

Lebanon City Council Agenda



October 13, 2004
Santiam Travel Station
7:00 p.m.

Archive



City of Lebanon

Administration

MEMORANDUM

To: Mayor and City Council

DATE: October 8, 2004

From: City Administrator

RE: City Council Meeting, October 13, 2004

The staff report and information packets for all agenda items, except consent calendar, have been previously sent. If for any reason you need another copy(ies), please call Kindra (258-4203) or myself (258-4202) and we will deliver them to you.

Also, Tom McHill is sending directly to you his comments on the relationships of the Dolan/Nolan "takings" decisions and one or two of our Comprehensive Plan criteria. This impacts the remanded annexations only.

Again, I would urge everyone to review the packets carefully and give close heed to all public testimony, both written and oral. Also, please feel free to ask questions clarifying any testimony provided, or probing to be sure you really understand the basic issue(s) those testifying are addressing.

LEBANON CITY COUNCIL MEETING
Wednesday, October 13, 2004
7:00 p.m.

Santiam Travel Station
750 3rd Street

AGENDA

CALL TO ORDER/FLAG SALUTE

ROLL CALL

CONSENT CALENDAR

CITY COUNCIL AGENDA: October 13, 2004

MINUTES: City Council Meeting – September 24, 2004

PUBLIC HEARING

1) Albany – Lebanon Investments (Entek) Annexation

Presented by: Doug Parker, Community Development Manager

Approval/Denial by Ordinance

2) Mid-Valley Health Care Annexation Remand

Presented by: Doug Parker, Community Development Manager

Approval/Denial by Ordinance

3) Gilbert Annexation Remand

Presented by: Doug Parker, Community Development Manager

Approval/Denial by Ordinance

4) Simonian Annexation Remand

Presented by: Doug Parker, Community Development Manager

Approval/Denial by Ordinance

5) Herb-Cook Annexation Remand

Presented by: Doug Parker, Community Development Manager

Approval/Denial by Ordinance

6) Clear View 2, LLC Annexation

Presented by: Doug Parker, Community Development Manager

Approval/Denial by Ordinance

7) Paul Cole Annexation

Presented by: Doug Parker, Community Development Manager

Approval/Denial by Ordinance

8) McCanham-Edwards Annexation – Laurel Street

Presented by: Doug Parker, Community Development Manager

Approval/Denial by Ordinance

CITIZEN COMMENTS - *Those citizens with comments concerning public matters may do so at this time. Please identify yourself before speaking and enter your name and address on the sign-up sheet.*

ADJOURNMENT

Consent Calendar

CITY COUNCIL AGENDA: October 13, 2004

MINUTES: City Council Minutes – September 24, 2004

**LEBANON CITY COUNCIL MEETING
MINUTES**

September 24, 2004

Council Present: Mayor Ken Toombs and Councilors Bob Elliott, Mel Harrington, Ron Miller, Roger Munk, Scott Simpson and Dan Thackaberry.

Staff Present: City Administrator John Hitt, City Attorney Tom McHill, Police Chief Mike Healy, Finance Director Casey Cole, Public Works Director Jim Ruef, Community Development Manager Doug Parker, and Administrative Assistant Linda Kaser.

CALL TO ORDER/FLAG SALUTE/ROLL CALL

Mayor Toombs called the regular session of the Lebanon City Council to order at 7:30 p.m. in the Santiam Travel Station Board Room. Roll call was taken with all Council members present.

CONSENT CALENDAR

CITY COUNCIL AGENDA: September 22, 2004

MINUTES: Lebanon City Council Meeting – August 11 and August 25, 2004
Library Advisory Board Meeting – July 14 and August 11, 2004
Lebanon Planning Commission Meeting – May 19 and June 16, 2004

Mayor Toombs added two items to the agenda, "Library Appointments" and an additional item under Executive Session. Councilor Elliott moved, Councilor Thackaberry seconded, to approve the Consent Calendar as amended. The motion passed unanimously.

PRESENTATION

1) Award Presentation

Mayor Toombs awarded Officer Kimberly Hyde with a Citation and Medal of Valor for her heroic rescue on March 26, 2004.

APPOINTMENTS

2) Library Advisory Board Appointments

Mayor Toombs appointed Sharon Zwierzyna Follingstad, and reappointed Carolyn Misa to the Lebanon Library Advisory Board.

EXECUTIVE SESSION

ORS 192.660 (1)(h) To consult with legal counsel concerning legal rights and duties of the Council regarding current litigation or litigation likely to be filed.

ORS 192.660(2)(e) To conduct deliberations with persons designated by the Council to negotiate real property transactions.

COUNCIL COMMENTS

There were no additional comments.

ADJOURNMENT

There being no further business, Mayor Toombs adjourned the meeting at 8:55 p.m.

Meeting Recorded and Transcribed by: Linda Kaser

Kenneth I. Toombs, Mayor	[]
Ron Miller, Council President	[]

ATTESTED BY:

John E. Hitt, City Recorder



**CITY OF LEBANON
CITY COUNCIL STAFF REPORT
(Based on Planning Commission Staff Report for January 21, 2004)
ANNEXATION REQUEST**

The Planning Commission conducted a public hearing on this proposed annexation on January 21, 2004, and unanimously voted to recommend approval to the City Council.

NATURE OF REQUEST: Annexation of approximately a 14 acre territory comprised of one vacant parcel.

APPLICANT: Albany-Lebanon Investments

PROPERTY LOCATION: Located southwest of the intersection of Hansard Avenue and Reeves Parkway.

ASSESSOR'S MAP AND TAX LOT #s: Assessor's Map 12S-2W-3C, Tax Lot 1900.

ZONE DESIGNATION: Limited Industrial (ML) - upon annexation.

COMP PLAN DESIGNATION: Light Industrial

STAFF REPORT TABLE OF CONTENTS

	Page
Nature of Request, Applicant, Property Location, Assessor's Map and Tax Lot #s, Zone and Comp Plan Designations	1
Introduction	1
Site Description	2
Site Maps and Land Cover Map	3, 4
Planning and Zoning Considerations	5
Relevant Criteria	5
Staff Comments	11
Summary of PC Recommendation and Staff Recommendation for City Council	13, 20
Proposed Findings	13-19
Annexation Map and Legal Description	21, 22
Exhibits – including Proposed Findings from the Applicant	23-24

INTRODUCTION

The applicant proposes to annex this property in support of industrial recruitment (and job creation) efforts. This 14-acre site is under the same ownership as the adjacent 37 acre parcel to the immediate west. Together this collective ownership represents an almost 52 acre vacant industrial site. These properties as well as those abutting vacant industrial lands to the north and south have been identified by the State of Oregon as one of 25 key industrial "opportunity sites" in the entire state that have significant potential for industrial job creation. This property has recently been designated as a "Certified Industrial Site" by the State of Oregon, signifying that this property is ready for development. This State initiated and coordinated industrial recruitment program focuses on "shovel ready sites" which are properties for which the majority of development related issues have been addressed and resolved. Annexation is being requested at this time in order to help assure "shovel readiness" by eliminating the unannexed status and attendant uncertainties and delays.

This property is key to the development of this State identified "opportunity site" because the future Reeves Parkway alignment occupies the northern 130 feet of this property. This future right-of-way (ROW) is the route for physical access to these sites as well as the route of future infrastructure utility extensions to serve these industrial lands. Therefore, if this critical, "keystone" annexation territory is not annexed, incorporated into city limits and available for urban development, then the City's most promising vacant industrial lands will not be available for industrial, job creating development. This means that this "opportunity site" will be blocked from realizing its job creating potential. Given the fact that Lebanon is currently experiencing double digit unemployment, it is appropriate that the City does all it can to support job creating opportunities. Annexing this proposed annexation territory supports local and state job creation efforts in Lebanon.

One other important consideration is that this proposed annexation will likely support the expansion of an existing adjacent industrial employer. Pennington Seed is located to the immediate south and is working with the annexation territory property owner to buy some adjacent acreage in support of Pennington's expansion plans. Pennington Seed is a grass seed packaging and distribution facility and therefore this annexation will also benefit grass seed farmers in the region by helping to support the expansion of a critical support business/service.

Finally, the annexation territory along with the balance of the vacant industrial lands north of the railroad tracks and west of Hansard Avenue is the privately owned lands demonstration site in the State for the Governor's Regulatory Streamlining Initiative that seeks to address and resolve regulatory barriers in an expedited fashion. Consequently, real and potential environmental constraints (wetlands, rare and endangered species, cultural resources) have been inventoried, their likely impact assessed and mitigation plans developed. This is a substantial contributor to "shovel readiness" and further qualifies this site as appropriate to annex and industrially develop.

SITE DESCRIPTION

The subject property or annexation territory is located immediately west of Hansard Avenue, north of Pennington Seed and southwest of the intersection of Reeves Parkway and Hansard Avenue. This property is rectangular shaped being approximately 650 feet by 950 feet. This flat, farmed grass seed field includes a minor drainage ditch flowing westerly and another flowing northward. This site abuts the city limits to the north, west, and south.

Surrounding uses include Pennington Seed to the south; vacant, farmed industrial-zoned land to the west and north; and rural residences on smaller, (~4-5 acre) industrial designated, unannexed parcels to the east across Hansard Avenue.

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY



SW1/4 SEC.03 T.12S. R.02W. W.M.
LINN COUNTY, OREGON
1" = 200'

12 2W 3C
LEBANON

SEE MAP 12 2W 3B

9-53UR

SEE MAP 12 3W 4

NW COR
DLC 43
M.KEES
2000
3000-41
3747A

(B. LINE DLC 38)

9-54UR

SUBJECT
PROPERTY

REEVES PRKWAY

9-27UR

SEE MAP 12 2W 3D

9-25UR

9-54UR

SEE MAP 12 2W 10BB

SEE MAP 12 2W 10BA

LEBANON
12 2W 3C

ASSESSOR'S MAP T12S-R2W-3C



**SUBJECT
PROPERTY**

REEVES PARKWAY

AVENUE

HANSARD

PACIFIC

PENNINGTON SEED

LAUREL STR

ENTEK

RAILROAD

WINN GEAR

PLANNING AND ZONING CONSIDERATIONS

1. The Comprehensive Plan Map identifies the designation of the subject property as Light Industrial that assigns a Limited Industrial (ML) zoning upon annexation.
2. The following contain the factors and conditions that the City considers in evaluating an annexation request: (1) City of Lebanon Ordinance Number 17 for 2003, an Ordinance Making Findings and Adopting Policies for the Annexation of Real Property into the City Limits; and (2) Lebanon Comprehensive Plan as follows: (a) Introductory Provisions, Administrative Policy #8; (b) Urbanization Element, Flexible Growth Program, Policies #1 and 2 (page 4-P1); (c) Urbanization Element, Annexations, Policies #1 through 8 (page 4-P-2); (d) Public Facilities and Services Element, General Policy #2 (page 8-P-1); and (e) Public Facilities and Services Element, Sewerage Facilities, Policy #2 (pages 8-P-4, 5), (f) Chapter 1: Introductory Provisions -- General Goals and Objectives, Goals 2 and 5 (LCP page 1-17); (g) Chapter 3: Population and Economy, Overall Goals and Policies 2 and 3 (LCP page 3-P-1); (h) Chapter 5: Land Use, Overall Goal -- Industrial Land Use and Policy # 4 (LCP page 5-P-4), and Industrial Land Use -- Narrative Text item # 2 (LCP page 5-22) and items 1, 5, and 6 (LCP pages 5-23 & 5-24); (3) Zoning Ordinance Section 3.050, Zoning of Annexed Areas; (4) City of Lebanon/Linn County -- Urban Growth Management Agreement, Section 2: Delineation of Authority in the Urban Growth Area (UGA), and Section 5, Annexations.
3. Lebanon Zoning Ordinance Section 4.210 lists the development opportunities, standards and requirements for the Limited Industrial (ML) zone.

RELEVANT CRITERIA

1.0 Criteria Based on the City of Lebanon Ordinance Number 17 for 2003, an Ordinance Making Findings and Adopting Policies for the Annexation of Real Property into the City Limits

1.1 *Annexation Ordinance Findings:*

- 1.1.1 **A:** Implementation of the City's Annexation Ordinance and its policies ensure the orderly expansion of City Limits and the efficient provision of key City-provided urban utility services, which are hereby defined as water, storm drainage, sanitary sewerage, and streets.
- 1.1.2 **B:** The original Urban Growth Boundary of the City was established with the adoption and acknowledgment of Lebanon's Comprehensive Plan and Comprehensive Plan Map. This Plan, Map and the corresponding Urban Growth Boundary were accepted by both the City and the State. The acknowledgment of the Comprehensive Plan and Map established that all lands included within the Urban Growth Boundary are eligible for annexation (when they are contiguous to city limits) and urban development (except for minor inclusions of areas with environmental constraints) and other urban uses. The area within the Urban Growth Boundary designated for urban development and other urban uses has therefore been acknowledged as land needed by the City.
- 1.1.3 **C:** Annexation incorporates territory within the Urban Growth Area into the City Limits
- 1.1.4 **D:** Annexation proposals do not require site specific development proposals.

- 1.1.5 **E:** Proposals for the development or redevelopment of properties that pertain to annexation proposals are a separate land use process, requiring separate application. Except as specified below in Section 15, the City may not act upon such development or redevelopment proposals related to an annexation territory until the annexation proposal has been approved. These development or redevelopment proposals will be acted upon after approval of the annexation, and thus require a separate hearing or process.
- 1.1.6 **F:** As part of the annexation process of developed property or properties, the City will consider the anticipated demands of existing development within the annexation territory to access City-provided urban utility services, which are water, storm drainage, sanitary sewerage, and streets. Furthermore, as part of the annexation process of developed property or properties, the City will consider the impacts on these same key City-provided urban utility services, water, storm drainage, sanitary sewerage, and streets, needed to serve these developed properties.
- 1.1.7 **G:** The annexation of a territory that is vacant and undeveloped does not represent any change or impact on any City-provided urban utility services, and therefore the annexation of such a territory does not need to consider such issues.

1.2 Provisions of the Annexation Ordinance Sections:

- 1.2.1 **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.
- 1.2.2 **Section 3:** All Annexations shall be consistent with the goals and policies of the Lebanon Comprehensive Plan.
- 1.2.3 **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.
- 1.2.4 **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).
- 1.2.5 **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.
- 1.2.6 **Section 7:** Development proposals are NOT REQUIRED for annexation requests.

- 1.2.7 **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.
- 1.2.8 **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.
- 1.2.9 **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.
- 1.2.10 **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.
- 1.2.11 **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.
- 1.2.12 **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.
- 1.2.13 **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.
- 1.2.14 **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.

2.0 Lebanon Comprehensive Plan (LCP) Criteria

2.1 *Chapter 1: Introductory Provisions -- Administrative Policies And Recommendations (LCP page 1-P-1)*

2.1.1 Policy #8: The City of Lebanon Comprehensive Plan shall be consistent with the applicable Statewide Planning Goals.

2.2 *Chapter 4: Urbanization -- Flexible Growth Program (LCP page 4-P-1)*

2.2.1 Policy #1: All lands included within the Urban Growth Boundary have been determined as suitable for urban development except those areas designated as undevelopable due to environmental constraints such as wetlands, drainage courses, flooding or steep slopes. However, those areas inside the City's Urban Growth Boundary with environmental constraints may be utilized as functional wetlands, parks, open space and related uses.

2.2.2 Policy #2: The City shall maintain an orderly and efficient, yet flexible, approach to the growth of the City and extension of the City limits through the implementation of the Annexation Policies contained in this Plan, the Lebanon/Linn County Urban Growth Management Agreement, and the City's Annexation Ordinance.

2.3 *Chapter 4: Urbanization -- Annexations (LCP page 4-P-2)*

2.3.1 Policy #1: 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.

2.3.2 Policy #2: All Annexations shall be consistent with the goals and policies of the Lebanon Comprehensive Plan.

2.3.3 Policy #3: 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.

2.3.4 Policy #4: The City shall only annex land that is contiguous to the existing City limits and is within the City's Urban Growth Boundary (UGB).

2.3.5 Policy #5: 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.

- 2.3.6 **Policy #6:** Development proposals are NOT REQUIRED for annexation requests.
- 2.3.7 **Policy #7:** 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.
- 2.3.8 **Policy #8:** 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.
- 2.4. **Chapter 8: Public Facilities and Services Policies and Recommendations -- General Policies (LCP page 8-P-1)**
 - 2.4.1 **Policy #2:** The city shall consider impacts on key City-provided urban utility services (water, storm drainage, sanitary sewerage, and streets) and any other community facilities that are identified by service providers as substantially impacted by the proposal before-development proposals, or rezoning applications are approved.
- 2.5 **Chapter 8: Public Facilities and Services Policies and Recommendations -- Sewerage Facilities (LCP pages 8-P-4 & 8-P-5)**
 - 2.5.1 **Policy #2:** The provision of sewerage service determines the urban development potential. Extension of public sanitary sewer infrastructure shall be in accordance with the City's Facilities Plans, as amended by special studies, or the City's Capital Improvement plans, and/or by official City Council action.
- 2.6 **Chapter 1: Introductory Provisions -- General Goals and Objectives (LCP page 1-17)**
 - 2.6.1 There are certain basic aims to which the Comprehensive Plan is broadly committed. These general goals and objectives are:
 - 2. To achieve an environment that assures each individual the widest possible choices and opportunities for a productive and meaningful life-style within the community.
 - 5. To broaden opportunities for economic expansion and diversification.
- 2.7 **Chapter 3: Population and Economy (LCP page 3-P-1)**
 - 2.7.1 **Overall Goals**
 - A. To broaden opportunities for economic expansion and diversification.
 - B. To help increase employment opportunities in the Lebanon area by providing an attractive environment to stimulate economic growth.

2.7.2 Policy # 2: The city shall encourage a diversified economic base for the community which broadens and improves long-term employment opportunities and is compatible with the environmental resources of the community.

2.7.3 Policy # 3 The city shall continue to actively encourage industrial and business developments that improve the economy of the community and the state and shall maintain an up-to-date information file on the community including an inventory of available industrial sites for potential developers, utilizing the resources of the Oregon State Economic Development Division.

2.8 Chapter 5: Land Use

2.8.1 Overall Goal -- Industrial Land Use

To provide a land use policy plan which sets forth the suitable kinds, amounts, and intensities of use to which land in various parts of the city should be put. (*LCP page 5-P-4*)

2.8.2 Policy # 4: A sufficient supply of suitable industrial land shall be maintained to actually attract industry, particularly light nonpolluting industries, in support of the city's economic development program. (*LCP page 5-P-4*)

2.8.3 Industrial Land Use – Narrative Text

A. (2) Large undivided parcels should be preserved since potential industries are easily discouraged when conflicts occur in accumulating a number of smaller contiguous parcels. Thus parcel size was a major criteria used in the selection of industrial land. (*LCP page 5-22*)

B. West-side Light Industrial Reserve (*LCP pages 5-23 & 5-24*)

The 341 gross acres located south of Tangent Street adjacent to the airport is included based on the following criteria:

1. The area contains a variety of medium to large undeveloped land parcels with excellent potential for light industrial development.

5. Industrial use is not only compatible with airport activities but is also complementary.

6. An industrial reserve will protect the airport from undesirable residential infringement, while also providing a buffer between agricultural and residential uses which can also conflict.

3.0 Zoning Ordinance Criteria

3.1 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.

4.0 City of Lebanon/Linn County -- Urban Growth Management Agreement

4.1 Section 2: Delineation of Authority in the Urban Growth Area (UGA), 2nd paragraph: The Lebanon Comprehensive Plan designates the future city zoning UGA lands will receive upon annexation to the City.

4.2 Section 5: Annexations: The UGA identifies land that may be subject to future City annexation. The City may annex land using its own procedures in accordance with state law. Only land within the UGA will be considered for annexation. The City will notify the County of any proposed annexations. Upon annexation, the City assumes all jurisdiction for land use actions.

STAFF COMMENTS

1. Planning:

- A.** The legal description and a map describing the entire annexation area have been submitted and are included in this report.
- B.** The annexation territory is within the City's Urban Growth Boundary, and is therefore eligible for annexation and urban development. As a part of the City's UGB, this annexation territory has been identified as land needed by the City for nearly a quarter of a century. This vacant industrial territory is an essential component of the City's inventory of vacant industrial lands designated to satisfy the city's current 20-year supply of vacant industrial/employment land.
- C.** 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 north, south, and west.
- D.** The annexation territory can be developed to an urban use. This territory can be developed according to the provisions of Lebanon Zoning Ordinance Section 4.210 that lists the development opportunities, standards and requirements for the Limited Industrial (ML) zone, and this is consistent with all applicable provisions of the Comprehensive Plan.
- E.** No development proposal was required to be submitted at this time.

- F. The subject property is currently undeveloped, and therefore, there are no anticipated demands at this time to access the key City-provided urban utility services (i.e., are water, storm drainage, sanitary sewerage, and streets). However, this annexation territory (1) has ready access to the street system in that it abuts both the Reeves Parkway (northeast corner) and Hansard Avenue (built to county standards) on the eastern property line, (2) has ready access to water via a 16-inch water line at the intersection of Hansard and Reeves, and a 12" water main along the Hansard Avenue Right-of-way, (3) is within 350 feet of a sanitary sewer line, and (4) with storm drainage for this area flowing along its natural, historic surface drainage pattern (including minor drainage north and west), with primary flows handled by the drainage ditch along Hansard Avenue.
- G. The subject property is currently undeveloped, and therefore, there are no impacts at this time on the key City-provided urban utility services (i.e., are water, storm drainage, sanitary sewerage, and streets).
- H. A crucial segment of the future extension of the Reeves Parkway crosses the northern boundary of this annexation territory. The City is requiring the dedication of a 130 foot rights-of-way necessary for this Reeves Parkway extension. Also, the City is requiring the dedication of a 15 foot rights-of-way necessary for the upgrading of Hansard Avenue to City standards. These rights-of-way dedications are to be completed within six-months of the approval of annexation, or within thirty-days of whenever the City requests, whichever comes first.
- I. The subject property does not have a City zoning designation because it is not within the City limits. However, since the property is within the City's Urban Growth Boundary, the current Comprehensive Plan designation on the subject property is Light Industrial. The corresponding City zoning designation for a Comprehensive Plan designation of Light Industrial is Limited Industrial (ML). The applicant is requesting a Limited Industrial (ML) zoning designation for the subject property. Therefore, a City zoning designation of Limited Industrial (ML) can automatically be assigned at this time, without a separate hearing. This action is NOT a zoning map amendment.
- J. The subject property has no environmental constraints that cannot be mitigated that would prevent development as an industrial site.
- K. This annexation is an implementation of the Annexation Policies contained in this Plan, the Lebanon/Linn County Urban Growth Management Agreement, and the City's Annexation Ordinance.
- L. This annexation application does NOT include a development proposal or a rezoning application.

2. Current Status of Infrastructure:

- A. **Sanitary Sewer:** The new 54" West Side Sewer Interceptor is located on Hansard Avenue at Laurel Street, 600 feet south of the subject property. A 6" public sewer line runs north along Hansard Avenue from the interceptor connection to within 350 feet of the subject property.
- B. **Water:** There is a 16" water line at the NE corner of the subject property at the intersection of Reeves and Hansard. From that point, a 12" line extends southward within the Hansard Avenue right-of-way along the full length of the subject property and beyond to create a looped water system.

C. Drainage: Primary drainage is via the drainage ditch along Hansard Avenue that is currently developed to County standards. In addition, this flat, farmed grass seed field includes a minor drainage ditch flowing westerly and another flowing northward. Future development of the subject property will result in storm drainage improvements modifying the historic drainage patterns to the north and west.

D. Transportation Access: There is ready access to the transportation system in that it the subject property abuts both the Reeves Parkway (northeast corner) and Hansard Avenue (built to county standards) on the eastern property line. Additional rights-of-way (Reeves – 130 feet; Hansard – 15 feet) will be necessary to upgrade these roads ways to provide for industrial traffic access.

Fees: Connection to a City utility or building permit issuance will also cause to be due all remaining street and drainage system development charges. All of the above permits, fees, and processes are detailed in the City's Site Development Guide.

SUMMARY OF PLANNING COMMISSION RECOMMENDATION

The Planning Commission conducted a public hearing on this proposed annexation on January 21, 2004, and unanimously voted to recommend approval to the City Council.

The Planning Commission based this recommendation on the following:

Criteria 1.1.1 – 1.1.7

Annexation Ordinance Findings: *These seven findings constitute the preamble of Lebanon Ordinance Number 17 for 2003, and thereby provide a legal context for the policies that pertain to all annexations to the City of Lebanon.*

Planning Commission Finding # 1:

The proposed annexation complies with all Annexation Ordinance Findings in that this land use hearing is in compliance with the legal context established by this preamble.

Criteria 1.2.1 and 2.3.1

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.

LCP Chapter 4 (Urbanization) – Annexation Policy #1: *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.*

Planning Commission 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 1.2.2 and 2.3.2

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

LCP Chapter 4 (Urbanization) – Annexation Policy #2: *All Annexations shall be consistent with the goals and policies of the Lebanon Comprehensive Plan.*

Planning Commission Finding # 3:

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. The findings below detail this compliance.

Criteria 1.1.2, 1.2.3, 2.2.1 and 2.3.3

Annexation Ordinance Finding B (Criteria 1.1.2): The original Urban Growth Boundary of the City was established with the adoption and acknowledgment of Lebanon's Comprehensive Plan and Comprehensive Plan Map. This Plan, Map and the corresponding Urban Growth Boundary were accepted by both the City and the State. The acknowledgment of the Comprehensive Plan and Map established that all lands included within the Urban Growth Boundary are eligible for annexation (when they are contiguous to city limits) and urban development (except for minor inclusions of areas with environmental constraints) and other urban uses. The area within the Urban Growth Boundary designated for urban development and other urban uses has therefore been acknowledged as land needed by the City.

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 4 (Urbanization) – Flexible Growth Program Policy #1: All lands included within the Urban Growth Boundary have been determined as suitable for urban development except those areas designated as undevelopable due to environmental constraints such as wetlands, drainage courses, flooding or steep slopes. However, those areas inside the City's Urban Growth Boundary with environmental constraints may be utilized as functional wetlands, parks, open space and related uses.

LCP Chapter 4 (Urbanization) – Annexation Policy #3: 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.

Planning Commission Finding # 4:

The proposed annexation complies with the above noted criteria in that the annexation territory is within the City's Urban Growth Boundary, and is therefore eligible for annexation and urban development. This annexation territory has been identified as land needed by the City for nearly a quarter of a century.

Criteria 1.2.4 and 2.3.4

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).

LCP Chapter 4 (Urbanization) – Annexation Policy #4: The City shall only annex land that is contiguous to the existing City limits and is within the City's Urban Growth Boundary (UGB).

Planning Commission Finding # 5:

The proposed annexation complies with Annexation Ordinance Section 5 and LCP Annexation Policy #4 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 north, south, and west.

Criteria 1.2.5, 1.2.13, and 2.3.5 (& 1.1.1)

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 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.*

LCP Chapter 4 (Urbanization) – Annexation Policy #5: *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 Finding A (Criteria 1.1.1): *Implementation of the City's Annexation Ordinance and its policies ensure the orderly expansion of City Limits and the efficient provision of key City-provided urban utility services, which are hereby defined as water, storm drainage, sanitary sewerage, and streets.*

Planning Commission Finding # 6:

The proposed annexation complies with the above noted criteria. (1) Since the annexation territory is contiguous to the existing City limits the annexation or this territory is deemed orderly. (2) The annexation is efficient since the annexation territory can be developed to an urban use. This territory can be developed according to the provisions of Lebanon Zoning Ordinance Section 4.210 that lists the development opportunities, standards and requirements for the Limited Industrial (ML) zone, and this is consistent with all applicable provisions of the Comprehensive Plan.

Criteria 1.2.6 and 2.3.6 (& 1.14)

Annexation Ordinance Section 7: *Development proposals are NOT REQUIRED for annexation requests.*

LCP Chapter 4 (Urbanization) – Annexation Policy #6: *Development proposals are NOT REQUIRED for annexation requests.*

Annexation Ordinance Finding D (Criteria 1.1.4): *Annexation proposals do not require site specific development proposals.*

Planning Commission Finding # 7:

The proposed annexation complies with the above noted criteria in that no development proposal was required to be submitted at this time.

Criteria 1.2.7 and 2.3.7 (& 1.1.1 and 1.16)

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.*

LCP Chapter 4 (Urbanization) – Annexation Policy #7: *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.*

Annexation Ordinance Finding A (Criteria 1.1.1), and Annexation Ordinance Finding F (Criteria 1.1.6)

Planning Commission Finding # 8:

The proposed annexation complies with the above noted criteria in that this property is currently undeveloped, and therefore, there are no anticipated demands at this time to access the key City-provided urban utility services (i.e., are water, storm drainage, sanitary sewerage, and streets). However, this annexation territory (1) has ready access to the street system in that it abuts both the Reeves Parkway (northeast corner) and Hansard Avenue (built to county standards) on the eastern property line, (2) has ready access to water via a 16-inch water line at the intersection of Hansard and Reeves, and a 12" water main along the Hansard Avenue Right-of-way, (3) is within 350 feet of a sanitary sewer line, and (4) with storm drainage for this area flowing along its natural, historic surface drainage pattern (including minor drainage north and west), with primary flows handled by the drainage ditch along Hansard Avenue.

