



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-07-06, PACIFIC PLACE, LLC

) ORDINANCE BILL NO. 20  
) for 2007  
)  
) ORDINANCE NO. 2748  
)  
)

**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 Mixed Use (Z-MU).

**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 24 day of October, 2007

  
Kenneth I. Toombs, Mayor   
Bob Elliott, Council President

ATTEST:

  
Linda Kaser, City Clerk/Recorder

# PACIFIC PLACE LLC ANNEXATION LEGAL DESCRIPTION

PARCEL 1 OF PARTITION PLAT NO. 2003-63 IN THE NE 1/4 OF SECTION 9 IN TOWNSHIP 12 SOUTH OF RANGE 2 WEST OF THE WILLAMETTE MERIDIAN IN LINN COUNTY, OREGON MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF PARCEL 1 OF PARTITION PLAT NO. 2003-63 AND BEING ON THE SOUTH RIGHT-OF-WAY OF TANGENT STREET IN THE NE 1/4 OF SECTION 9 IN TOWNSHIP 12 SOUTH, RANGE 2 WEST OF THE WILLAMETTE MERIDIAN IN LINN COUNTY, OREGON; THENCE ALONG THE SOUTH RIGHT-OF-WAY OF TANGENT STREET SOUTH  $89^{\circ}37'19''$  WEST 311.94 FEET TO A POINT ON THE EAST RIGHT-OF-WAY OF SUNSET ROAD; THENCE SOUTH  $00^{\circ}16'59''$  EAST 1538.25 FEET ALONG SAID EAST RIGHT-OF-WAY TO A  $5/8''$  IRON ROD MARKING THE SOUTHWEST CORNER OF SAID PARCEL 1; THENCE NORTH  $89^{\circ}32'35''$  EAST 485.45 FEET TO A POINT MARKING THE SOUTHEAST CORNER OF SAID PARCEL 1; THENCE NORTH  $00^{\circ}17'00''$  WEST 475 FEET TO THE SOUTH NORTHEAST CORNER OF SAID PARCEL 1; THENCE SOUTH  $89^{\circ}39'00''$  WEST 173.50 FEET TO THE INTERIOR CORNER OF SAID PARCEL 1; THENCE NORTH  $00^{\circ}17'00''$  WEST 1062.50 FEET TO THE SOUTH RIGHT-OF-WAY OF TANGENT STREET MARKING 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.

ANNEXATION MAP  
**PACIFIC PLACE LLC**  
 IN THE JEREMIAH PALSTON D/LC NO. 49  
 IN THE SE 1/4 OF THE NE 1/4 OF SECTION 9, T. 12 S., R. 2 W., W.M.  
 LINN COUNTY, OREGON  
 2000045.MXD



- LEGEND**
- EASEMENT POLYLINE AND POINT
  - PT POINT
  - DA COUNTY SURVEY
  - DE DATA OF RECORD
  - EL EASEMENT LINE
  - LI FACILITY LINE
  - LN LINE
  - ND NORTH
  - SE SOUTH-EAST
  - SW SOUTH-WEST
  - WE WEST
  - RE REFERENCE TO FILED OR BOOK
  - CITY LIMIT LINE
  - TOWNSHIP LINE

**OWNER:**  
 RONALD E. AND JACQUE H. MOSE  
 PO BOX 2254  
 LEWISON, OR 97341

**APPLICANT:**  
 PACIFIC PLACE LLC  
 500 BULL RUN  
 NW PARK STREET  
 LEWISON, OR 97341

**SURVEYOR:**  
 ERIN WARDLE  
 JULL ENGINEERING  
 615 EAST 6TH STREET  
 LEWISON, OR 97341

**PROPERTY:**  
 200-04-000  
 TRACT 1-1



PLAN REVISIONS	DATE

**Findings**  
**A-07-06 Pacific Place, LLC**

**Exhibit B**

**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 southwest.

**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 4.310 that lists the development opportunities, standards and requirements for the Mixed Use Zone (MU).

**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 undeveloped and 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.

### 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 is currently undeveloped and 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., 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:**

- *The nearest sanitary sewer is approximately 1400 feet to the east at the intersection of 12th and highway 34. Significant offsite sanitary sewer system improvements will be necessary to provide city sanitary sewer utility to the proposed annexation property.*
- *The nearest water line is approximately 1400 feet to the east at the intersection of 12th and highway 34. Significant offsite water utility extensions will be necessary to provide city water utility to the proposed annexation property. The Lebanon Water System Master Plan lists a project named Western Distribution Improvements and identifies future improvements as a 16 inch water line to be constructed along highway 34 extending west from 13th St. fronting the annexation property.*

### 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. 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 opportunities for residential, commercial, or industrial uses 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 development 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 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 # 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 Mixed Use (C-MU) on the City of Lebanon's Comprehensive Plan Map. A Mixed Use (Z-MU) zoning designation is being requested upon annexation. This zoning designation is consistent with the City's Comprehensive Plan Map designation of Mixed Use (C-MU)). No change in zoning designation is thus being requested.

Therefore, a City zoning designation of Mixed Use (Z-MU) 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.



**Criterion: Written Testimony Submitted by Opposition**

(As per the request of several citizens at the 8/1/07 PC hearing the record was held open until 5:00 pm on 8/23/07)

On August 20, 2007, the City received a letter (dated August 17, 2007) from Leahy & Cox, LLP Attorneys representing James Sieminski in opposition to annexation file number A-07-06 (see attached copy). In part, this letter states the following:

*"Our opposition is based upon what appears to be the proposed development of the property. We recognize that the proposed use is not at issue in the annexation decision, but we would like to make a note of the following concerns."*

The letter then enumerates several concerns regarding the purported "proposed development" (see attached copy of the letter).

**Finding # 13:**

Regarding the above noted letter, the Planning Commission finds that:

- a. The annexation proposal A-07-06 does not include a development proposal;
- b. As cited in the Staff Report for A-07-06, the Annexation Criteria include Annexation Ordinance Section 7 and 2004 LCP Chapter 3 (Urbanization) Policy #P-24, which stipulate that development proposals are not required for annexation requests, and thus the fact that A-07-06 does not include a development proposal is in compliance with these annexation criteria;
- c. The Annexation Criteria listed in the Staff Report for A-07-06 contain no criteria based on development proposals;
- d. Objections and concerns regarding possible future development of the subject property are not relevant for evaluating the requested annexation, as neither staff or any witness has identified relevant criteria requiring the Planning Commission to consider development proposals as relevant to annexation.
- e. The Planning Commission has not been presented with a development proposal regarding the subject property, and City Staff report that the City has not received an application regarding the proposed annexation territory encompassed by A-07-06.
- f. A-07-06 is in compliance with all of the Annexation Criteria of the City (see Criteria on pages 6-9, and previous findings on pages 11-15 in the staff Report for A-07-06).
- g. In addition, the Planning Commission would like to make it clear that any future development on the subject property will be subject to hearings that will be open to both verbal and written public testimony.