



I, Steve Druckenmiller, County Clerk for Linn County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.



Steve Druckenmiller - County Clerk

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-06-08, DONALDSON DEVELOPMENT)

ORDINANCE BILL NO. 4
for 2007

ORDINANCE NO. 2732

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:

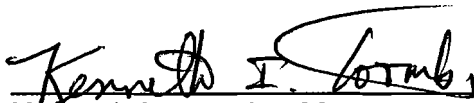
Section 1. Findings. In addition to the findings referred to above, the City Council further adopts and finds those matters contained in Exhibit "B" which is incorporated herein by this reference as if fully set forth at this point.

After Recording Please Return To:
City of Lebanon
City Recorder
925 Main Street
Lebanon, OR 97355

Section 2. Annexation Area. Based upon the findings contained above and in Exhibit "B", the contiguous territory described in Exhibit "A" and incorporated herein by this reference as if fully set forth at this point is hereby proclaimed to be annexed to the City of Lebanon, and zoned as indicated in accordance with the Lebanon Zoning Ordinance No. 1773, and assigned the zoning of Residential Mixed Density (Z-RM or RM).

Section 3. Record. The City Recorder shall submit to the Oregon Secretary of State a copy of this Ordinance. The City Recorder is further ordered to send a description by metes and bounds, or legal subdivision, and a map depicting the new boundaries of the City of Lebanon within ten (10) days of the effective date of this annexation ordinance to the Linn County Assessor, Linn County Clerk and the Oregon State Department of Revenue.

Passed by the Lebanon City Council by a vote of 6 for and 0 against and approved by the Mayor this 11 day of April, 2007



Kenneth I. Toombs, Mayor
Ron Miller, Council President

ATTEST:



Linda Kaser, City Clerk / Recorder

ANNEXATION MAP
DONALDSON DEVELOPMENT, C.
 IN SECTION 15, T. 12 S., R. 2 W., W.M.
 LINN COUNTY, OREGON

SCALE: AS SHOWN
 REVISED

JUNE 12, 2006
 MARCH 8, 2007

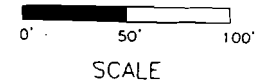
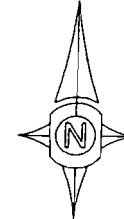
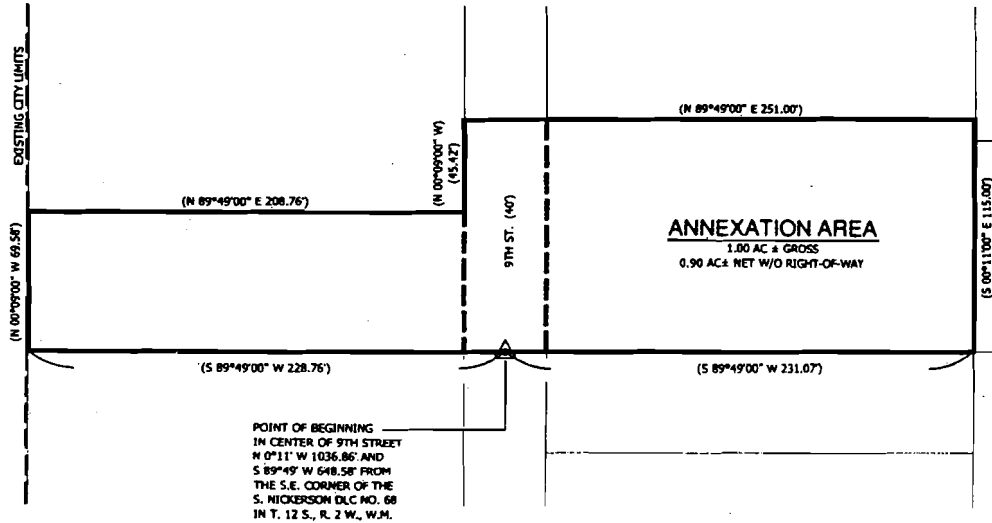


EXHIBIT A



APPLICANT/OWNER:

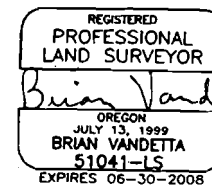
DONALDSON DEVELOPMENT, INC.
 P.O. BOX 765
 AURORA, OR. 97002
 (503) 989-8628

PROPERTY:

12-2W-15BD
 TAX LOTS:
 1300 AND 3004

SURVEYOR:

