



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-07-11, WDS, LLC.

ORDINANCE BILL NO. 2 for 2008  
ORDINANCE NO. 2751

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:


**After Recording Please Return To:**  
City of Lebanon  
City Recorder  
925 Main Street  
Lebanon, OR 97355

**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 5 for and 0 against and approved by the Mayor this 27<sup>th</sup> day of February, 2008.

  
Kenneth I. Toombs, Mayor   
Bob Elliott, Council President

Attested:

  
Linda Kaser, City Clerk / Recorder

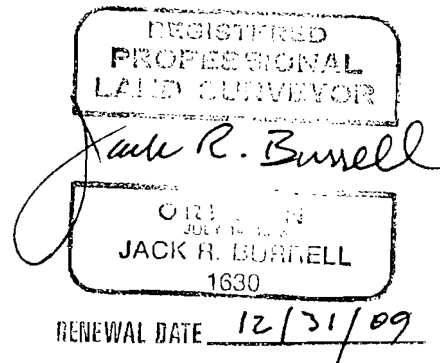
**ANNEXATION DESCRIPTION**

(2185 Stoltz Hill Rd; Lebanon, OR;)  
(Planning File No. A-07-11)  
(12-2W-15CA, TL 3000 and 3100)

A tract of land located in the southwest quarter Section 15, Township 12 South, Range 2 West, Willamette Meridian, Linn County, Oregon that is more particularly described as follows:

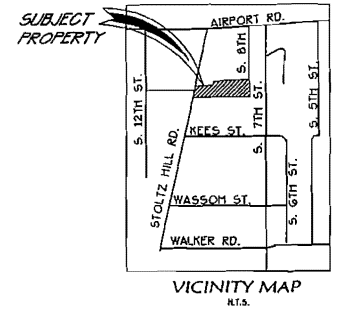
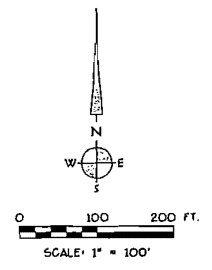
Beginning at the northwest corner of Lot 17 of "ARNOLD SUBDIVISION", a subdivision recorded in Linn County, Oregon, said point being on the easterly right-of-way line of Stoltz Hill Road; thence North 87°40' East 313.85 feet to the northeast corner of said Lot 17; thence North 01°12'30" East 16.71 feet to the northwest corner of Lot 16 of said "ARNOLD SUBDIVISION"; thence North 87°40' East 394.40 feet to the northeast corner of said Lot 16; thence South 00°11' East 219.35 feet to the southeast corner of said Lot 16; thence North 89°50' West 394.32 feet to the southwest corner of said Lot 16, which corner also being the southeast corner of said Lot 17; thence North 89°50' West 383.96 feet to the southwest corner of said Lot 17, which point being on said easterly right-of-way line of said Stoltz Hill Road; thence North 49°17'44" West 63.10 feet to the southeast corner of Parcel 1 of Partition Plat No. 2005-18, a partition of record in Linn County, Oregon, which point also being on the westerly right-of-way line of said Stoltz Hill Road; thence North 22°04'14" East, along said right-of-way line, 166.50 feet to the northeast corner of Parcel 2 of said Partition Plat No. 2005-18; thence South 66°26'38" East 59.81 feet to the Point of Beginning. Containing 3.58 acres of land, more or less.

August 1, 2008  
ANNEXATION DESCRIPTION  
(07-20) JRB:ls  
File Ref: nlm/shared documents/legal/07-20 annexation desc.doc

