

**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 10-12-69; ENVIRO-BOARD.**

) **ORDINANCE BILL NO. 1**  
) **For 2011**  
)  
)  
) **ORDINANCE NO. 2814**  
)

**WHEREAS**, the City of Lebanon has received a submission by written request for annexation of real property to the City of Lebanon, herein described in Exhibit "A"; and,



**WHEREAS**, on January 19, 2011, the Planning Commission for the City of Lebanon conducted a hearing on Planning File No. 10-12-69, making findings recommending annexation of the subject property and establishment of the Industrial (Z-IND) zone; 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 Clerk  
925 Main Street  
Lebanon, OR 97355

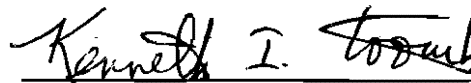
LINN COUNTY, OREGON	<b>2011-02448</b>
ORD-ANN	02/17/2011 10:58:07 AM
Cnt=1 Stn=7 R. GANTA DER	
\$65.00 \$11.00 \$15.00 \$9.00 \$10.00	<b>\$110.00</b>
	
00152299201100024480130136	
I, Steve Druckenmiller, County Clerk for Linn County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.	
Steve Druckenmiller - County Clerk	

**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 in accordance with the Lebanon Development Code, and assigned the zoning of Industrial (Z-IND).

**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 9<sup>th</sup> day of February 2011.

CITY OF LEBANON, OREGON



Kenneth I. Toomb, Mayor  
Bob Elliott, Council President



ATTEST:

  
Linda Kaser, City Clerk

EXHIBIT A

When recording return to  
Alanna G. Weaver  
36340 Oak Drive  
Lebanon, OR 97355

Until a change is requested all  
tax statements shall be sent to  
The following address:

Alanna G. Weaver  
36340 Oak Drive  
Lebanon, OR 97355

Escrow No. 02-605939  
Title No. 0264592

SWD

Barcode with number 00059972200700207290010013  
Steve Druckenmiller - County Clerk  
LINN COUNTY OREGON

Handwritten notes: 12-210 10CD 1114594 0364592

STATUTORY WARRANTY DEED

Home Solutions Inc., an Oregon Corporation, Grantor(s) hereby convey and warrant to Alanna G. Weaver, an estate in fee simple, Grantee(s) the following described real property in the County of Linn and State of Oregon free of encumbrances except as specifically set forth herein:

Beginning at a point 120 feet East of the Northwest corner of Lot 63, Hyland Addition to the City of Lebanon, Linn County, Oregon; and running thence East 60 feet along the North line of said Lot; thence South to the South line of said Lot a distance of 155.5 feet, more or less; thence West 60 feet to a point due South of the point of beginning; thence North 155.5 feet, more or less, to the point of beginning.

178380 12-2W-10CD/4500

The above-described property is free of encumbrances except all those items of record, if any, as of the date of this deed and those shown below, if any:  
2007-2008 Real Property Taxes a lien not yet due and payable.

The true and actual consideration for this conveyance is \$70,000.00.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 197.352. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 197.352.

Dated this 27<sup>th</sup> day of August, 2007

Home Solutions Inc.  
BY: Bryan P. Kimball v.p.  
Bryan P. Kimball, Vice President

State of Oregon  
County of Linn

This instrument was acknowledged before me on August 27, 2007 by Home Solutions Inc..

Jodi F Kenagy  
(Notary Public for Oregon)

My commission expires Sept 1, 2007



## Annexation Area

An area of land within a portion Parcel 3 of Linn County Partition Plat No. 2009-54 and in the Southwest ¼ of Section 24, Township 12 South, Range 2 West, Willamette Meridian, Linn County, Oregon and being more particularly described as follows:

Beginning at a ½" iron rod marking the South Southeast corner of Parcel 1 of Partition Plat No. 2009-54 and being on the south line of City of Lebanon city limits per ordinance number 2200, in the Southwest ¼ of Section 24, Township 12 South, Range 2 West, Willamette Meridian, Linn County, Oregon; thence South 89°03'36" East 222.94 feet to the west right of way of Weirich Drive; thence South 26°58'21" East 123.98 feet along said right of way to a 5/8 iron rod with yellow plastic cap; thence along the arc of 287.00 foot radius curve to the left, 118.21 feet (chord bears South 38°46'18" East 117.37 feet) to a 5/8 iron rod with yellow plastic cap; thence South 00°55'29" West 50.00 feet to the south right of way of Weirich Drive (C.R. 717-A); thence North 89°04'31" West 352.58 feet; thence North 00°09'34" East 249.96 feet to place of beginning.

