



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-07-02, RICK FRANKLIN CORP.

) **ORDINANCE BILL NO. 7**
) **for 2007**
) **ORDINANCE NO. 2735**
)
)
)

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:

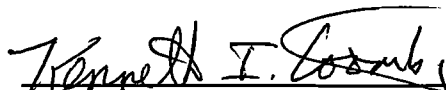
Section 1. Findings. In addition to the findings referred to above, the City Council further adopts and finds those matters contained in Exhibit "B" which is incorporated herein by this reference as if fully set forth at this point.

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 General Industrial (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 6 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

REGISTERED PROFESSIONAL LAND SURVEYOR
Brian Vandetta
OREGON
JULY 13, 1999
BRIAN S. VANDETTA
#51041-LS
RENEWAL DATE: 6-30-08

ANNEXATION MAP
RICK FRANKLIN CC
 A PORTION OF PARCEL 2 OF LINN COUNTY PARTITION PLAT NO. 1993-55
 SW 1/4 SEC. 2 T. 12 S., R. 2 W., W.M.
 LINN COUNTY, OREGON
 FEBRUARY 2, 2007

- LEGEND**
- MONUMENT FOUND AS NOTED
 - C.S. COUNTY SURVEY
 - () DATA OF RECORD PER C.S. 20783
 - [] CALCULATED DATA
 - IR IRON ROD
 - REFERENCE SURVEY: C.S. 12622, C.S. 19191, C.S. 20783
 - - - DONATION LAND CLAIM LINE
 - - - EXISTING CITY LIMITS
 - ▨ ANNEXATION AREA

APPLICANT:
 RICK FRANKLIN CORP.
 P.O. BOX 365
 LEBANON, OR. 97355

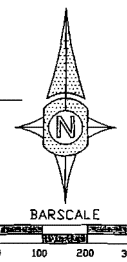
OWNER/SITE ADDRESS:
 RICK FRANKLIN CORP.
 251 INDUSTRIAL WAY
 LEBANON, OR. 97355
 541-451-1275

PROPERTY:
 MAP 12S-2W-2
 TAX LOT 1412

SURVEYOR:
 BRIAN VANDETTA
 UBELL ENGINEERING & LAND SURVEYING LLC
 63 E. ASH STREET
 LEBANON, OR. 97355

LINE TABLE		
LINE	BEARING	DISTANCE
L1	(S27°01'01"W)	(123.74')
L2	(N89°59'24"W)	(229.55')
L3	(S54°05'26"W)	(58.36')
L4	(S40°35'29"W)	(71.40')
L5	(S20°51'57"W)	(50.76')
L6	(S28°54'30"W)	(45.99')
L7	(S11°50'29"E)	(57.92')
L8	(S14°50'12"E)	(104.81')
L9	(S02°12'16"W)	(128.05')
L10	(S05°09'53"W)	(73.58')
L11	(S37°41'55"W)	(50.36')
L12	(S40°39'33"W)	(71.74')
L13	(S18°22'07"W)	(92.30')
L14	(S89°42'08"E)	(26.31')
L15	(S21°24'22"W)	(322.77')
L16	(S25°50'32"W)	(88.23')
L17	(S34°42'04"W)	(80.49')
L18	(S26°53'39"W)	(77.74')
L19	(S41°12'55"W)	(115.19')
L20	(S38°04'23"W)	(95.41')
L21	(S43°31'36"W)	(95.03')