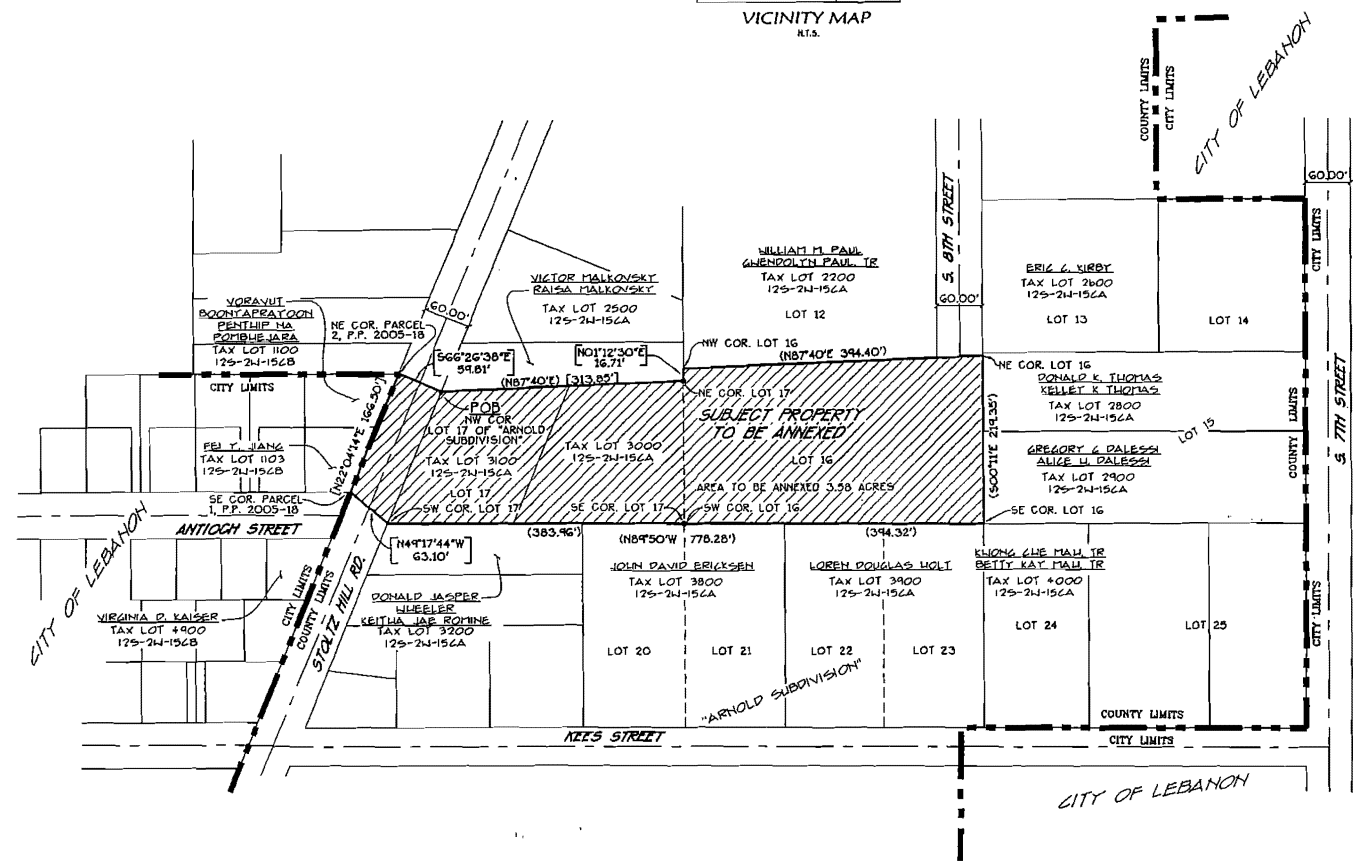


**ANNEXATION MAP**  
FOR  
**WILLAMETTE DEVELOPMENT SERVICES, LLC.**

LOCATED IN  
NE 1/4 SW 1/4 SEC. 15, T. 12 S., R. 2 W., W.M.  
LINN COUNTY, OREGON  
AUGUST 1, 2008  
**PLANNING FILE No. A-07-11**



REGISTERED  
PROFESSIONAL  
LAND SURVEYOR  
*Jack R. Burrell*  
OREGON  
JUL 14, 1984  
JACK R. BURRELL  
159  
RENEWAL DATE: 12/31/07



