



A BILL FOR AN ORDINANCE ANNEXING AND) ORDINANCE BILL NO. 15
 ZONING PROPERTY FOLLOWING CONSENT) for 2008
 FILED WITH THE CITY COUNCIL BY)
 LANDOWNERS IN SAID AREA PURSUANT TO) ORDINANCE NO. 2764
 ORS 222.120 AND ORS 222.170)
 File A-08-03; DONALD & LINDA GERIG.)

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.

LINN COUNTY, OREGON	2008-21839
ORD-ORD	11/20/2008 03:05:13 PM
Cnt=1 Stn=7 M. FISHER	\$61.00
\$40.00 \$11.00 \$10.00	
	
00096407200800218390080083	
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	

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

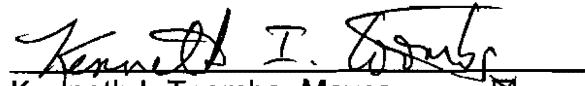
NOW, THEREFORE, the City of Lebanon ordains as follows:

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 Limited Industrial (ML).

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 12th day of November, 2008.


Kenneth I. Toombs, Mayor
Bob Elliott, Council President

Attested:


Linda Kaser, City Clerk / Recorder



1788 S. Main Street, Lebanon, Oregon 97355
Ph: (541) 258-8833 Fax: (541) 258-8834

Annexation Legal

An area of land in the Morgan Kees DLC No. 43, Section 11, Township 12 South, Range 2 West of the Willamette Meridian, Linn County, Oregon more particularly described as follows:

Beginning at a point on the Westerly right-of-way of Tennessee Road (C. R. 702), point of which bears North 38°27'41" West 463.82 feet from the Southeast Corner of the Morgan Kees DLC No. 43, Section 11, Township 12 South, Range 2 West of the Willamette Meridian, Linn County, Oregon; Thence along said Westerly right-of-way South 36°16'16" West 293.98 feet to a point; Thence continuing along said Westerly right-of-way on a 266.46 foot radius non tangent curve to the left 29.90 feet (chord of which bears South 41°35'36" West 29.88 feet) to a point at the approximate center of a slough; Thence leaving said Westerly right-of-way along center of said slough North 57°50'06" West 419.87 feet to a 3/4" Iron Pipe; Thence North 89°55'00" West 111.85 feet to a point; Thence North 00°05'00" West 169.97 feet to a point; Thence North 89°55'00" West 148.30 feet to a point; Thence North 0°05'00" West 286.73 feet to a 5/8" Iron Rod; Thence South 89°55'00" East 595.24 feet to a 3/4" Iron Pipe; Thence South 0°15'01" West 29.83 feet to a 1/2" Iron Pipe; Thence South 89°55'00" East 183.00 feet to a point; Thence South 180.70 feet to a point; Thence North 85°35'00" West 44.15 feet to a point; Thence South 150.37 feet to a 1" Iron Pipe; Thence South 50°29'00" East 98.40 feet to the Point of Beginning.

Containing 8.65 Acres, more or less,

Together with;

Beginning at a point on the Westerly right-of-way of Tennessee Road (C. R. 702), point of which bears North 38°27'41" West 463.82 feet from the Southeast Corner of the Morgan Kees DLC No. 43, Section 11, Township 12 South, Range 2 West of the Willamette Meridian, Linn County, Oregon; Thence leaving said Westerly right-of-way South 50°29'00" East 40.06 feet to a point on the Easterly right-of-way of said road; Thence along said Easterly right-of-way South 36°16'16" West 292.45 feet to a point; Thence along said Easterly right-of-way on a 306.46 foot radius non-tangent curve to the right 26.17 feet (chord of which bears South 40°41'22" West 26.16 feet) to a point; Thence leaving said Easterly right-of-way North 57°50'06" West 40.86 feet to a point on the Westerly right-of-way of said County Road; Thence along said Westerly right-of-way on a 266.46 foot radius curve to the left 29.90 feet (chord of which bears North 41°35'36" East 29.88 feet) to a point; Thence along said Westerly right-of-way North 36°16'16" East 293.98 feet to the point of beginning.

