

<p>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-06-09 HELLBERG, GOGGIN, AND ERICKSEN</p>	<p>)))))))</p>	<p>ORDINANCE BILL NO. <u>30</u> for 2006</p> <p>ORDINANCE NO. <u>2721</u></p>
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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.

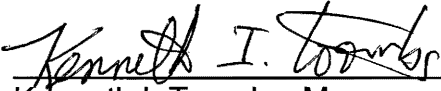
NOW, THEREFORE, the City of Lebanon ordains as follows:

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:



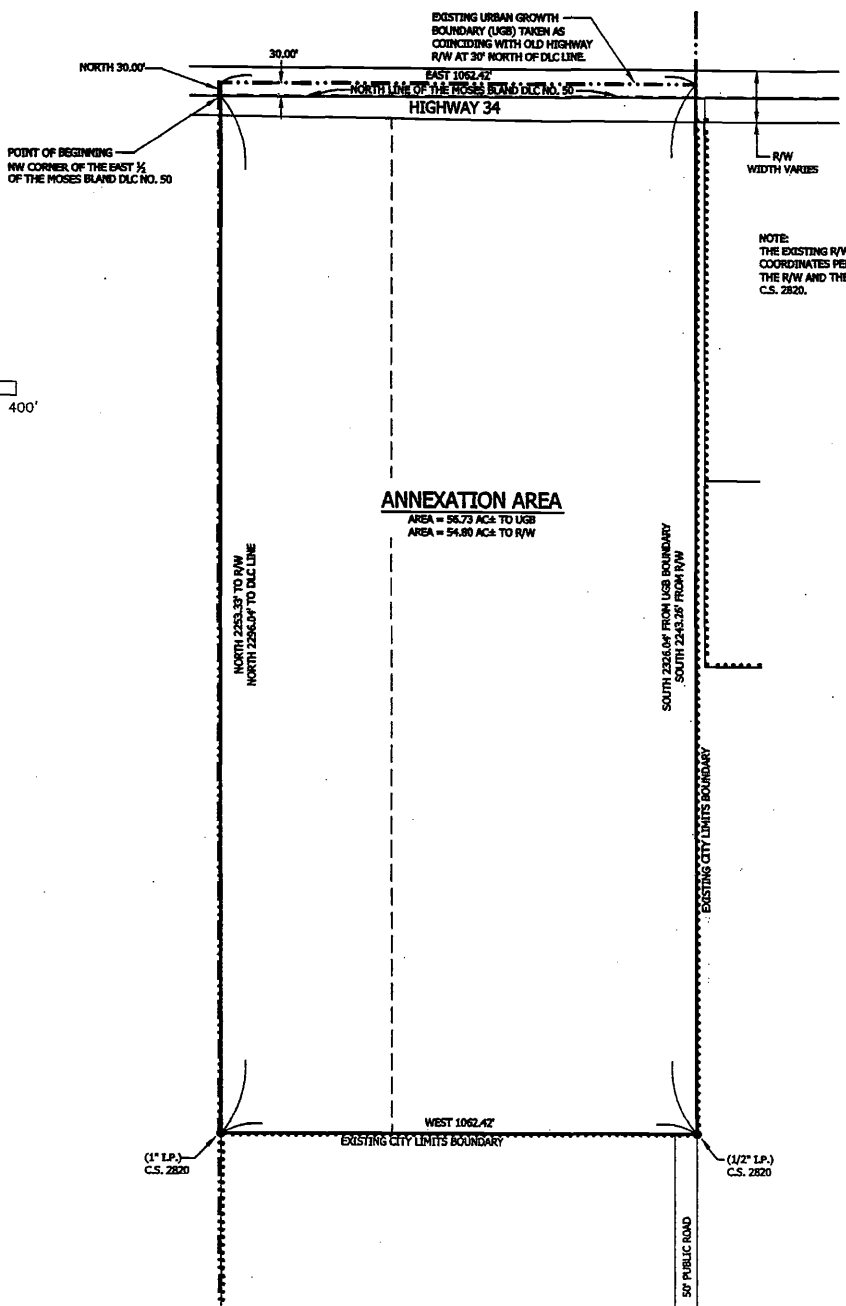
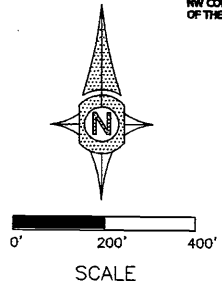
Linda Kaser, City Clerk / Co-City Recorder

ANNEXATION MAP
FOR
BETTY B. HELLBERG

SECTION 9, T. 12 S., R. 2 W., W.M.
LINN COUNTY, OREGON

SCALE: AS SHOWN JUNE 28, 2006

EXHIBIT A
Page 1 of 2



NOTE:
THE EXISTING R/W OF THE HIGHWAY WAS DETERMINED BY COORDINATES PER C.S. 24031 FOR THE DLC CORNERS AND THE R/W AND THEN POSITIONED ON THE DLC CORNERS PER C.S. 2820.