Criteria 1.2.8 and 2.3.8 (&1.1.1 and 1.1.6)

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.*

LCP Chapter 4 (Urbanization) – Annexation Policy #8: *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.*

Annexation Ordinance Finding A (Criteria 1.1.1), and Annexation Ordinance Finding F (Criteria 1.1.6)

Planning Commission Finding # 9:

The proposed annexation complies with the above noted criteria in that this property is currently undeveloped, and therefore, there are no impacts at this time on the key City-provided urban utility services (i.e., are water, storm drainage, sanitary sewerage, and streets). However, when it develops, any foreseeable allowed uses of this property will be well within the capacities of the four key City-provided urban utility services in geographical proximity to the annexation property. This annexation territory (1) has ready access to the street system in that it abuts both the Reeves Parkway (northeast corner) and Hansard Avenue on the eastern property line, (2) has ready access to water via a 16-inch water main runs along the eastern property line within the Hansard Avenue Right-of-way, (3) is within 350 feet of a sanitary sewer line, and (4) with storm drainage for this area flowing along its natural, historic surface drainage pattern, with primary flows handled by the drainage ditch along Hansard Avenue. The historic drainage pattern also includes a minor drainage ditch flowing westerly and another flowing northward.

Criterion 1.2.9

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.*

Planning Commission Finding # 10:

The proposed annexation complies with Annexation Ordinance Section 10 in that a crucial segment of the future extension of the Reeves Parkway crosses the northern boundary of this annexation territory. The City is requiring the dedication of the rights-of-way necessary for this extension at the time of annexation. Also, the City is requiring the dedication of the rights-of-way necessary for the upgrading of Hansard Avenue to City standards.

Criteria 1.2.10, 1.2.11, and 3.1

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.

Planning Commission 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. However, since the property is within the City's Urban Growth Boundary, the current Comprehensive Plan designation on the subject property is Light Industrial. The corresponding City zoning designation for a Comprehensive Plan designation of Light Industrial is Limited Industrial (ML). The applicant is requesting a Limited Industrial (ML) zoning designation for the subject property. Therefore, a City zoning designation of Limited Industrial (ML) can automatically be assigned at this time, without a separate hearing. This action is NOT a zoning map amendment.

Criterion 1.2.12

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.

Planning Commission Finding # 12:

The proposed annexation complies with Annexation Ordinance Section 13 in that this property has no designated environmental constraints that would prevent development as an industrial site.

Criterion 1.2.14 (and 1.1.5)

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.

Annexation Ordinance Finding E (Criteria 1.1.5): Proposals for the development or redevelopment of properties that pertain to annexation proposals are a separate land use process, requiring separate application. Except as specified below in Section 15, the City may not act upon such development or redevelopment proposals related to an annexation territory until the annexation proposal has been approved. These development or redevelopment proposals will be acted upon after approval of the annexation, and thus require a separate hearing or process.

Planning Commission Finding # 13:

The proposed annexation complies with Annexation Ordinance Section 15 Annexation Ordinance Finding E in that no development proposal has been submitted at this time.

Criterion 2.1.1

LCP Chapter 1 (Introductory Provisions) – Administrative Policies And Recommendations, Policy #8: *The City of Lebanon Comprehensive Plan shall be consistent with the applicable Statewide Planning Goals.*

Planning Commission Finding # 14:

The proposed annexation complies with this policy of the Lebanon Comprehensive plan in that the Comprehensive Plan in its entirety has been accepted and acknowledged by the Oregon Department of Conservation and Land Development (DLCD). Acknowledgement of a Comprehensive Plan is dependent upon DLCD concluding that the Comprehensive Plan is consistent with the applicable Statewide Planning Goals.

Criterion 2.2.2

LCP Chapter 1 (Urbanization) – Flexible Growth Program Policy #2: *The City shall maintain an orderly and efficient, yet flexible, approach to the growth of the City and extension of the City limits through the implementation of the Annexation Policies contained in this Plan, the Lebanon/Linn County Urban Growth Management Agreement, and the City's Annexation Ordinance.*

Planning Commission Finding # 15:

The proposed annexation complies with this policy of the Lebanon Comprehensive plan in that this annexation constitutes an implementation of the Annexation Policies contained in this Plan, the Lebanon/Linn County Urban Growth Management Agreement, and the City's Annexation Ordinance, and therefore this annexation maintains an orderly and efficient, yet flexible, approach to the growth of the City and extension of the City limits.

Criterion 2.4.1 (and 1.1.7)

LCP Chapter 8 (Public Facilities and Services Policies and Recommendations) -- General Policies, Policy #2: *The city shall consider impacts on key City-provided urban utility services (water, storm drainage, sanitary sewerage, and streets) and any other community facilities that are identified by service providers as substantially impacted by the proposal before-development proposals, or rezoning applications are approved.*

Annexation Ordinance Finding G (Criteria 1.1.7): *The annexation of a territory that is vacant and undeveloped does not represent any change or impact on any City-provided urban utility services, and therefore the annexation of such a territory does not need to consider such issues.*

Planning Commission Finding # 16:

The proposed annexation complies with this Public Facilities and Services Policy of the Lebanon Comprehensive plan in that this annexation does NOT include a development proposal or a rezoning application. Therefore, at this time the City is under no obligation to consider impacts on key City-provided urban utility services (water, storm drainage, sanitary sewerage, and streets) or any other community facilities, which is in compliance with Annexation Ordinance Finding G (Criteria 1.1.7).

However, if at some future time development proposals, and/or rezoning applications regarding this territory are submitted to the City, the City shall at that time consider impacts on key City-provided urban utility services (water, storm drainage, sanitary sewerage, and streets) and any other community facilities that are identified by service providers as substantially impacted by the proposal(s) before development proposals, and/or rezoning applications are approved.

Yet, it is again worth noting that the four key City-provided urban utility services (water, storm drainage, sanitary sewerage, and streets) are available to serve this site, as noted in Findings 8 and 9 above.

Criterion 2.5.1

LCP Chapter 8 (Public Facilities and Services Policies and Recommendations) -- Sewerage Facilities, Policy #2: The provision of sewerage service determines the urban development potential. Extension of public sanitary sewer infrastructure shall be in accordance with the City's Facilities Plans, as amended by special studies, or the City's Capital Improvement plans, and/or by official City Council action.

Planning Commission Finding # 17:

The proposed annexation complies with this policy of the Lebanon Comprehensive plan in that this annexation does NOT include a development proposal. Therefore, at this time the City is under no obligation to consider impacts on sanitary sewerage.

However, if at some future time development proposals regarding this territory are submitted to the City, the City shall at that time consider impacts on sanitary sewerage, and the availability of public sanitary sewer infrastructure in accordance with the City's Facilities Plans (as amended by special studies, or the City's Capital Improvement plans, and/or by official City Council action), before such development proposals are approved.

Yet, it is worth noting that the following sanitary sewerage infrastructure is availability in relatively close proximity to the annexation territory (i.e., it is within 350 feet of a sanitary sewer line) which feeds into the new westside interceptor which has abundant capacity.

Criteria 4.1 and 4.2

City of Lebanon/Linn County -- Urban Growth Management Agreement

Section 2: Delineation of Authority in the Urban Growth Area (UGA), 2nd paragraph: *The Lebanon Comprehensive Plan designates the future city zoning UGA lands will receive upon annexation to the City.*

Section 5: Annexations: *The UGA identifies land that may be subject to future City annexation. The City may annex land using its own procedures in accordance with state law. Only land within the UGA will be considered for annexation. The City will notify the County of any proposed annexations. Upon annexation, the City assumes all jurisdiction for land use actions.*

Planning Commission Finding # 18:

The City's annexation review procedures on annexation request File # A-04-01 have complied with the City of Lebanon/Linn County Urban Growth Management Agreement, Sections 2 and 5 regarding City authority to annex lands within the urban growth area and assign City Zoning in accordance with the Lebanon Comprehensive Plan Map.

STAFF RECOMMENDATION FOR CITY COUNCIL

If the City Council concludes that this proposed annexation has successfully and adequately addressed the applicable criteria cited in this staff report from the City's 2003 revised Annexation Ordinance, updated (2003) Comprehensive Plan, Zoning Ordinance, and the City of Lebanon/Linn County Urban Growth Management Agreement, as well as effectively addressing applicable testimony, then staff recommends that the City Council **APPROVE** this annexation request.

However, if the City Council concludes that this proposed annexation has **NOT** successfully and adequately addressed the applicable criteria cited in this staff report from the City's 2003 revised Annexation Ordinance, updated (2003) Comprehensive Plan, Zoning Ordinance, and the City of Lebanon/Linn County Urban Growth Management Agreement, and has **NOT** effectively addressed applicable testimony, then staff recommends that the City Council **DENY** this annexation request.

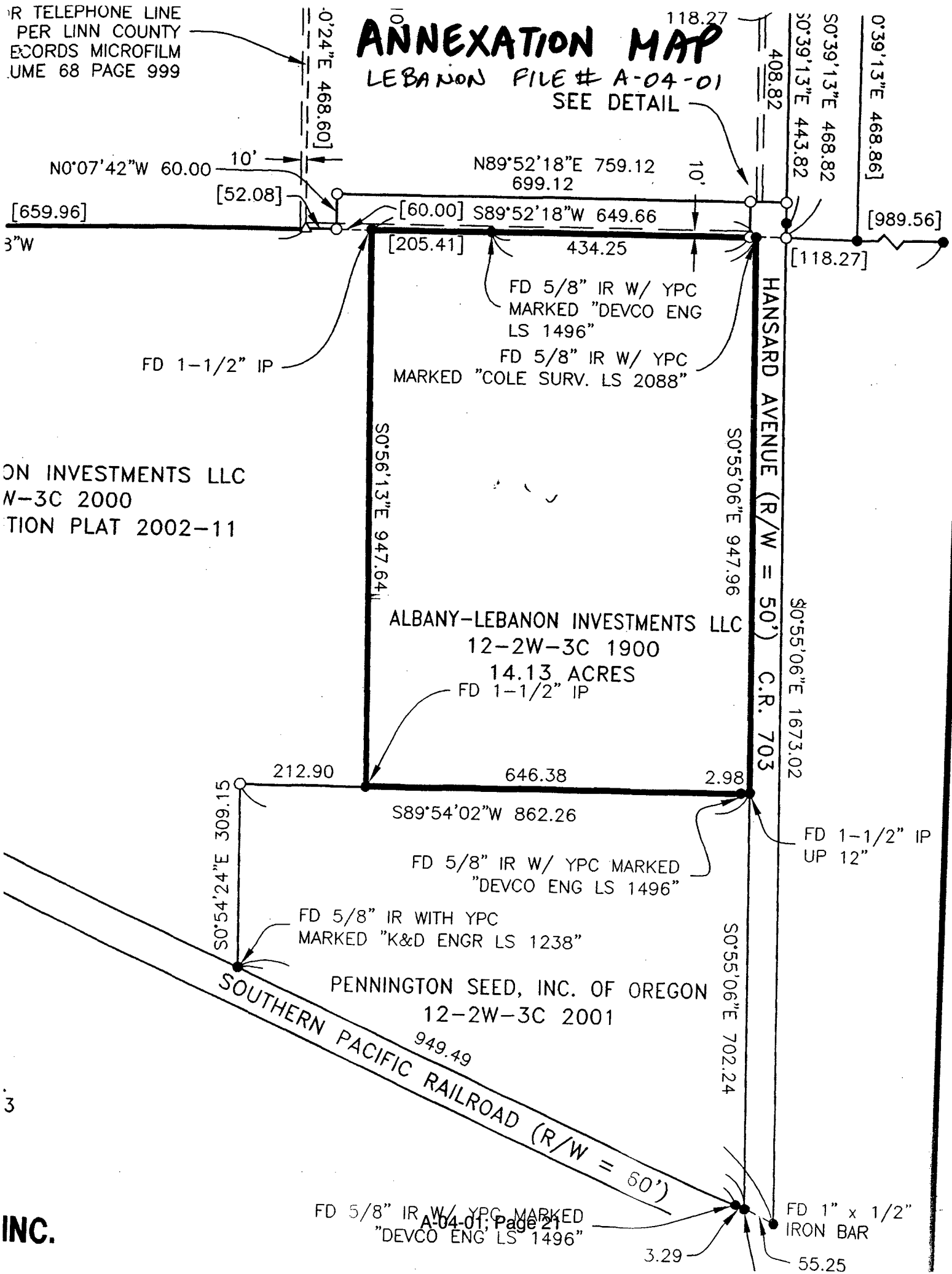
PROPOSED FINDINGS

Staff shall write draft findings based on the above staff report, testimony, and City Council discussion. These draft findings will be distributed to the City Council prior to the next City Council meeting so that the Council may take final action on the findings and the proposed annexation.

IR TELEPHONE LINE
PER LINN COUNTY
RECORDS MICROFILM
UME 68 PAGE 999

ANNEXATION MAP

LEBANON FILE # A-04-01
SEE DETAIL



ON INVESTMENTS LLC
N-3C 2000
TION PLAT 2002-11

ALBANY-LEBANON INVESTMENTS LLC
12-2W-3C 1900
14.13 ACRES
FD 1-1/2" IP

PENNINGTON SEED, INC. OF OREGON
12-2W-3C 2001

SOUTHERN PACIFIC RAILROAD (R/W = 50')

FD 5/8" IR W/ YPC MARKED
"DEVCO ENG LS 1496"

INC.

LEBANON FILE # A-04-01
T12S-R2W-3C, TAX LOT 1900

LEGAL DESCRIPTION FOR ANNEXATION

Beginning at the Northwest corner of that property conveyed to Albany-Lebanon Investments LLC, as described in Linn County Microfilm Volume 1328, Page 191, being North 89°52'18" East 1782.21 feet from the Northwest corner of the Morgan Kees Donation Land Claim No. 43 in Township 12 South, Range 2 West of the Willamette Meridian, Linn County, Oregon, also being an interior corner of Parcel 2 of Partition Plat 2002-11, a partition plat of record in Linn County, Oregon; thence along an interior South line of said Parcel 2 North 89°52'18" East 649.66 feet to a 5/8 inch iron rod on the Westerly right-of-way line of Hansard Avenue (County Road 703), a 50 foot right-of-way; thence along said Westerly right-of-way line South 0°55'06" East 947.96 feet to a 1-1/2 inch iron pipe at the Northeast corner of that property conveyed to Pennington Seed, Inc., as described in Linn County Microfilm Volume 467, Page 330; thence along the North line of said Pennington Seed, Inc. property South 89°54'02" West 649.36 feet to a 1-1/2 inch iron pipe at the Southwest corner of the aforementioned Albany-Lebanon Investments LLC property, also being at an interior corner of the aforementioned Parcel 2 of Partition Plat 2002-11; thence North 0°56'13" West 947.64 feet to the point of beginning. The basis of bearings for this description is from said Partition Plat 2002-11. The area contained within this annexation is 14.13 acres, more or less.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

C. Henry Cole

OREGON
JULY 13 1984
C. HENRY COLE
2088

EXHIBIT A:

PROPOSED SUPPLEMENTAL FINDINGS FROM APPLICANT (A-04-01)

These supplemental findings are entered into this ____ day of October, 2004, by the City of Lebanon City Council. In addition to expressly adopting the Planning Commission Staff Report of January 14, 2004, these supplemental findings address statewide planning goals.

The Applicant's annexation request has been analyzed under the annexation criteria and policies adopted by this City Council in Ordinances 2352 and 2353 on November 12, 2003. Those ordinances were adopted as a part of subtask 6.1 of the City of Lebanon's periodic review Order No. 001621. On March 25, 2004, the Department of Land Conservation and Development ("DLCD") reviewed these ordinances and determined that the amendments complied with statewide planning goals and thus were approved by DLCD. Subsequently, an appeal was taken to place the matter in front of the Land Conservation and Development Commission ("LCDC") at its hearing on June 10, 2004, LCDC affirmed the DLCD affirmation, again affirming the City's adoption of Ordinance Nos. 2352 and 2353. The LCDC written affirmation order was entered on September 20, 2004, but is subject to appeal.

Since it is unclear whether the Order will be appealed, we enter these supplemental findings as to the Statewide Planning Goals. In making Goal findings, the City Council expressly recognizes that these findings are specific to this particular property at this particular time. The fact that findings are made with respect to the individual property in this circumstance, should not be construed as an admission that such findings will be necessary in other circumstances.

The City Council makes the following goal findings:

1. Goal 1 – Citizen Involvement. This goal calls for the "opportunity for citizens to be involved in all phases of the planning process." The decision in this case has been made in accordance with the City's quasi-judicial process which allows for citizen participation at both the Planning Commission level and at the City Council level.
2. Goal 2 – Land Use Planning. This goal outlines the basic procedures of Oregon's Statewide Planning Program and also contained standards for taking exceptions to statewide planning goals. This goal is not applicable to this annexation request.
3. Goal 3 – Agricultural Lands. This goal aims to "preserve and maintain" agricultural lands. The property proposed for annexation in this instance already has a comprehensive plan map identification of Light Industrial and thus is not considered agricultural land subject to the provisions of this goal.
4. Goal 4 – Forest Lands. This goal defines forest lands and seeks to achieve conservation of forest lands for forest uses. The subject parcel has a comprehensive plan map designation of Light Industrial and thus is not considered forest land. Thus, this goal is not applicable.
5. Goal 5 – Open Spaces, Scenic and Historic Areas and Natural Resources. The property contains no inventoried open space, scenic and historic areas nor natural resources and thus this goal is not applicable to this proposed annexation.
6. Goal 6 – Air, Water and Land Resources Quality. This goal requires that local comprehensive plans be consistent with state and federal regulations. While this goal is not directly applicable to this annexation decision, any development on the site will be consistent with state and federal regulations related to air, water and land resource quality as such regulations will be directly applicable to any development.

7. Goal 7 – Areas Subject to Natural Disasters and Hazards. This goal deals with development in places subject to natural hazards, including floods and landslides. No such natural disaster or hazard area exists on this site and thus this goal is not applicable.
8. Goal 8 – Recreation Needs. This goal calls for each community to evaluate its areas and facilities for recreation and develop plans to deal with projected demand for them. This goal is not applicable to this proposed annexation of this industrial site.
9. Goal 9 – Economy of the State. Goal 9 seeks to diversify and improve the economy of the state. This goal is satisfied by the proposed annexation since this property will be used to support industrial development and job creation efforts. This site has been identified by the State of Oregon as part of “one of 25 key industrial opportunity sites” in the state that has significant potential for industrial job creation. Annexation will further achieve the desire of the state for this site to be “shovel ready” and fully developable.
10. Goal 10 – Housing. This goal specifies that each city must plan for and accommodate needed housing types. This site has already been designated as Light Industrial in the City’s comprehensive plan and thus is not a housing site. This goal is not applicable.
11. Goal 11 – Public Facilities and Services. Goal 11 calls for efficient planning of public services such as sewers, water, law enforcement, and fire protection.
As the Planning Commission Staff Report describes, the property is fully served with sanitary sewer and water services. Stormwater drainage improvements will be made upon development of the subject property. See finding #8 of the Planning Commission Staff Report. The City has adequate law enforcement and fire protection capability to serve the annexed property.
12. Goal 12 – Transportation. Goal 12 aims to provide a “safe, convenient and economic transportation system.” The Applicant has submitted to the City Council a transportation study performed by Associated Transportation Engineering and Planning which studies in detail the transportation system serving the proposed annexation site. The transportation study concludes that the transportation system is adequate to serve the annexed property assuming industrial development for the site. Even assuming a worst case scenario for maximum transportation impact, the transportation system is still well adequate to serve the proposed annexed property and any industrial use. This goal has been satisfied.
13. Goal 13 – Energy. Goal 13 states that land and uses developed on the land shall be “managed and controlled as to maximize the conservation of all forms of energy.” To the extent that this goal is applicable, it is satisfied because the site is located within the City’s UGB and located adjacent to adequate transportation systems. The location of this job creation center near potential employees maximizes the conservation of energy.
14. Goal 14 – Urbanization. This goal requires that the City estimate future growth needs and establish urban growth boundaries to separate urbanizable land from rural land. This goal is satisfied because the property is already located within the City’s UGB and has previously been identified for industrial use. This goal is satisfied.
15. Goal 15 – Willamette Greenway. Goal 15 administers land adjacent to the Willamette River and is not applicable to this application.
16. Goal 16 – Estuarine Resources. This goal is not applicable because this site is not an identified estuary site subject to this goal.
17. Goal 17 – Coastal Shorelands. This goal defines planning areas at the Oregon Coast. This goal is not applicable.
18. Goal 18 – Beaches and Dunes. Goal 18 applies to beaches and dunes at the Oregon Coast and is not applicable to this site.
19. Goal 19 – Ocean Resources. This goal aims to conserve the long-term values of the ocean environment. This goal is not applicable to this site.



CITY OF LEBANON

ADMINISTRATIVE DEPARTMENT

MEMORANDUM

TO: Mayor Toombs and City Council

DATE: 10/1/04

FROM: John Hitt, City Administrator

SUBJECT: Annexations Staff Report

As per my recent email, we have decided to divide the staff report on the upcoming annexations into separate reports.

The first of these, applying to the Entek (Albany-Lebanon Investments) annexations, is attached. In addition, City Attorney Tom McHill has drafted a memo detailing key legal issues concerning all these new annexations. Keep in mind, the new annexations are to be reviewed under the new Comp Plan policies, adopted last November.

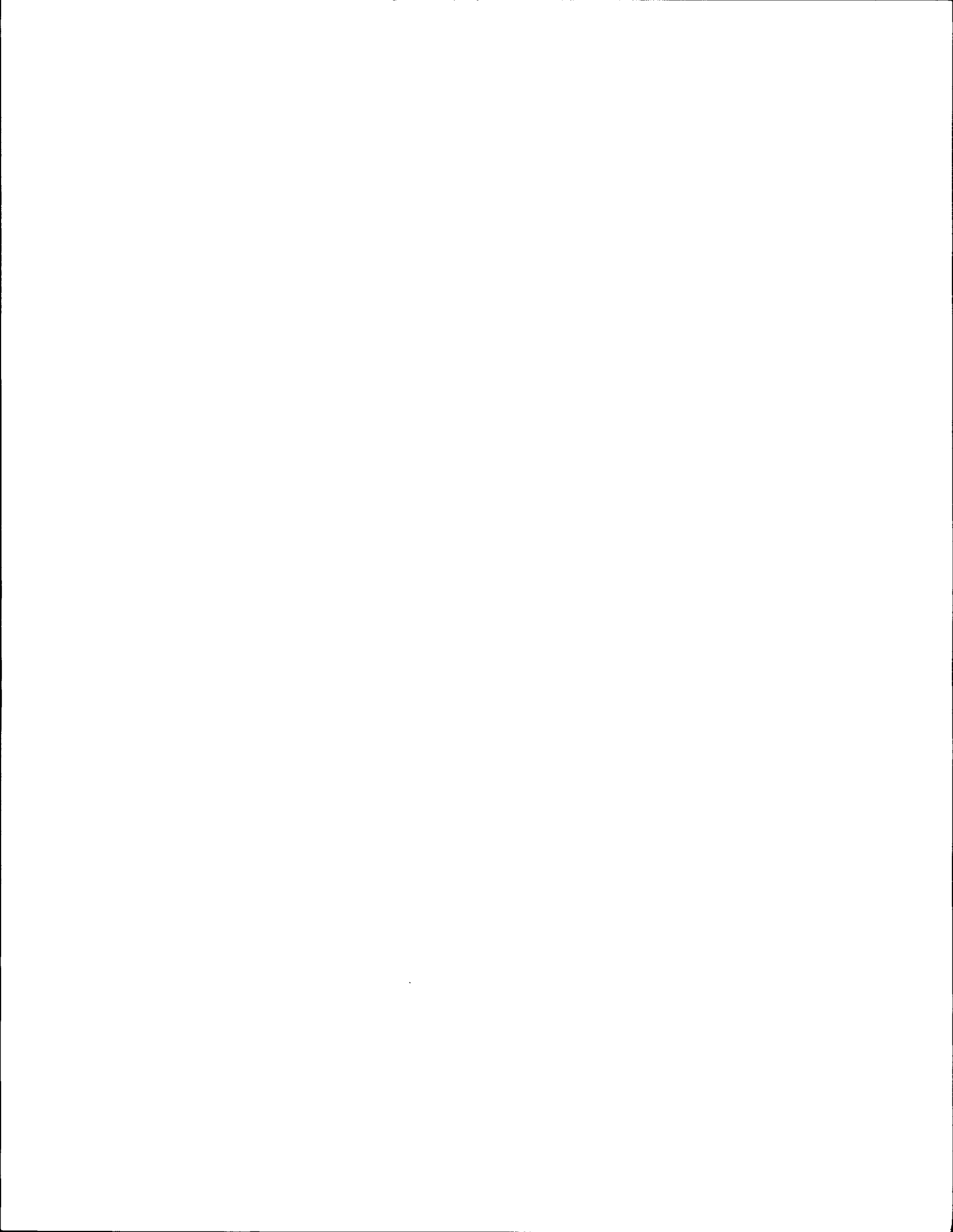
In addition, you will note that there are no proposed findings or no real staff recommendation. We felt it important that the City Council carefully deliberate the issues and the nature of the evidence in the record (or lack thereof) before staff presents proposed findings.

Next week, staff will send out the remaining/concerning the new annexations as well as the reports on the four annexation remands. Once again, Tom McHill will provide a memo summarizing the essential LUBA findings that resulted in the remands. A specific development proposal, as provided by the applicants, will accompany each remand. In addition, there will be information regarding possible impacts on city services of the proposed annexations.

Clearly, there is a need for each City Councilor to carefully deliberate these annexation proposals, discuss what evidence you find either compelling or unconvincing, as well as why you feel said evidence is either compelling, unconvincing or lacking.

Please refer legal questions about the meaning, interpretation or application of the LUBA rulings to Tom McHill (258-3194). Questions about the background planning or engineering reports should be directed to myself (258-4202), Doug Parker (258-4252) or Malcolm Bowie (258-4270).

I want to thank you for your patience in reviewing these documents.



CITY OF LEBANON

Office of the City Attorney

80 E. Maple Street ▪ Lebanon, OR 97355-3218 ▪ Tel: (541) 258-3194

MEMORANDUM

October 1, 2004

To: Mayor and Council

From: Thomas McHill, City Attorney

Re: Annexation Ordinance for Cases after November 2003

This memo is designed to aid the Council in considering annexation proposals which are pending with the City after the Council adopted its Annexation Ordinance of November 2003. Staff will be advising the Council on relevant criteria to be considered, but I thought that a memo might help you to review the “new” applications differently from the “old” applications for annexation.

History:

As you will recall, in response to the LUBA and Court of Appeals decisions on annexation last year, you enacted Ordinance Number 2353 on November 12, 2003. This ordinance was an attempt to clear up some ambiguities and uncertainties in the application of the city’s previous policies and ordinances which were called into question by the decisions of LUBA and the court.

Procedurally, once you adopted the ordinance, it was submitted to the state (the DLCD) for review and acknowledgment. By state law, the new ordinance was not effective until acknowledged.

The DLCD reviewed the “sub-task” and issued an order on March 25, 2004 approving the ordinance.

DLCD’s order was appealed by Friends of Linn County, and a hearing was held by the Land Conservation and Development Commission (LCDC) in June 2004. After hearing, the LCDC issued an order on September 20, 2004 sustaining the Department’s approval of the city’s ordinance. Judicial review of the order of LCDC can be obtained by filing a petition for review before November 19, 2004.

Therefore, while the City's ordinance has been approved, it is subject to review by the Oregon Court of Appeals. Accordingly, your actions on these "new" applications are reviewed by the new standards, with the applicants' knowledge that the process might be reviewed, modified, sustained, reversed or remanded at some later date by the Oregon Court of Appeals.

Review by the Council:

Your ordinance should be evaluated in much the same methods under these or any other standards which are used in making the review. Your analysis needs to be the result of your deliberate consideration of all of the evidence, with findings which have their foundation in the evidence that you hear, applied to the criteria identified by your staff or by witnesses at the hearing. While the criteria may have changed with the new ordinance, staff will, again, need to have a clear understanding of your reasoning in order that appropriate findings may be adopted in making your decision. We anticipate that some of the parties in the "new" hearings will have more participation by their respective legal counsel, and you can welcome that help as much as the reasoning jibes with yours in making your decisions.¹ However, the result of the process should provide a clear consensus as to your reasoning about the evidence and the criteria.

Specific changes in Criteria:

As indicated above, staff will be offering the criteria for your consideration as it applies to the facts in each case. However, there are some differences of note in your considerations based upon the new ordinance.

1. As before, all annexations need to comply with the requirements of other land use documents which have been adopted by the council in the Municipal Code, the Comprehensive Plan, the annexation ordinance, the development ordinance, the Urban Growth Management agreement with Linn County (UGMA) and applicable state law.
2. All lands within the Urban Growth Boundary, contiguous to the city limits, can be annexed.

¹We know of at least one party which will be suggesting that you adopt some "supplemental findings" based upon the Statewide Goals in the event that your ordinance is, in the future, brought back for further action by the Court of Appeals. As you know, normally, you would not consider state rules where you have adopted a local ordinance. However, in this case, it might be advisable to make findings which are based on the statewide goals (which should not be contrary to the local ordinance anyway) as a safeguard for future appeals.