Containing 0.30 Acres, more or less

ANNEXATION MAP

DONALD & LINDA GERIG

IN THE MORGAN KEES DLC NO. 43 IN THE NW 1/4
& THE NE 1/4 OF SECTION 11, T12S, R2W, W.M.
CITY OF LEBANON, LINN COUNTY, OREGON

BEARINGS BASED ON LINN COUNTY SURVEY 1549-A
AUGUST 13, 2008

SUMMARY:

SUBJECT PROPERTY:
MAP 12S-2W-11BA
TAXLOT 300
TOTAL AREA 8.65 AC±
PORTION OF C.R. 702
TOTAL AREA 0.30 AC±

OWNER:

DONALD & LINDA GERIG
32942 TENNESSEE RD
LEBANON, OR 97355

REF SURVEY: CS 1549-A
MF VOL. 8 PG. 374-375
MF VOL. 1324 PG. 48

REGISTERED
PROFESSIONAL
LAND SURVEYOR

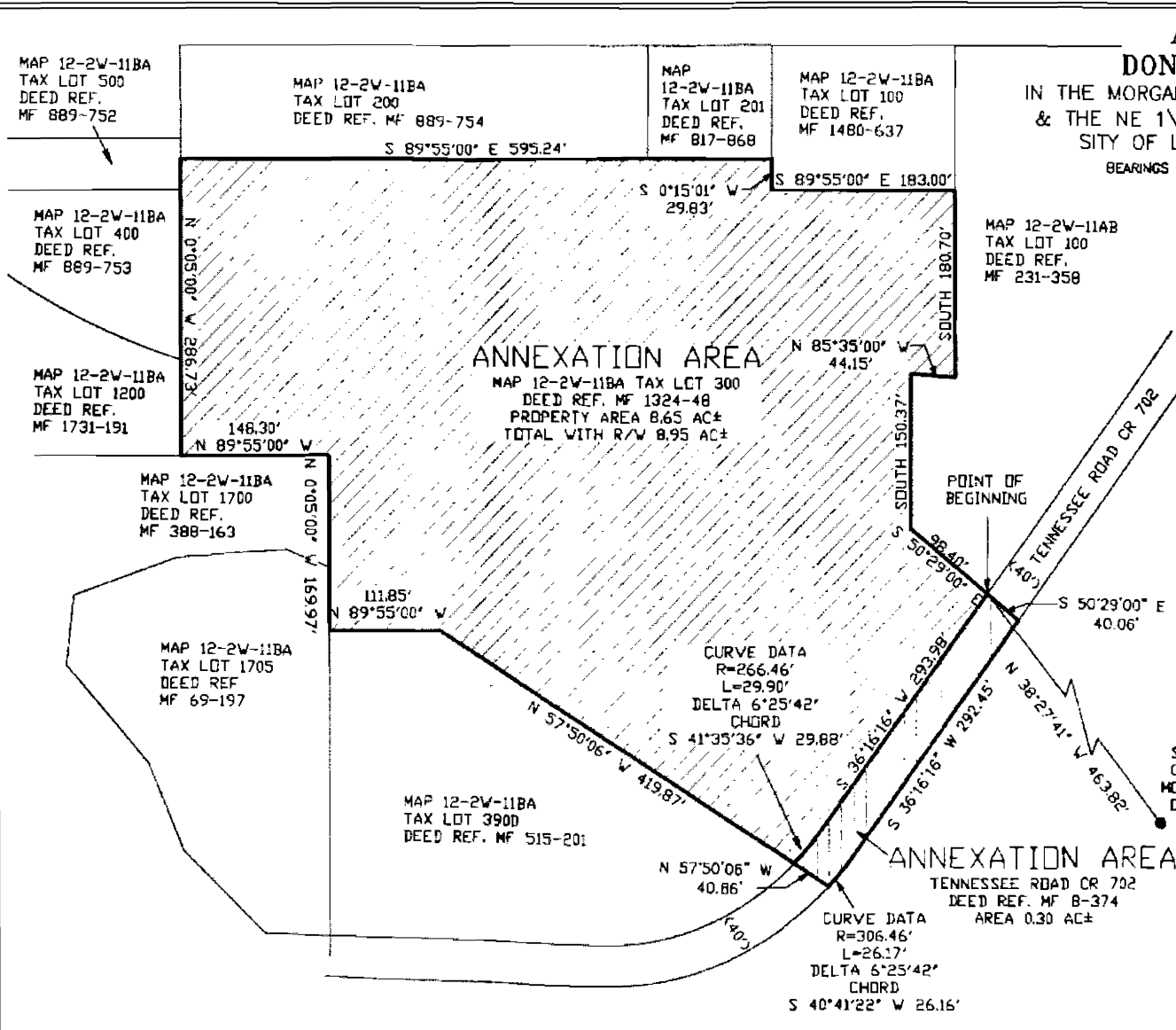
OREGON
JAN. 9, 2007
DERON M. CRAWFORD
#75980 LS
EXPIRES: 12-31-2009



