



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-07-08, WDS, LLC )  
ORDINANCE BILL NO. 19  
for 2007  
ORDINANCE NO. 2747

**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.

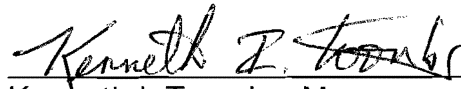
**After Recording Please Return To:**

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 24th day of October, 2007

  
\_\_\_\_\_  
Kenneth I. Toombs, Mayor   
Bob Elliott, Council President

ATTEST:

  
\_\_\_\_\_  
Linda Kaser, City Clerk/Recorder

**ANNEXATION DESCRIPTION**

**(Tax Lot 1400; Assessor Map 12S-2W-15BD)**

ALL of that Lebanon Airport Estates, LLC, an Oregon Limited Liability Company, Tract described by deed recorded in Document Number 2006-28878 in the Linn County Deed Records on November 28, 2006 that is more particularly described as follows:

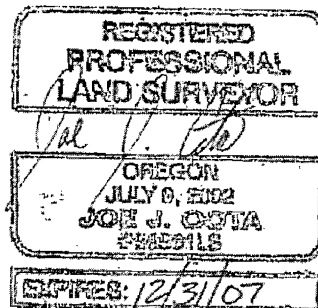
The north half of the following described premises: Beginning at a point on the center line of a roadway running North 00°09' West, said point being 00°11' West 15.710 chains and South 89°49' West 9.827 chains from the southeast corner of S. Nickerson Donation Land Claim No. 68, Township 12 South, Range 2 West of the Willamette Meridian; thence South 00°09' East, along the center line of said roadway, 3.163 chains to a 1/2 inch iron pipe; thence North 00°09' West 3.163 chains to a 1/2 inch iron pipe; thence North 89°49' East 3.163 chains to the Place of Beginning, excepting therefrom a strip of land 20 feet in width off the east end thereof set aside for the use of the public as a roadway, and save and except that portion of the above described tract of land lying within the boundaries of public roads and highways.

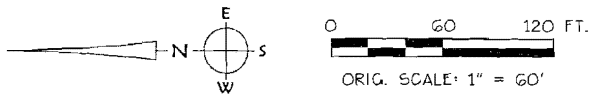
April 3, 2007

ANNEXATION DESCRIPTION

(07-58-A) JJC:ls

File Ref: nlm/shared documents/legal/07-58 Annexation desc.doc

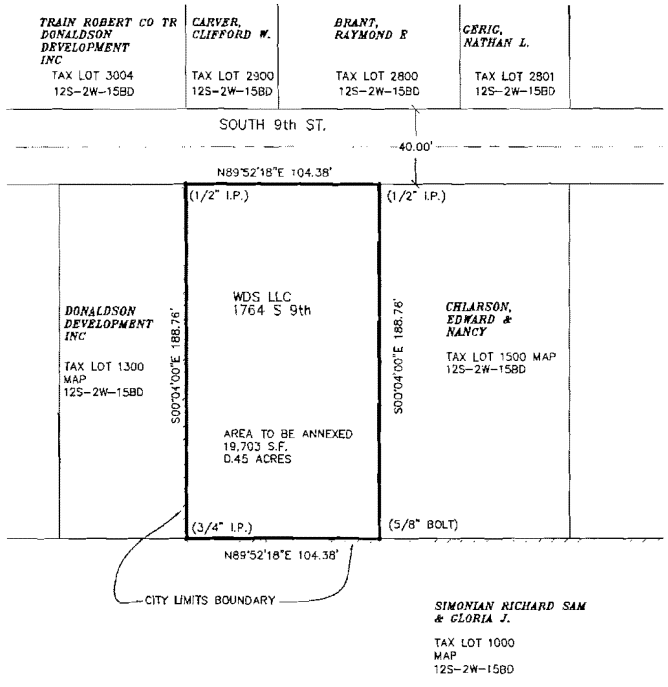




ANNEXATION MAP  
FOR  
**WILLAMETTE DEVELOPMENT SERVICES, LLC**

LOCATED IN  
SE 1/4 NW 1/4 SEC.15 T. 12S. R. 02 W. W.M.