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



ENGINEER
 8072
 SURVEYOR
 1366
Udell
 ENGINEERING & SURVEYING
 63 EAST ASH ST.
 LEBANON, OREGON
 97355
 PH. (541) 451-5125
 FAX (541) 451-1366

JOB NAME: 06 DONALDSON ANNEX 9TH

A-06-08

EXHIBIT A

DONALDSON DEVELOPMENT, INC.
ANNEXATION LEGAL
DESCRIPTION

AN AREA OF LAND IN THE NE 1/4 OF SECTION 15 IN TOWNSHIP 12 SOUTH OF RANGE 2 WEST OF THE WILLAMETTE MERIDIAN IN LINN COUNTY, OREGON DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE CENTER OF 9TH STREET WHICH BEARS NORTH 0°11' WEST 1036.86 FEET AND SOUTH 89°49' WEST 648.58 FEET FROM THE SOUTHEAST CORNER OF THE S. NICKERSON DLC NO. 68 IN TOWNSHIP 12 SOUTH OF RANGE 2 WEST OF THE WILLAMETTE MERIDIAN IN LINN COUNTY, OREGON; THENCE SOUTH 89°49' WEST 228.76 FEET; THENCE NORTH 0°09' WEST 69.58 FEET; THENCE NORTH 89°49' EAST 208.76 FEET TO A POINT ON THE WEST RIGHT-OF-WAY OF 9TH STREET; THENCE NORTH 0°09' WEST, ALONG SAID RIGHT-OF-WAY, 45.42 FEET; THENCE NORTH 89°49' EAST 251.00 FEET; THENCE SOUTH 0°11' EAST 115.00 FEET; THENCE SOUTH 89°49' WEST 231.07 FEET TO THE POINT OF BEGINNING.

I HEREBY CERTIFY THE ABOVE LEGAL DESCRIPTION CLOSES WITHIN THE TOLERANCES RECOGNIZED BY NORMAL PRACTICES IN THE SURVEYING PROFESSION AND PER ORS. 92.

BY: Brian Vandetta
BRIAN VANDETTA, PLS 51041-LS

DATE: 3/08/07

REGISTERED
PROFESSIONAL
LAND SURVEYOR

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

RENEWAL DATE: 6-30-08

REVISED - March 8, 2007

Findings

A-06-08 DONALDSON DEVELOPMENT

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.

Criterion 2.9

2004 LCP Chapter 3 (Urbanization) – Annexation Policy # P-27: *Expand the City Limits as necessary to accommodate development, including housing, commercial, industrial, and services (that will in turn accommodate population growth).*

Finding #9:

The proposed annexation complies with the above noted criterion in that the annexation of this property is indeed necessary to accommodate development, specifically residential. It is 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 provide residential 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 residential redevelopment of this territory.

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 annexation territory includes a portion of 9th Street and its ROW between the parcels being annexed (Assessor's Map T12S - R2W – Section 15BD, Tax Lots 1300 and 3004).

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 Residential Mixed Density (C-RM) on the City of Lebanon's Comprehensive Plan Map. A Residential Mixed Density (Z-RM) zoning designation is being requested upon annexation. This zoning designation is consistent with the City's Comprehensive Plan Map designation of Residential Mixed Density (C-RM). No change in zoning designation is thus being requested.

Therefore, a City zoning designation of Residential Mixed Density (C-RM) can automatically be assigned at this time, without a separate hearing. This action is NOT a zoning map amendment.

Criterion 1.14

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

Finding # 12:

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

COVER SHEET for
City of Lebanon Ordinance stated below:

A BILL FOR AN ORDINANCE VACATING)	ORDINANCE BILL NO. <u>3</u>
RIGHT OF WAY OF CANAL STREET AND)	For 2007
CLOVER STREET (Linddale Addition))	ORDINANCE NO. <u>2731</u>

(SEE ATTACHED)

AFTER RECORDING RETURN TO:
City of Lebanon
Public Works Dept.
925 Main Street
Lebanon, OR 97355

LINN COUNTY, OREGON **2007-09635**
ORD-ORD
Cnt=1 Stn=1 COUNTER **04/19/2007 03:12:50 PM**
\$25.00 \$11.00 \$10.00 **\$46.00**



I, Steve Druckenmiller, County Clerk for Linn County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.

Steve Druckenmiller - County Clerk