3. To answer the LUBA question about what orderly annexation means, you have now said that if it is contiguous to the city limits, it is orderly. If the land can be developed or redeveloped to an urban use, the annexation is efficient.
4. Your ordinance directly holds that development proposals are NOT required for annexation. However, the council must still consider "anticipated demands" to utility services which you now define as: water, storm drainage, sanitary sewerage and streets of the EXISTING development within the annexation territory.
5. If the property is already developed prior to annexation, the same urban services need to be considered as to the impact of the annexation against those services.
6. If adopted transportation plans identify needed public rights-of-way for traffic, bicycles and pedestrians, those rights-of-way shall be dedicated to the city with the annexation or when the property develops which creates demand for the benefits provided by the dedication.
7. The method by which the city has assigned zoning on annexation is continued with the use of a matrix, as was done prior to the LUBA cases and which was authorized by LUBA and the Court of Appeals.
8. The ordinance defines an "urban use" as "any land use that is authorized under the terms and provisions of the land use regulations of the city.
9. The ordinance recognizes the procedure which has previously been used in the hearings on annexations by the Planning Commission which has heretofore made zoning or other decisions about the subject property contingent upon final action of the City Council.

You enacted this ordinance to clear up any misunderstandings about the process and factors which you want to consider in making annexation decisions. State law, of course, still applies as to procedures to be followed in annexation decisions. You will still be required to make specific findings and apply the facts to the criteria. You will need to identify which evidence you are considering, or not considering, in making your decisions. However, the "issues" which you will consider may be fewer in making these decisions.

Please also remember that specific decisions about land use, separate from the annexation decisions, will remain to be made upon development of the subject property. By favorably considering annexation, you are not approving development. That decision will be subject to zoning, building codes and the other factors traditionally used in making those decisions.

I hope that this memo is helpful to you. If any of you have specific questions, please do call. I would be happy to discuss your questions at a mutually convenient time.



City of Lebanon

Administration

MEMORANDUM

To: Mayor and City Council

DATE: October 6, 2004

From: City Administrator

RE: Annexation Requests (Remands)

Please find attached the staff report package for the four remanded proposed annexations: Gilbert – 70 acres, Lebanon Community Hospital – 53 acres, Simonian – 2.19 acres and Herb/Cook – 2.61 acres.

All of these annexations are to be reviewed under the criteria and Comprehensive Plan policies in effect prior to November 2003. These relevant criteria are outlined in the staff report. In addition, there are some staff comments concerning the annexation application as it relates to the relevant criteria.

You'll also find a memo from Tom McHill summarizing the key aspects of the LUBA decision that remanded these annexations back to the City. As required by LUBA, these annexations are accompanied by a specific development proposal.

City Council must determine if the respective development proposal is specific enough, and if the applicant submits substantial evidence to assure that all relevant criteria are adequately addressed.

Hence, please read these staff reports carefully, give close attention to the evidence submitted at the hearing(s) and be prepared to discuss what evidence you find compelling and why (or why not). Your deliberations need to show that you reviewed the relevant criteria and the evidence (or lack of evidence) you find compelling in reaching your decision.

Once again, please direct legal questions to Tom McHill (258-3194), Planning questions to Doug Parker (258-4252) and Engineering/Infrastructure questions to Malcolm Bowie (258-4270).


CITY OF LEBANON
Office of the City Attorney

80 E. Maple Street ■ Lebanon, OR 97355-3218 ■ Tel: (541) 258-3194

MEMORANDUM

September 30, 2004

To: Mayor and Council

From: Thomas McHill, City Attorney 

Re: Annexation Remands from Oregon Court of Appeals and Land Use Board of Appeals

This memo is designed to aid you in focusing on issues which caused the remand of annexation requests to the Council by the Oregon Court of Appeals and LUBA. Because these cases were started under the annexation policies in effect at the time of the applications, those "rules" will be in effect for these considerations.

This memo will not be drafted to touch all issues which may arise during the hearings. Nor is this memo designed to touch on the new "rules" that you have enacted since these cases, and which will be in effect for annexation applications after the LUBA decisions. It is my intent to help to direct you to the issues raised by LUBA. Please understand that the decisions which are made by you will need to be deliberated about in a careful manner, with your reasoning set out in findings that will, in most cases, be drafted after your deliberation.

It is my suggestion that you consider the evidence, discuss issues, reach consensus on the issues which need consideration and then, perhaps, come to a preliminary conclusion which directs staff to prepare findings for your next meeting. In some instances, particularly in the event that one of the party's has an attorney, you may be convinced that you have enough information to make a decision and adopt the findings which support your decision.

In this memo, I will try to brief you on some common issues raised by the remand which are important for your consideration. Then, we will try and break down the cases as to each individual issues (though, as you will see, there is a real "commonality" in the decisions by the courts on all of the cases).

I also thank the efforts of Terry Lewis in helping to analyze the decisions of LUBA

and Court of Appeals decisions in drafting this memo.

General Issues:

1. In order for you to adequately determine whether or not the application for annexation can meet the appropriate criteria, a "specific development proposal" must be submitted with the application.
2. In order for you to adequately determine whether or not urban services are available or can be made available to serve the property at the time of development, you need to consider a "specific development proposal".
3. In determining whether or not urban services are available or can be made available to the subject property, you should consider all public services, not just streets, drainage, water and sanitary sewer.
4. The determination as to whether or not an annexation maintains a compact urban growth pattern, as required by city policy, the council must consider more issues than whether or not the property is contiguous to city limits. Such a determination requires the consideration of need, and other factors to explain why or why not an annexation of property constitutes compact urban growth. The city policy requires that the compact urban growth pattern expand city limits incrementally in an orderly and efficient manner within the service capabilities of the city. The council needs to explain and find what this means and why the evidence is sufficient or insufficient.
5. The zoning process of the city's ordinance which uses a zoning "matrix" to assign a zone does not violate the law. A separate application and/or process independent of the annexation process is not required by state law.
6. It is sufficient for the city to apply its policies in determining the annexation decision, rather than having to look at the state goals and guidelines. While the city's decisions must be consistent with the statewide goals, the decisions need only comply with or be supported by the city's policies.

Discussion:

While each decision concerns some differing or specific issues, all of the LUBA opinions (as affirmed by the Court of Appeals) revolve around a common "hub": The

City erred by not requiring a specific development proposal.¹ The court does not identify what this term means, as the policies don't tell us. Therefore, it will be your job to determine whether or not a proposal made with the application will give you enough information to make the determinations which you need to make to evaluate the annexation.

Ultimately, this means that your judgment must be used as to why or why not some piece of evidence, or lacking piece, is important to your decisions as they match up against the criteria. Because the court finds that the city's policy requires the specific development proposal, any determination about other criteria is lacking in evidence because the specific development proposal is, in effect, a yard stick by which evidence must be based.

In other words, there may be differences in an annexation proposal which persuades you to determine that the annexation does not require as much technical information as another proposal. In that case, staff will be urging you to let us know why you are making that determination. In some cases, in determining whether or not a proposal will constitute "compact urban growth", staff will want to know what factors you are using in making that determination.

Specific cases:

A. Gilbert Limited Partnership

1. City policies require a "specific development proposal" – Citing LUBA, Just I (Cornell Family Trust): "In [Just I], we concluded that the city's failure to require a specific development proposal undermined its findings that adequate public facilities were available to serve the residential uses that would be allowed in the city's Multiple Density residential development zone. In Just I, as here, the applicant did not present a specific development proposal in conjunction with its annexation request. For the reasons

¹In fact, the Simonian case and, to a lesser extent, the Schwindt cases did contain some outlines of proposals that would probably be used in the event that the property was annexed. For some unknown reason, LUBA and the Court "combined" these factually different cases with the others and remained the cases.

It is likely that this may have happened because no one had made this specific argument at LUBA. As you recall, the opponents seem to generally argue that there is insufficient evidence to make a decision on a proposal *vis-a-vis* the criteria requiring proof of urban services, compact growth, etc.

explained in Just I, we conclude that the city erred in failing to require that a specific development proposal accompany the annexation request.”

2. Findings need to adequately explain what is meant by the city when it finds that an annexation satisfies the requirement that it be a “compact urban growth pattern” – Citing, again, the LUBA decision: “It may be that, despite the fact that the subject property is not currently within city limits, annexation is nonetheless consistent with this policy because, of all of the property that has the locational characteristics described as necessary to provide airport related development, the subject property provides the most ‘compact urban growth pattern.’ However, we agree with petitioner that the finding that the city did adopt is not adequate to explain why such is the case.”
3. The Court of Appeals does not discuss LUBA’s decision, in this case, that the city’s finding of need was appropriate: Unlike the decision in Just I, the council concluded in this decision that the unique characteristics and location of this property, in addition to the need for additional, appropriately zoned industrial property in general, establish the need for annexation of the subject property. These findings are adequate to explain why the subject property is ‘needed’ within the meaning of Annexation Policy 5.”
4. Annexation decisions cannot defer a determination regarding the adequacy of public facilities to future site design and building permit decisions. Therefore, generalized findings, without a specific development proposal, are insufficient to decide the adequacy of public facilities. Also, in consideration of the need for public sewer facilities, the city was correct in not applying the provisions of Oregon Administrative Rules concerning policy of the state in evaluating and funding public sewer projects.
5. The findings on what constitutes “compact urban growth” did not give enough explanation as to why the proposal met the criteria.
6. The city’s general findings that the annexation complies with Annexation Policy 4 (No annexation shall be considered that does not conform with the comprehensive plan) would provide a basis for reversal or remand. In this case, LUBA found error in the finding because there was no specific development proposal and, therefore, the finding was incorrect.
7. No separate process is required to assign zoning. In other words, the city’s process used does not violate state laws or guidelines.

B. Herb/Cook

1. Consent of the owner of Cascade Drive is not required under state law because there is no evidence that the owner is a private land owner.
2. There is not a specific development proposal, so the annexation is in error.
3. City erred in finding the annexation is consistent with the city's annexation policies for the same reasons as Just I.
4. City did not err in annexing because of any violation of local ordinance or state statute concerning potential health hazards arising from or related to failing septic systems. In other words, the opponents raised as an issue that the city really didn't show a need to annex and the LUBA says that there was sufficient evidence of the need. However, the annexation fails because, generally, of a lack of a specific development proposal. This means, in essence, that the city's evaluation is flawed because of a lack of a proposal to "tie" to the criteria .

C. Schwindt/Borman

1. LUBA follows the Just I analysis, saying that the only difference here from Just I is the size of the property.
2. LUBA also rejects the challenge to the City's assignment of zone to this parcel.

D. Simonian

1. This opinion by LUBA is almost word for word the same as the opinion in Schwindt/Borman (although the evidence was different in each case). In other words, again, the main deficiencies arise from the lack of a specific development proposal.

I hope that this memo helps to provide you with some guidance as you consider these remands. In a nutshell, you will need to decide how specific is "specific" in terms of having enough information to decide these annexation questions based upon the local criteria identified by staff or witnesses in the hearings. This will require some discussion from you, and a consensus eventually followed by vote, as to why you are deciding that

you have enough evidence, or not; a proposal is "specific" enough, or not; what is the evidence that you need to consider an issue, or not; and what is the reasoning process which you follow in making those decisions. This is truly an opportunity for the Council to meaningfully decide policy as it relates to the criteria in your (old) annexation plans.

If anyone of you would like to discuss these issues further, or would like a copy of the cases, please let me know.

**CITY OF LEBANON
CITY COUNCIL STAFF REPORT
ANNEXATION REQUEST
(Voluntary Remand)**

This annexation request was the subject of a public hearing before the Lebanon Planning Commission on March 19 and continued April 30, 2003 who voted to recommend to the City Council that this annexation request be approved. The City Council conducted a public hearing regarding this annexation request on January 22, 2003, and voted to approve the annexation. This decision was subsequently appealed to the Oregon Land Use Board of Appeals. The applicant subsequently voluntarily remanded it back to the City.

This REMAND HEARING will be using the 1982 Annexation Ordinance and the original 1980 (unmodified) Comprehensive Plan policies.

- NATURE OF REQUEST:** Annexation of approximately a 53 acre annexation territory comprised of one vacant parcel along Highway 20 plus the adjacent Highway 20 (east) and Reeve's Parkway (north) rights-of-way.
- APPLICANT:** Mid Valley Health Care, Inc.
- PROPERTY LOCATION:** Located on the west side of Highway 20 directly across from the Lebanon Community Hospital. Assessor's Map 12S-2W-3D, Tax Lot 1200.
- ZONE DESIGNATION:** Mixed Use (MU) -- upon annexation
- COMP PLAN DESIGNATION:** Special Development District (SPD)

STAFF REPORT TABLE OF CONTENTS

	Pages
• Nature of Request, Applicant, Property Location, Assessor's Map and Tax Lot #s, Zone and Comp Plan Designations	1
• Introduction	1
• Site Description	2
• Site Maps and Land Cover Map	3,4
• Annexation Map and Legal Description	5,6
• Planning and Zoning Considerations	7
• Relevant Criteria – Including 1980 Comprehensive Plan & 1982 Annexation Ordinance	7-9
• Staff Comments	10-13
• Planning Commission Recommendation & Findings	14-17
• Overview of Applicant's Specific Development Proposal	18-22
• Recommendation & Proposed Findings for City Council	23
• Annexation Zoning Matrix	24
• Exhibits: Includes (A) Applicant's Narrative; (B) ODOT Letter; and other Exhibits	25-32

INTRODUCTION

The applicant proposes to annex this property in support of future mixed use development. This annexation territory is comprised of one vacant parcel plus the adjacent Highway 20 (east) and Reeves Parkway (north) rights-of-way. This parcel is bisected by Fifth Street (north of Pioneer School) which is also part of this annexation request. Possible developments identified by the applicant as part of a specific development proposal include commercial/retail, professional offices, single-family and multi-family housing, independent senior housing, and open space areas. The annexation territory is served by major water and sewer lines. Access is provided by the surrounding street system and possible future direct highway access. This property is the single largest mixed use designated property in the City or Urban Growth Area (UGA).

SITE DESCRIPTION

The 53-acre annexation territory is comprised of a large parcel split by Fifth Street and includes the adjacent Highway 20 and Reeves Parkway rights-of-way. The subject property or annexation parcel is part of the original Reeves property of which a portion is already annexed to the City including that area recently developed as Pioneer School.

The subject property is a large, flat farmed field. There are two power line poles in the middle of the east field that likely supply electricity to an irrigation pump. The vacant subject property is otherwise not particularly noteworthy. A major sewer line runs through the original parcel south of the annexation area (already within City limits). A major water line runs along the east property line along the highway and is evidenced by the presence of three fire hydrants. This same water line runs along the north property line just south of Reeves Parkway again as evidenced by the presence of fire hydrants. A major stormwater drainage facility runs along the north property line between the subject property and Reeves Parkway. The north gateway to the City, the welcome to Lebanon sign, resides in the northeast corner of the subject property near the intersection of Highway 20 and Reeves Parkway.

Surrounding uses are quite varied and re-enforces this area as a mixed use site. To the east, across Highway 20, is the Lebanon Community Hospital and nearby single family dwellings. Highway 20, a designated arterial, is close to a county-standard road improvement in this area (two travel lanes, a center turn lane for the hospital and bike lanes) and is scheduled for a city style highway improvement in the next few years. To the north, beyond Reeves Parkway, are large farm fields and scattered single family dwellings, primarily along Highway 20. Reeves Parkway has a very wide right-of-way but is currently improved with two lanes, a drainage ditch and a separated bike/pedestrian trail (south of the road between Fifth Street and Highway 20). Land uses to the west include Pioneer School and single family dwellings along Hansard Avenue. Land uses to the south include the part of the same parcel (original Reeves property) in farm use already annexed, a medical clinic and single family dwellings farther to the south.

Properties to the south and the hospital property to the east are already within City limits. The balance of surrounding properties to the east, north, and west (other than Pioneer School) have not yet been annexed but are within the Urban Growth Boundary (UGB). The properties to the west (abutting Hansard Ave.) are designated Light Industrial while those to the north (beyond Reeves Parkway) are designated as Special Development District. On the east side of Highway 20 and north of the hospital, the properties are designated as Mixed Density Residential. The subject property is clearly a mixed use transitional area.

ASSESSOR'S MAP T12S-R2W-3D

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY

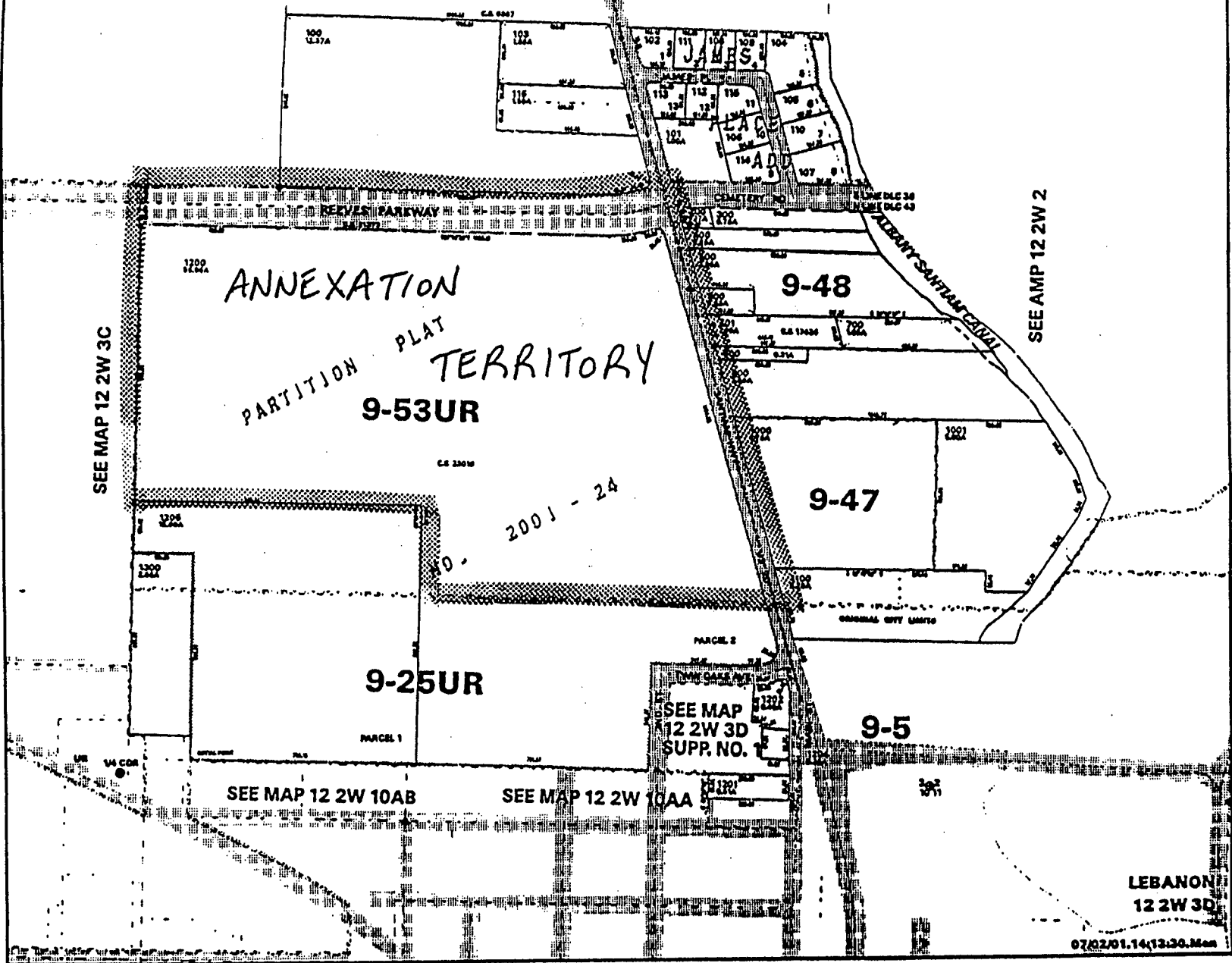
SE1/4 SEC.03 T12S, R.02W, W.M.
LINN COUNTY, OREGON
1" = 200'

12 2W 3D
LEBANON



SEE MAP 12 2W 3A

1/4 COR



SEE AMP 12 2W 2

SEE MAP 12 2W 3C

SEE MAP 12 2W 10AB

SEE MAP 12 2W 10AA

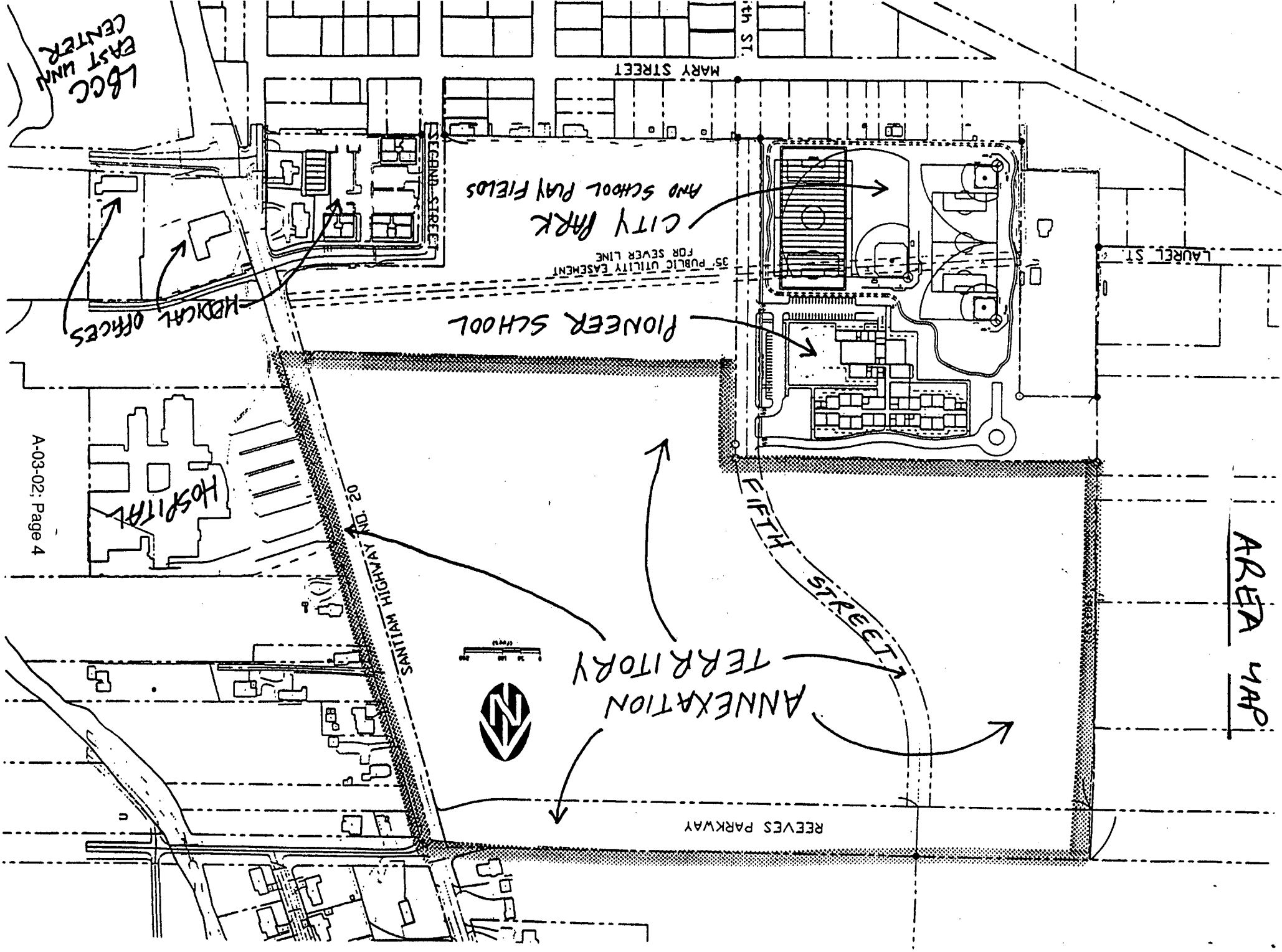
SEE MAP 12 2W 3D
SUPP. NO. 1

LEBANON
12 2W 3D

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LBCC EAST WING CENTER

A-03-02; Page 4



AREA MAP

ANNEXATION TERRITORY



REEVES PARKWAY

FIFTH STREET

LAUREL ST.

MARY STREET

4th ST.

SECOND STREET

CITY PARK AND SCHOOL PLAY FIELDS

PIONEER SCHOOL

MEDICAL OFFICES

HOSPITAL

SANTIAM HIGHWAY NO. 02

ANNEXATION MAP T12S-R2W-3D, T.L. 1200
 L-CDMMUN FILE # A-03-02



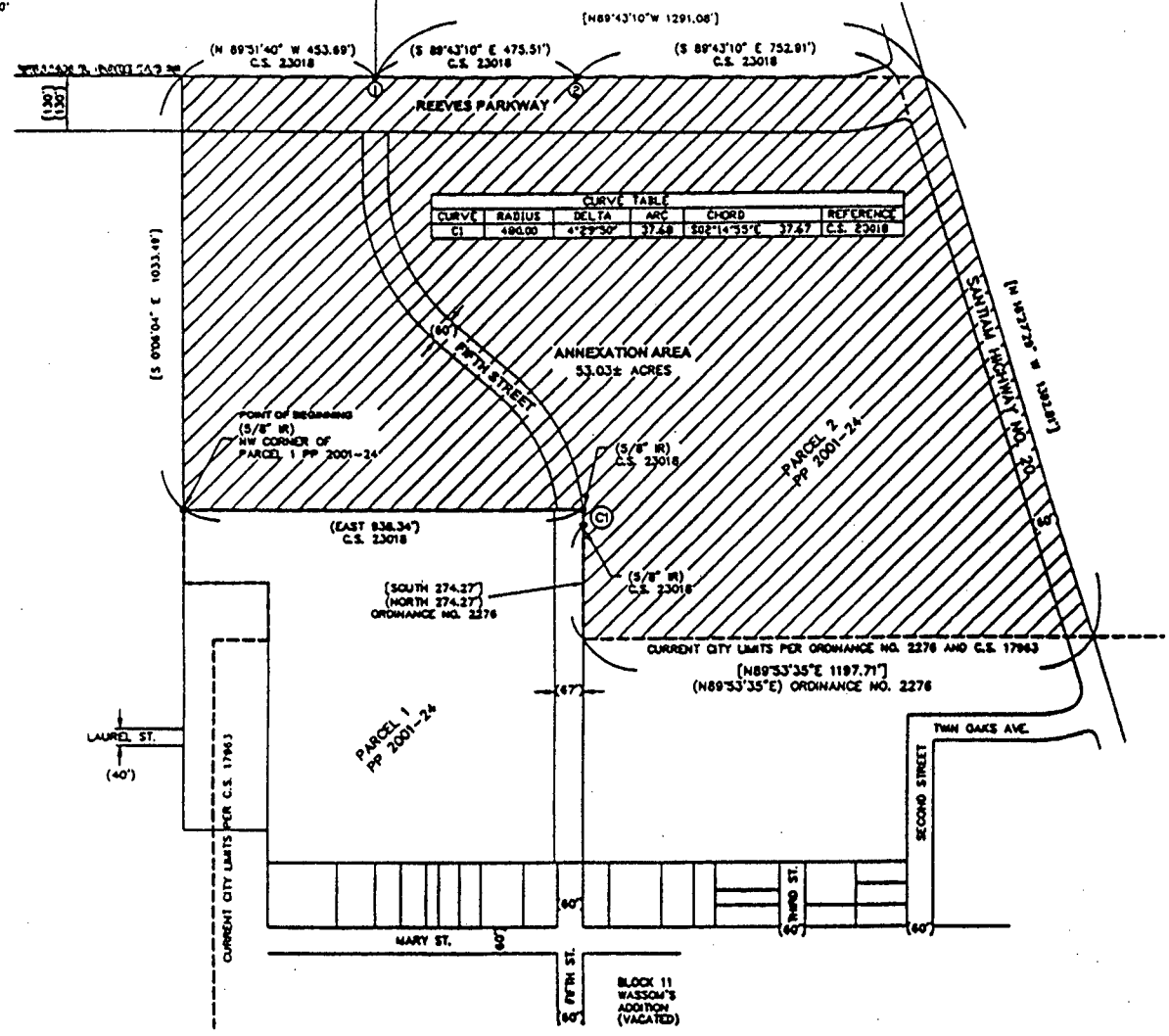
PROPOSED ANNEXATION
MID VALLEY HEALTH CARE, INC.
 SE 1/4 SEC. 3, T. 12 S., R. 2 W., W.M.
 CITY OF LEBANON, LINN COUNTY, OREGON

FEBRUARY 6, 2003

- ① (STONE) MARKING THE SE CORNER OF THE WEST ONE HALF OF THE WILLIAM B. GORE D.L.C. NO. 38 HELD FOR NORTH RIGHT-OF-WAY OF REEVES PARKWAY ANGLE POINT IN RIGHT-OF-WAY PER C.S. 21373
- ② (5/8" LR) C.S. 21373

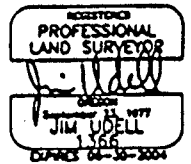
LEGEND

- ⊙ MONUMENT FOUND AS NOTED
- MONUMENT SET 5/8" x 30" IRON ROD WITH YELLOW PLASTIC CAP STAMPED: JIM UOELL RLS 1366
- FD FOUND
- C.S. COUNTY SURVEY
- { } DATA OF RECORD
- [] CALCULATED DATA
- IR IRON ROD
- IP IRON PIPE
- PP PARTITION PLAT
- REFERENCE SURVEYS: C.S. 23018 (PP 2001-24)



ANNEXATION LEGAL DESCRIPTION

AN AREA OF LAND IN THE SE 1/4 OF SECTION 3 OF TOWNSHIP 12 SOUTH OF RANGE 2 WEST OF THE WILLAMETTE MERIDIAN, LINN COUNTY, OREGON DESCRIBED AS FOLLOWS:
 BEGINNING AT A 5/8" IRON ROD MARKING THE NORTHEAST CORNER OF PARCEL 1 OF LINN COUNTY PARTITION PLAT NO. 2001-24; THENCE EAST 838.34 FEET TO THE NORTHWEST CORNER OF SAID PARCEL 1; THENCE SOUTHERLY, ALONG THE ARC OF A 480.00 FOOT RADIUS CURVE TO THE RIGHT, 37.68 FEET (CHORD BEARS SOUTH 21°43'55" EAST 37.67 FEET); THENCE SOUTH 274.27 FEET TO A POINT; THENCE NORTH 88°53'35" EAST 1197.71 FEET TO A POINT ON THE EAST RIGHT-OF-WAY OF U.S. HIGHWAY NO. 30; THENCE NORTH 18°27'29" WEST, ALONG SAID RIGHT-OF-WAY, 1382.81 FEET TO A POINT ON THE SOUTH LINE OF THE WILLIAM B. GORE D.L.C. NO. 38; THENCE NORTH 88°43'10" WEST, ALONG THE SOUTH LINE OF THE WILLIAM B. GORE D.L.C. NO. 38, 1291.08 FEET TO THE SOUTHWEST CORNER OF THE WEST 1/2 OF SAID D.L.C. NO. 38; THENCE NORTH 88°51'40" WEST, CONTINUING ALONG THE SOUTH LINE OF SAID D.L.C. NO. 38, 453.88 FEET TO A POINT; THENCE SOUTH 0°06'04" EAST 1033.49 FEET TO THE POINT OF BEGINNING.



