

LINN COUNTY, OREGON 2007-09379  
ORD-ORD 04/17/2007 10:16:27 AM  
Cnt=1 Stn=7 M. FISHER \$66.00  
\$45.00 \$11.00 \$10.00



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



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-06-13, HEATHER ESTATES )

ORDINANCE BILL NO. 5  
for 2007

ORDINANCE NO. 2733

**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:

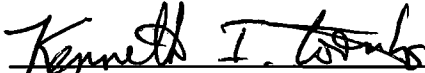
**Section 1. Findings.** In addition to the findings referred to above, the City Council further adopts and finds those matters contained in Exhibit "B" which is incorporated herein by this reference as if fully set forth at this point.

**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 10 for and 0 against and approved by the Mayor this 11th day of April, 2007

  
Kenneth I. Toombs, Mayor   
Ron Miller, Council President

ATTEST:

  
Linda Kaser, City Clerk / Recorder

ANNEXATION MAP  
**HEATHER ESTATES, LLC**

IN THE RICHMOND CHEADLE DONATION LAND CLAIM NO. 38  
 SE 1/4 OF SECTION 22, T. 12 S., R. 2 W., W.M.  
 LINN COUNTY, OREGON  
 NOVEMBER 30, 2006

EXHIBIT A

SOUTH FIFTH STREET C.R. 714 (60')

CITY LIMITS PER ORD NO. 1614

VAUGHAN LANE (90')

FD 1/2" IP  
 C.S. 2177

FD 1/2" IP  
 C.S. 2177

BASIS OF BEARING  
 S89°42'00"E 211.17'  
 (S89°42'E 211.20')  
 C.S. 2177

ANNEXATION AREA  
 80,778 SF  
 1.85 AC

{N00°02'09"E 382.62'}  
 (N00°03'W 382.50')  
 C.S. 2177

{S00°02'47"W 382.57'}  
 (N00°03'W 382.50')  
 C.S. 2177

FD 3/4" BOLT  
 C.S. 2177

[S89°42'50"E 211.10']  
 (S89°42'E 211.20')  
 C.S. 2177

[S89°42'50"E 211.10']  
 (S89°42'E 211.20')  
 C.S. 2177

[S89°42'50"E 211.10']  
 (S89°42'E 211.20')  
 C.S. 2177

FD 3/4" IP  
 C.S. 8981

CITY LIMITS PER ORD NO. 2705

S89°42'50"E 1266.62'  
 (S89°42'E 1267.20')  
 C.S. 8981

N00°06'20"E 227.34'

FD 5/8" IR W/YPC  
 C.S. 24401  
 NORTHWEST CORNER OF  
 HEATHER ESTATES PHASE 2

**LEGEND**

- MONUMENT FOUND AS NOTED
- FD FOUND
- C.S. COUNTY SURVEY
- ( ) DATA OF RECORD
- { } CALCULATED DATA
- IR IRON ROD
- IP IRON PIPE
- REFERENCE SURVEY: C.S. 2177,  
 C.S. 8981, C.S. 24401
- EXISTING CITY LIMITS

**OWNER / APPLICANT:**

HEATHER ESTATES, LLC  
 914 SOUTH 2nd STREET  
 LEBANON, OREGON 97355

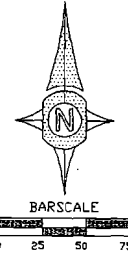
**SITE ADDRESS:**

377 VAUGHAN LANE  
 LEBANON, OREGON 97355  
 MAP 12S-R2W-22D  
 TAX LOT 700

**REGISTERED  
 PROFESSIONAL  
 LAND SURVEYOR**

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

**RENEWAL DATE:**



UDPELL ENGINEERING  
 63 EAST ASH ST  
 LEBANON, OREGON, 97365  
 541-451-6126

VAUGHAN LANE ANNEX  
 HEATHER ESTATES  
 LEBANON, OREGON

PREPARED BY  
 B. S. VANDETTA  
 CHECKED BY  
 J. W. BERRY

SHEET 1  
 of 1  
 SCALE: AS NOTED

**EXHIBIT A**  
Annexation Area

**Vaughan Lane**

An area of land in the Richmond Cheadle Donation Land Claim No. 38 in the Southeast 1/4 of Section 22, Township 12 South, Range 2 West, Willamette Meridian, Linn County, Oregon being more particularly described as follows:

Beginning at a point on the City Limits per the City of Lebanon Ordinance No. 2705 which bears North 00°06'20" East 227.34 feet and South 89° 42'50" East 211.10 feet from the Northwest corner of Heather Estates Phase 2 in Section 22, Township 12 South, Range 2 West, Willamette Meridian, Linn County, Oregon; thence North 00°02'09" East 382.62 feet to a 1/2" iron pipe on the South Right-of-Way of Vaughan Lane; thence South 89°42'00" East 211.17 feet along said Right-of-Way to a 1/2" iron pipe; thence leaving said Right-of-Way South 00°02'47" West 382.57 feet to a point on the City Limits per Ordinance No. 2705; thence North 89°42'50" West 211.10 feet along the said City Limits to the point of beginning.



# Findings

## A-06-13 HEATHER ESTATES

### 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 north 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 # 5:**

The proposed annexation complies with the above noted criteria. (1) Since the annexation territory is contiguous to the existing City limits the annexation of 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 4.020 that lists the development opportunities, standards and requirements for the Residential Mixed Density (Z-RM) zone.

**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).

- **Sewer Service:** No sewer utility directly abuts the property. Sewer utility service to the south identified, by the applicant in the applicant’s narrative, is experiencing some operational problems. The problem is presently under review. At the time of a development proposal it will be determined how to best serve this site.
- **Water Service:** A 12-inch water line fronts the property along the north in Vaughn lane and water utility exists to the south to be extended with the Kingdom Estates subdivision. At the time of a development proposal it will be determined what the preferred utility configuration will be to serve this site.
- **Streets and Storm Drainage:** Vaughan Lane, a designated collector improved to County standards, abuts the north property line of the annexation territory. A drainage ditch along the south side of this street provides drainage.

**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 formerly contained two single family homes that have now been removed. 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. (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 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 no additional necessary right-of-way needed at the time of annexation.



**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.