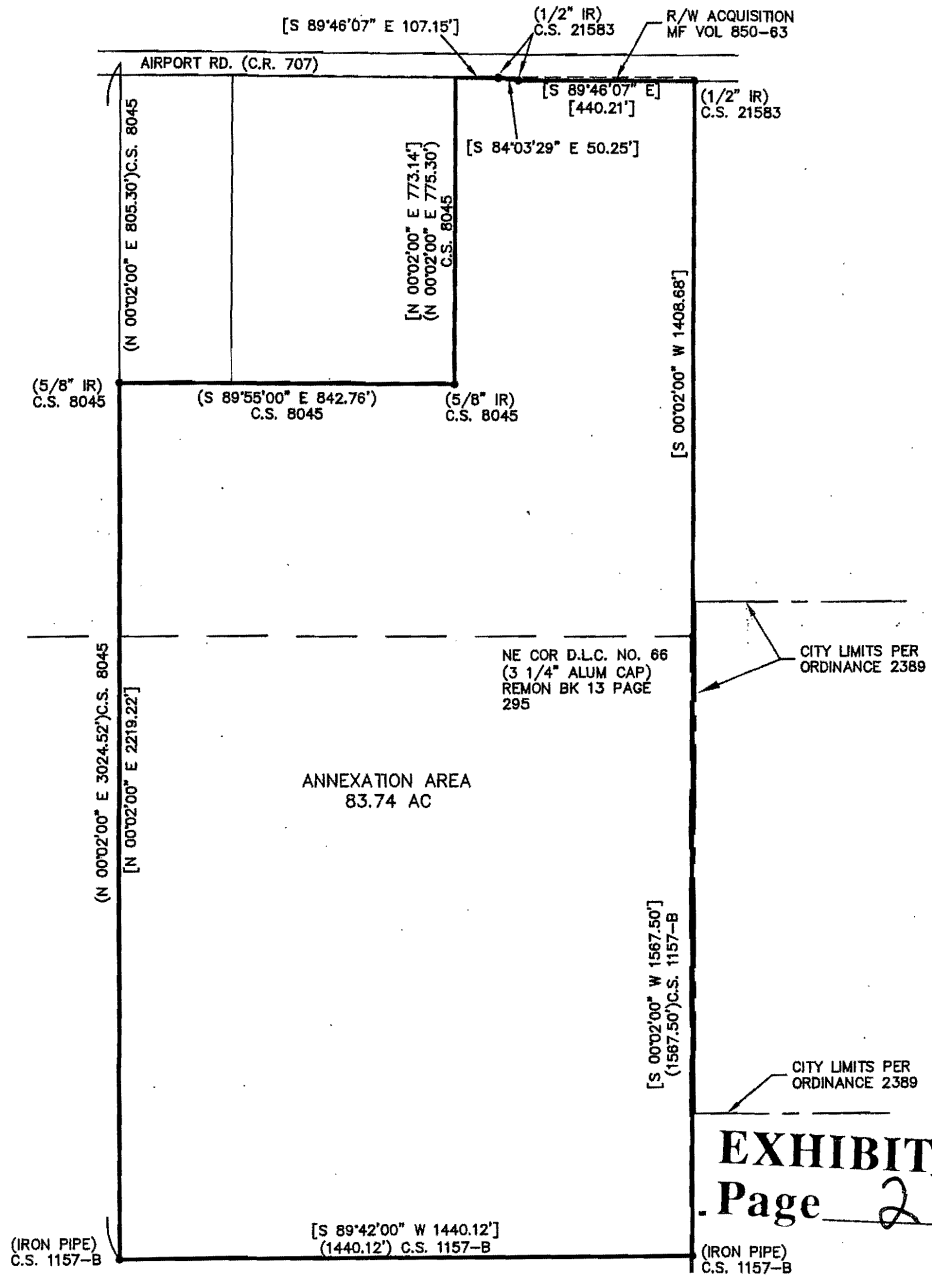
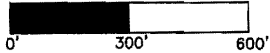
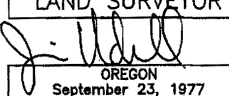


EXHIBIT A
 Page 2 of 2

LEGEND

- MONUMENT OF RECORD AS NOTED
 - FD FOUND
 - C.S. COUNTY SURVEY
 - () DATA OF RECORD
 - [] CALCULATED DATA
 - IR IRON ROD
 - IP IRON PIPE
- REFERENCE SURVEY: C.S. 1157-B, C.S. 8045, C.S. 21583

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR



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

ENGINEER
 8072

SURVEYOR
 1366

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06 BJARNSON ANNEX.DWG

FINDINGS FOR
BJARNSON LIVING TRUST ANNEXATION
FILE NO. A-06-05

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-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.*

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 east of 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 4.210 lists the development opportunities, standards and requirements for Limited Industrial zone (ML) 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 and has access via Airport Road. However, 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 closest existing City Sanitary Sewer line is located approximately a half a mile east of the site. 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 been done for the area that tentatively sited the future west side interceptor trunk sewer approximately 1500 feet east of the site.
- **Water:** An existing 12-inch water transmission main is located approximately 1500 feet east on Airport Drive. This main could likely be extended to provide domestic water and fire protection for future development.
- **Transportation:** The transportation facility plan shows the Reeves Parkway arterial being constructed southerly through this site. At the time of a development proposal it will be determined what the traffic demands are and how those demands can best be served.
- **Drainage:** Currently the site is served by exiting County drainage ditches.

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 is currently vacant. However, 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 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 potential future development, which could include residential. 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. This annexation (i.e., expansion of the City limits) is therefore necessary to accommodate further development by helping replenish the industrial land supply within the City limits since recent development has reduced the availability of such land within the City limits.

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 no additional necessary right-of-way is being requested at the time of annexation. However, it is to be noted that at time of development, the issue of right-of-way for the proposed Parkway will need to be addressed since the route will transect this parcel.

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 3.210. 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 Industrial (C-IND). The corresponding City zoning designation for a this Comprehensive Plan Map designation of Industrial (C-IND) is Limited Industrial (ML). The applicant is requesting a Limited Industrial (ML) zoning designation for the subject property. Therefore, a City zoning designation of Limited Industrial (ML) 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.

PART TWO – FINDINGS THAT ADDRESS SITE SPECIFIC RELEVANT ANNEXATION CRITERIA

Criteria 4.1 and 4.2

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

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

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

Finding # 13:

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, 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 4.3

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

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

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, 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 5.0

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

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, 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 6.0**2004 LCP Criteria – Chapter 4 – Public Facilities and Services Polices P-2, and 60****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, 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.