**OWNER:**  
JEFFRY K. ROBERTSON  
2280 OLD HWY 91 S  
ASHLAND, OR 97520-0000

**APPLICANT:**  
WILLAMETTE DEVELOPMENT SERVICES, LLC  
110 3rd AVE. SE  
ALBANY, OR 97321

**SITE ADDRESS:**  
2185 STOLTZ HILL RD  
LEBANON, OR 97355

**TAX LOT:**  
TAX LOT 3100, + 3000 (MAP 12S-2W-15CA)

**ZONING:**  
EXISTING UGA-UQH-10  
REQUESTED RH

**CURRENT USE:**  
SINGLE FAMILY USE

**ENGINEER/SURVEYOR:**  
K+D ENGINEERING, INC.  
276 NW HICKORY STREET  
ALBANY, OR 97321  
541-928-2583

- LEGEND:**
- FOUND 3/8 ROD MARKED
  - ( ) RECORD DATA PER "ARNOLD SUBDIVISION"
  - [ ] CALCULATED DATA
  - P.O.B. POINT OF BEGINNING
  - SUBJECT PROPERTY TO BE ANNEXED
  - - - - - CITY LIMITS

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

Date: 8/1/2008 Time: 14:25  
Scale: 1"=100'(P5)  
File: dvg\2007\07-20\0720-ann1.dwg (1m)

## Findings

### Criteria 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 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 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 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, as the findings below detail this proposal's compliance with all the Annexation Policies.

### Criteria 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 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 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 subject 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. For the record, the annexation territory is contiguous to the existing City Limits to the west (see annexation map and legal description, included on pages 4 & 5 of this Staff Report).

**Criteria 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 as follows:

**(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 examined the subject property and have determined that there are no impediments to the development of this property to urban uses 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 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 at the time of submittal.

**Criteria 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 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 on the key City-provided urban utility services of 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 Engineering Comments).

**Criteria 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 developed with a single family dwelling with on-site services. Access to City-provided services is **not sought at this time** as part of this annexation request, and therefore

there are no anticipated needs at this time on the key City-provided urban utility services. However, the City Engineer determined that City sewer and water service can be accessed by extending the existing lines when a developer is ready to connect to City Services. Engineering Comments -- City records indicate that: **(1) Sanitary Sewer:** City records indicate that an 8 inch sanitary sewer main exists along Stoltz Hill Road in front of the annexation territory; **(2) Potable Water:** City records indicate that an 8 inch water main exists along Stoltz Hill Road in front of the annexation territory; **(3) Storm Water:** City records indicate that the Burkhart Creek drainage way passes through the east side of the annexation territory. **(4) Roads:** City records indicate that Stoltz Hill Road is a Linn County paved road along the west side of the annexation territory and 8<sup>th</sup> Street is an unimproved right of way at the northeast corner of the annexation territory.

**Criterion 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 annexation of this property is necessary to accommodate development:

- (a) It is reasonable to conclude that ongoing major economic development activity in the community over the past few years will generate population growth and additional opportunities for new job creation in the near future.
- (b) In addition, the adopted City/County Coordinated Population Growth rate obligates the City to plan for an increase in land available to accommodate economic and residential development. This need was 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 13). Accordingly, land that provides opportunities for urban levels of development is required to accommodate projected population and economic growth over the adopted planning time frame (to the year 2025).
- (c) This annexation is therefore necessary to provide land needed for the planned future growth of the community by enabling urban levels of development in accordance with City Zoning regulations.

**Criterion 10**

*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 and dedicated at time of development.

**Criteria 11**

*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. Upon annexation, the Residential Mixed Density (RM) zone is consistent with this Comprehensive Plan Map designation; the applicant has not requested any change in this automatic first assignment of City zoning (see attached *City of Lebanon Land Use Matrix Showing Correspondence Between Comprehensive Plan Map Designations and Zoning Map Designations*, and see City Planning Staff Comment "11"). No change in zoning designation is being requested.

Therefore, a City zoning designation of Residential Mixed Density (RM) is automatically assigned at this time, without a separate hearing. This action is NOT a zoning map amendment.

**Criterion 12**

***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 has not submitted a development proposal.