



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) **ORDINANCE BILL NO. 16**
) **for 2008**
)
File A-08-04; Benneth, Rauch & Stutzman.) **ORDINANCE NO. 2765**

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	2008-21838
ORD-ORD	
Cnt=1 Stn=7 M. FISHER	11/20/2008 03:04:13 PM
\$4D 00 \$11.00 \$10.00	\$61.00
	
00096406200900216380080086	
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	
	

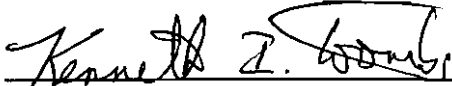
NOW, THEREFORE, the City of Lebanon ordains as follows:

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

Benneth, Rauch, and Stutzman

Annexation legal description

An area of land in the Southwest ¼ of Section 3, Township 12 South, Range 2 West, Willamette Meridian, Linn County, Oregon described as follows;

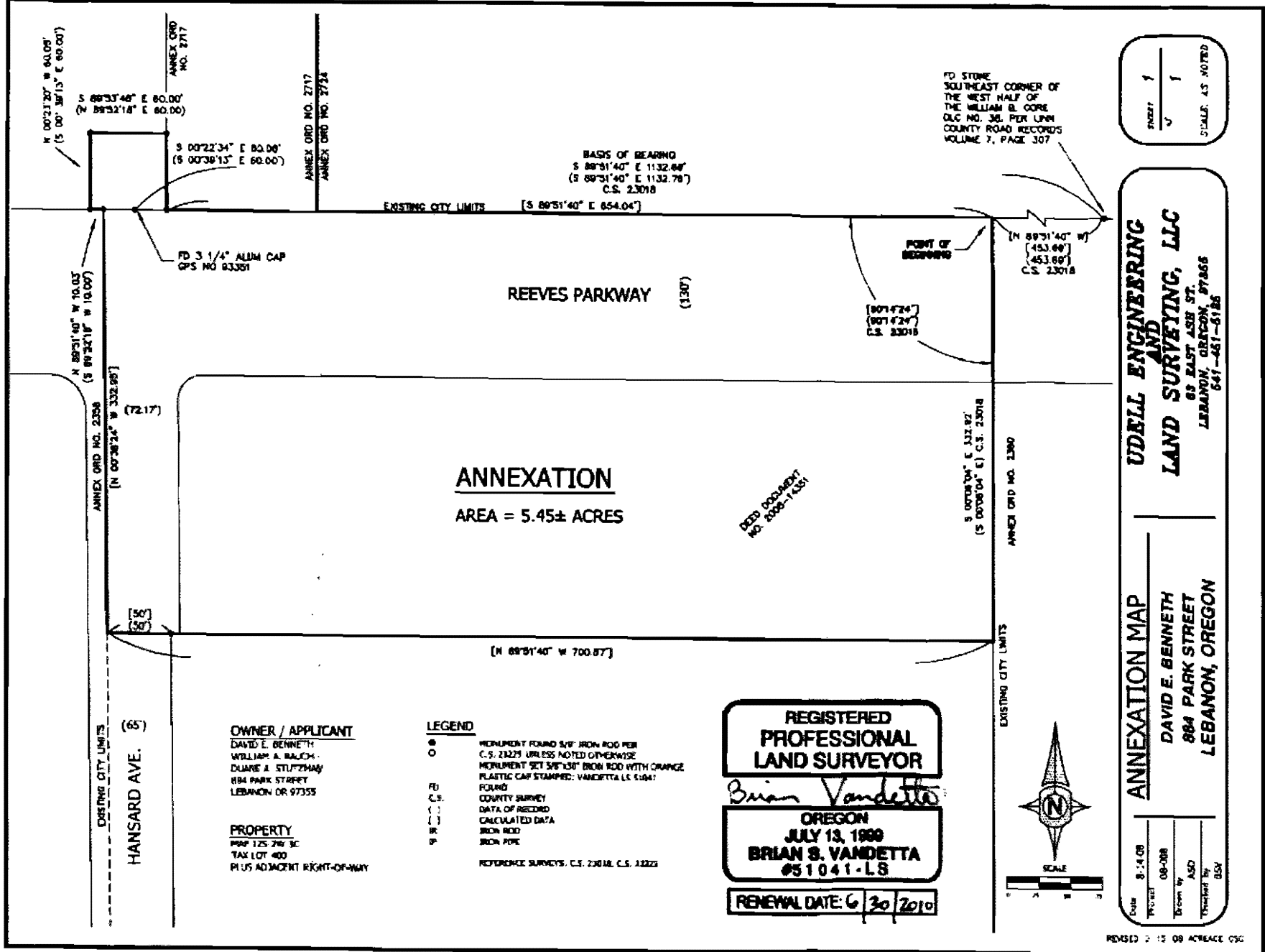
Beginning at a point on the north right-of-way of Reeves Parkway which bears North 89°51'40" West 453.69 feet from the southeast corner of the west half of the William B. Gore DLC No. 38, said point also being the northwest corner of the land annexed into the City of Lebanon per Annexation Ordinance No. 2360; thence South 00°06'04" East 332.92 feet to the south line of the land conveyed to David E. Benneth, William A. Rauch and Duane A. Stutzman in Linn County Deed Document No. 2008-14351; thence along said south line, North 89°51'40" West 700.87 feet to the east line of that land annexed into the City of Lebanon per Annexation Ordinance No. 2358; thence North 00°38'24" West 332.95 feet to a 5/8" iron rod marking northeast corner of said land described in Annexation Ordinance No. 2358; thence along the north line of said land described in Annexation Ordinance No. 2358, North 89°51'40" West 10.03 feet to a 5/8" iron rod; thence North 00°23'20" West 60.05 feet to a 5/8" iron rod; thence South 89°53'46" East 60.00 feet to a 5/8" iron rod on the west line of the land annexed into the City of Lebanon per Annexation Ordinance No. 2717; thence South 00°22'34" East 60.08 feet to a 5/8" iron rod marking the southwest corner of the land described in Annexation Ordinance No. 2717 and being on the north right-of-way of Reeves Parkway; thence South 89°51'40" East 654.04 feet to the point of beginning