JAMES F. UOELL
 ENGINEERING & SURVEYING
 63 EAST ASH ST.
 LEBANON, OREGON 97366
 (541) 451-8123
 (541) 451-1366 FAX

A-03-02; Page 5

PROPOSED ANNEXATION
MID VALLEY HEALTH CARE, INC.

SE 1/4 SEC. 3, T. 12 S., R. 2 W., W.M.
CITY OF LEBANON, LINN COUNTY, OREGON

FEBRUARY 6, 2003

LEGEND

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EXHIBIT A for A-03-02:
Legal Description and Annexation Map
(Page 1 of 2)

ANNEXATION LEGAL DESCRIPTION

AN AREA OF LAND IN THE SE 1/4 OF SECTION 3 OF TOWNSHIP 12 SOUTH OF RANGE 2 WEST OF THE WILLAMETTE MERIDIAN, LINN COUNTY, OREGON DESCRIBED AS FOLLOWS:

BEGINNING AT A 5/8" IRON ROD MARKING THE NORTHEAST CORNER OF PARCEL 1 OF LINN COUNTY PARTITION PLAT NO. 2001-24; THENCE EAST 938.34 FEET TO THE NORTHWEST CORNER OF SAID PARCEL 1; THENCE SOUTHERLY, ALONG THE ARC OF A 480.00 FOOT RADIUS CURVE TO THE RIGHT, 37.68 FEET (CHORD BEARS SOUTH 2°14'55" EAST 37.67 FEET); THENCE SOUTH 274.27 FEET TO A POINT; THENCE NORTH 89°53'35" EAST 1197.71 FEET TO A POINT ON THE EAST RIGHT-OF-WAY OF U.S. HIGHWAY NO. 20; THENCE NORTH 16°27'29" WEST, ALONG SAID RIGHT-OF-WAY, 1392.81 FEET TO A POINT ON THE SOUTH LINE OF THE WILLIAM B. GORE DLC NO. 38; THENCE NORTH 89°43'10" WEST, ALONG THE SOUTH LINE OF THE WILLIAM B. GORE DLC NO. 38, 1291.08 FEET TO THE SOUTHEAST CORNER OF THE WEST 1/2 OF SAID DLC NO. 38; THENCE NORTH 89°51'40" WEST, CONTINUING ALONG THE SOUTH LINE OF SAID DLC NO. 38, 453.69 FEET TO A POINT; THENCE SOUTH 0°06'04" EAST 1033.49 FEET TO THE POINT OF BEGINNING.

PLANNING AND ZONING CONSIDERATIONS

1. The Comprehensive Plan Map identifies the designation of the subject property as Special Development District which assigns a Mixed Use (MU) zoning upon annexation. City of Lebanon Resolution No. 11 for 1982, a Resolution Establishing an Annexation Policy, contains the factors and conditions that the City considers in evaluating an annexation request. Lebanon Zoning Ordinance Section 4.310 lists the development opportunities, standards and requirements for the Mixed Use (MU) zone.
2. The following contain the factors and conditions that the City considers in evaluating an annexation request: (1) City of Lebanon Resolution 11 for 1982, a Resolution Establishing an Annexation Policy; (2) Comprehensive Plan Urbanization Element Phased Growth Program, Policy #1 (page 4-P-1), Urbanization Element Annexation Policy #1 (page 4-P-2), Urbanization Element Annexation Policy #3 (page 4-P-2); Public Facilities and Services Element General Policy #2 (page 8-P-1); Chapter 1: Introductory Provisions -- General Goals and Objectives #s 2 & 5; Chapter 3: Population and Economy -- Overall Goals, Policy # 2, and Policy # 3; Chapter 5: Land Use -- Overall Goal for Industrial Land Use, and Policy # 4; Chapter 6: Housing -- Overall Goal, and Buildable Lands Policy #1 Policy #12. (3) Zoning Ordinance Section 3.050, Zoning of Annexed Areas; (4) City of Lebanon/Linn County -- Urban Growth Management Agreement, Section 2: Delineation of Authority in the Urban Growth Area (UGA) , 2nd paragraph, and Section 5, Annexations. Lebanon Zoning Ordinance Section 4.310 lists the development opportunities, standards, and requirements for the Mixed Use (MU) zone.
3. Properties to the south, and southwest to the east across Highway 20 are already within City limits.

RELEVANT CRITERIA

City Annexation Policy (City of Lebanon Resolution #11 For 1982) Criteria

1. Section 1, requires *proof that urban services are available or can be made available to serve the property considered for annexation and that the additional demands that would be placed on those services will not overburden their present capacities.*
2. City Annexation Policy, Section 2, states that *public rights of way necessary for the safe and efficient movement of traffic, bicycles and pedestrians shall be provided with the annexation and without obligation to the City of Lebanon.*
3. City Annexation Policy, Section 3, specifies that *parties involved in seeking the annexation or who may be included in the annexation shall initiate a program to upgrade any urban services and/or public facilities within the area considered for annexation that do not meet standards as may be established by the City of Lebanon.*
4. City Annexation Policy, Section 4, states that *no annexation shall be considered that does not conform with the Lebanon Comprehensive Plan and its goals and policies.*
5. City Annexation Policy, Section 5, states that *it shall be the burden of proof of the applicant that a public need exists for the proposed annexation and that the annexation is in the public's interest.*

1980 Comprehensive Plan Criteria

6. Urbanization Element of the Comprehensive Plan, Phased Growth Program, Policy #1 (page 4-P-1) states that . . . *the City shall maintain a compact growth pattern that expands the City limits incrementally in an orderly and efficient manner within the service capabilities of the City.*
7. Urbanization Element of the Comprehensive Plan, Annexation Policy #1 (page 4-P-2) states that . . . *the City shall annex land only within the Urban Growth Boundary on the basis of findings that support the need for additional developable land in order to maintain an orderly, compact growth pattern within the City's service capability.*
8. Urbanization Element of the Comprehensive Plan, Annexation Policy #3 (page 4-P-2) states that Unless otherwise approved by the City, specific development proposals shall be required for annexation requests on vacant land adjacent to the City to insure completion within a reasonable time limit in conformance with a plan approved by the City.
9. Public Facilities and Services Element of the Comprehensive Plan, General Policy #2 (page 8-P-1) states that the City shall consider impacts on community facilities before ... annexation requests are approved.

10. Chapter 1: Introductory Provisions -- General Goals and Objectives (LCP page 1-17)

There are certain basic aims to which the Comprehensive Plan is broadly committed. These general goals and objectives are:

- 10.1 2: To achieve an environment that assures each individual the widest possible choices and opportunities for a productive and meaningful life-style within the community.
- 10.2 5: To broaden opportunities for economic expansion and diversification.

11. Chapter 3: Population and Economy (LCP page 3-P-1)

11.1 Overall Goals

- a. To broaden opportunities for economic expansion and diversification.
- b. To help increase employment opportunities in the Lebanon area by providing an attractive environment to stimulate economic growth.

11.2 Policy # 2: The City shall encourage a diversified economic base for the community which broadens and improves long-term employment opportunities and is compatible with the environmental resources of the community.

11.3 Policy # 3: The City shall continue to actively encourage industrial and business developments that improve the economy of the community and the state and shall maintain an up-to-date information file on the community including an inventory of available industrial sites for potential developers, utilizing the resources of the Oregon State Economic Development Division.

12. Chapter 5: Land Use

12.1 Overall Goal -- Industrial Land Use: To provide a land use policy plan which sets forth the suitable kinds, amounts, and intensities of use to which land in various parts of the City should be put. (LCP page 5-P-4)

12.2 Policy # 4: A sufficient supply of suitable industrial land shall be maintained to actually attract industry, particularly light nonpolluting industries, in support of the City's economic development program. (LCP page 5-P-4)

13. Chapter 6: Housing

13.1 Overall Goal (LCP page 6-P-1): To provide a housing policy plan which seeks to increase opportunities for all citizens to enjoy safe, decent, and sanitary housing, and to assist in creating and maintaining neighborhoods in a manner consistent with the natural environment and the needs of the people.

13.2 Buildable Lands

a. Policy #1: The City shall maintain an adequate availability of residential, buildable lands that provide locational choices for each housing type as part of the City's development monitoring program and annual plan review. (LCP page 6-P-2)

b. Policy #12: The City should maintain a substantial supply of residentially zoned land within the community to assist in keeping land costs for housing at reasonable levels. (LCP page 6-P-3)

Zoning Ordinance Criteria

14. 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.*

1995 City of Lebanon/Linn County -- Urban Growth Management Agreement

15. Section 2: Delineation of Authority in the Urban Growth Area (UGA), 2nd paragraph: *The Lebanon Comprehensive Plan designates the future City zoning UGA lands will receive upon annexation to the City.*

16. Section 5: Annexations: *The UGA identifies land that may be subject to future City annexation. The City may annex land using its own procedures in accordance with state law. Only land within the UGA will be considered for annexation. The City will notify the County of any proposed annexations. Upon annexation, the City assumes all jurisdiction for land use actions.*

STAFF COMMENTS

1. Planning:

- A.** The legal description and a map describing the entire annexation area have been submitted and are included in this report.
- B.** Services can be made available to serve the property. The subject site currently has City services available. Sanitary sewer is available via the recently constructed West Side interceptor passing through the southern portion of the property; thus, sewer lines could be extended throughout the subject property. City water service is available from major water main lines along Highway 20, Reeves Parkway or Fifth Street. Storm drainage in this area is attended to by the large roadside ditch along Reeves Parkway which drains both to the north and west.
- C.** The subject property is bordered by ample rights-of-way to ensure safe and efficient movement of pedestrian and vehicular traffic. A 60-foot right-of-way exists along the entire east side of the property. A 130-foot right-of-way exists along the entire north side of the property. A 60-foot right-of-way for the extension of 5th Street bisects the northwest quadrant of the property.
- D.** The applicant has submitted a specific development proposal for the annexation territory that represents a variety of uses permitted in the Mixed Use (MU) zone.
- E.** This specific development proposal represents land use activities that are permissible in the MU Zone and that would comply with applicable Comprehensive Plan policies. The submitted specific development proposal identifies possible future land uses that conform to the Comprehensive Plan Map and Zoning Map designations for the property.
- F.** Nothing compels the applicant to follow through with the submitted specific development proposal. All future development of this property will be required to go through all of the conventional development review procedures employed by the City as outlined in the City's Site Development Guide [regardless of any action or comments pertaining to the specific development proposal].
- G.** The Lebanon Community Hospital has articulated a need for expanded facilities and operations to enhance their delivery of health care in Lebanon and the region, as well as to offer regional training services for their employees. The Hospital's identified need for an expanded training facility can be met by the annexation of this territory the applicant's specific development proposal.
- H.** The specific development proposal identifies single-family and multi-family residential developments to be developed adjacent to a new K-8 school and associated City park on vacant land currently in farm use. These residential developments also represent housing opportunities in immediate proximity to the hospital and affiliated medical offices and the nearby LBCC East Linn campus - all of these facilities being significant employment centers within walking distance of the residential development area. The specific development proposal identifies an area for professional offices that would complement the existing nearby hospital and medical offices. The specific development proposal identifies an area to be developed as independent senior housing that is well served being in proximity to the hospital, medical offices, and future commercial retail development. The specific development proposal also identifies commercial retail areas that would serve existing nearby area businesses and employees (thus reducing needed travel on Highway 20). This would provide shopping opportunities on the north end of town that currently do not exist, again thereby reducing the demand on Highway 20 into and through the downtown area.

Other benefits include: (1) Bringing Reeves Parkway and 5th Street, both City streets, into the City limits; (2) Bringing City waterlines along Highway 20, Reeves Parkway and 5th Street into the City Limits; (3) Creating the opportunity for the full city standard improvement of 5th Street north of Mary Street as the subject property/ annexation territory subsequently develops.

- I. The City's 1995 "Periodic Review Work Program – Multi-Family Residential" resulted in the 1997 Buildable Lands Inventory (BLI) that concluded that 390 acres of land would be needed to meet the City's 20-year housing needs. BLIs, as was the case with the City's 1997 BLI, do not typically distinguish, for a variety of reasons whether needed lands will come from land already inside the City limits or whether they will come from the Urban Growth Area (UGA) or some combination thereof. BLIs typically conclude that the land needs will be met from land within the Urban Growth Boundary (UGB). Thus the City's 1997 BLI concluded that only 390 of the 1,331 acres of residentially designated land that is already included within the UGB will be needed within the 20-year planning period, and did not identify how many of those needed 390 acres are already within the City and already planned and zoned for residential use. The following quotation from a key work product of City's 2004 Periodic Review Work Program to Update the Comprehensive Plan, entitled the June 2004 Lebanon Urbanization Study (Housing Chapter, page 3-20), makes similar conclusions based on the 2004 BLI:

"Based on the alternative housing need forecast, Lebanon will need about 468 gross residential acres to accommodate housing need between 2003 and 2025. Of this, about 184 should be designated for low-density residential uses, and 286 acres should be designated for mixed-density residential uses. These figures represent total land needed for housing. They do not identify where housing will be located or estimate need for residential land that will be used for other purposes such as parks."

- J. Recent research indicates that very little residential land is currently available for sale within the Lebanon City Limits. In July of 2004, the Willamette Valley Multiple Listing Service reported that there were 3.25 acres of residential land on the market at that time. In September of 2004, the Willamette Valley Multiple Listing Service reported that there were eleven properties totaling 28.55 acres of residential land on the market at that time. Of the eleven residential properties listed on September 29th, six were smaller than one-half acre, four were between .51 acres and 1.08 acres, and one was 24.58 acres (in an RM Zone). (See Exhibit C.)
- K. This Mixed-Use annexation territory represents both residential, commercial, and retail development opportunities. Accordingly, the recent research indicates that very little commercial land is currently available for sale within the Lebanon City Limits. In July of 2004, the Willamette Valley Multiple Listing Service reported that there were 3.55 acres of commercial land on the market at that time. In September of 2004, the Willamette Valley Multiple Listing Service reported that there were 3.59 acres of commercial land on the market at that time. Of the eight commercial properties listed on September 29th, seven were smaller than .3 acres, and one was 1.51 acres (in a CH Zone). (See Exhibit C.)

- L. The properties immediately south, farther southwest, and east southeast are all within the current City limits. Most of the area to the west and northwest is within the City limits including the whole northwest quadrant of the City's Urban Growth Boundary. This annexation is immediately adjacent to or near three major community facilities, namely the Lebanon Community Hospital, Pioneer School and the LBCC East Linn campus. Therefore, this annexation represents a timely infill opportunity that would result in a compact growth pattern that expands the City limits incrementally in this area of the City while complementing adjacent major community facilities.
- M. Compact growth would result in convenient accessibility to City services, and make the amenities of such growth – residential, commercial, retail, medical – readily accessible to the community's residents. The annexation of this territory would make possible development opportunities as embodied in the applicant's specific development proposal and demonstrate that such growth would be compact in its pattern.
- N. The specific development proposal identifies commercial retail areas that could serve existing nearby area businesses and employees (thus reducing needed travel on Highway 20) and would also likely provide shopping opportunities on the north end of town that currently do not exist (again thereby reducing the demand on primary travel routes, such as Highway 20, into and through the downtown and middle of the City).
- O. The proposed annexation territory uniquely represents a supply of strategically located vacant land in an area developed with major community facilities. This annexation could satisfy the need for additional developable land near these facilities thus providing orderly, compact growth pattern within the City's service capability.
- P. As shown in the *October 13, 2004 Annexation Remands Service Provider Summary Matrix*, the service providers indicated that they could meet the service demands that could be generated by the specific proposed development. None of the providers indicated that providing these new services would compromise their delivery of services to the rest of the community.
- Q. The subject property does not have a City zoning designation because it is not within the City limits. However, since the property is within the City's Urban Growth Boundary, the current Comprehensive Plan designation on the subject property is Special Development District. The corresponding City zoning designation for a Comprehensive Plan designation of Special Development District is Mixed Use (MU). The applicant is requesting a Mixed Use (MU) zoning designation for the subject property.
- R. The City's annexation review procedures on annexation request File # A-03-02 have complied with the City of Lebanon/Linn County Urban Growth Management Agreement, Sections 2 and 5 regarding City authority to annex lands within the Urban Growth Area (UGA) and assign City zoning in accordance with the Lebanon Comprehensive Plan Map.

2. Current Status of Infrastructure:

Urban services are or can be made available to serve the proposed annexation area. The following comments review the City's existing infrastructure status. Redevelopment of this area may require additional infrastructure improvements.

- A. **Streets:** Highway 20 (Santiam Highway) is adjacent to the site on the east allowing access subject to ODOT regulations. The highway is currently constructed to a rural standard with two travel lanes, roadside ditches, and no sidewalks (see ODOT proposed update in Exhibit D). Reeves Parkway borders the property to the north. It is also constructed to a rural standard with two travel lanes and roadside ditches. A multi-use path for bikes and pedestrians was constructed on the south side of Reeves Parkway during the construction of Pioneer School. 5th Street extends through the proposed annexation area. It was constructed to a half-street standard in conjunction with the construction of Pioneer School. The street has two travel lanes and two bike lanes with curb, gutter and sidewalk on the west side and a roadside ditch on the east side. The sidewalk is a temporary asphalt surface north of the Pioneer School property. Future development of the annexation area will require completing the construction of 5th Street to City standard with curb and gutter on the east side of the street and concrete sidewalks on both sides of the street. Additional right of way dedication may also be required to accommodate the construction of a center turn lane and setback sidewalks. In addition, an extension of 2nd Street may be required with this development.
- B. **Water:** Water mains in the area include 16-inch mains on Reeves Parkway and 5th Street and a 12-inch main on Highway 20. An 8-inch line was extended under 5th Street near Pioneer School to provide additional service to the annexation area. Extension of water mains through the site will be required with future development. Connection to a new City water main will also involve costs for service lines, meters, plumbing permit fees, and a water system development charge.
- C. **Drainage:** The drainage systems associated with Highway 20, Reeves Parkway and 5th Street near the proposed annexation area are all shallow and poorly developed. The next nearest storm drain pipe is a 24-inch main that runs from the intersection of Industrial Way and Highway 20 through the Lebanon Community Hospital site to an outfall on the Hospital Slough. Substantial improvements to the existing system(s) may be required to drain the proposed annexation area.
- D. **Sanitary Sewer:** The Westside Interceptor, a 54-inch trunk line, extends through the properties immediately south of the annexation area. Extension of main lines from the interceptor up 5th and/or 2nd Street will be required with future site development. Connection to City sanitary sewer will involve costs for service lines, plumbing permit fees, and a sanitary sewer system development charge.
- E. Connection to a City utility or building permit issuance will also cause to be due all remaining street and drainage system development charges.
- F. All of the above permits, fees, and processes are detailed in the City's Site Development Guide.

PLANNING COMMISSION RECOMMENDATION

On April 30, 2003 the Lebanon Planning Commission conducted a public hearing on the proposed annexation, and voted to recommend to the City Council that this annexation request be approved.

PLANNING COMMISSION FINDINGS

The Planning Commission based this recommendation on the following:

Criteria 1:

City Annexation Policy Section 1: *Requires proof that urban services are available or can be made available to serve the property considered for annexation and that the additional demands that would be placed on those services will not overburden their present capacities.*

Planning Commission Finding # 1:

The proposed annexation complies with City Annexation Policy, Section 1, in that services can be made available to serve the property. The subject site currently has City services available. Sanitary sewer is available via the recently constructed West Side interceptor passing through the southern portion of the property; thus, sewer lines could be extended throughout the subject property. City water service is available from water main lines along Highway 20, Reeves Parkway or Fifth Street. Storm drainage in this area is attended to by the large roadside ditch along Reeves Parkway which drains both to the north and west.

Criteria 2:

City Annexation Policy Section 2: *States that public rights of way necessary for the safe and efficient movement of traffic, bicycles and pedestrians shall be provided with the annexation and without obligation to the City of Lebanon.*

Planning Commission Finding # 2:

The proposed annexation complies with City Annexation Policy, Section 2, in that appropriate public right-of-way exist for the current use (a farmed field) and additional local street access will be provided as the property actually develops. Recent case law dictates that public right-of-way shall be dedicated at the time or juncture when the nexus or need is established by an actual development proposal. The subject property is bordered by ample rights-of-way to ensure safe and efficient movement of pedestrian and vehicular traffic. A 60-foot right-of-way exists along the entire east side of the property. A 130-foot right-of-way exists along the entire north side of the property. A 60-foot right-of-way bisects the northwest quadrant of the property. Future public rights-of-way will be dedicated as per the eventual development of the subject property itself.

Criteria 3:

City Annexation Policy, Section 3: *Specifies that parties involved in seeking the annexation or who may be included in the annexation shall initiate a program to upgrade any urban services and/or public facilities within the area considered for annexation that do not meet standards as may be established by the City of Lebanon.*

Planning Commission Finding # 3:

The proposed annexation complies with City Annexation Policy, Section 3, in that the subject property is currently surrounded by major public infrastructure improvements and additional on-site public (and private) infrastructure improvements will be provided as the property actually develops. Recent case law dictates that such public infrastructure improvements shall be provided at the time or juncture when the nexus or need is established by an actual development proposal. Mitigation cannot be required until the impacts of an actual development proposal have been established.

Criteria 4:

City Annexation Policy, Section 4: *States that no annexation shall be considered that does not conform with the Lebanon Comprehensive Plan and its goals and policies.*

Planning Commission Finding # 4:

The proposed annexation complies with City Annexation Policy, Section 4, in that the property complies with Zoning Ordinance and Comprehensive Plan policies pertaining to the property and zoning. The submitted conceptual development strategy identifies possible future land uses that conform to the Comprehensive Plan and Zoning Map designations for the property.

Criteria 5:

City Annexation Policy, Section 5: States that *it shall be the burden of proof of the applicant that a public need exists for the proposed annexation and that the annexation is in the public's interest.*

Planning Commission Finding # 5:

The proposed annexation complies with City Annexation Policy, Section 5, in that a public need exists for land development opportunities that can take advantage of nearby major community facilities. The conceptual development strategy identifies single-family and multi-family residential developments to be developed adjacent to a new K-8 school and associated city park on vacant land currently in farm use. These residential developments also represent housing opportunities in immediate proximity to the hospital and affiliated medical offices and the nearby LBCC East Linn campus- all of these facilities being significant employment centers within walking distance of the residential development area. The conceptual development strategy identifies an area for professional offices that will complement the existing nearby hospital and medical offices. The conceptual development strategy identifies an area to be developed as independent senior housing that is well served being in proximity to the hospital, medical offices, and future commercial retail development. The conceptual development strategy identified commercial retail areas will serve existing nearby area businesses and employees (thus reducing needed travel on Highway 20) and will also likely provide shopping opportunities on the north end of town that currently do not exist again thereby reducing the demand on primary travel routes (Highway 20) into and through the downtown and middle of the city. Other benefits include: Bringing Reeves Parkway and 5th Street, both city streets, into the City limits; Bringing city waterlines along Highway 20, Reeves Parkway and 5th Street into the City Limits; Creating the opportunity for the full city standard improvement of 5th Street north of Mary Street as the subject property/ annexation territory subsequently develops.

Criteria 6:

Urbanization Element of the Comprehensive Plan, Phased Growth Program, Policy #1 (page 4-P-1): States that . . . *the City shall maintain a compact growth pattern that expands the City limits incrementally in an orderly and efficient manner within the service capabilities of the City.*

Planning Commission Finding # 6:

The proposed annexation complies with Comprehensive Plan Urbanization Element, Phased Growth Program, Policy #1, (page 4-P-1) in that it would be an orderly and efficient expansion of City limits within City service capabilities. The properties immediately south, southwest, and east southeast are all within the current City limits. Most of the area to the west and northwest is within the City limits including the whole northwest quadrant of the City's Urban Growth Boundary. This annexation is immediately adjacent to or near three major community facilities, namely the hospital, Pioneer School and the LBCC East Linn campus. Therefore, this annexation represents a timely infill opportunity that will result in a compact growth pattern that expands the City limits incrementally in this area of the City while complementing adjacent major community facilities.

Criteria 7:

Urbanization Element of the Comprehensive Plan, Annexation Policy #1 (page 4-P-2): States that...*the City shall annex land only within the Urban Growth Boundary on the basis of findings that support the need for additional developable land in order to maintain an orderly, compact growth pattern within the City's service capability.*

Planning Commission Finding # 7:

The proposed annexation complies with Urbanization Element of the Comprehensive Plan, Annexation Policy #1 (page 4-P-2) in that a public need exists for land development opportunities that can take advantage of nearby major community facilities. The conceptual development strategy identifies single-family and multi-family residential developments to be developed adjacent to a new K-8 school and associated city park on vacant land currently in farm use. These residential developments also represent housing opportunities in immediate proximity to the hospital and affiliated medical offices and the nearby LBCC East Linn campus- all of these facilities being significant employment centers within walking distance of the residential development area. The conceptual development strategy identifies an area for professional offices that will complement the existing nearby hospital and medical offices. The conceptual development strategy identifies an area to be developed as independent senior housing that is well served being in proximity to the hospital, medical offices, and future commercial retail development. The conceptual development strategy identified commercial retail areas will serve existing nearby area businesses and employees (thus reducing needed travel on Highway 20) and will also likely provide shopping opportunities on the north end of town that currently do not exist again thereby reducing the demand on primary travel routes (Highway 20) into and through the downtown and middle of the city.

The proposed annexation also complies with Urbanization Element of the Comprehensive Plan, Annexation Policy #1 (page 4-P-2) based on the following factors:

- First, the proposed annexation is within the City's Urban Growth Boundary.
- Second, the need exists for land that can be developed for a wide range of uses, including commercial and light industrial uses. Particularly these later two uses will bring much needed opportunities to the community for new jobs. The additional land that may also be allocated to residential development would help ensure that need for residential land is met (as per the 1995 "Periodic Review Work Program – Multi-Family Residential"). Other benefits include:
 - Bringing Reeves Parkway and 5th Street, both city streets, into the City limits;
 - Bringing city waterlines along Highway 20, Reeves Parkway and 5th Street into the City Limits;
 - Creating the opportunity for the full city standard improvement of 5th Street north of Mary Street as the subject property/ annexation territory subsequently develops.
- Third, the proposed annexation promotes an orderly, compact growth pattern in that the areas immediately south, southwest, and east southeast are all within the current City limits. Most of the area to the west and northwest is also within the City limits, including the whole northwest quadrant of the City's Urban Growth Boundary.

Fourth, the proposed annexation territory uniquely represents a supply of strategically located vacant in an area developed with major community facilities thereby satisfying the need for additional developable land near these facilities in order to maintain an orderly, compact growth pattern within the City's service capability.

Criteria 8:

Urbanization Element of the Comprehensive Plan, Annexation Policy #3 (page 4-P-2): States that*Unless otherwise approved by the City, specific development proposals shall be required for annexation requests on vacant land adjacent to the City to insure completion within a reasonable time limit in conformance with a plan approved by the City.*

Planning Commission Finding # 8:

The proposed annexation complies with Urbanization Element of the Comprehensive Plan, Annexation Policy #3 (page 4-P-2). The applicant has provided a conceptual development strategy or plan for the development of subject property. Possible developments identified by the applicant as part of a conceptual development strategy include commercial/retail, professional offices, single-family and multi-family housing, independent senior housing, and open space areas, as well as interconnecting streets (& corresponding right-of-ways) and infrastructure improvements. The conceptual development strategy identifies uses that comply with the Comprehensive Plan and Zoning Ordinance and that can be served by existing and proposed public and private infrastructure improvements in the area.