ENGINEERING AND LAND SURVEYING
1782 S. MAIN STREET, LEBANON, OREGON 97355
PH (541) 258-8833 FAX (541) 258-8834



JOB: 07-11-075



MAP 12-2W-11BA
TAX LOT 500
DEED REF.
MF 889-752

MAP 12-2W-11BA
TAX LOT 200
DEED REF. MF 889-754

MAP
12-2W-11BA
TAX LOT 201
DEED REF.
MF 817-868

MAP 12-2W-11BA
TAX LOT 100
DEED REF.
MF 1480-637

MAP 12-2W-11BA
TAX LOT 400
DEED REF.
MF 889-753

MAP 12-2W-11BA
TAX LOT 1200
DEED REF.
MF 1731-191

MAP 12-2W-11BA
TAX LOT 1700
DEED REF.
MF 388-163

MAP 12-2W-11BA
TAX LOT 1705
DEED REF.
MF 69-197

MAP 12-2W-11BA
TAX LOT 3900
DEED REF. MF 515-201

MAP 12-2W-11AB
TAX LOT 100
DEED REF.
MF 231-358

ANNEXATION AREA

MAP 12-2W-11BA TAX LOT 300
DEED REF. MF 1324-48
PROPERTY AREA 8.65 AC±
TOTAL WITH R/W 8.95 AC±

ANNEXATION AREA

TENNESSEE ROAD CR 702
DEED REF. MF 8-374
AREA 0.30 AC±

CURVE DATA
R=266.46'
L=29.90'
DELTA 6°25'42"
CHORD
S 41°35'36" W 29.88'

CURVE DATA
R=306.46'
L=26.17'
DELTA 6°25'42"
CHORD
S 40°41'22" W 26.16'

SOUTHEAST
CORNER OF
MORGAN KEES
DLC NO. 43

POINT OF
BEGINNING

S 50°29'00" E
40.06'

N 38°27'41" W
46.382'

S 36°16'16" W 292.45'

S 36°16'16" W 293.98'

S 36°16'16" W 293.98'

S 36°16'16" W 293.98'

S 36°16'16" W 293.98'

S 36°16'16" W 293.98'

S 36°16'16" W 293.98'

S 36°16'16" W 293.98'

S 36°16'16" W 293.98'

S 89°55'00" E 595.24'

S 0°15'01" W 29.83'

S 89°55'00" E 183.00'

N 0°05'00" W 286.73'

N 85°35'00" W 44.15'

148.30'
N 89°55'00" W

N 0°05'00" W 169.97'

111.85'
N 89°55'00" W

N 57°50'06" W 419.87'

N 57°50'06" W
40.86'

S 40°41'22" W 26.16'

EXHIBIT B

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 as the annexation territory is within the City's Urban Growth Boundary UGB. 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 southwest.

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, 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 4.120, Limited Industrial Zone (ML); this takes into account the portion of the lot that is in a 100-year FEMA designated Flood Plain. 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 a small portion of it is in a FEMA mapped 100-year flood plain along the property's southwestern boundary. There are no other *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 territory currently has a single-family residence with a well and septic system. Access to City-provided services is not sought at this time, and therefore there are no additional anticipated needs on the key City-provided urban utility services. However, all City services can be made available to the territory given the current proximity of such services.

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 currently has a single-family residence with a well and septic system. 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, City provided utilities can be accessed by extending the existing lines when a developer is ready to connect to City Services.

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 and in the City's 2004 Urbanization Study and Buildable Lands Inventory. 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 this annexation request includes 0.30 acres of Tennessee Road right-of-way adjacent to tax lot 300.

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 Industrial (C-IND) on the City of Lebanon's Comprehensive Plan Map. Upon annexation, the Limited Industrial (ML) zone is consistent with this Comprehensive Plan Map designation; the applicant has not requested any change in this automatic first assignment of City zoning. No change in zoning designation is being requested.

Therefore, a City zoning designation of Limited Industrial (ML) 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.