EXHIBIT A



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

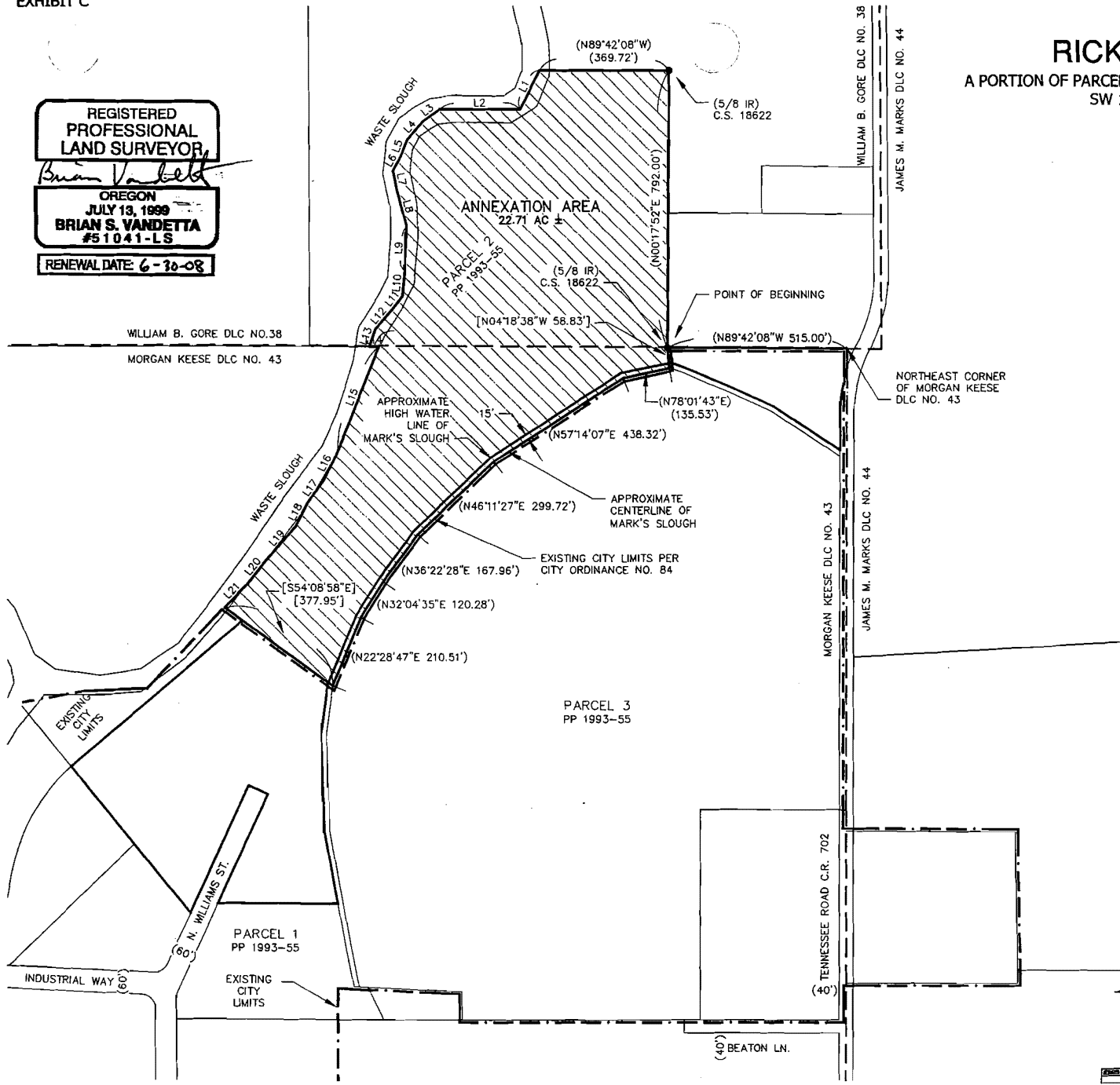


EXHIBIT A
RICK FRANKLIN CORP.
ANNEXATION LEGAL
DESCRIPTION

A Portion of Parcel 2 of Linn County Partition Plat No. 1993-55 in the Southwest 1/4 Of Section 2 in Township 12 South of Range 2 West of the Willamette Meridian in Linn County, Oregon more particularly described as follows:

Beginning at a 5/8" iron rod bearing North 89°42'08" West 515.00 Feet from the Northeast corner of the Morgan Keese Donation Land Claim No. 43 in the Southwest 1/4 of Section 2 in Township 12 South, Range 2 West of the Willamette Meridian in Linn County, Oregon; Thence North 00°17'52" East 792.00 Feet to a 5/8" iron rod; Thence North 89°42'08" West 369.72 Feet to the centerline of the waste slough; Thence along the waste slough centerline the following Thirteen (13) courses and distances: (1) South 27°01'01" West 123.74 Feet; (2) North 89°59'24" West 229.55 Feet; (3) South 54°05'26" West 58.36 Feet; (4) South 40°35'29" West 71.40 Feet; (5) South 20°51'57" West 50.76 Feet; (6) South 28°54'30" West 45.99 Feet; (7) South 11°50'29" East 57.92 Feet; (8) South 14°50'12" East 104.81 Feet; (9) South 02°12'16" West 128.05 Feet; (10) South 05°09'53" West 73.58 Feet; (11) South 37°41'55" West 50.36 Feet; (12) South 40°39'33" West 71.74 Feet; (13) South 18°22'07" West 52.30 Feet to the North line of the Morgan Keese DLC No. 43; Thence along said North line South 89°42'08" East 26.31 Feet to a point on the East bank of the waste slough; Thence along said bank the following Seven (7) courses and distances: (1) South 21°24'22" West 322.77 Feet; (2) South 25°50'32" West 88.23 Feet; (3) South 34°42'04" West 80.49 Feet; (4) South 26°53'39" West 77.74 Feet; (5) South 41°12'55" West 115.19 Feet; (6) South 38°04'23" West 95.41 Feet; (7) South 43°31'36" West 95.03 Feet to the Lebanon City Limits per Ordinance No. 84; Thence along said City Limits the following Eight (8) courses and distances: (1) South 54°08'58" East 377.95 Feet; (2) North 22°28'47" East 210.51 Feet; (3) North 32°04'35" East 120.28 Feet; (4) North 36°22'28" East 167.96 Feet; (5) North 46°11'27" East 299.72 Feet; (6) North 57°14'07" East 438.32 Feet; (7) North 78°01'43" East 135.53 Feet; (8) North 04°18'38" West 58.83 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

REGISTERED
PROFESSIONAL
LAND SURVEYOR

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

RENEWAL DATE: 6-30-08

DATE: 2/05/07

Findings

A-07-02 RICK FRANKLIN CORP.

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 south and the southeast.

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 elements 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."

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.

The Planning Commission recognizes that the applicant is applying for a Conditional Use Permit (CU-07-01) for a Industrial Materials Recycling Facility on the subject property concurrently with this application for annexation. Any approval of CU-07-01 will be contingent upon the completion of (including City Council approval of) this annexation request (A-07-02).

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 can be made available to the territory.

- The city sanitary sewer interceptor runs just south of the proposed annexation property.
- A 6 inch potable water line exists in Industrial Way with existing fire protection provided to the general area from the non potable source served by the water tank located adjacent to and south of Industrial way.
- Industrial Way serves existing vehicular traffic to the general area.

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). (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 potentially facilitates future development and job creation. Annexation of the proposed territory will:

- Broaden opportunities for economic expansion and diversification.
- Provide appropriate land for industrial development that will support the economic base of the City.
- Create an industrial area where there is good access to public facilities.
- Support diversity in type, scale and location of industrial activities which helps maintain a high level of employment and promotes diversification of the local economy.
- Preserve and protect lands designated for industrial use.

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 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 in that the applicant is applying for a Conditional Use Permit (CU-07-01) for a Industrial Materials Recycling Facility on the subject property concurrently with this application for annexation. Any approval of CU-07-01 will be contingent upon the completion of this annexation request (A-07-02).