Containing 5.45 Acres

I hereby certify the above legal description closes in conformance with applicable ORS guidelines.



EXHIBIT A



N 00°21'20" W 60.00'
(S 00° 38'13" E 60.00')

S 88°33'46" E 60.00'
(S 88°32'18" E 60.00')

S 00°22'34" E 60.00'
(S 00°38'13" E 60.00')

ANNEX ORD NO. 2717
ANNEX ORD NO. 2733

BASES OF BEARING
S 88°31'40" E 1132.64'
(S 88°31'40" E 1132.78')
C.S. 23018

EXISTING CITY LIMITS (S 88°31'40" E 654.04')

FD 3 1/4" ALUM CAP
R/S NO 83381

REEVES PARKWAY (130')

POINT OF BEGINNING

(N 88°31'40" W)
(453.64')
(453.69')
C.S. 23018

N 88°31'40" W 10.03'
(S 88°32'18" W 10.00')

(72.17')

ANNEX ORD NO. 2308
(N 00°38'34" W 332.89')

ANNEXATION

AREA = 5.45± ACRES

DEED DOCUMENT
NO. 5008-1-051

S 00°38'34" E 132.87'
(S 00°38'04" E) C.S. 23018

ANNEX ORD NO. 2380

(N 88°31'40" W 700.87')

EXISTING CITY LIMITS

EXISTING CITY LIMITS
HANSARD AVE. (65')

OWNER / APPLICANT
DAVID E. BENNETH
WILLIAM A. BALCH
DIANE A. STUPPIZMAN
884 PARK STREET
LEBANON OR 97355

PROPERTY
MAP 125 2ND EC
TAX LOT 400
PLUS ADJACENT RIGHT-OF-WAY

LEGEND

- MONUMENT FOUND 5/8" IRON ROD PER C.S. 23223 UNLESS NOTED OTHERWISE
 - MONUMENT SET 5/8" IRON ROD WITH ORANGE PLASTIC CAP STAMPED: VANDETTA LS 5347
 - FD FOUND
 - C.S. COUNTY SURVEY
 - () DATA OF RECORD
 - [] CALCULATED DATA
 - IR IRON ROD
 - IP IRON PIPE
- REFERENCE SURVEYS: C.S. 23018, C.S. 23223

REGISTERED PROFESSIONAL LAND SURVEYOR

Brian Vandetta

OREGON
JULY 13, 1999
BRIAN S. VANDETTA
051041-LS

RENEWAL DATE: 6/30/2010



DATE	1
PROJECT	1
SCALE: AS NOTED	

ANNEXATION MAP

UDELL ENGINEERING AND LAND SURVEYING, LLC
68 EAST ASH ST.
LEBANON, OREGON 97356
541-481-6186

DAVID E. BENNETH
884 PARK STREET
LEBANON, OREGON

DATE	8-14-08
PROJECT	08-008
DRAWN BY	ASD
TRACED BY	BSA

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 west, north, and east.

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 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). 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 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 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. 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 Hansard Avenue and Reeves Parkway rights-of-way.

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.