LINN COUNTY, OREGON  
APRIL 09, 2007  
REVISED AUGUST 13, 2007



**LEGEND:**

- FD. 5/8 ROD MARKED "K+D ENGR L5 58561"
- FD. FOUND
- S.F. SQUARE FEET
- P.P. PARTITION FLAT
- C.S. COUNTY SURVEY
- ( ) RECORD DATA PER C.S.2296
- ( ) RECORD DATA PER C.S.7323
- CITY LIMIT LINE

**ENG./SURVEYOR:**

K&D ENGINEERING, INC  
276 NW HICKORY STREET  
ALBANY, OREGON 97321  
541-928-2583

**APPLICANT:**

WDS, LLC  
110 3rd AVE. SE  
ALBANY, OREGON 97321

**TAX LOT:**

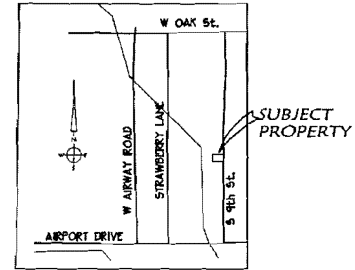
TAX LOT 1400  
ASSESSOR'S MAP 12S-2W-15BD  
1764 S 9th  
LEDANON, OREGON

**ZONING:**

EXISTING C-RM  
REQUESTED RM

**CURRENT USE:**

SINGLE FAMILY USE



VICINITY MAP  
N.T.S.

Date: 8/13/2007 Time: 14:37  
Scale: 1=40'(P5)  
File: d:\2007\07-58-n\0758-ann.dwg (Jeff D)

**K & D ENGINEERING, Inc.**  
276 N.W. Hickory Street P.O. Box 728  
Albany, Oregon 97321  
(541) 928-2583

## Proposed Findings

### A. Finding that addresses Debris Abatement:

#### Criteria 3.2 and 4

**LZO Section 2.120 -- Non-Violation Provisions (2):** *No approval of any use permit, administrative review or other land use decision by the Planning Official, Planning Commission or City Council shall be made if that approval would result in violation of any other City ordinance.*

**Lebanon Municipal Code [Excerpts from Chapter 8: Health and Safety, Subsection 4 - Nuisances]:**

**8.04.030 Public Health Nuisances Prohibited:** *No person shall cause or permit on property owned or controlled by him a nuisance affecting public health.*

**8.04.170 Rubbish:** *No person shall deposit upon public or private property any kind of rubbish, trash, debris, refuse or any substance that would mar the appearance, create a stench, create a fire hazard or detract from the cleanliness or safety of such property.*

#### Finding # 1:

A Land use action allowing nuisances in the City is a violation of LZO Section 2.120. Chapter 8 (Section 8.04) of the Lebanon Municipal Code clearly stipulates that debris, rubbish and other trash that would "create a fire hazard or detract from the cleanliness or safety of such property" are nuisances and prohibited. Accordingly, the Planning Commission found that accumulations of debris and all other actual or potential nuisances (including high, dry grass and weeds covering the property) must be fully abated prior to scheduling City Council action on this annexation request.

**A CD staff site visit on October 16, 2007, confirmed that the debris, rubbish, and other nuisances have been fully and completely abated.**

### B. Findings that address Basic Relevant Annexation Criteria

#### 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 # 2:

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 # 3:**

The annexation policies of the City's Annexation Ordinance are consistent with and closely follow (often having identical wording) the 2004 Lebanon Comprehensive Plan (LCP) Annexation Policies. The entire Comprehensive Plan has been acknowledged and accepted by the State as being in compliance with all applicable Statewide Planning Goals and statutes. Thus, the State recognizes the internal consistency of the LCP goals and policies. If this annexation proposal is consistent with all of the LCP annexation policies, it is *ipso facto* in compliance with the above noted LCP annexation policies of being consistent with *the goals and policies of the Lebanon Comprehensive Plan*. The proposed annexation does indeed comply 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, as the findings below detail this proposal's compliance with all the Annexation Policies.