Criteria 9:

Public Facilities and Services Element of the Comprehensive Plan, General Policy #2 (page 8-P-1): States that *the City shall consider impacts on community facilities before ... annexation requests are approved.*

Planning Commission Finding # 9:

The proposed annexation complies with Comp. Plan Public Facilities and Services Element, General Policy #2, (page 8-P-1) in that the annexation will not result in an adverse impact on community facilities.

Criteria 10:

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.*

Planning Commission Finding # 10:

This proposed Annexation is in compliance with Zoning Ordinance Section 3.050. Currently the subject property does not have a City zoning designation because it is not within the City limits. However, since the property is within the City's Urban Growth Boundary, the current Comprehensive Plan designation on the subject property is Special Development District. The corresponding City zoning designation for a Comprehensive Plan designation of Special Development District is Mixed Use (MU). The applicant is requesting a Mixed Use (MU) zoning designation for the subject property.

Criteria 11 and 12:

City of Lebanon/Linn County – Urban Growth Management Agreement

11. Section 2: Delineation of Authority in the Urban Growth Area (UGA), 2nd paragraph:

The Lebanon Comprehensive Plan designates the future city zoning UGA lands will receive upon annexation to the City.

12. Section 5: Annexations

The UGA identifies land that may be subject to future City annexation. The City may annex land using its own procedures in accordance with state law. Only land within the UGA will be considered for annexation. The City will notify the County of any proposed annexations. Upon annexation, the City assumes all jurisdiction for land use actions.

Planning Commission Finding # 11:

The City's annexation review procedures on annexation request File # A-03-02 have complied with the City of Lebanon/Linn County Urban Growth Management Agreement, Sections 2 and 5 regarding city authority to annex lands within the urban growth area and assign city zoning in accordance with the Lebanon Comprehensive Plan Map.

OVERVIEW OF APPLICANT'S SPECIFIC DEVELOPMENT PROPOSAL

1. City Policy and State Law:

The Lebanon Comprehensive Plan (1980) and Annexation Ordinance (1982), as well as the 1995 Lebanon/Linn County Urban Growth Management Agreement (UGMA), were in effect when A-03-02 was originally submitted to the City. These codes have been interpreted by LUBA and others as necessitating the concurrent submittal of a specific development proposal. In accordance with LUBA's ruling on this issue, the applicant now submits the following specific development proposal for concurrent review with this annexation request. This review is for the purpose of determining that the proposed annexation is consistent with the Goals and Policies of the existing (1980) City of Lebanon Comprehensive Plan.

The City notes that there is no mechanism in either City ordinances or in State law that requires the applicant to implement this specific development proposal should this annexation request be approved. The City has a separate development application and review process for development proposals. The applicant must submit the appropriate application(s) to initiate a development review process when the applicant desires to develop this property. Such an application cannot be submitted by the applicant and reviewed by the City until the subject property has been annexed into the City.

2. Applicant's Specific Development Proposal

2.1 As shown on the following figure entitled "Campus Plan Scheme 3," developments identified by the applicant as part of a specific development proposal include commercial/retail, professional offices, single-family and multi-family housing, independent senior housing, and open space areas.





2.2 This development proposal would potentially add 62 independent living units, an 80 bed nursing facility, an 80 bed assisted living facility, 170 apartments, a mini-mall, office complex, restaurant, hotel, conference center, and wellness center, thus adding new housing and a number of new jobs to the City of Lebanon, as well as enhancing health care services for all area residents.

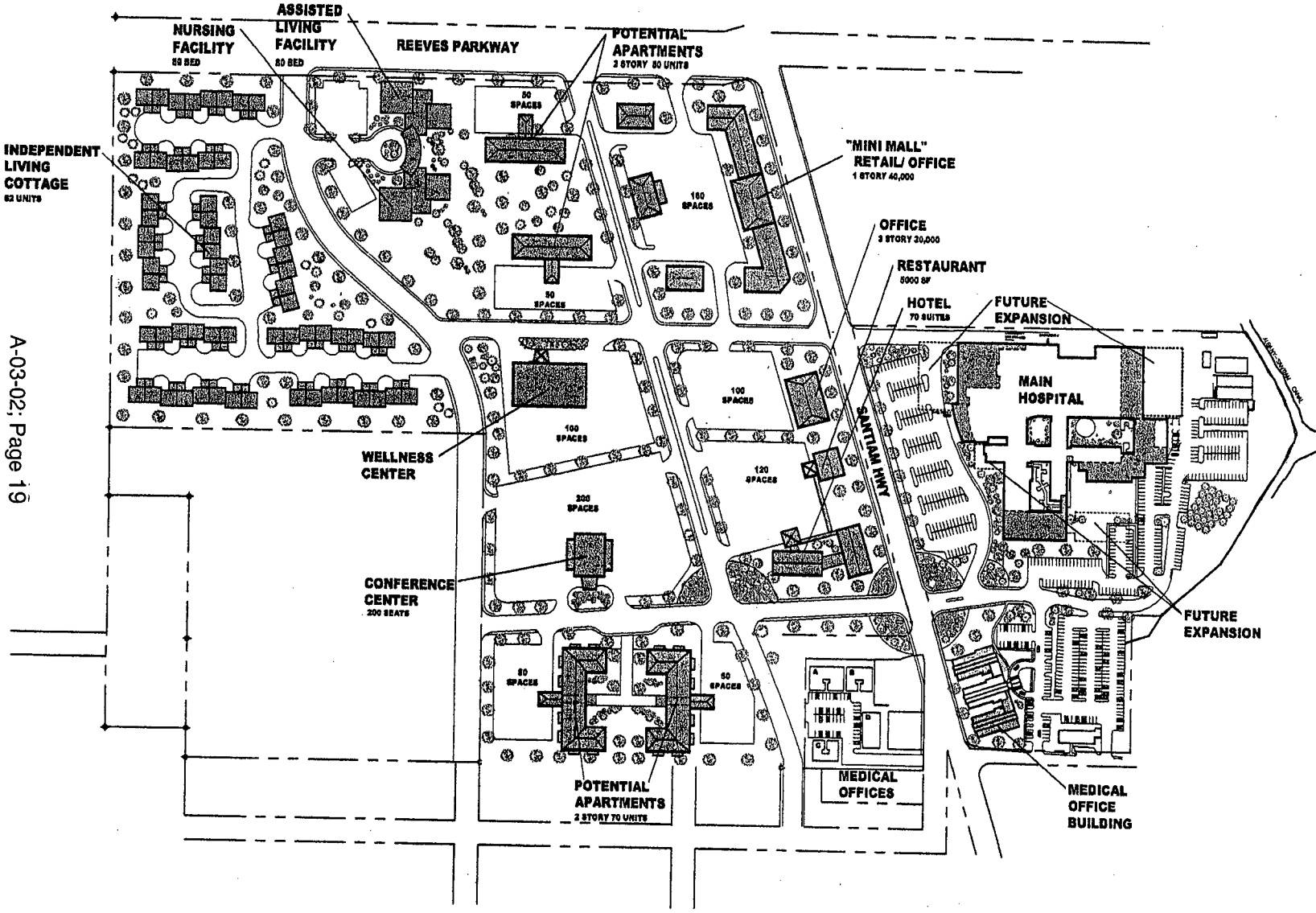
2.3 Assessment of Ability to Provide Urban Services:

As part of the review process, and for inclusion in this annexation Staff Report for the City Council, the City sent out on September 27, 2004, evaluation forms to fourteen different providers of urban services and requested an assessment of their organization's, company's, or agency's ability to provide services should this specific proposed development be implemented. The following urban services were assessed:

- a. City of Lebanon Provided Services:** Waste Water (Sanitary Sewer), Water (potable & fire flow), Storm Drainage, Access (Roads, etc.), Police Protection, Parks, Library, and Senior Services;
- b. Other Public Agencies:** Fire/Emergency Medical (Lebanon Fire District), Public Schools Lebanon Community School District;
- c. Private Sector Vendors:** Solid Waste (Albany-Lebanon Sanitation), Electricity (Consumers Power or Pacific Power), Natural Gas (NW Natural Gas), Phone Service (CenturyTel)

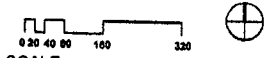
Thirteen of these fourteen urban service providers responded in time for the results to be included in this Staff Report. All thirteen indicated that they could meet the service demands that could be generated by the specific proposed development. The results of these assessments are summarized in the ***October 13, 2004 Annexation Remands Service Provider Summary Matrix*** following the applicant's specific proposed development.

- LEGEND**
-  Hospital Property
 -  Potential Building Expans
 -  Existing Building
 -  Proposed Building



A-03-02; Page 19

**CAMPUS PLAN
SCHEME 3**



SCALE
18 JANUARY 2004

**Samaritan Lebanon
Community Hospital**
Facilities Development Plan
Lebanon, Oregon

October 13, 2004 -- ANNEXATION REMANDS SERVICE PROVIDER SUMMARY MATRIX

SERVICE AND SERVICE PROVIDER	Ability to Serve Specific Development proposal on Subject Property		Annexation A-03-02 Mid-Valley Healthcare, Inc.	
	YES	NO	PROVIDER SUMMARY	OTHER COMMENTS
City of Lebanon Provided Services				
Waste Water (Sanitary Sewer)	X		James P. Ruef, Public Works Director City of Lebanon 925 Main Street Lebanon OR 97355	<i>The 54" diameter West Side Interceptor crosses the annexed portion of the subject property (north of Twin Oaks Drive). Gravity sewer service is available to the site. The projected Average Wet Weather Flow (AWWF) for the development proposed is 226,000 gallons per day (GPD). The estimated wastewater generated from the proposed development will not exceed the wastewater treatment plant's (WWTP) capacity.</i>
Water (potable & fire flow)	X		James P. Ruef, Public Works Director City of Lebanon 925 Main Street Lebanon OR 97355	<i>The proposed annexation property is bordered on several sides by existing water main. A 16" water main exists to the west on 5th Street. A combination of 12" and 16" diameter water pipe exists to the north on Reeves Parkway. A 12" diameter water main exists to the east on Highway 20. The 12" water main in the Highway extends from Reeves Parkway to the hospital. A 6" water pipe exists just south of the hospital to Twin Oaks Drive. An 8" water main exists at Twin Oaks Drive and extends south along Highway 20. This system with necessary extension will provide sufficient water to meet fire and domestic demand. The estimated water demand for the proposed development is 188,000 gallons per day (GPD). The estimated water demand will not exceed the water treatment plant's capability to provide water to the proposed development. .</i>
Storm Drainage	X		James P. Ruef, Public Works Director City of Lebanon 925 Main Street Lebanon OR 97355	<i>The above reference annexation site is located in the Burkhart Creek drainage basin. Hydraulically speaking, the site is loosely bound by Reeve's Parkway on the north, Highway 20 to the east, Hansard Avenue to the west and the Albany Eastern Railroad line to the south. Runoff from within this area, which includes the site, drains to the north and west through a series of small ditches, storm drainage pipes, and channels and eventually ends up in Burkhart Creek. Specifically, the site drainage is intercepted by drainage facilities on 5th Street and Reeve's Parkway. The drainage ditch located on the south side of Reeve's Parkway has the capacity to convey the site runoff. The natural drainage channel which flows northwest from the intersection of Hansard Avenue and Reeve's Parkway will need to be improved to convey drainage to Burkhart Creek.</i>

A-03-02, Page 20

Access (Roads, etc.)	X		James P. Ruef, Public Works Director City of Lebanon 925 Main Street Lebanon OR 97355	<i>The proposed site is bordered by arterials on the north and east side of the site. Reeves Parkway on the north is presently underutilized. U.S. Highway 20 borders the east side of the site. More than sufficient traffic capacity can be provided for this site. Access to Highway 20 will be coordinated through the state access permit process.</i>
Police Protection	X		Michael D. Healy, Police Chief City of Lebanon 925 Main Street Lebanon OR 97355	<i>The provision of safety and emergency services to this annexation territory will not compromise the current delivery of services to the balance of the City.</i>
Parks	X		James P. Ruef, Public Works Director City of Lebanon 925 Main Street Lebanon OR 97355	<i>Development on the property proposed for annexation will fund increased Park Services through the System Development Charge fees and increased property tax revenues to the City of Lebanon</i>
Library	X		Denise Lee, Library Services Manager City of Lebanon 925 Main Street Lebanon OR 97355	<i>The Lebanon Public Library provides library services to the City of Lebanon and the surrounding area. This annexation is within the "surrounding area" and is currently receiving library services through a non-resident registration fee. The library has the capacity to provide services to this area.</i>
Senior Services	X		Susan Tipton, Senior Services Manager City of Lebanon 925 Main Street Lebanon, OR 97355	<i>We already serve people at the in this area. Our Dial-A-Bus does not go to this area though.</i>

October 13, 2004 -- ANNEXATION REMANDS SERVICE PROVIDER SUMMARY MATRIX

SERVICE AND SERVICE PROVIDER	Ability to Serve Proposed Site Development Plan on Subject Property		Annexation A-03-02 Mid-Valley Healthcare, Inc.	
	YES	NO	PROVIDER SUMMARY	OTHER COMMENTS
Other Public Agencies				
Fire/Emergency Medical (Lebanon Fire District)	X		Perry Palmer, Fire Chief Lebanon Fire District 1050 W. Oak Street Lebanon, OR 97355	<i>The Fire District would not have any issues with this provided adequate width of road and hydrant spacing exists as we are confident it would.</i>
Public Schools Lebanon Community School District	X		Jim Robinson, Superintendent Lebanon Community School District 485 S. 5 th Street Lebanon, OR 97355	<i>If the 170 apartments are single-family units, we will adjust attendance boundaries between Pioneer and Green Acres to accommodate the increase of students.</i>
Private Sector Vendors				
Solid Waste (Albany-Lebanon Sanitation)	X		Sid Lien Albany-Lebanon Sanitation Co. 1214 SE Montgomery St. Albany, OR 97322	<i>No comment.</i>
Electricity (Consumers Power or Pacific Power)	X		Doris Johnston, Manager Pacific Power 830 Old Salem Rd. Albany, OR 97321	<i>Pacific Power sees no major problem in meeting foreseeable increased demand for power.</i>
Natural Gas (NW Natural Gas)				<i>No information was received from the provider at the time the staff report was sent out.</i>
Phone Service (CenturyTel)	X		Duane L. Mattson CenturyTel 890 S. 2 nd Street Lebanon, OR 97355	<i>Developer would be required to place PVC SCH40 conduit to CenturyTel's design. Facilities are adjacent to the subject property.</i>

STAFF RECOMMENDATION FOR CITY COUNCIL

If the City Council concludes that this proposed annexation has successfully and adequately addressed the applicable criteria cited in this staff report from the City's 2003 revised Annexation Ordinance, updated (2003) Comprehensive Plan, Zoning Ordinance, and the City of Lebanon/Linn County Urban Growth Management Agreement, as well as effectively addressing applicable testimony, then staff recommends that the City Council **APPROVE** this annexation request.

However, if the City Council concludes that this proposed annexation has **NOT** successfully and adequately addressed the applicable criteria cited in this staff report from the City's 2003 revised Annexation Ordinance, updated (2003) Comprehensive Plan, Zoning Ordinance, and the City of Lebanon/Linn County Urban Growth Management Agreement, and has **NOT** effectively addressed applicable testimony, then staff recommends that the City Council **DENY** this annexation request.

PROPOSED FINDINGS FOR CITY COUNCIL

Staff shall write draft findings based on the above staff report, testimony, and City Council discussion. These draft findings will be distributed to the City Council prior to the next City Council meeting so that the Council may take final action on the findings and the proposed annexation.

**ANNEXATION ZONING MATRIX:
For Property Annexed into the City of Lebanon**

City of Lebanon Comprehensive Plan Designations	City of Lebanon Zoning Designations
Single Family Residential	Residential Low density Zone (RL)
Mixed-Density Residential	Residential Mixed Density Zone (RM)
	* Residential High Density Zone (RH)
Special Development District (SPD) or Mixed Use	Mixed Use Zone (MU)
Commercial	** Neighborhood Commercial Zone (CN)
	*Central Business Commercial Zone (CB)
	Highway Commercial Zone (CH)
Light Industrial	Limited Industrial Zone (ML)
Heavy Industry	General Industrial Zone (MG)
Key	
* (or) Red Lettering & Yellow Shading	Based upon the Zoning Ordinance description of these zones, there are no un-annexed properties in the UGB eligible to be assigned to these zone designations. (October 04)
** (or) Blue Lettering & Blue Shading	This zone is for small neighborhood shopping clusters. Such designations would require a zone change and an Administrative Review Process.

JAMES F. UDELL **ENGINEERING & SURVEYING**

ATTACHMENT
"A"

63 EAST ASH STREET
LEBANON, OREGON 97355
PHONE (541) 451-5125
FAX (541) 451-1366

MID VALLEY HEALTH CARE, INC ANNEXATION NARRATIVE

Mid Valley Health Care, Inc. is the owner of the land shown on Tax Assessor's Map 12-2W-3D as tax lot 1200. It is their intent to annex the portion of this tax lot and adjacent City Limits but inside the Urban Growth Boundary. The property is currently zoned "UGA-UGM 10" by Linn County and has a City of Lebanon Comprehensive Plan Designation of "Special Development District" which upon annexation will acquire a City of Lebanon Zoning Designation of Mixed Use per the City of Lebanon and Linn County Urban Growth Management Agreement.

This proposed annexation area currently has city services available. Sanitary sewer is available via the recently constructed West Side Inceptor passing through the Southern portion of the property. Sewer lines could be extended to serve the entire limits of the annexation area. Water is available along Highway 20 and in the newly constructed Fifth Street right-of-ways. Storm drainage in this area has been established as taking a Northerly route via the large roadside ditching on the Southside of Reeves parkway.

The proposed annexation area is in compliance with the City of Lebanon Comprehensive Plan in that the Comprehensive Plan Designation of "Special Development District" transpires into a City Zoning of Mixed Use based on the City of Lebanon and Linn County Urban Growth Management Agreement. The proposed annexation has requested a zone designation of mixed use.

This proposed annexation contains all necessary right-of-ways to provide for safe and efficient movement of pedestrian and vehicular traffic. A 60 foot right-of-way exists along the entire East side of the land. A 130 foot right-of-way exists along the entire North side of the land. A 60 Foot right-of-way bisects the land in the Northwest quadrant of the land.

The proposed annexation provides land that can be developed per the City of Lebanon Code with a wide range of uses. These uses particularly commercially and light industrially based will bring a much need opportunity for new jobs to the City of Lebanon. The additional land that may be allocated to residential development will help ensure that the need determined in the City of Lebanon "Periodic Review Work Program-Multi-Family Residential" study will be met for additional needed residential land. A copy of this study is available as public record at the City of Lebanon. In addition other benefits to the City of Lebanon and local services are as follows:

- Brings Reeves Parkway, a city street, into the City Limits.
- Brings the city waterline along Highway 20 into the city limits.
- Allows for the City to have the remainder of 5TH Street to be built with subsequent City development submittals.
- Residential development in this area will not require additional burden on the transportation system for pioneer school.
- Commercial development on the outer limits of the city will not generate additional traffic within the city with respect to delivery routing and large vehicles.

This annexation will provide a great benefit to the City of Lebanon by offering a large developable site of huge economic potential. The City of Lebanon must take this opportunity to add this much need land to the City.



Oregon

John A. Kitzhaber, M.D., Governor

Department of Transportation

Region 2
455 Airport Rd. SE, Bldg. B
Salem, Oregon 97301-5395
Telephone (503) 986-2836
FAX (503) 986-2840
e Code: PLA

March 17, 2003

Attachment B

Doug Parker
Community Development Manager
City of Lebanon
853 Main Street
Lebanon, OR 97355-3220

SUBJECT: Mid-Valley Healthcare, Inc., Annexation A-03-02

Dear Mr. Parker:

Subsequent to my March 11, 2003 letter, the City of Lebanon provided additional information regarding the zone designation associated with this annexation. Based on a re-evaluation of the information, we have determined that the Transportation Planning Rule reference in the previous letter does not apply to this situation. Please remove my previous letter from the record, and replace it with this letter.

The proposed annexation would involve 53 acres located on the west side of Highway 20 directly across from the Lebanon Community Hospital. This property is currently designated as Special Development District on the City of Lebanon Comprehensive Plan Map, and would be assigned a Mixed Use zoning designation upon annexation.

Eventual development of this site could impact area transportation facilities. The Oregon Department of Transportation (ODOT) would like to be involved in early coordination of site plan development for this property. A well-coordinated review process can expedite eventual approvals, if needed, from ODOT, and can assist in determining timely transportation improvements needed to accommodate the traffic generated from this site. (For example, the increase in potential traffic could result in the need for a signal to be located at the Highway 20/Reeves Parkway intersection. Before a signal could be installed, traffic signal warrants would have to be met, support from Region 2 Traffic would be required, and ultimate approval by the State Traffic Engineer would have to be obtained.)

It will be important for the city to ensure any potential access from the property to Reeves Parkway is located as far as possible from the Highway 20 intersection. If access is provided via Twin Oaks Drive, it will also be imperative to move the access location as far as possible from the Highway 20 intersection.

It is unlikely that access would be permitted from the site directly to Highway 20. ODOT recommends early discussion with Gene Walton, District 4 Permit Specialist, regarding any potential request for a permit to access Highway 20.

EXHIBIT "C"

PAGE 1 of 2

COMPARISON OF LISTED BARE LAND BETWEEN JULY 04 AND SEPTEMBER 04

ZONING	July 04	Sept. 04	+/-
CB - Central Business	3.55 acres	1.04 acres	+ 0.04 acres
CH - Highway Commercial		2.04 acres	
MU - Mixed Use		0.51 acres	
ML - Limited Industrial	148.85 acres	116.31 acres	32.54 acres
RH - Residential High Density	3.25 acres	0.91 acres	+ 25.30 acres
RL - Residential Low Density		0.42 acres	
RM - Residential Mixed Density		27.22 acres	
TOTALS	155.65 acres	148.45 acres	- 7.20 acres


**BARE LAND LISTINGS WITHIN CITY LIMITS
AS OF SEPTEMBER 29, 2004
ACCORDING TO MULTIPLE LISTING SERVICE**

Location	Lot Size	Asking Price	Zoning
Maple Street (W)	0.16 acres	\$43,900	CB - Central Business
2nd Street (S)	0.17 acres	\$48,900	CB - Central Business
Maple Street (W)	0.24 acres	\$54,870	CB - Central Business
2nd Street	0.22 acres	\$57,500	CB - Central Business
Maple Street (W)	0.25 acres	\$60,000	CB - Central Business
Park Street	0.29 acres	\$45,000	CH - Highway Commercial
Vine Street (W)	0.24 acres	\$45,000	CH - Highway Commercial
Airport Road	1.51 acres	\$299,000	CH - Highway Commercial
Airway Rd.	0.42 acres	\$99,900	ML - Limited Industrial
Oak Street (W)	63.92 acres	\$2,275,000	ML - Limited Industrial
Hansard Avenue	51.97 acres	\$1,820,000	ML - Limited Industrial
S. Main Road	0.51 acres	\$223,500	MU - Mixed Use
Grove Street	0.19 acres	\$24,000	RH - Residential High Density
Oak Street	0.38 acres	\$45,000	RH - Residential High Density
Oak Street	0.34 acres	\$45,000	RH - Residential High Density
8th Street	0.15 acres	\$32,500	RL - Residential Low Density
Grant Street (E)	0.27 acres	\$38,000	RL - Residential Low Density
Vine Street (W)	0.14 acres	\$29,000	RM - Residential Mixed Density
F Street	0.9 acres	\$47,500	RM - Residential Mixed Density
Walker Road	1.08 acres	\$59,000	RM - Residential Mixed Density
F Street	0.52 acres	\$59,987	RM - Residential Mixed Density
S. Main Road	24.58 acres	\$1,351,900	RM - Residential Mixed Density

TOTAL ACRES	148.45 acres		
SUMMARY	1.04 acres	CB - Central Business	
	2.04 acres	CH - Highway Commercial	
	116.31 acres	ML - Limited Industrial	
	0.51 acres	MU - Mixed Use	
	0.91 acres	RH - Residential High Density	
	0.42 acres	RL - Residential Low Density	
	27.22 acres	RM - Residential Mixed Density	

EXHIBIT "D"

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OTIA FUNDS:

\$2,827,000

TOTAL ESTIMATED PROJECT COST:

\$2,827,000

CONSTRUCTION:

Winter 2005

PROJECT DESCRIPTION:

This project proposes to widen the existing highway from a two-lane rural section to a three-lane urban section. The project would construct a center turn lane from approximately Reeves Parkway to the UPRR. Curbs, gutters, sidewalks, shoulders and storm drainage improvements are part of the project.

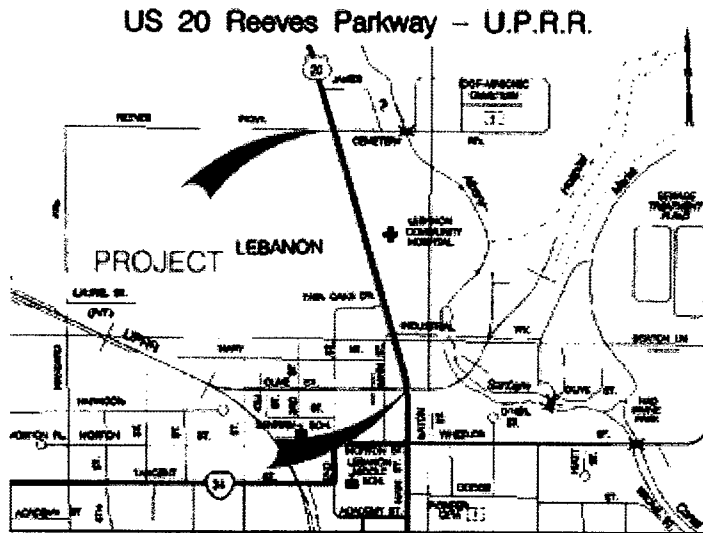
US-20 serves the City of Lebanon as the primary arterial through the city. The section within this project includes the Lebanon Hospital and a Linn-Benton Community College satellite campus. The highway currently includes two travel lanes and a narrow shoulder inappropriate for pedestrian or bicycle travel. There are no turn lanes.

CONDITIONS OF APPROVAL:

ODOT shall develop an access management plan for the project consistent with the Oregon Highway Plan. The City of Lebanon shall adopt the access management plan as part of a legally binding, enforceable intergovernmental agreement between the City of Lebanon and ODOT. The intergovernmental agreement shall include the following elements:

- If the agreement is to be terminated that the City of Lebanon provides notice to ODOT in advance of a public hearing on the matter and that the public hearing be held prior to the expiration of the agreement.
- Changes or termination of the agreement in advance of expiration shall require formal affirmative

City of Lebanon — U.S. 20: Reeves Parkway-UPRR



Please click on the map above to view a larger version. The map will open in a new window.

[Back to Region 2](#)

EXHIBIT "D"

action by the Oregon Transportation Commission and the City of Lebanon.

- The agreement can expire if the City of Lebanon includes the Access Management plan in its Transportation System Plan.
- The access management plan will apply appropriate access spacing standards as found in the 1999 Oregon Highway Plan or in the local Transportation System Plan (whichever is more restrictive).

FINDINGS OF FACTS AND CONCLUSIONS:

- The project is eligible for funding under HB2142.
 1. US-20 is a Regional Highway.
 2. The proposed project's turn lane, sidewalk, and highway shoulder suitable for bicycle use add highway capacity, making the project eligible for funding under the 2001 Oregon Transportation Investment Act, sections 2(2)(a) and 2(3)(a). Lebanon is not in an MPO and is not required to have a financially constrained transportation system plan.
 3. The proposed project is consistent with the City of Lebanon's Draft Transportation System Plan (TSP) and adopted comprehensive plan. Lebanon is not within a MPO boundary and is not required to have a financially constrained plan.
 4. This is an OHP Policy 1.G.1 Priority Two project because it provides a turn lane, sidewalks and highway shoulders suitable for bicycle use. Improving vehicle turning movements, and pedestrian and bicycle travel is not possible using the Priority One techniques.
 5. Project development and construction can be completed before October 2008 as called for in the OTIA program. Environmental, design, ROW, and construction will need to be completed.
- The following factors demonstrate that the project is a high priority and suited to funding through the OTIA:
 1. The project supports important community areas and is consistent with OHP Policy 1.B because it will provide traffic operations and congestion improvements, and it does not detract from downtown improvement efforts.
 2. There are no negative effects on efficient freight mobility. The turn lanes will reduce congestion and improve freight mobility. Widened shoulders also will improve turning movements.
 3. The project will improve safety conditions by reducing conflicts between through and turning traffic. The turn lane will reduce the likelihood of rear-end crashes. The shoulders and sidewalks will improve safety for alternative modes. There is no top 10% SPIS site within the project limits in 2001.
 4. The OHP and OAR-731-51 call for access management plans.