Based on C.S. 25149

I hereby certify the above legal description conforms to the requirements of ORS 308.225.

By: Brian Vandetta

Brian Vandetta PLS 51041



# ANNEXATION MAP



SW 1/4 SEC. 24 T. 12 S., R. 2 W., W.M.  
 CITY OF LEBANON, LINN COUNTY, OREGON  
 SCALE: 1" = 100'                      JANUARY 21, 2010

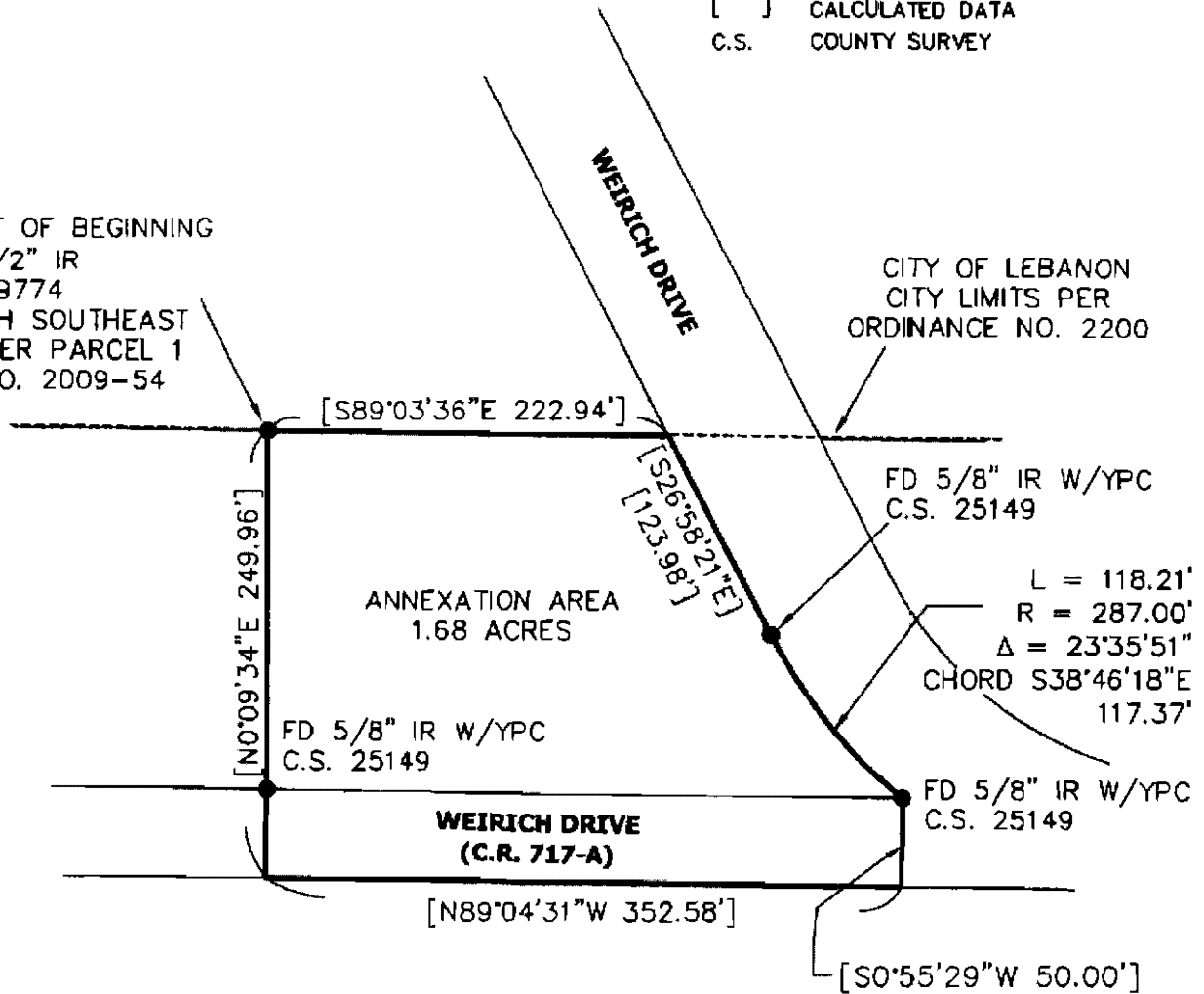
**NOTE:**

BASED ON C.S. 25149

**LEGEND**

- MONUMENT FOUND AS NOTED
- [ ] CALCULATED DATA
- C.S. COUNTY SURVEY

POINT OF BEGINNING  
 FD 1/2" IR  
 C.S. 9774  
 SOUTH SOUTHEAST  
 CORNER PARCEL 1  
 PP NO. 2009-54



REGISTERED  
 PROFESSIONAL  
 LAND SURVEYOR

*Brian Vanetta*

OREGON  
 JULY 13, 1999  
 BRIAN VANETTA  
 51041-LS  
 EXPIRES 06-30-2012

**Udell**  
 ENGINEERING &  
 LAND SURVEYING, LLC  
 63 EAST ASH ST.  
 LEBANON, OREGON  
 97355  
 PH. (541) 451-5125  
 11-006 ARMOUR

**EXHIBIT B**  
**LEBANON CITY COUNCIL FINDINGS**  
**File No. 10-12-69**

In the Matter of the	)	
	)	1. Annexation
Application of the	)	2. Zone Map Amendment
	)	
Enviro-Board	)	

**I. NATURE OF THE APPLICATION**

This matter comes before the Lebanon City Council on the application of the Enviro-Board to annex property and establish the Industrial (Z-IND) zone on the newly annexed property.

**II. BACKGROUND INFORMATION**

**A. Site Location**

The subject property is located to the northwest corner of the intersection of Weirich Road and "old" Weirich Road. The property address is 4500 Weirich Road and the Linn County Assessor Map places the property within Township 12 South; Range 2 West; Section 24C; Tax Lot 800.

**B. Site Development and Zoning**

The subject 1.43-acre property contains an old industrial office building. Access to the property is off Weirich Road and it is possible to extend public sewer to the property. Public water is not available. The property is located within the City's Urban Growth Boundary, designated Industrial (C-IND) in the Lebanon Comprehensive Plan and zoned Urban Growth Management by Linn County.

**C. Adjacent Zoning and Land Uses**

Land to the west, south and east is also located in the UGB and is designated Industrial. Uses include an abandoned industrial site and the power substation. To the north is vacant Mixed Use (Z-MU) zoned property.

**D. Proposal**

The applicant is requesting approval to annex the subject property, establishing the Industrial (Z-IND) zone on the newly annexed property.

**III. PUBLIC HEARING**

**A. Planning Commission Action**

On January 19, 2011, the Planning Commission held a public hearing on this matter. At the hearing, Planning File 10-12-69 became part of the official record. The City provided notice of the hearing pursuant to Chapter 16.20 of the Lebanon Development Code. No objection was raised