LEGEND:

R/W	RIGHT-OF-WAY
I.P.	IRON PIPE
C.S.	COUNTY SURVEY
D.L.C.	DONATION LAND CLAIM
.....	EXISTING CITY LIMITS BOUNDARY
-----	EXISTING URBAN GROWTH BOUNDARY

OWNER:

BETTY B. HELLBERG, TRUSTEE OF THE JOSEPH HELLBERG FAMILY TRUST
784 N.W. SUNDANCE CIRCLE
CORVALLIS, OREGON 97330

BETTY B. HELLBERG, TRUSTEE OF THE BETTY B. HELLBERG FAMILY TRUST
784 N.W. SUNDANCE CIRCLE
CORVALLIS, OREGON 97330

CAROL J. GOGGIN
EDWARD L. ERIKSEN
ALICE M. BROWN
RONALD A. ERIKSEN
MARVIN G. ERIKSEN
C/O CAROL J. GOGGIN
4309 SE LONG ST.
PORTLAND, OREGON 97206-5062

PROPERTY:

12-2W-9
TAX LOT 400
VACANT NO ADDRESS

TAX LOT 500
36498 HIGHWAY 34
LEBANON, OREGON 97355

APPLICANT:

BETTY B. HELLBERG
784 SUNDANCE CIRCLE
CORVALLIS, OREGON 97330
(541) 752-3761

SURVEYOR:

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

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 13, 1999
BRIAN VANDETTA
51041-LS
EXPIRES 06-30-2006

ENGINEER 8072 SURVEYOR 1366

Udell
ENGINEERING & SURVEYING
63 EAST ASH ST.
LEBANON, OREGON 97355
PH. (541) 451-5125
FAX (541) 451-1366

**ANNEXATION LEGAL DESCRIPTION
FOR
BETTY B. HELLBERG**

An area of land in Section 9 of Township 12 South of Range 2 West of the Willamette Meridian, Linn County, Oregon described as follows:

Beginning at a point on the North line of the Moses Bland DLC No. 50 in Township 12 South of Range 2 West of the Willamette Meridian, Linn County, Oregon which point is the Northwest corner of the East one half of said claim; thence North 30.00 feet more or less to the existing City of Lebanon Urban Growth Boundary; thence East, along the existing City of Lebanon Urban Growth Boundary, 1062.42 feet; thence leaving said existing City of Lebanon Urban Growth Boundary, South 2326.04 feet to a ½" iron pipe; thence West 1062.42 feet to a 1" iron pipe; thence North 2296.04 feet to the point of beginning.

I hereby certify the above legal description closes within the requirements of ORS 92 and that it was developed using standard procedures practiced by professional surveyors in the State of Oregon.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Brian Vandetta

OREGON
JULY 13, 1999
BRIAN S. VANDETTA
51041-LS

RENEWAL 6-30-06

EXHIBIT A
Page 2 **of** 2

**FINDINGS FOR
HELLBERG, GOGGIN, ERIKSEN ANNEXATION
FILE NO. A-06-09**

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 and south.

Criteria 1.5, 1.13, 1.14, and 2.5

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

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

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

2004 LCP Chapter 3 (Urbanization) – Annexation Policy #P-23: *[The City shall] Deem an annexation orderly if the annexation territory is contiguous to the existing City Limits, and deem an annexation efficient if the annexation territory can be developed or redeveloped to an urban use (urban uses may include functional wetlands, parks, open space and related uses).*

Finding # 5:

The proposed annexation complies with the above noted criteria. (1) Since the annexation territory is contiguous to the existing City limits the annexation or this territory is deemed orderly. (2) The annexation is efficient since the annexation territory can be developed to an urban use This territory can be developed according to the provisions of Lebanon Zoning Ordinance Section 4.210 that lists the development opportunities, standards and requirements for the Limited Industrial (ML) zone. The annexation territory can also be developed in a manner that is consistent with the Aircraft Control Subzone (AC) provisions of the Lebanon Zoning Ordinance, Section 4.510. As noted previously, the majority of Tax Lot 400 is with the Lebanon State Airport's Aircraft Control Subzone.

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.

- The closest existing City sanitary sewer is a 2” line located approximately 2800 feet easterly at the intersection of 12th Street and State Highway 34. 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. Engineering facility planning has located a future sanitary lift station on Oak Street south of the annexation property.
- The closest existing water line is a 16 inch water transmission mains located approximately 2800 feet easterly at the intersection of 12th Street and State Highway 34. At the time of a development proposal it will be determined what the fire and domestic demand is for the annexation site and how that demand will best be served. Engineering facility planning has located a future 12 “water line in Oak street south of the annexation property.

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 one existing single family home. 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 sewer service (and water service) can be accessed with extensions from the existing lines 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 Industrial. It is reasonable to conclude that the major economic development activity in the community in recent months can be anticipated to generate population growth and opportunities for the creation of many new jobs are created in the relatively near future, especially in the area surrounding the subject property. Accordingly, land that can generate employment or job 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 potential future industrial-related redevelopment of the site.

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 no additional necessary right-of-way needed at the time of annexation. [Note: 1.93 acres of the total annexation territory of 56.73 acres is the Highway 34 Right of Way between the northern boundaries of Tax Lots 400 and 500 and the UGB line.]

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. The property is designated as Industrial (C-IND) on the City of Lebanon's Comprehensive Plan Map. A Limited Industrial (ML) zoning designation is being requested upon annexation. This zoning designation is consistent with the City's Comprehensive Plan Map designation of Industrial (C-IND). No change in zoning designation is thus being requested.

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.