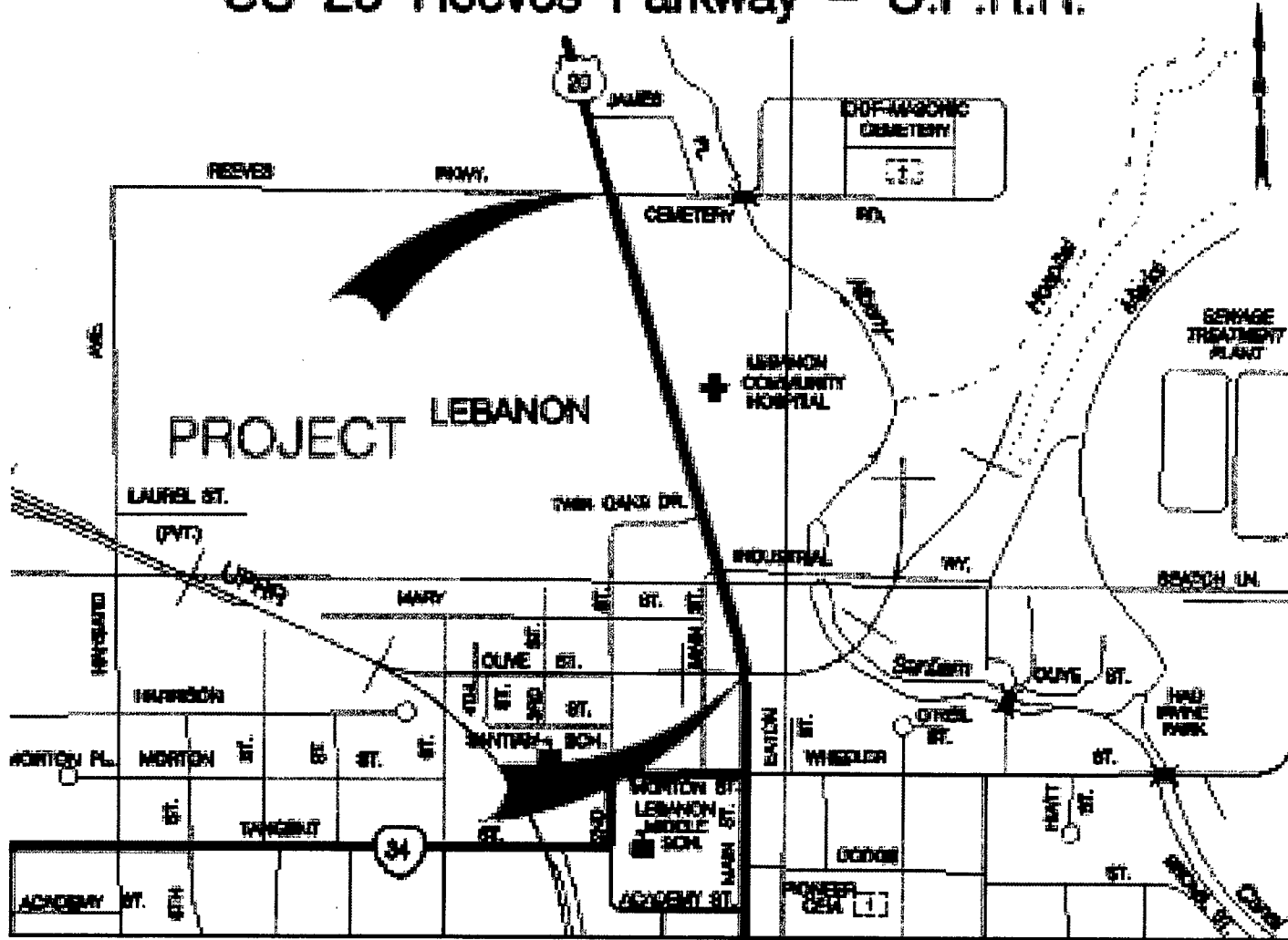
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US 20 Reeves Parkway - U.P.R.R.



**CITY OF LEBANON
CITY COUNCIL STAFF REPORT
ANNEXATION REQUEST
(Remanded)**

The City Council conducted a public hearing and approved this proposed annexation on February 23, 2003. The City Council decision was then appealed to the Land Use Board of Appeals (LUBA) who has remanded it back to the City for reconsideration after the Court of Appeals affirmed the LUBA decision. **This REMAND HEARING will be using the 1982 Annexation Ordinance and the original (unmodified) Comprehensive Plan policies.**

NATURE OF REQUEST: Annexation of an approximately 70-acre territory comprised of one vacant parcel, and a portion of the abutting Oak Street right-of-way.

APPLICANT: Gilbert Limited Partnership

PROPERTY LOCATION: Located on the south side of Oak Street and directly west of the Lebanon Airport. Assessor's Map 12-2W-16, Tax Lot 300.

ZONE DESIGNATION: Limited Industrial (upon annexation), with an Aircraft Control (AC) Subzone overlay on the east portion of property

COMP PLAN DESIGNATION: Light Industrial

STAFF REPORT TABLE OF CONTENTS

	PAGE
• Nature of Request, Applicant, Property Location, Assessor's Map and Tax Lot #s, Zone and Comp Plan Designations	1
▪ Introduction	1,2
▪ Site Description	2
▪ Site Maps and Land Cover Map	3,4
▪ Planning and Zoning Considerations	5
▪ Relevant Criteria	5-7
▪ Staff Comments	8,9
▪ Summary of Planning Commission Recommendation and Staff Recommendation for City Council	10-13
▪ Overview of Applicant's Specific Proposed Development Plan	14-18
▪ Recommendation and Proposed Findings for City Council	19
▪ Annexation Zoning Matrix	20
▪ Annexation Map and Legal Description	21,22
▪ Exhibits –	23-28

INTRODUCTION

The applicant proposes to annex this approximately 70-acre parcel into the City to avail the property for industrial and airport related development. The subject property is the fourth largest vacant industrial site within the community and one (the largest) of 5 vacant industrial sites adjacent to a designated truck route. The submitted specific development proposal indicates proposed development activity to include airport related development on the east side adjacent

to the State Airport; and manufacturing buildings, general warehouses, equipment sales and repair, offices, building supplies sales, and truck repair in the balance of the site. Responding to the circumstances of the property location, the applicant aspires to develop the site in a manner that complements adjacent uses (especially the Lebanon State Airport), City transportation plans and existing road traffic patterns (locating a distribution center/warehouse on the west end of town closest to I-5 thereby minimizing local street system traffic impacts).

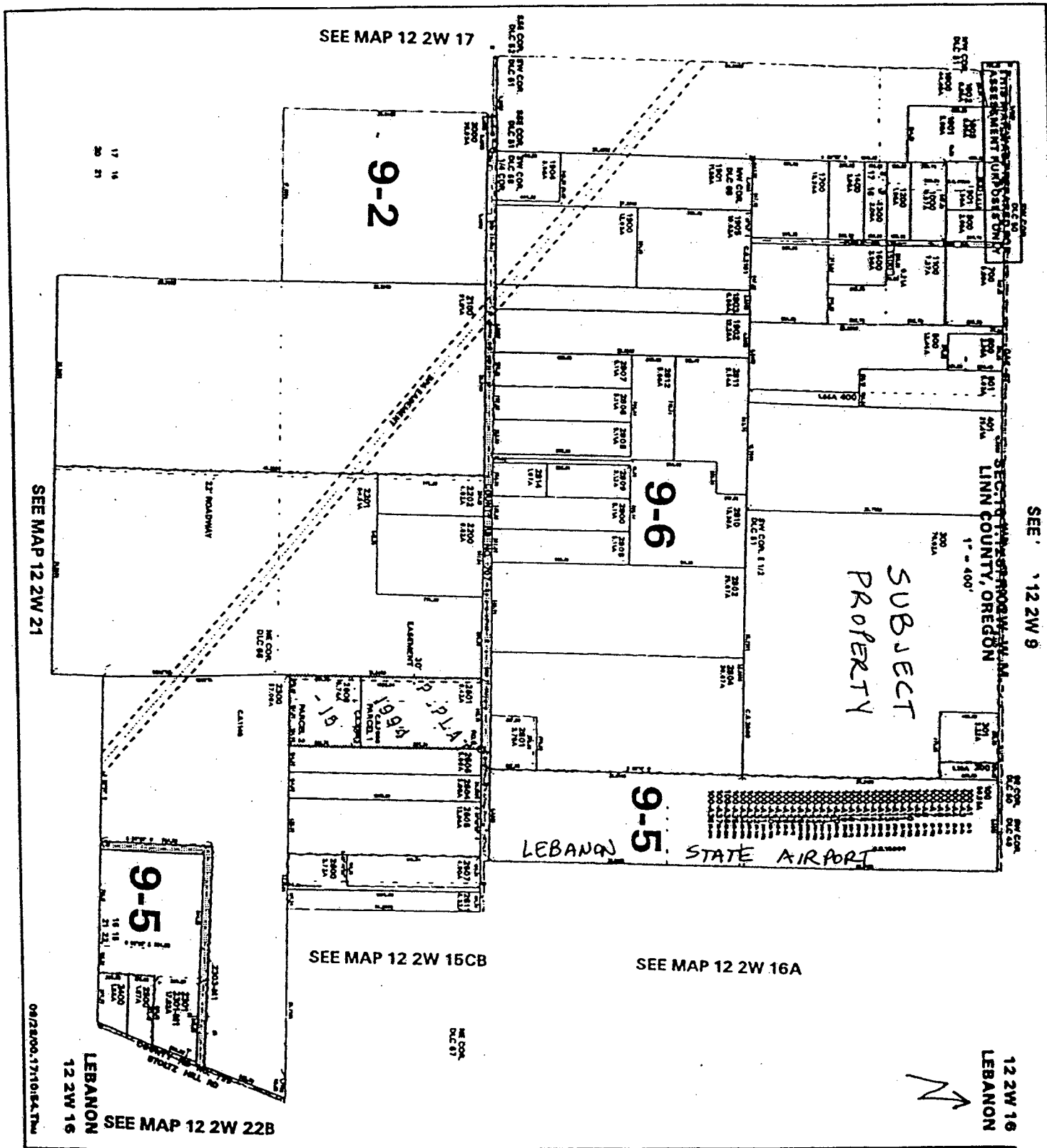
This property is one of the most important vacant industrial sites in the City's vacant lands inventory. Accordingly, this site has been the subject of previous industrial recruitment initiatives; consequently, annexing the property at this time will support and expedite future industrial recruitment/job creation efforts pertaining to this site. To this end, the applicant has provided letters of support (see Attachment A, 1 through 4) for this annexation from industrial development/recruitment professionals who actively work on and support industrial development activities in Lebanon. Additionally, a letter of support (see Attachment B-1) for this annexation has been submitted by the Oregon Department of Aviation who has expressed a need for additional land to permit expansion of airport related activities- an Oregon Department of Aviation articulated public need which the subject property can uniquely address upon annexation (see Attachment B-2). The specific development proposal represents uses that are compatible with the property's Comprehensive Plan Light Industrial designation and pending (upon annexation) Limited Industrial (ML) zoning assignment as well as the constraints imposed by the Aircraft Control (AC) subzone on the east side of the property. This annexation includes the south half of the Oak Street right-of-way adjacent to the property thereby annexing all of Oak Street to the Urban Growth Boundary (UGB).

SITE DESCRIPTION

The subject property or annexation territory is a flat 70 acre parcel bounded by Oak Street on the north, the Lebanon State Airport on the east, the Lebanon UGB on the west, and large, unannexed industrial designated (and minimally developed) parcels to the south. Grass seed farming or hay crops occupy the subject property and those adjoining properties to the north, west and south. The Lebanon State Airport is to the east as are a National Guard maintenance facility and the power company office, both of which border Oak Street. Farmsteads are located on adjacent properties to the west, southwest and south. The vacant industrial properties on the north side of Oak Street are annexed to the City, as are the National Guard maintenance facility and airport to the east.

The subject property is a large (70 acre), flat actively farmed grass seed field. This farmed site has been cleared of vegetation except for brambles, briars and shrubs located along perimeter fencerows.

Oak Street, a designated arterial and truck route, is, in part, included in this annexation. Oak Street is improved as an urban standard street (minus sidewalks) westward to the middle of the site. This east half section is improved with curbs, gutters, storm drainage and full lane widths and has a 10-minute truck parking restriction. West of the future Reeves Parkway intersection, Oak Street is improved to county standards with deep roadside ditches, narrower vehicle lanes and marked bicycle lanes.



SEE 12 2W 9

SECTION 12 2W 9
LINN COUNTY, OREGON

SUBJECT
PROPERTY

LEBANON STATE AIRPORT

SEE MAP 12 2W 17

9-2

9-6

9-5

9-5

SEE MAP 12 2W 21

SEE MAP 12 2W 15CB

SEE MAP 12 2W 16A

SEE MAP 12 2W 22B

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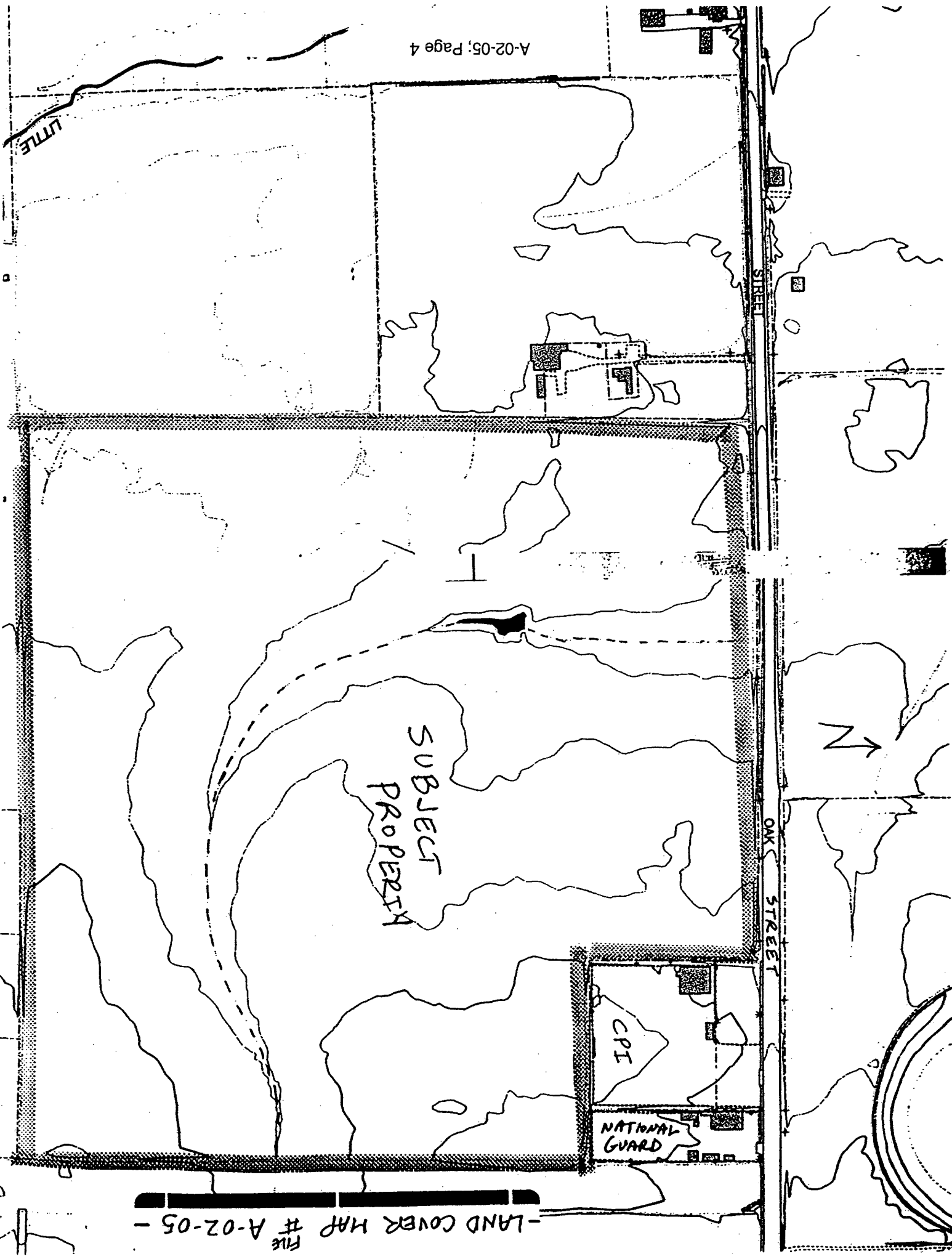
LEBANON
12 2W 16

LEBANON
12 2W 16



ASSESSOR'S MAP
T125 - R2W - 16

FILE # A-02-05



LITTLE

SUBJECT
PROPERTY

CPI

NATIONAL
GUARD

SIRELL
STREET

OAK
STREET

-LAND COVER MAP # A-02-05 -
FILE #

PLANNING AND ZONING CONSIDERATIONS

1. The Comprehensive Plan Map identifies the designation of the subject property as Light Industrial that assigns a Limited Industrial zoning upon annexation.
2. The following contain the factors and conditions that the City considers in evaluating an annexation request: (1) City of Lebanon Resolution No. 11 for 1982, a Resolution Establishing an Annexation Policy; and (2) Lebanon Comprehensive Plan as follows: (a) Urbanization Element, Flexible Growth Program, Policy #1 ; (b) Urbanization Element, Annexations, Policies #1 and 3 ; (c) Public Facilities and Services Element, General Policy #2 ; and (d) Chapter 1: Introductory Provisions -- General Goals and Objectives, Goals 2 and 5 ; (e) Chapter 3: Population and Economy, Overall Goals and Policies 2 and 3 ; (f) Chapter 5: Land Use, Overall Goal -- Industrial Land Use and Policy # 4, and Industrial Land Use -- Narrative Text item # 2 (LCP page 5-22) and items 1, 5, and 6 (LCP pages 5-23 & 5-24); (3) Zoning Ordinance Section 3.050, Zoning of Annexed Areas; (4) City of Lebanon/Linn County -- Urban Growth Management Agreement, Section 2: Delineation of Authority in the Urban Growth Area (UGA), and Section 5, Annexations.
3. Lebanon Zoning Ordinance Section 4.210 lists the development opportunities, standards and requirements for the Limited Industrial (ML) zone.
4. This annexation territory abuts city limits both to the north and to the east.

RELEVANT CRITERIA

City Annexation Policy (City Of Lebanon Resolution #11 For 1982) Criteria

1. Section 1, requires *proof that urban services are available or can be made available to serve the property considered for annexation and that the additional demands that would be placed on those services will not overburden their present capacities.*
2. City Annexation Policy, Section 2, states that *public rights of way necessary for the safe and efficient movement of traffic, bicycles and pedestrians shall be provided with the annexation and without obligation to the City of Lebanon.*
3. City Annexation Policy, Section 3, specifies that *parties involved in seeking the annexation or who may be included in the annexation shall initiate a program to upgrade any urban services and/or public facilities within the area considered for annexation that do not meet standards as may be established by the City of Lebanon.*
4. City Annexation Policy, Section 4, states that *no annexation shall be considered that does not conform with the Lebanon Comprehensive Plan and its goals and policies.*
5. City Annexation Policy, Section 5, states that *it shall be the burden of proof of the applicant that a public need exists for the proposed annexation and that the annexation is in the public's interest.*

1980 Comprehensive Plan Criteria

6. Urbanization Element, Phased Growth Program, Policy #1 (page 4-P-1) states that . . . *the City shall maintain a compact growth pattern that expands the City limits incrementally in an orderly and efficient manner within the service capabilities of the City.*
7. Urbanization Element, Annexation Policy #1 (page 4-P-2) states that . . . *the City shall annex land only within the Urban Growth Boundary on the basis of findings that support the need for additional developable land in order to maintain an orderly, compact growth pattern within the City's service capability.*
8. Urbanization Element, Annexation Policy #3 (page 4-P-2) states that Unless otherwise approved by the City, specific development proposals shall be required for annexation requests on vacant land adjacent to the City to insure completion within a reasonable time limit in conformance with a plan approved by the City.
9. Public Facilities and Services Element, General Policy #2 (page 8-P-1) states that the City shall consider impacts on community facilities before ... annexation requests are approved.
10. Introductory Provisions -- General Goals and Objectives (page 1-17)

There are certain basic aims to which the Comprehensive Plan is broadly committed. These general goals and objectives are:

 2. To achieve an environment that assures each individual the widest possible choices and opportunities for a productive and meaningful life-style within the community.
 5. To broaden opportunities for economic expansion and diversification.
11. Population and Economy Element, Overall Goals (page 3-P-1),
 - A. To broaden opportunities for economic expansion and diversification.
 - B. To help increase employment opportunities in the Lebanon area by providing an attractive environment to stimulate economic growth.
12. Population and Economy Element, Policy # 2 (page 3-P-1), states that ... The city shall encourage a diversified economic base for the community which broadens and improves long-term employment opportunities and is compatible with the environmental resources of the community.
13. Population and Economy Element, Policy # 3 (page 3-P-1), states that... The city shall continue to actively encourage industrial and business developments that improve the economy of the community and the state and shall maintain an up-to-date information file on the community including an inventory of available industrial sites for potential developers, utilizing the resources of the Oregon State Economic Development Division.
14. Land Use Element, Overall Goal (5-P-1), states that...To provide a land use policy plan which sets forth the suitable kinds, amounts, and intensities of use to which land in various parts of the city should be put.
15. Land Use Element, Industrial Land Use, Policy #4 (5-P-4), states that ...A sufficient supply of suitable industrial land shall be maintained to actually attract industry, particularly light nonpolluting industries, in support of the city's economic development program. (LCP page 5-P-4)

16. Land Use Element, Industrial Reserve Lands, Narrative Text states...

A. (2) Large undivided parcels should be preserved since potential industries are easily discouraged when conflicts occur in accumulating a number of smaller contiguous parcels. Thus parcel size was a major criteria used in the selection of industrial land. (LCP page 5-22)

B. West-side Light Industrial Reserve (LCP pages 5-23 & 5-24)

The 341 gross acres located south of Tangent Street adjacent to the airport is included based on the following criteria:

1. The area contains a variety of medium to large undeveloped land parcels with excellent potential for light industrial development.
5. Industrial use is not only compatible with airport activities but is also complementary.
6. An industrial reserve will protect the airport from undesirable residential infringement, while also providing a buffer between agricultural and residential uses which can also conflict.

Zoning Ordinance Criteria

17. 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.*

City of Lebanon/Linn County -- Urban Growth Management Agreement

18. Section 2: Delineation of Authority in the Urban Growth Area (UGA) , 2nd paragraph:

The Lebanon Comprehensive Plan designates the future city zoning UGA lands will receive upon annexation to the City.

19. Section 5: Annexations:

The UGA identifies land that may be subject to future City annexation. The City may annex land using its own procedures in accordance with state law. Only land within the UGA will be considered for annexation. The City will notify the County of any proposed annexations. Upon annexation, the City assumes all jurisdiction for land use actions.

STAFF COMMENTS

1. Planning:

- A.** The legal description and a map describing the entire annexation area have been submitted and are included in this report.
- B.** The annexation territory is within the City's Urban Growth Boundary, and is therefore eligible for annexation and urban development. As a part of the City's UGB, this annexation territory has been identified as land needed by the City for nearly a quarter of a century. This vacant industrial territory is an essential component of the City's inventory of vacant industrial lands designated to satisfy the city's current 20-year supply of vacant industrial/employment land.
- C.** 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 north and east.
- D.** The annexation territory can be developed to an urban use. This territory can be developed according to the provisions of Lebanon Zoning Ordinance Section 4.210 that lists the development opportunities, standards and requirements for the Limited Industrial (ML) zone, and this is consistent with all applicable provisions of the Comprehensive Plan.
- E.** The subject property is currently undeveloped, and therefore, there are no impacts at this time on the key City-provided urban utility services (i.e., are water, storm drainage, sanitary sewerage, and streets).
- F.** The subject property does not have a City zoning designation because it is not within the City limits. However, since the property is within the City's Urban Growth Boundary, the current Comprehensive Plan designation on the subject property is Light Industrial. The corresponding City zoning designation for a Comprehensive Plan designation of Light Industrial is Limited Industrial (ML). The applicant is requesting a Limited Industrial (ML) zoning designation for the subject property. Therefore, a City zoning designation of Limited Industrial (ML) can automatically be assigned at this time, without a separate hearing. This action is NOT a zoning map amendment.
- G.** The subject property has no known environmental constraints that cannot be mitigated or that would prevent development as an industrial site.
- H.** This annexation is an implementation of the Annexation Policies contained in this Plan, the Lebanon/Linn County Urban Growth Management Agreement, and the City's 1982 Annexation Ordinance.
- I.** The applicant has submitted a specific development proposal for the annexation territory that represents a variety of uses permitted in the Limited Industrial (ML) zone. This specific development proposal represents land use activities that are permissible in the ML zone. Nothing compels the applicant to follow through with this specific development proposal. All future development of this property will be required to go through all of the conventional development review procedures employed by the City as outlined in the City's Site Development Guide [regardless of any action or comments pertaining to the specific development proposal].

- J. As shown in the *October 13, 2004 Annexation Remands Service Provider Summary Matrix*, the service providers indicated that they could meet the service demands that could be generated by the specific proposed development. None of the providers indicated that providing these new services would compromise their delivery of services to the rest of the community.
- K. Annexation of this strategically located industrial property would enable the expansion of the airport-related land use activities, including providing additional airplane hangers to meet a well documented local need.

2. Current Status of Infrastructure:

Urban services are or can be made available to serve the proposed annexation area. The following comments review the City's infrastructure. Redevelopment of this area may require additional infrastructure improvements.

- A. **Streets** – Oak Street, a designated arterial and truck route, is adjacent to the site. It is currently improved to full City standard (minus sidewalks) along approximately the east half of the site's frontage. The remainder is constructed to a county standard. Improvements to Oak Street may be required at time of development.
- B. **Water** - The nearest water main is a 12-inch main on Oak Street that terminates approximately 200 feet west of Airway Road. Water main extensions will likely be required along Oak Street with future site development. Depending on the fire flow requirements for the development, additional water main extensions may also be required. Connection to a new City water main will also involve costs for service lines, meters, plumbing permit fees, and a water system development charge.
- C. **Drainage** – The City standard segment of Oak Street has a piped drainage system that discharges to the ditches along the county standard segment. The roadside ditches and existing natural drainage channels on the site eventually discharge to Little Oak Creek to the west. Piped and/or surface drainage improvements will be required with site development in order to convey site storm drainage and to prevent adverse drainage impacts to neighboring properties.
- D. **Sanitary Sewer** – The nearest sanitary sewer main is a 10-inch main on Oak Street that terminates at Airway Road. The new Westside Interceptor is planned to provide sanitary sewer service to this site. In the interim, a combination of pumped and gravity-flow sewer extensions may be required to convey sewer flows to the existing main on Oak Street. The Oak Street main is served by the existing Westside Interceptor. Connection to City sanitary sewer will involve costs for service lines, plumbing permit fees, and a sanitary sewer system development charge.

Connection to a City utility or building permit issuance will also cause to be due all remaining street and drainage system development charges.

All of the above permits, fees, and processes are detailed in the City's Site Development Guide.

SUMMARY OF PLANNING COMMISSION RECOMMENDATION

The Planning Commission conducted a public hearing on this proposed annexation on February 26, 2003, and unanimously voted to recommend approval to the City Council.

The Planning Commission based this recommendation on the following:

Criteria 1:

City Annexation Policy Section 1: Requires proof that urban services are available or can be made available to serve the property considered for annexation and that the additional demands that would be placed on those services will not overburden their present capacities.

Planning Commission Finding # 1:

The proposed annexation complies with City Annexation Policy, Section 1, in that some services can be made available to serve the property. Water and sanitary service can be extended west to the subject property along Oak Street from the Airway/Oak Street intersection area. The land uses identified in the preliminary development plan represent minimal or limited demand on infrastructure capacity.

Criteria 2:

City Annexation Policy Section 2: States that *public rights of way necessary for the safe and efficient movement of traffic, bicycles and pedestrians shall be provided with the annexation and without obligation to the City of Lebanon.*

Planning Commission Finding # 2:

The proposed annexation complies with City Annexation Policy, Section 2, in that appropriate public right-of-way will be provided as the property actually develops. Recent case law dictates that public right-of-way shall be dedicated at the time or juncture when the nexus or need is established by an actual development proposal.

Criteria 3:

City Annexation Policy, Section 3: Specifies that *parties involved in seeking the annexation or who may be included in the annexation shall initiate a program to upgrade any urban services and/or public facilities within the area considered for annexation that do not meet standards as may be established by the City of Lebanon.*

Planning Commission Finding # 3:

The proposed annexation complies with City Annexation Policy, Section 3, in that public infrastructure improvements will be provided as the property actually develops. Recent case law dictates that such public infrastructure improvements shall be provided at the time or juncture when the nexus or need is established by an actual development proposal. Mitigation cannot be required until the impacts of an actual development proposal have been established.

Criteria 4:

City Annexation Policy, Section 4: States that *no annexation shall be considered that does not conform with the Lebanon Comprehensive Plan and its goals and policies.*

Planning Commission Finding # 4:

The proposed annexation complies with City Annexation Policy, Section 4, in that the property complies with Zoning Ordinance and Comprehensive Plan policies pertaining to the property and zoning. The east portion the subject property is proposed for airport related development as allowed by the state's Airport Planning Rule. Given the fact that this area is adjacent to the airport and is within a Transition area of the Aircraft Control Subzone (AC – Zoning Ordinance Section 4.510), these are uses that are appropriate. The western portion of the property is proposed for warehouse and freight related development and uses. This is an appropriate use near an airport. These would be appropriate neighboring uses for an area that caters to airport related development. In addition, such a light industrial use would be suited to this site on a direct transportation route from the I-5 corridor. Furthermore, by being located on the perimeter of the City, much truck and freight related traffic would be diverted from the community's core areas. This would in turn minimize traffic impacts on both the current and future truck routes and the community's transportation system.