as to jurisdiction, conflicts of interest, bias or to evidence or testimony presented at the hearing. Only staff and the applicant testified.

At the conclusion of the hearing, the Planning Commission deliberated on the issue and voted to recommend the City Council approve the proposed Annexation and establish the Industrial zone on the newly annexed property. The Commission found the proposal consistent with the applicable decision criteria.

B. City Council Action

On February 9, 2011 the Lebanon City Council held a public hearing on this application. At the hearing, Planning File 10-12-69 was made a part of the record. Notice of the hearing was provided pursuant to Chapter 16.20 of the Lebanon Development Code. No objection was raised as to jurisdiction, evidence or testimony presented at the hearing.

At the conclusion of the hearing, the City Council deliberated on the issue and voted to approve the proposed Annexation and establishment of the Public Use zone. The Council found the proposed requests consistent with the applicable decision criteria.

#### IV. FINDINGS OF FACT-GENERAL

The Lebanon City Council, after careful consideration of the testimony and evidence in the record, adopts the following General Findings of Fact:

- A. The applicant is Enviro-Board, Inc.
- B. The subject property is located to the northwest corner of the intersection of Weirich Road and "old" Weirich Road. The property address is 4500 Weirich Road and the Linn County Assessor Map places the property within Township 12 South; Range 2 West; Section 24C; Tax Lot 800.
- C. The subject area contains approximately 1.43 acres.
- D. The subject property contains an old industrial office building. Access to the property is off Weirich Road and it is possible to extend public sewer to the property. Public water is not available.
- E. The property is located within the City's Urban Growth Boundary (UGB), designated "Industrial" in the Lebanon Comprehensive Plan and zoned Urban Growth Management by Linn County.
- F. Land to the west, south and east is also located in the UGB and is designated Industrial. Uses include an abandoned industrial site and the power substation. To the north is vacant Mixed Use (Z-MU) zoned property.
- G. The applicant is requesting approval to Annex the subject property, establishing the Industrial (Z-IND) zone on the newly annexed property.
- H. The decision shall be based on the following criteria contained in the Lebanon Development Code: Chapter 16.26 – Annexations.