### 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 # 4:**

The proposed annexation complies with the above noted criteria in that the annexation territory is within the City's Urban Growth Boundary or UGB (see attached maps and legal description), and is therefore eligible for annexation and urban development. Because this annexation territory is included in the City's UGB, it has been identified as land needed by the City for urban development for more than 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 # 5:**

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 west (see attached maps and legal description).

**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 # 6:**

The proposed annexation complies with the above noted criteria. (a) Since the annexation territory is contiguous to the existing City limits (see attached maps and legal description) the annexation or this territory is deemed orderly. (b) City staff have examined the subject property and have determined that there are no impediments to the development [redevelopment] of this property to an urban use under the provisions and standards of LZO Section 4.030, Residential Mixed Density Zone (RM). Thus the annexation is efficient since the annexation territory can be developed to an urban use. (c) City staff have examined the subject property and have determined that there are no *designated environmental constraints*.

**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 # 7:**

The proposed annexation complies with the above noted criteria in that no development proposal was required to be submitted at this time. In fact, no development proposal was submitted.

**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 # 8:**

The proposed annexation complies with the above noted criteria in that this property is currently developed with a single family dwelling with on-site services. 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 given the current proximity of such services (see Planning Comments G & H).

### 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 #9:

The proposed annexation complies with the above noted criteria in that this territory is currently developed with a single family dwelling with on-site services. 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, the City Engineer has determined that 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.

#### Engineering Comments:

- We agree with the applicants narrative and statements regarding the proposed annexation, including statements regarding the existing public improvements and the future construction of public improvements. (See Annexation finding 3.5.1)
- Public utility lines exist in 9<sup>th</sup> just south of F street. These utility lines may be extended to serve this site in the future.

### 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 #10:

The proposed annexation complies with the above noted criterion in that the annexation of this property is indeed necessary to accommodate development:

- (a) It is reasonable to conclude that the ongoing major economic development activity in the community over the past few years 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.
- (b) In addition, the adopted City/County Coordinated Population Growth rate obligates the City to plan for an increase in the need for land to accommodate economic and residential development is well documented in the City's 2004 Comprehensive Plan (e.g., see Chapter 3, 4, 5, and 6) and in the City's 2004 Urbanization Study and Buildable Lands Inventory (see Planning Comment E). Accordingly, land that can provide opportunities for residential, commercial, or industrial uses will be in demand in the community to meet the above documented land needed to accommodate projected population and economic growth over the adopted planning time frame (to the year 2025).
- (c) This annexation (i.e., expansion of the City limits) is therefore necessary to provide land needed for planned future growth of the community by enabling the potential future urban development (redevelopment) of this territory in accordance with City Zoning regulations.



### **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 # 11:**

The proposed annexation complies with Annexation Ordinance Section 10 in that any required additional rights-of-way will be identified at time of development.

### **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 # 12:**

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 (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), as shown on the *City of Lebanon Land Use Matrix Showing Correspondence Between Comprehensive Plan Map Designations and Zoning Map Designations* in this Staff Report immediately following the findings (also see Planning Staff Comment "I"). No change in zoning designation is thus being requested.

Therefore, a City zoning designation of Residential Mixed Density (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 # 13:**

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

**Finding # 14:**

**The Linn County correspondence dated October 9, 2007** is not germane to the annexation proposal. Linn County's comments pertain to future development of the parcel which would fall under a separate land use application. It also appears that some of Linn County's comments are related to a development proposal on a different tax lot on 9<sup>th</sup> Street.