Criteria 5:

City Annexation Policy, Section 5: States that *it shall be the burden of proof of the applicant that a public need exists for the proposed annexation and that the annexation is in the public's interest.*

Planning Commission Finding # 5:

The proposed annexation complies with City Annexation Policy, Section 5, in that a public need exists to expand the Lebanon State Airport and other airport-related development. As noted in a Lebanon Express article of September 4, 2002 (see Attachment B-2) and in a letter (see Attachment B-1), the Oregon Department of Aviation views the upgrading and expansion of the airport facility and related adjacent uses as essential to the long-term interests of this local transportation facility.

Criteria 6:

Urbanization Element of the Comprehensive Plan, Phased Growth Program, Policy #1 (page 4-P-1): States that . . . *the City shall maintain a compact growth pattern that expands the City limits incrementally in an orderly and efficient manner within the service capabilities of the City.*

Planning Commission Finding # 6:

The proposed annexation complies with Comprehensive Plan Urbanization Element, Phased Growth Program, Policy #1, (page 4-P-1) in that it would be an orderly and efficient expansion of City limits within City service capabilities. The areas immediately to the east, north and northwest of the subject property are within the City limits.

Criteria 7:

Urbanization Element of the Comprehensive Plan, Annexation Policy #1 (page 4-P-2): States that...*the City shall annex land only within the Urban Growth Boundary on the basis of findings that support the need for additional developable land in order to maintain an orderly, compact growth pattern within the City's service capability.*

Planning Commission Finding # 7:

The proposed annexation complies with Urbanization Element of the Comprehensive Plan, Annexation Policy #1 (page 4-P-2) based on several facts:

- First, the proposed Annexation is within the City's Urban Growth Boundary.
- Second, the need for additional developable land is noted in a Lebanon Express article of September 4, 2002 (see Attachment B-2) and in a letter from Oregon Department of Aviation (see Attachment B-1). This article establishes that the Oregon Department of Aviation views the upgrading of the local airport facility as a very important move. With the shortage of FAA investment dollars, private development on this adjacent property can go a long way towards meeting the needs for the enhancement of this significant community and County transportation facility.
- Third, the proposed Annexation promotes an orderly, compact growth pattern in that the areas immediately to the east, north and northwest of the subject property are already within the City limits.
- Fourth, as noted in the comments of the City Engineer, this annexation and subsequent development of the subject property are well within the City's service capability.

Criteria 8:

Urbanization Element of the Comprehensive Plan, Annexation Policy #3 (page 4-P-2): States that Unless otherwise approved by the City, specific development proposals shall be required for annexation requests on vacant land adjacent to the City to insure completion within a reasonable time limit in conformance with a plan approved by the City.

Planning Commission Finding # 8:

The proposed annexation complies with Urbanization Element of the Comprehensive Plan, Annexation Policy #3 (page 4-P-2). The applicant has provided a specific conceptual development plan for the development of subject property. According to this conceptual development plan, the east portion the subject property is proposed for airport related development as per airport portions of State's Transportation Plan Requirements (TPR). Given the fact that this area is adjacent to the airport and lies under the Approach and Transition areas of the Aircraft Control Subzone (AC – Zoning Ordinance Section 4.510) these are uses that are appropriate. The western portion of the property is proposed for warehouse and freight related development and uses. These would be appropriate neighboring uses for an area that caters to airport related development. In addition, such a light industrial use would be suited to this site on a direct transportation route from the I-5 corridor.

Criteria 9:

Public Facilities and Services Element of the Comprehensive Plan, General Policy #2 (page 8-P-1): States that the City shall consider impacts on community facilities before ... annexation requests are approved.

Planning Commission Finding # 9:

The proposed annexation complies with Comp. Plan Public Facilities and Services Element, General Policy #2, (page 8-P-1) in that the annexation will not result in an adverse impact on community facilities.

Criteria 10:

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.

Planning Commission Finding # 10:

This proposed Annexation is in compliance with Zoning Ordinance Section 3.050. Currently the subject property does not have a City zoning designation because it is not within the City limits. However, since the property is within the City's Urban Growth Boundary, the current Comprehensive Plan designation on the subject property is Light Industrial. The corresponding City zoning designation for a Comprehensive Plan designation of Light Industrial is Limited Industrial (ML). The applicant is requesting a Limited Industrial (ML) zoning designation for the subject property.

Criteria 11 and 12:

City of Lebanon/Linn County -- Urban Growth Management Agreement

10. Section 2: Delineation of Authority in the Urban Growth Area (UGA) , 2nd paragraph:

The Lebanon Comprehensive Plan designates the future city zoning UGA lands will receive upon annexation to the City.

12. Section 5: Annexations

The UGA identifies land that may be subject to future City annexation. The City may annex land using its own procedures in accordance with state law. Only land within the UGA will be considered for annexation. The City will notify the County of any proposed annexations. Upon annexation, the City assumes all jurisdiction for land use actions.

Finding # 11:

The City's annexation review procedures on annexation request File # A-02-05 have complied with the City of Lebanon/Linn County Urban Growth Management Agreement, Sections 2 and 5 regarding city authority to annex lands within the urban growth area and assign city zoning in accordance with the Lebanon Comprehensive Plan Map.

NOTE: Finding #11 immediately above was a new finding that was not reviewed or adopted by the Lebanon Planning Commission. However, this added finding was part of the subsequent City Council Record.

OVERVIEW OF APPLICANT'S SPECIFIC DEVELOPMENT PROPOSAL

City Policy and State Law:

The Lebanon Comprehensive Plan (1980) and Annexation Ordinance (1982), as well as the Lebanon/Linn County Urban Growth Management Agreement (1995), were in effect when A-02-05 was originally submitted to the City. These codes have been interpreted by LUBA and others as necessitating the concurrent submittal of a specific development proposal. In accordance with LUBA's ruling on this issue, the applicant now submits the following specific development proposal for concurrent review with this annexation request. This review is for the purpose of determining that the proposed annexation is consistent with the Goals and Policies of the existing (1980) City of Lebanon Comprehensive Plan.

The City notes that there is no mechanism in either City ordinances or in State law that requires the applicant to implement this specific development proposal should this annexation request be approved. The City has a separate development application and review process for development proposals. The applicant must submit the appropriate application(s) to initiate a development review process when the applicant desires to develop this property. Such an application cannot be submitted by the applicant and reviewed by the City until the subject property has been annexed into the City.

Applicant's Specific Development Proposal

The applicant has submitted a specific development proposal (SDP) that includes a variety of development activities that are permitted in the future ML city zoning assignment. Land development activities proposed in the SDP include hangars and airport related businesses in the east adjacent to the airport (as requested and supported by the Oregon Department of Aviation), manufacturing buildings, industrial incubator buildings, mini-storage units, warehouse/distribution buildings, truck and heavy equipment repair, farm equipment sales and repair, building supply sales, a restaurant for site employees, office buildings and shops for the building trades. All of the above noted proposed land use activities are permitted uses within the ML zone and comply with applicable zoning regulations.

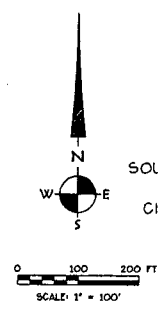
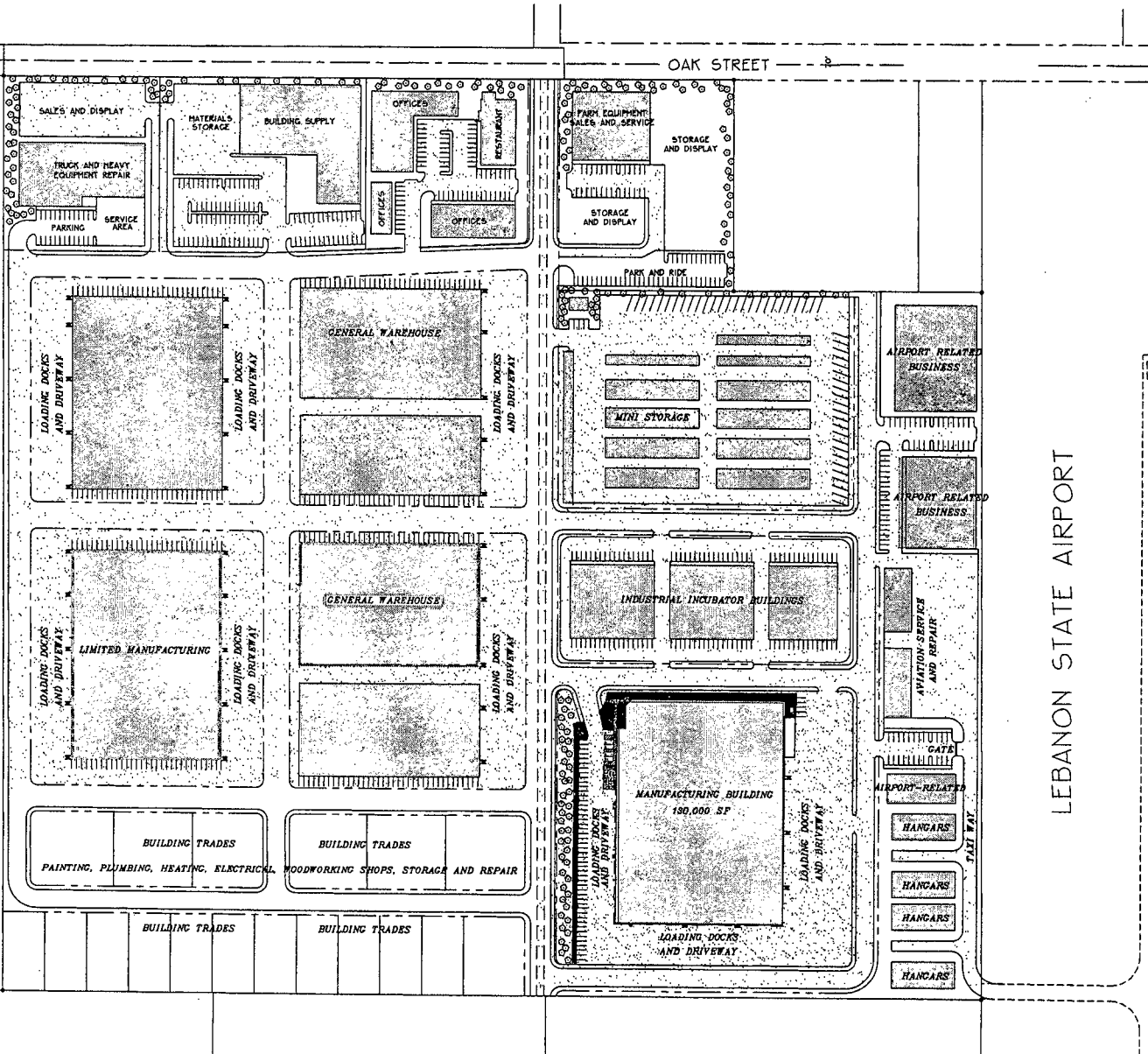
Assessment of Ability to Provide Urban Services:

As part of the review process, and for inclusion in this annexation Staff Report for the City Council, the City sent out on September 27, 2004, evaluation forms to fourteen different providers of urban services and requested an assessment of their organization's, company's, or agency's ability to provide services should this specific proposed development be implemented. The following urban services were assessed:

- i. **City of Lebanon Provided Services:** Waste Water (Sanitary Sewer), Water (potable & fire flow), Storm Drainage, Access (Roads, etc.), Police Protection, Parks, Library, and Senior Services;
- ii. **Other Public Agencies:** Fire/Emergency Medical (Lebanon Fire District), Public Schools Lebanon Community School District;
- iii. **Private Sector Vendors:** Solid Waste (Albany-Lebanon Sanitation), Electricity (Consumers Power or Pacific Power), Natural Gas (NW Natural Gas), Phone Service (CenturyTel)

Thirteen of these fourteen urban service providers responded in time for the results to be included in this Staff Report. All thirteen indicated that they could meet the service demands that could be generated by the specific proposed development. The results of these assessments are summarized in the **October 13, 2004 Annexation Remands Service Provider Summary Matrix** following the applicant's specific proposed development.

SPECIFIC DEVELOPMENT PLAN A-02-05



SPECIFIC DEVELOPMENT PLAN
 FOR
 GILBERT LLC
 LOCATED IN
 SOUTH 1/2 OF SEC. 9, AND NORTH 1/2 OF
 SEC. 16 T. 12 S., R. 2 W., W.M.
 CITY OF LEBANON, LINN COUNTY, OREGON
 JULY 14, 2004

LEBANON STATE AIRPORT

OWNER: GILBERT LLC
 33435 TENNESSEE RD
 LEBANON, OREGON 97314
 TAX LOT: T.L. # 300 [MAP 12-21]
 AREA: 70.0 ACRES

A-02-05; Page 15

October 13, 2004 -- ANNEXATION REMANDS SERVICE PROVIDER SUMMARY MATRIX

SERVICE AND SERVICE PROVIDER	Ability to Serve Specific Proposed Development Plan on Subject Property		Annexation A-02-05 Gilbert Limited Partnership	
	YES	NO	PROVIDER SUMMARY	OTHER COMMENTS
City of Lebanon Provided Services				
Waste Water (Sanitary Sewer)	X		James P. Ruef Public Works Director City of Lebanon 925 Main Street Lebanon OR 97355	<p><i>The West Side Interceptor will eventually be extended through the site from its current terminus point at the intersection of Harrison Street and Hansard Avenue to provide gravity sewer service to the entire site.</i></p> <p><i>This site may be served by a shallow gravity line or force main connecting into the existing sanitary system at the intersection of Airway Road and Oak Street. The existing system has sufficient capacity to serve the proposed development.</i></p> <p><i>The projected Average Wet Weather Flow (AWWF) for the development proposed is 260,000 gallons per day (GPD). The estimated wastewater generated from the proposed development will not exceed the wastewater treatment plant's (WWTP) capacity.</i></p>
Water (potable & fire flow)	X		James P. Ruef Public Works Director City of Lebanon 925 Main Street Lebanon OR 97355	<p><i>Water service would need to be extended from the intersection of Airway Road and Oak Street. Based upon current development standards, the minimum water main pipe size for this development would be 12". The existing system with necessary extensions will provide sufficient water to meet domestic and fire demands..</i></p> <p><i>The estimated water demand for the proposed development is 220,000 gallons per day (GPD). The estimated water demand will not exceed the water treatment plant's capability to provide water to the proposed development.</i></p> <p><i>Flow analysis at the intersection of Airway Road and Oak Street demonstrates that a water flow rate of approximately 3800 gallons per minute can be achieved at a pressure of 34.5 psi.</i></p>
Storm Drainage	X		James P. Ruef Public Works Director City of Lebanon 925 Main Street Lebanon OR 97355	<p><i>The above reference site is located in the Little Oak Creek drainage basin. Hydraulically speaking, the site is loosely bound by Oak Street on the north, Airway Road to the east, Airport Road on the south and Little Oak Creek to the west. Runoff from within this area, which includes this site, drains to the north and west through a series of ditches and channels into Little Oak Creek. Specifically, the site drains north and is intercepted by the drainage facility on the south side of Oak Street which has the capacity to convey the runoff west to Little Oak Creek.</i></p>

Access (Roads, etc.)	X		James P. Ruef Public Works Director City of Lebanon 925 Main Street Lebanon OR 97355	<i>The proposed site is bordered on the north by Oak Street. An arterial designated as a truck route. The close proximity of the arterial serves the site nicely and would be able to serve traffic coming out of the site. Signalization and channelization on Oak Street could be provided for as needed.</i>
Police Protection	X		Michael D. Healy, Police Chief City of Lebanon 925 Main Street Lebanon OR 97355	<i>The provision of safety and emergency services to this annexation territory will not compromise the current delivery of services to the balance of the City.</i>
Parks	X		James P. Ruef Public Works Director City of Lebanon 925 Main Street Lebanon OR 97355	<i>Industrial development has been recognized within the System Development Charge Ordinance as having minimal to no impact on Parks Services</i>
Library	X		Denise Lee, Library Services Manager City of Lebanon 925 Main Street Lebanon OR 97355	<i>The Lebanon Public Library provides library services to the City of Lebanon and the surrounding area. This annexation is within the "surrounding area" and is currently receiving library services through a non-resident registration fee. The library has the capacity to provide services to this area.</i>
Senior Services	X		Susan Tipton, Senior Services Manager City of Lebanon 925 Main Street Lebanon, OR 97355	<i>We already serve people at the Senior Center within this area. We would also serve them with the Dial-A-Bus</i>

October 13, 2004 -- ANNEXATION REMANDS SERVICE PROVIDER SUMMARY MATRIX

SERVICE AND SERVICE PROVIDER	Ability to Serve Specific Proposed Development Plan on Subject Property		Annexation A-02-05 Gilbert Limited Partnership	
	YES	NO	PROVIDER SUMMARY	OTHER COMMENTS
Other Public Agencies				
Fire/Emergency Medical (Lebanon Fire District)	X		Perry Palmer, Fire Chief Lebanon Fire District 1050 W. Oak Street Lebanon, OR 97355	<i>The Fire District does not anticipate any issues for us with the proposal.</i>
Public Schools Lebanon Community School District	X		Jim Robinson, Superintendent Lebanon Community School District 485 S. 5 th Street Lebanon, OR 97355	<i>No problem.</i>
Private Sector Vendors				
Solid Waste (Albany-Lebanon Sanitation)	X		Sid Lien Albany-Lebanon Sanitation Co. 1214 SE Montgomery St. Albany, OR 97322	<i>No comment.</i>
Electricity (Consumers Power or Pacific Power)	X		James Ramseyer, Manager Consumers Power, Inc. PO Box 1180 Philomath, OR 97370	<i>A very large commercial or industrial load would require the construction of a new substation, which would take 1 to 2 years.</i>
Natural Gas (NW Natural Gas)				No information was received from the provider by the time the staff report was sent out.
Phone Service (CenturyTel)	X		Duane L. Mattson CenturyTel 890 S. 2 nd Street Lebanon, OR 97355	<i>Developer would be required to place PVC SCH40 conduit to CenturyTel's design. Facilities are adjacent to the subject property. May be required to provide 30'x30' easement area for equipment cabinet.</i>

A-02-05 Page 18

STAFF RECOMMENDATION

If the City Council concludes that this proposed annexation has successfully and adequately addressed the applicable criteria from the City's Annexation Ordinance, Comprehensive Plan, Zoning Ordinance, and the City of Lebanon/Linn County Urban Growth Management Agreement, as well as effectively responding to LUBA remand issues and addressing applicable testimony, then staff recommends that the City Council **APPROVE** this annexation request.

However, if the City Council concludes that this proposed annexation has **NOT** successfully and adequately addressed the applicable criteria from the City's Annexation Ordinance, Comprehensive Plan, Zoning Ordinance, and the City of Lebanon/Linn County Urban Growth Management Agreement, has **NOT** effectively responded to LUBA remand issues, and has **NOT** effectively addressed applicable testimony, then staff recommends that the City Council **DENY** this annexation request.

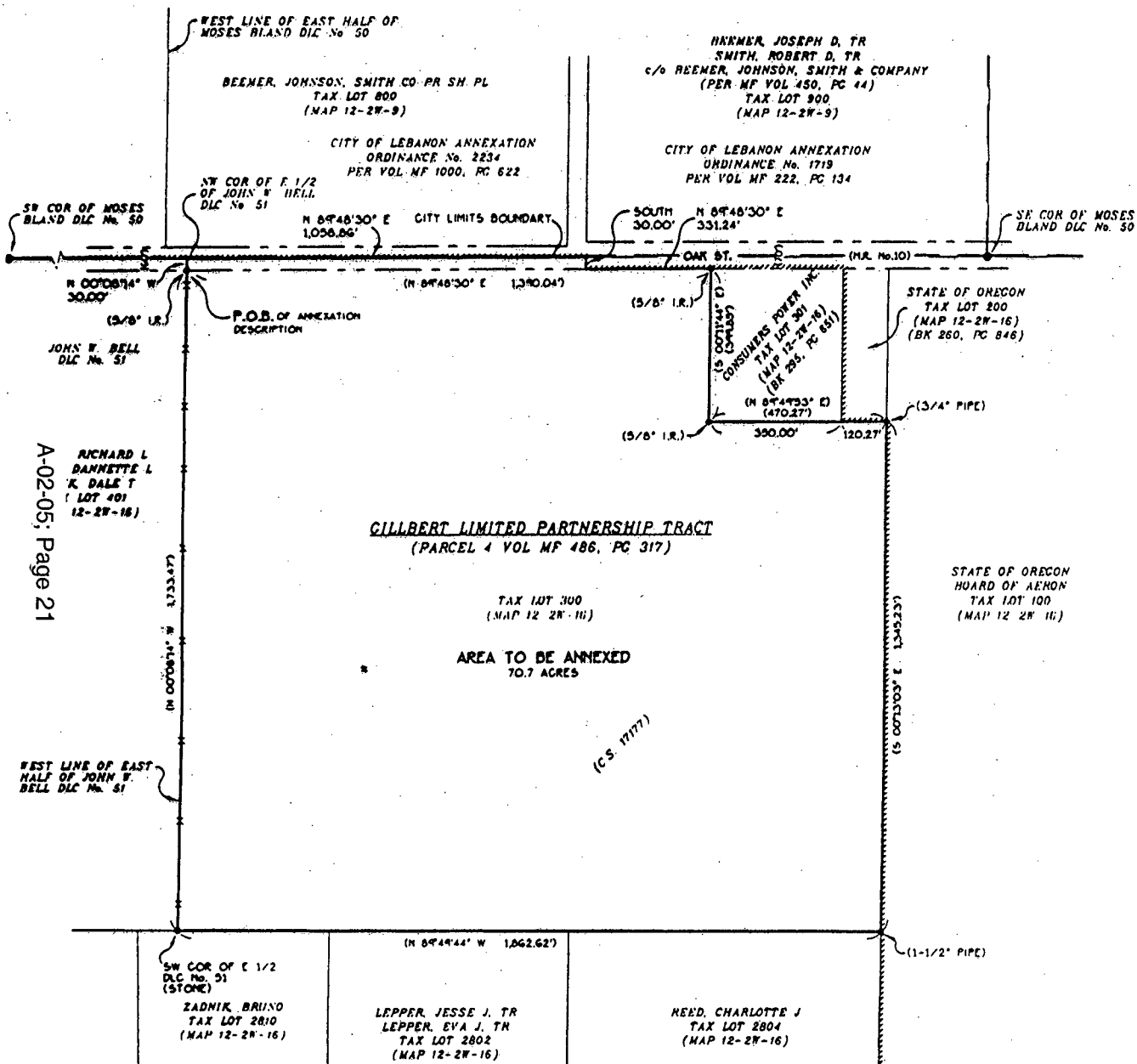
PROPOSED FINDINGS FOR CITY COUNCIL

Staff shall write draft findings based on the above staff report, testimony, and City Council discussion. These draft findings will be distributed to the City Council prior to the next City Council meeting so that the Council may take final action on the findings and the proposed annexation.

**ANNEXATION ZONING MATRIX:
For Property Annexed into the City of Lebanon**

City of Lebanon Comprehensive Plan Designations	City of Lebanon Zoning Designations
Single Family Residential	Residential Low density Zone (RL)
Mixed-Density Residential	Residential Mixed Density Zone (RM)
	* Residential High Density Zone (RH)
Special Development District (SPD) or Mixed Use	Mixed Use Zone (MU)
Commercial	** Neighborhood Commercial Zone (CN)
	* Central Business Commercial Zone (CB)
	Highway Commercial Zone (CH)
Light Industrial	Limited Industrial Zone (ML)
Heavy Industry	General Industrial Zone (MG)
Key	
* (or) Red Lettering & Yellow Shading	Based upon the Zoning Ordinance description of these zones, there are no un-annexed properties in the UGB eligible to be assigned to these zone designations. (October 04)
** (or) Blue Lettering & Blue Shading	This zone is for small neighborhood shopping clusters. Such designations would require a zone change and an Administrative Review Process.

ANNEXATION MAP
 FOR
 GILBERT LIMITED PARTNERSHIP
 LOCATED IN
 SOUTH 1/2 OF SEC. 9, AND NORTH 1/2 OF SEC. 16
 T. 12 S., R. 2 W., W.M.
 CITY OF LEBANON, LINN COUNTY, OREGON
 NOVEMBER 1, 2002



SCALE: 1" = 200'

LEGEND

- RECORD MONUMENT PER GS 17177
- DLC CORNER
- () RECORD DATA PER GS 17177
- P.O.B. POINT OF BEGINNING
- I.R. IRON ROD
- CITY LIMITS BOUNDARY

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

Jack R. Buzell

JACK R. BUZELL

RENEWAL DATE 12/31/03

Date: 11/1/2002 Time: 12:13
 Scale: 1"=200'
 File: map\97-1201\971202annex.mxd

K&D
 K & D ENGINEERING, Inc.
 270 S.W. Highway Street, P.O. Box 738
 Albany, Oregon 97321
 (503) 885-2262

ANNEXATION MAP
 T12S-R2W-16, TAX LOT 300
 FILE # A-02-05

A-02-05; Page 21

ANNEXATION DESCRIPTION

(For Tax Lot 300 [Map 12-2W-16] and a portion of Oak Street)

A portion of Oak Street AND all that Gilbert Limited Partnership Tract identified as Parcel 4 in deed recorded in Volume MF 486, Page 317 of the Linn County Deed Records on November 15, 1988 and being located in Sections 9 and 16, Township 12 South, Range 2 West, Willamette Meridian, Linn County, Oregon, said property being more particularly described as follows:

Beginning at a 5/8 inch iron rod at the intersection of the west line of said Gilbert Limited Partnership Tract with the south right-of-way line of Oak Street, said intersection point bearing South 00°08'14" East 30.00 feet from the northwest corner of the East Half of the John W. Bell Donation Land Claim No. 51 in said township and range; thence North 00°08'14" West 30.00 feet to said northwest corner of the East Half of Bell Claim; thence North 89°48'30" East, along the said north line of said claim, 1058.86 feet, more or less, to the west line of that City of Lebanon Annexation by Ordinance No. 1719 recorded in Volume MF 222, Page 134 of the Linn County Deed Records on January 3, 1979, which point being the southwest corner of that Beemer, Johnson and Smith Company Tract described by deed recorded in Volume MF 450, Page 44 of said deed records on August 3, 1987; thence SOUTH, along the southerly extension of last west line, 30.00 feet to the said south right-of-way line of Oak Street; thence North 89°48'30" East, along said south right-of-way line, a distance of 331.24 feet to the northwest corner of that Consumers Power, Inc. Tract described by deed recorded in Book 295, Page 651 of the Linn County Deed Records on July 11, 1963; thence South 00°11'44" East 399.85 feet to the southwest corner of said Consumers Power, Inc. Tract; thence North 89°49'53" East 350.00 feet to the southeast corner of said Consumers Power Tract, which point being the southwest corner of that State of Oregon Tract described by deed recorded in Book 260, Page 846 of said Linn County Deed Records on August 18, 1958; thence North 89°49'53" East 120.27 feet to the southeast corner of said State of Oregon Tract, which point being on the east line of said Gilbert Limited Partnership Tract; thence South 00°13'03" East 1345.23 feet to the southeast corner of said Gilbert Limited Partnership Tract; thence North 89°49'44" West 1862.62 feet to the southwest corner of said Gilbert Limited Partnership Tract; thence North 00°08'14" West 1733.47 feet to the Point of Beginning. Containing 70.7 acres of land, more or less.

PLANNED
PROFESSIONAL
LAND SURVEYOR

Jack H. Bussell
JACK H. BUSSELL
1999

RENEWAL DATE 12/31/03

November 1, 2002
Gilbert Limited Partnership
ANNEXATION DESCRIPTION
(97-120-B) JRB:ls



ATTACHMENT A-1 CITY OF LEBANON

925 MAIN STREET
LEBANON, OREGON 97355-3200
FAX: (541) 451-1260

December 6, 2002

Mr. Don Robertson,
Chairman
City of Lebanon Planning Commission
Lebanon, OR

RE: Gilbert Limited Partnership, 70 Acre Industrial Site

Dear Mr. Robinson:

This letter is to confirm the public need for large, industrially zoned parcels of land in the City of Lebanon.

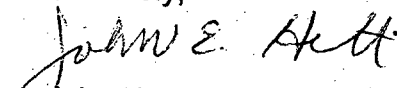
Most recent economic development prospects, that have contacted the City of Lebanon, have had an interest in sites 50 acres or larger. These have been distribution facilities that need large, open parcels with easy access to state Hwy 34. The Gilbert Limited Partnership site meets these crucial criteria. In addition, this parcel also enjoys immediate access to Lebanon State Airport, a desirable feature to many developers.

Most prospective developers are sensitive to land prices. Thus, it is essential to have several large parcels available in order to keep land prices on a competitive, free market basis. If one, or even a few landowners enjoy an informal "monopoly", then most developers will look to other communities in Western Oregon where they can find lower land prices.

This property has been openly marketed, thus making it more readily available for potential development. Many of the other large industrial properties in the city are not currently for sale and the owners have, at least in the past, been relatively disinterested in their sale.

In summary, the Gilbert property is large, has excellent access to State Hwy 34 and I-5, and is currently available for sale. All of these factors point to a clear public need in annexing this property in order to complete the process of making it readily available for industrial development.

Sincerely,


John E. Hitt
City Administrator

ACCOUNTS PAYABLE 451-7476
ADMINISTRATION 451-7421
BUILDING 451-7431

CIP PROJ. A-02-05; Page 23
ENGINEERING 451-7433
FINANCE 451-7474

PLANNING 451-7435
PUBLIC WORKS 451-7437
WATER/SWFR BILLING 451-7474



CONSUMERS POWER INC.