## V. APPLICATION SUMMARY

- A. The property is located within the City's Urban Growth Boundary but outside City limits. The applicant wishes to Annex the property and establish the Industrial (Z-IND) zone. This request is limited to the Annexation and establishment of the Industrial zone; the application does not include a development proposal.
- B. The City mailed notice of the application to affected agencies and area property owners. City Development Engineering noted appropriate public improvements and site plan reviews are required at the time of development. The Lebanon Fire District reviewed the applicant and did not comment. Oregon Department of Transportation reviewed the proposal, concluding provisions of OAR 660-012-0060 do not apply and therefore does not object to the application. Otherwise, no agency or area property owner submitted comments.

## VI. CRITERIA AND FINDINGS

- A. The property is located within the City's Urban Growth Boundary and eligible for annexation. Lebanon Development Code Chapter 16.26 contains the Annexation application and review requirements. The application requires a hearing before the Planning Commission and City Council. The Commission provides a recommendation and the Council makes the final decision.
- B. Chapter 16.26 establishes the review criteria for an Annexation. Sections 16.26.010 and 16.26.020 establish the purpose of an annexation and the first assignment of zoning. The annexation transfers the jurisdiction from Linn County to the City and establishes the appropriate zoning on the property, consistent with the Plan Map designation. In this case, the only applicable zone is Industrial (Z-IND). For the record, the applicant did not request a change in the Plan designation and corresponding zone.
- C. Section 16.26.030 notes an annexation is necessary to establish the appropriate zone, consistent with the zoning matrix (Table 16.26-1). Plan map amendments are only required if there is a corresponding change in the Plan map. Further, proposed amendments to the Plan map (and corresponding zone map) must conform to provisions in Chapter 16.27. Again, the application does not include a request to change the property's Plan designation and corresponding zone.
- D. Section 16.26.040 identifies the relationship between annexation and City facility plans. It notes anticipated densities and levels of development are factored into the City's facility plans, including the Transportation System Plan. Therefore, additional inquires into the sufficiency of these services is not required. Further, ODOT concurred the request did not require additional traffic analysis.
- E. Section 16.26.050 stipulates the City must process an annexation as a legislative action, requiring hearings before both the Planning and City Council. This Section also lists the application requirements. For the record, the application and process are consistent with the provisions in this Section.



F. Section 16.26.060 contains the decision criteria for an annexation with specific requirements in Section 16.26.060.A. This Section requires compliance with provisions in the City Annexation Ordinance (16.26.060.A.1) and Comprehensive Plan, Chapter 3 – Urbanization (16.26.060.A.2). In almost all cases, the Annexation Ordinance and Comprehensive Plan decision criteria are the same. Therefore, to avoid duplication, and where applicable, the findings are combined:

1. Annexation Ordinance Section 1. – This Section identifies the document as the Annexation Ordinance for the City of Lebanon and does not contain decision criteria.

2. Annexation Ordinance Section 2. - All Annexations shall conform to the requirements of the Lebanon Municipal Code, Annexation Ordinance, Lebanon Land Development Ordinance (i.e., Development Code), City of Lebanon/Linn County Urban Growth Management Agreement, and shall be consistent with applicable State law.

Comprehensive Plan Annexation Policy #P-19: [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.

FINDINGS: For the purpose of this criterion, the proposed annexation application and process conform to the requirements of the Annexation Ordinance, and other applicable documents, complying with requirements contained in these provisions; specific findings below detail compliance.

3. Annexation Ordinance Section 3. - All Annexations shall be consistent with the goals and policies of the Lebanon Comprehensive Plan.

Comprehensive Plan 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.

FINDINGS: The Annexation Ordinance policies are consistent with, and often mirror, the Comprehensive Plan Annexation Policies. The State acknowledges the City Comprehensive Plan complies with all applicable Statewide Planning Goals and statutes. Therefore, compliance with the applicable Comprehensive Plan policies ensures compliance with the Annexation Ordinance. Findings in the following Sections detail this proposal's compliance with all applicable policies.

4. 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.

