

LINN COUNTY, OREGON 2007-28230
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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- 09, Kenneth Coe)

ORDINANCE BILL NO. 21 for 2007

ORDINANCE NO. 2749

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.

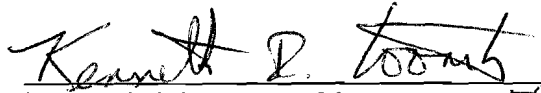
NOW, THEREFORE, the City of Lebanon ordains as follows:

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.

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 28th day of November, 2007.


Kenneth I. Toombs, Mayor
Bob Elliott, Council President

ATTEST:


Linda Kaser, City Clerk / Recorder

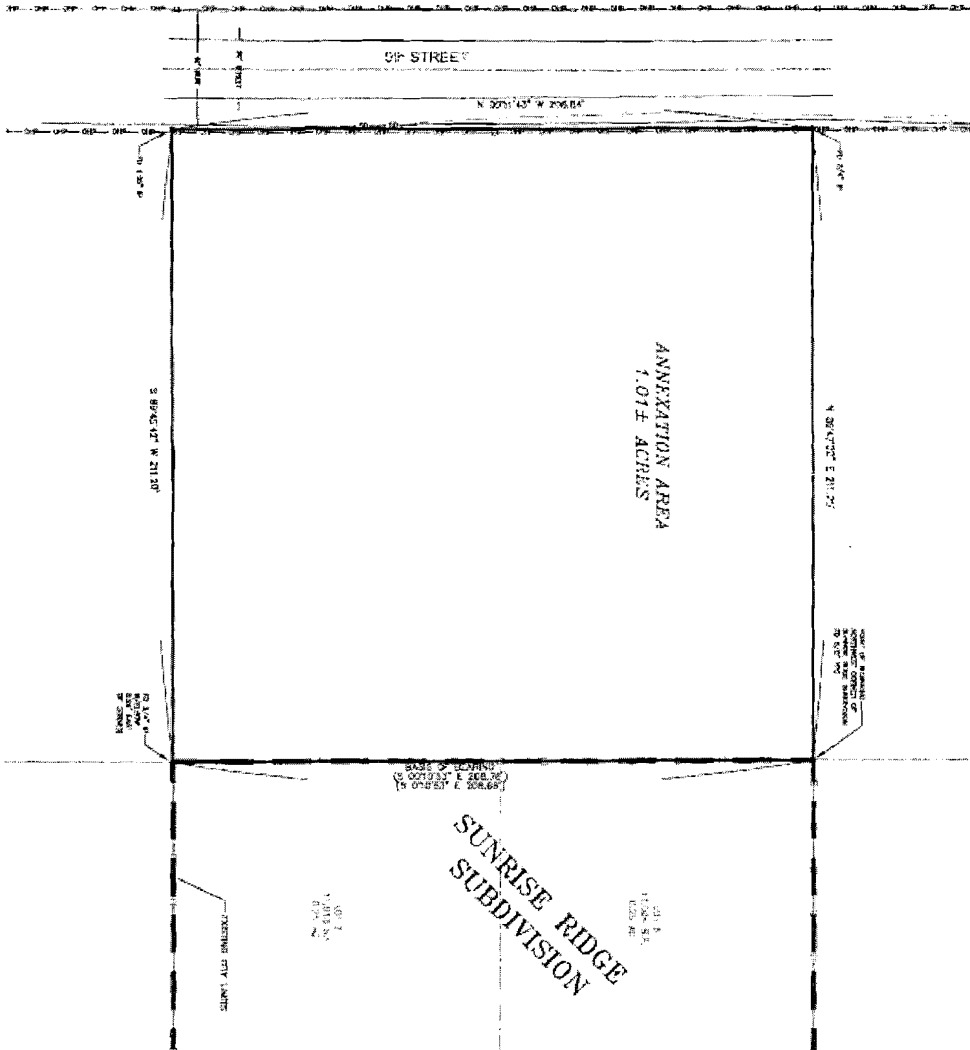
Maddux Annexation Legal Description

An area of land in the northwest 1/4 of section 15, Township 12 South, Range 2 West, of the Willamette Meridian, Linn County, Oregon more particularly described as follows:

Beginning at a 5/8" iron rod marking the northwest corner of Sunrise Ridge Subdivision in the City of Lebanon in Linn County, Oregon; thence South 0°10'53" East 208.68 feet to the southwest corner of said Sunrise Ridge Subdivision; thence South 89°45'42" West 211.20 feet to a 1 1/4" iron pipe on the east right-of-way of South 9th Street; thence North 0°11'43" West 208.84 feet along said east right-of-way to a 3/4" iron pipe; thence North 89°47'02" East 211.25 feet to the point of beginning.

Containing 1.01 acres more or less

The above legal description closes within the tolerances prescribed in ORS 92 and the standards of the normal practices of Registered Professional Surveyors in the State of Oregon.



Findings

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 east (see annexation map and legal description, included on pages 4 & 5 of this Staff Report).

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 annexation map and legal description, included on pages 4 & 5 of this Staff Report), the annexation of 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 4.020, 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. This annexation application does NOT include *per se* a development proposal. However, the applicant has submitted a Subdivision application (S-07-02) and an Administrative Review application (AR-07-15) for residential development on the subject property. Those hearings will be held after the conclusion of the A-07-09 hearing. The outcomes of those hearings will be contingent upon City Council approval of this annexation request (A-07-09).

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 F & G).

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:**

- **Sanitary Sewer:** An 8 inch City sanitary sewer line exists in an easement located approximately 80 feet east of the east side of the annexation territory.
- **Potable Water:** An 8 inch City potable water line exists in an easement located at the east side of the annexation territory.
- **Storm Water:** An 18 inch storm water utility line exists in 7th Street located approximately 410 feet east of the east side of the annexation territory.

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 new jobs in the relatively near future.
- (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 the applicant has submitted a Subdivision application (S-07-02) and an Administrative Review application (AR-07-15) for residential development on the subject property. Those hearings will be held after the conclusion of the A-07-09 hearing. The outcomes of those hearings will be contingent upon City Council approval of this annexation request (A-07-09). The annexation application (A-07-09) does NOT include *per se* the above noted subsequent development proposals.

**Criterion:
Written Testimony Submitted by Linn County Road Department**

Proposed Finding # 14:

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

The annexation proposal A-07-09 does not include a development proposal;

- a. As cited in the Staff Report for A-07-09, 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;
- b. The Annexation Criteria listed in the Staff Report for A-07-09 contain no criteria based on development proposals;
- c. Concerns and potential conditions regarding possible future development of the subject property are not relevant for evaluating the requested annexation.
- d. 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-07-09).

Linn County's comments may pertain to the future development of the parcel. Development is the subject of separate land use applications and hearings.