Comprehensive Plan 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. Those areas within the UGB with designated environmental constraints may be annexed and used as functional wetlands, parks, open space and related uses.

FINDINGS: The proposed annexation complies with this criterion as the property is within the City's UGB. Further, being within the UGB, the City identified the subject property as land needed by the City for future urban development, in this case, industrial development.

5. 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.  
Comprehensive Plan 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).

FINDINGS: The property is located within the UGB, contiguous to the City along its northern boundary, and therefore eligible for annexation.

6. 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.  
Comprehensive Plan 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).

FINDINGS: The proposed annexation complies with the above noted criteria as follows:

- (a) Since the property is contiguous to existing City limits, the annexation, the Plan deems the request orderly.
- (b) The property contains urban-level development with an older industrial office structure and access to an improved street.
- (c) Based on information contained in the Comprehensive Plan, the Commission determined the site does not contain designated environmental constraints.

7. Annexation Ordinance Section 7. - Development proposals are not required for annexation requests.  
Comprehensive Plan Annexation Policy #P-24: [The City shall] recognize and act on the basis that development proposals are not required for annexation requests.

FINDINGS: For the record, this application does not include a concurrent development proposal.

8. 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.

Comprehensive Plan 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.

FINDINGS: It is possible to extend the sewer main located to the north of the site. City water does not serve the site. Water improvements depend on the extent of the development and fire suppression needs, and may require some combination of wells, ponds or reservoirs. The site also fronts a recently improved public road.

9. 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.

Comprehensive Plan 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.

FINDINGS: As previously noted, it is possible to extend sanitary sewer to the site; water improvements will depend on the site's eventual use.

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 the annexation, or when the property develops and/or redevelops, thus creating an increased demand for the benefits and utility provided by additional rights-of-way dedication.

FINDINGS: The property fronts an improved public street. The annexation does not require additional improvements or right-of-way dedication.

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.

FINDINGS: The Comprehensive Plan designates the subject property "Industrial". Consistent with the adopted Matrix, only the Industrial (Z-IND) zone applies to the property.

12. 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.

**FINDINGS:** This application is limited to the proposed annexation, and corresponding establishment of the Industrial zone, and does not include a request to change the Plan designation or zone. Therefore, this Section does not apply to the request.

13. 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.

**FINDINGS:** This Section does not apply, as the subject property does not include environmentally constrained property.

14. 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 (i.e., Development Code), Subdivision Ordinance, Comprehensive Plan, and other related documents of the City of Lebanon.

**FINDINGS:** This Section does not apply as the provisions in this Section provide a definition and not a decision criterion.

15. 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.

**FINDINGS:** As noted, the request is limited to the proposed annexation and does not contain a development or redevelopment proposal. Therefore, provisions in Section 15 do not apply.

16. Comprehensive Plan 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).

**FINDINGS:** The annexation increases the amount of developable industrial land within City limits, a situation that provides employment opportunities to meet anticipated population growth.

- G. Section 16.26.060.B allows the City to require the abatement of non-conforming uses and/or structures prior to hearing an annexation request. Other provisions of this Code and the Lebanon Municipal Code may require abatement of certain kinds of situations before approving an annexation. This Section does not apply as the existing building conforms to the Plan designation and applicable zoning.

- H. Section 16.26.060.C, allows the City to identify additional site-specific evaluation criteria based on the Lebanon Comprehensive Plan, the provisions of the Development Code, and the Lebanon Municipal Code. Site-specific criteria could include the following: steep

slopes, natural hazards, riparian zones, wetlands water bodies, overlay zones, infrastructure development, existing conditions and failing on-site services. These criteria do not affect annexation eligibility, but serve as an advisory by identifying factors that may affect future development. As noted, the site does not include applicable site-specific criteria.

- I. Upon annexation, Section 16.26.020 requires the subject property to be placed in the appropriate zone. Upon annexation, the City automatically assigns a zone per the City's Annexation Zoning Matrix (Development Code Table 16.26-1). The only decision criterion in this process of first assignment of City Zoning is that the Zone Classification shall be consistent with the adopted Comprehensive Plan Map (Section 16.26.020.D).

**FINDINGS:** The subject property is designated Industrial (C-IND) by the City's Comprehensive Plan. According to Table 16.26-1, the only applicable zone is the Industrial (Z-IND) zone. Therefore, upon annexation, the property will be zoned Industrial.

## VII. CONCLUSION

The City Council concludes the proposed Annexation, including establishment of the Industrial zone, complies with the applicable decision criteria.