ATTACHMENT A-2

December 9, 2002

Lebanon Planning Commission
C/O Mr. Doug Parker
925 Main St.
Lebanon OR, 97355

To Whom It May Concern:

Reference: Gilbert Limited Partnership Oak Street annexation a-02-05 and similar commercial property planned annexations.

Consumers Power Inc. is in support of the annexation of properties for consideration of annexation by the city planning commission. The city of Lebanon is in need of developable commercial and light industrial property for the financial well being of the community.

Consumers Power Inc. looks forward to the opportunity to assist the planned development of this and similar lands.

Thank you for your attention to this matter.

Greg Nervino
District Manager

6990 West Hills Rd.

PO Box 1180

Philomath, OR 97370

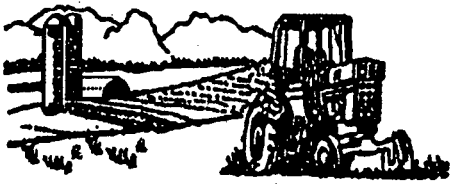
(541) 929-3124

800-872-9036

FAX (541) 929-3138

www.consumerspower.org





LINN COUNTY BUSINESS DEVELOPMENT CENTER



Developing New Businesses in Linn County

December 9, 2002

ATTACHMENT A-3

Mr. John Brown
145 Bromil Street
Lebanon, OR 97355

RE: Gilbert Limited Partnership, 70 Acre Industrial Site

Dear Mr. Brown:

This letter is to verify the need for large, industrially zoned tracts of land in the City of Lebanon to encourage economic development in Lebanon and east Linn County.

The Oregon Economic and Community Development Department regularly announces companies looking to relocate or expand along the I-5 corridor. Often these companies are looking for large sites of 50 acres or more. They generally want to be within 15 minutes of I-5 and want good access. Sites meeting this criteria are becoming more difficult to find along I-5 in the Willamette Valley. The Gilbert site meets this criteria.

This site has the added advantage to the City of Lebanon in that the property is on the west side of the city giving it excellent access to I-5 without the additional traffic associated with a new business being forced to go through the downtown area to get to I-5.

For new businesses to consider locating in Lebanon, there needs to be a selection of competitively priced properties available for consideration. The fact this property is being actively marketed encourages new businesses to consider Lebanon when expanding or relocating.

The Gilbert property is large, has excellent access to I-5, and is available for sale. These factors make it clear that annexation would be beneficial to the growth of the City of Lebanon and east Linn County.

Respectfully,

Keith L. Miller
Linn County Business
Development Coordinator

C: Commissioner Cliff Wooten



Doug Parker

ATTACHMENT A-4

From: Larry Walsh [lwalsh@wvi.com]
Sent: Tuesday, December 10, 2002 9:43
To: Doug Parker
Cc: James Ramseyer
Subject: Brown Annexation

December 10, 2002

Douglas Parker, City Planner
City of Lebanon
925 Main Street
Lebanon, Oregon 97355-3200

Dear Doug:

On behalf of ODG and its Board of Directors, I would like to strongly recommend the annexation of the 70-acre site owned by Gilbert Limited Partnership. This site on the western city boundary, close to the airport, has great potential for an industrial park needing good highway access. Today, a majority of prospects cannot locate near rail due to high vibration. Lebanon's other major industrial sites have rail.

This excellent site poses no traffic concerns for the downtown area and has water and sewer potential a short distance away.

Thank you for this consideration.

Regards,

Larry Walsh, President/CEO
Oregon Development Group, Inc.



Oregon

John A. Kitzhaber, M.D. Governor



Daren A. Griffin, A.A.E.
State Airports Manager

3040 - 25th Street, SE • Salem, OR 97302
Phone: (503) 378-4880, ext. 229
Toll Free: (800) 874-0102
FAX: (503) 373-1688

ATTACHMENT B-1

December 9, 2002

Douglas Parker
City Planner
City of Lebanon Planning Commission
Lebanon City Council
925 Main Street
Lebanon, OR 97335

VIA FAX @ 541-451-1260

Dear Doug:

Annexation A-02-05 is a request from the Gilbert Limited Partnership to for annexation of 70.02 acres into the City of Lebanon.

This property is currently designated Light Industrial and, upon annexation, would be given a zoning designation of Light Industrial. The subject property is located immediately west of the Lebanon State Airport. The Oregon Department of Aviation (ODA) supports this zoning designation for the subject property. Both the ODA and the Federal Aviation Administration consider Light Industrial a compatible land use around airports.

ODA supports this annexation request in the interest of seeing the subject property developed into light industrial activity that may have aviation uses, and serve as a compatible land use for property adjacent to the Lebanon State Airport.

Please contact me with any questions regarding these comments.

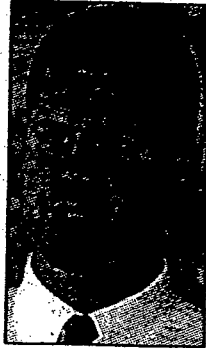
Sincerely,

Daren A. Griffin, A.A.E.
State Airports Manager

Study may lead to airport upgrades

BY A.K. DUGAN
Lebanon Express Writer

Demand for services at the Lebanon State Airport has increased in the past few years, said Darren Griffin, manager of state airports of the Oregon Aviation Department, but still can be better utilized. He spoke to members of the Lebanon Area Chamber of Commerce at the group's forum lunch on Friday.



DARREN
GRIFFIN

The department plans in 2003 to update an airport master plan conducted a decade ago. It will be the basis for decisions on what kind of improvements are needed. Existing conditions, the projected 20-year need, and the longterm ability of the airport to support aviation in Lebanon will be examined.

Upgrades to the runway and taxiways, security and perimeter fence may be possible, if funding can be obtained from the Federal Aviation Administration (FAA). If demand becomes great enough, expansion may be considered. Griffin would like to see land acquisition, especially on the west side of the airport, for more hangars.

Positives for the local airport include a local chapter of the Oregon Pilots Association and good communication with the city, Griffin said.

Many communities don't recognize small airports as a transportation asset, he said. They are becoming more important as a way to move people around as commercial flights become more difficult. The state is keeping a close eye on positioning all of its 30 airports to accommodate that trend.

Airport services are a factor in decisions by businesses to locate here. Currently, fuel is available at the airport 24 hours a day and maintenance service occasionally, he said.

Airports can be used to create jobs and attract businesses. Parcels adjacent to an airport are a good location for businesses, because they don't often complain about noise, he said.

The Lebanon facility has been owned by the state since 1970. Starting about 20 years before that, the state saw a need for a network of airports and recognized that no other entity could create it.

One of the departments' roles is to attract commercial air service to small airports. In addition, it handles aircraft and pilot registration; licenses airports, both public and private; and addresses land use issues regarding airport compatibility with communities.

The department is entirely funded by user fees, Griffin said, so it is not affected by the state budget crunch. The money comes from sources such as fuel revenues and pilot licenses.

In 1974, there was a significant expansion to the Lebanon airport, Griffin said. The master plan to be updated next year was conducted between 1990 to 1994.

In 1996, the state looked at the possibility of a regional airport to serve both Lebanon and Albany. The feasibility study didn't result in a plan.

A few years ago, the state briefly considered moving the airport, due to limitations at the current facility, but dropped the idea after September 11, 2001. The ability to get federal grant money for building new small airports diminished after that date, Griffin said, because funding is going to large airports with commercial service.

**CITY OF LEBANON
CITY COUNCIL STAFF REPORT
ANNEXATION REQUEST
(Remanded)**

The City Council conducted a public hearing and approved this proposed annexation on February 26, 2003. The City Council decision was then appealed to the Land Use Board of Appeals (LUBA) who has remanded it back to the City for reconsideration after the Court of Appeals affirmed the LUBA decision. **This REMAND HEARING will be using the 1982 Annexation Ordinance and the original 1980 (unmodified) Comprehensive Plan policies.**

NATURE OF REQUEST:	Annexation of a 2.19-acre territory comprised of four parcels, two containing single-family dwellings.
APPLICANT:	Sam Simonian
PROPERTY LOCATION:	Located on the west side of South Main Road (north of Vaughn Lane) at 3140 South Main Road and 85 Liberty Lane. Assessor's Map 12-2W-22A, Tax Lots 6400, 6600, 6699 and 6899.
ZONE DESIGNATION:	Residential Mixed Density (upon annexation)
COMP PLAN DESIGNATION:	Mixed-Density Residential

STAFF REPORT TABLE OF CONTENTS

	Page
• Nature of Request, Applicant, Property Location, Assessor's Map and Tax Lot #s, Zone and Comp Plan Designations	1
• Introduction	2
• Site Description	2
• Site Maps	3,4
• Annexation Map and Legal Description	5
• Planning and Zoning Considerations	6
• Relevant Criteria – Including 1980 Comprehensive Plan & 1982 Annexation Ordinance	6,7
• Staff Comments	8-9
• Planning Commission Recommendation & Findings	10-13
▪ Overview of Applicant's Proposed Development Plan	14-18
▪ Recommendation & Proposed Findings for City Council	19
▪ Annexation Zoning Matrix	20
▪ Exhibits	21,22

INTRODUCTION

The applicant proposes to annex this property in support of future residential development. The subject property includes two buildable parcels (plus 2 narrow access strip parcels) each containing a dwelling; the applicant has submitted a tentative subdivision plat that would create a total of 11 single family dwelling lots including retaining the existing dwellings on two of the proposed new lots—this tentative subdivision plat is the specific development proposal submitted in support of this annexation request. This annexation territory is surrounded City limits on three sides (north, east and west) with substantial infrastructure/City services currently in place adjacent to the site.

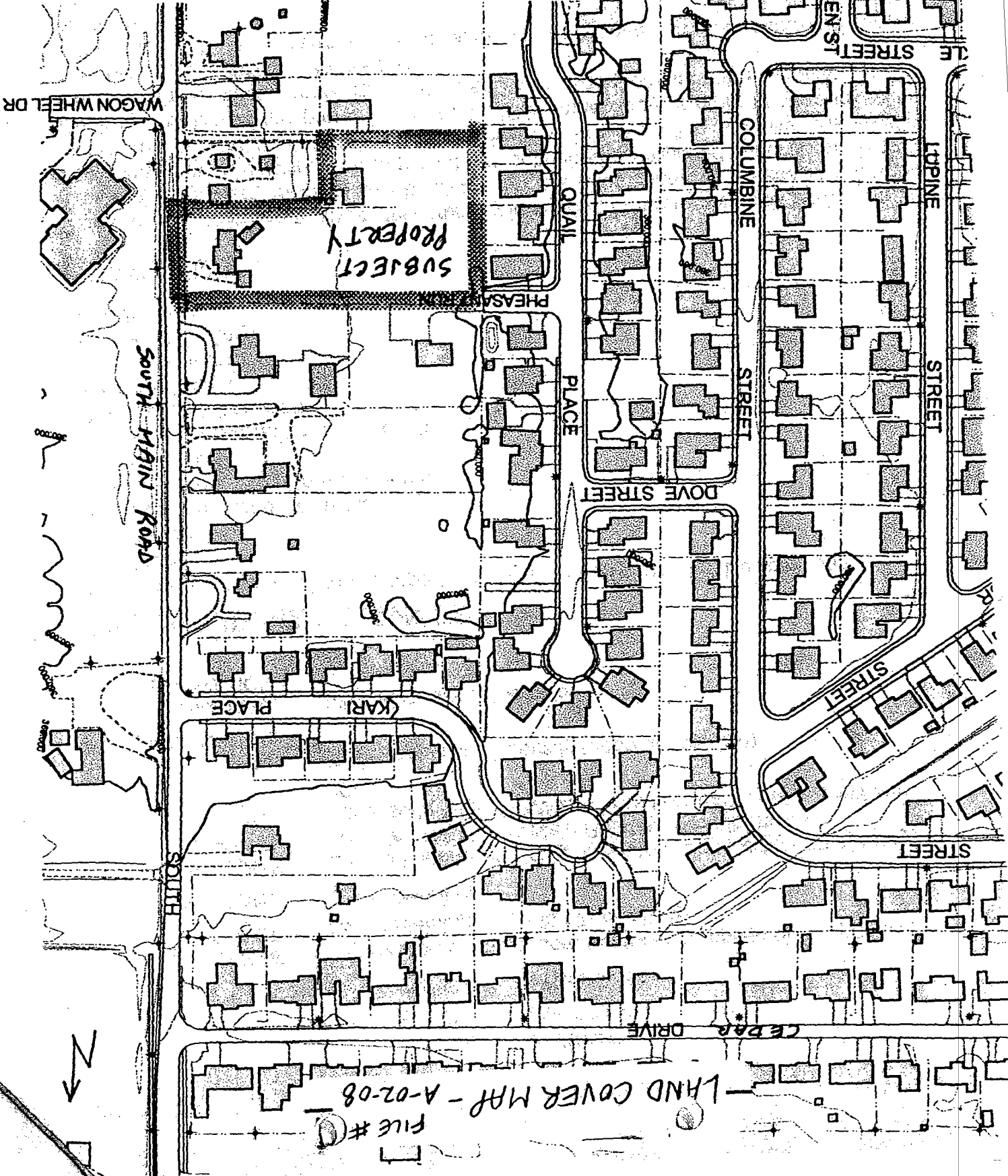
Exhibit "A" is a narrative addressing the annexation criteria submitted by the applicant.

SITE DESCRIPTION

The subject property or annexation territory, approximately 2.19 acres, is comprised of four parcels of which two are narrow (and unbuildable) access lane (Liberty Lane) lots and the other two are larger lots, each containing a dwelling. Both of the built lots have large backyards that merge together to represent the developable area of the proposed subdivision (not yet applied for). This rear yard area is flat with cut grass and scattered trees. A large burn pile (debris collected to be burned) was located behind the house abutting South Main Road (an arterial improved to City standards). The other house obtains access to South Main Road through Liberty Lane, a local private access lane.

Surrounding land uses include single family dwellings to the northeast and southeast across South Main Road, and to the north, west and south. A church is located to the east across South Main Road. The subject property also abuts Pheasant Run (a City dead end street) to the west.

22D



FILE # ()
 LAND COVER MAP - A-02-08

South Main Road

WAGON WHEEL DR

ASPEN ST

LYPINE STREET

STREET

STREET

STREET

COLUMBINE STREET

STREET

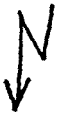
QUAIL

PLACE

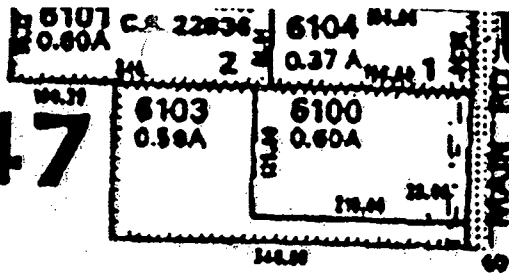
DOVE STREET

(KARI) PLACE

CEEDAR DRIVE



9-47



UR

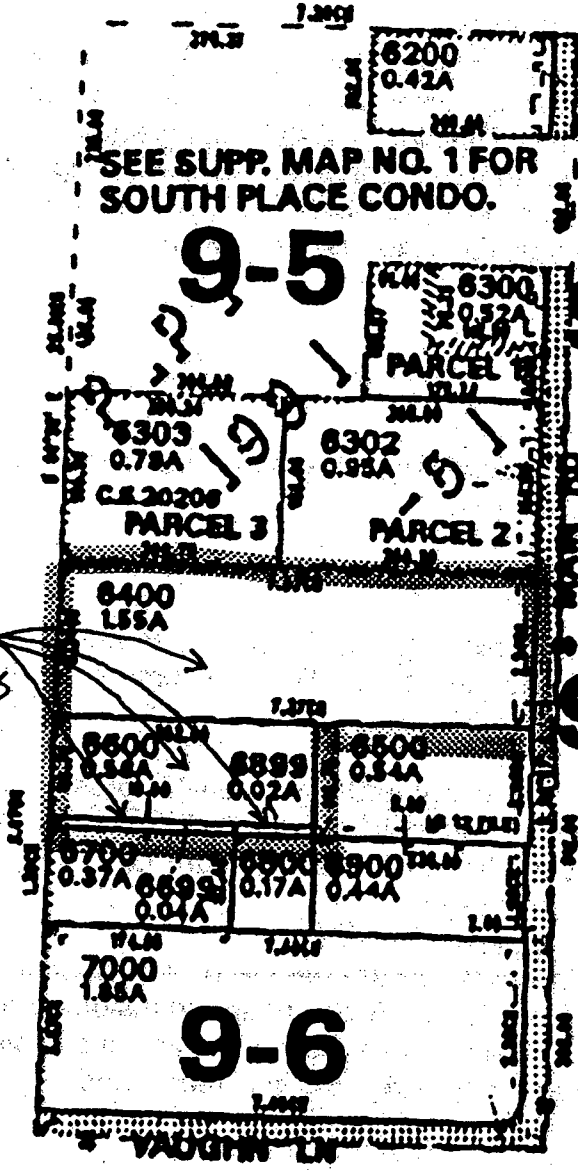
SEE MAP 122

SEE SUPP. MAP NO. 1 FOR SOUTH PLACE CONDO.

9-5

9-12UR

22AD



9-13UR

SUBJECT PROPERTIES

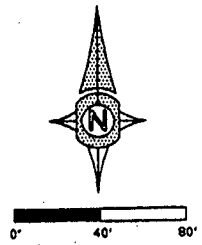
9-6

22D

ASSESSOR'S MAP T12S-R2W-22A

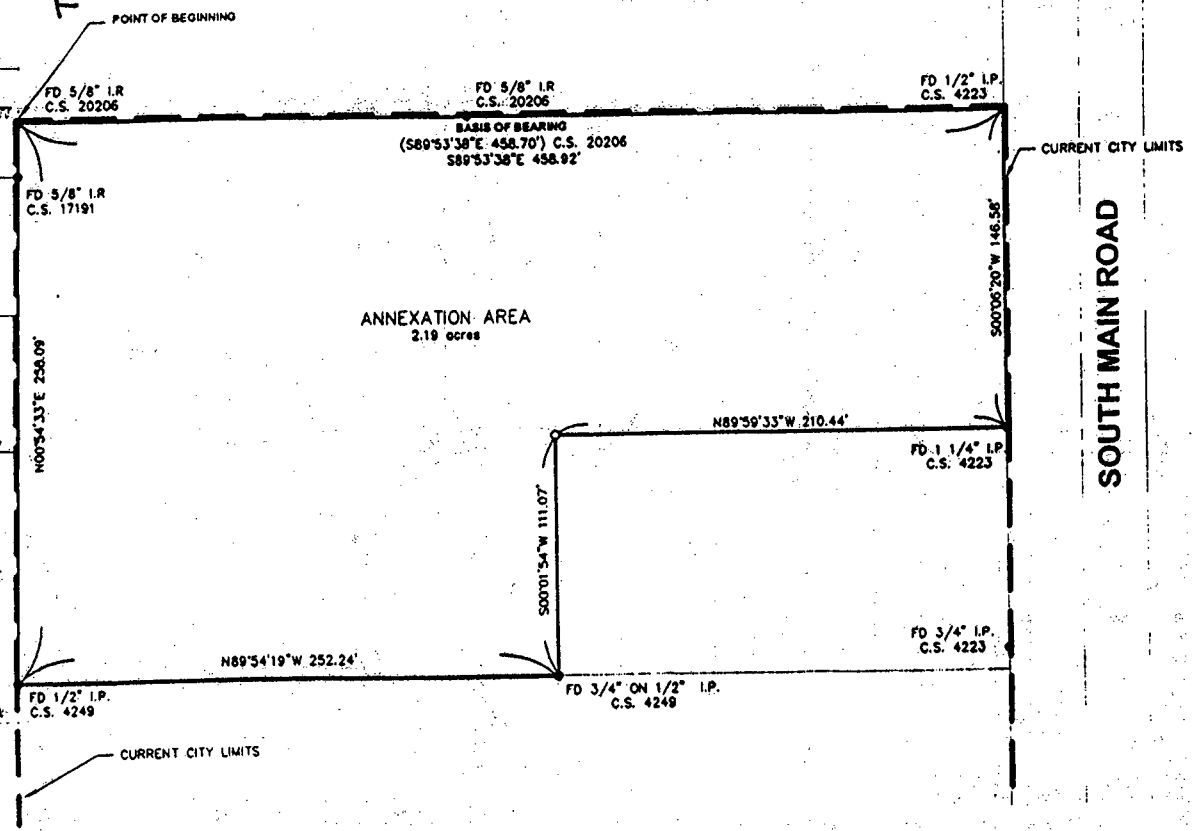
ANNEXATION MAP AND LEGAL DESCRIPTION

LEBANON FILE #
A-02-08
T12S-R2W-22A
TAX LOTS 6400, 6600,
6699 + 6899



PARCEL 3
P.P. 1991-61

PARCEL 2
P.P. 1991-61



RICHARD SAM SIMONIAN AND
GLORIA SIMONIAN

NE 1/4 SEC. 22, T. 12 S., R. 2 W., W.M.
IN THE RICHMOND CHEADLE DLC No. 69
LINN COUNTY, OREGON
DECEMBER 4, 2002

LEGEND

- FOUND MONUMENT OF RECORD AS NOTED
- FD FOUND
- C.S. COUNTY SURVEY
- () DATA OF RECORD
- () REFERENCE SURVEY: C.S. 20206, C.S. 17191, C.S. 4249, C.S. 4223
- () CALCULATED DATA
- IR IRON ROD
- IP IRON PIPE

PROPERTY:

125-2W-22A
TAXLOT 6400, 6600, 6699, 6899
LEBANON, OREGON 97355

OWNERS:

RICHARD SAM SIMONIAN
GLORIA SIMONIAN
33382 BREWSTER ROAD
LEBANON, OREGON 97355

LEGAL DESCRIPTION:

AN AREA OF LAND IN SECTION 22 OF TOWNSHIP 12 SOUTH OF RANGE 2 WEST OF THE WILLAMETTE MERIDIAN, LINN COUNTY, OREGON DESCRIBED AS FOLLOWS:

BEGINNING AT A 5/8" IRON ROD MARKING THE SOUTHWEST CORNER OF PARCEL 3 OF LINN COUNTY PARTITION PLAT 1991-61 AND ALSO BEING ON THE EAST LINE OF QUAIL PARK ADDITION; THENCE SOUTH 89°53'38" EAST 458.92' FEET TO A 1/2" IRON PIPE ON THE WEST RIGHT-OF-WAY OF SOUTH MAIN ROAD; THENCE SOUTH 0°08'20" WEST, ALONG SAID RIGHT-OF-WAY, 146.58' FEET TO A 1 1/4" IRON PIPE; THENCE NORTH 89°59'33" WEST 210.44' FEET TO A POINT; THENCE SOUTH 0°01'54" WEST 111.07' FEET TO A 3/4" IRON PIPE ON A 1/2" IRON PIPE; THENCE NORTH 89°54'19" WEST 252.24' FEET TO A 1/2" IRON PIPE ON THE EAST LINE OF QUAIL PARK ADDITION; THENCE NORTH 0°54'33" EAST, ALONG THE EAST LINE OF QUAIL PARK ADDITION, 258.09' FEET TO THE POINT OF BEGINNING.

REGISTERED
PROFESSIONAL
LAND SURVEYOR
Brian VanDette
OREGON
JULY 13, 1989
BRIAN VANDETTA
51041-LS
EXPIRES 08-30-2004

ENGINEER 8072 SURVEYOR 1366
JAMES F. UDELL
ENGINEERING & SURVEYING
63 EAST ASH ST.
LEBANON, OREGON
97355
PH. (541) 451-5125
FAX (541) 451-1366

A-02-08; Page 5

PLANNING AND ZONING CONSIDERATIONS

1. The Comprehensive Plan Map identifies the designation of the annexation territory as Residential Mixed Density which translates to a Mixed Density Residential zoning assignment upon annexation.
2. The following contain the factors and conditions that the City considers in evaluating an annexation request: (1) City of Lebanon Resolution 11 for 1982, a Resolution Establishing an Annexation Policy; (2) Comprehensive Plan Urbanization Element Phased Growth Program, Policy #1 (page 4-P-1), Urbanization Element Annexation Policy #1 (page 4-P-2), Urbanization Element Annexation Policy #3 (page 4-P-2); Public Facilities and Services Element General Policy #2 (page 8-P-1); Chapter 1: Introductory Provisions -- General Goals and Objectives #s 2 & 5; Chapter 6: Housing -- Overall Goal, and Buildable Lands Policy #1 Policy #12. (3) Zoning Ordinance Section 3.050, Zoning of Annexed Areas; (4) City of Lebanon/Linn County -- Urban Growth Management Agreement, Section 2: Delineation of Authority in the Urban Growth Area (UGA) , 2nd paragraph, and Section 5, Annexations; Lebanon Zoning Ordinance Section 4.020 lists the development opportunities, standards and requirements for the Residential Mixed Density zone.
3. This annexation territory abuts City limits to the north, east and west.

RELEVANT CRITERIA

City Annexation Policy (City of Lebanon Resolution #11 For 1982) Criteria

1. Section 1, requires *proof that urban services are available or can be made available to serve the property considered for annexation and that the additional demands that would be placed on those services will not overburden their present capacities.*
2. City Annexation Policy, Section 2, states that *public rights of way necessary for the safe and efficient movement of traffic, bicycles and pedestrians shall be provided with the annexation and without obligation to the City of Lebanon.*
3. City Annexation Policy, Section 3, specifies that *parties involved in seeking the annexation or who may be included in the annexation shall initiate a program to upgrade any urban services and/or public facilities within the area considered for annexation that do not meet standards as may be established by the City of Lebanon.*
4. City Annexation Policy, Section 4, states that *no annexation shall be considered that does not conform with the Lebanon Comprehensive Plan and its goals and policies.*
5. City Annexation Policy, Section 5, states that *it shall be the burden of proof of the applicant that a public need exists for the proposed annexation and that the annexation is in the public's interest.*

1980 Comprehensive Plan Criteria

6. Urbanization Element of the Comprehensive Plan, Phased Growth Program, Policy #1 (page 4-P-1) states that . . . *the City shall maintain a compact growth pattern that expands the City limits incrementally in an orderly and efficient manner within the service capabilities of the City.*
7. Urbanization Element of the Comprehensive Plan, Annexation Policy #1 (page 4-P-2) states that . . . *the City shall annex land only within the Urban Growth Boundary on the basis of findings that support the need for additional developable land in order to maintain an orderly, compact growth pattern within the City's service capability.*

8. Urbanization Element of the Comprehensive Plan, Annexation Policy #3 (page 4-P-2) states that Unless otherwise approved by the City, specific development proposals shall be required for annexation requests on vacant land adjacent to the City to insure completion within a reasonable time limit in conformance with a plan approved by the City.
9. Public Facilities and Services Element of the Comprehensive Plan, General Policy #2 (page 8-P-1) states that the City shall consider impacts on community facilities before ... annexation requests are approved.

10. Chapter 1: Introductory Provisions -- General Goals and Objectives (LCP page 1-17)

There are certain basic aims to which the Comprehensive Plan is broadly committed. These general goals and objectives are:

- 10.1 2: To achieve an environment that assures each individual the widest possible choices and opportunities for a productive and meaningful life-style within the community.
- 10.2 5: To broaden opportunities for economic expansion and diversification.

11. Chapter 6: Housing

11.1 Overall Goal (LCP page 6-P-1): To provide a housing policy plan which seeks to increase opportunities for all citizens to enjoy safe, decent, and sanitary housing, and to assist in creating and maintaining neighborhoods in a manner consistent with the natural environment and the needs of the people.

11.2 Buildable Lands

- a. **Policy #1:** The City shall maintain an adequate availability of residential, buildable lands that provide locational choices for each housing type as part of the City's development monitoring program and annual plan review. (LCP page 6-P-2)
- b. **Policy #12:** The City should maintain a substantial supply of residentially zoned land within the community to assist in keeping land costs for housing at reasonable levels. (LCP page 6-P-3)

Zoning Ordinance Criteria

12. **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.*

1995 City of Lebanon/Linn County -- Urban Growth Management Agreement

13. **Section 2: Delineation of Authority in the Urban Growth Area (UGA),** 2nd paragraph: *The Lebanon Comprehensive Plan designates the future City zoning UGA lands will receive upon annexation to the City.*
14. **Section 5: Annexations:** *The UGA identifies land that may be subject to future City annexation. The City may annex land using its own procedures in accordance with state law. Only land within the UGA will be considered for annexation. The City will notify the County of any proposed annexations. Upon annexation, the City assumes all jurisdiction for land use actions.*

STAFF COMMENTS

1. Planning

- A. The legal description and a map describing the entire annexation area have been submitted and are included in this report.
- B. City infrastructure and services are currently in place and are available to serve the property.
- C. The subject property is bordered by ample rights-of-way to ensure safe and efficient movement of pedestrian and vehicular traffic. The abutting City streets are improved to City standards.
- D. The annexation territory is currently developed with 2 dwellings served by City sewer and on-site wells. Annexation of this territory does not have any impacts at this time on the key City-provided urban utility services (i.e. water, storm drainage, sanitary sewerage, and streets).
- E. The applicant has submitted a tentative subdivision plat which is the specific development proposal for this site.
- F. The proposed future use of the subject property complies with Zoning Ordinance and Comprehensive Plan polices pertaining to the property and zoning. The submitted specific development proposal identifies possible future land uses that conform to the Comprehensive Plan and Zoning Map designations for the property.
- G. The City's 1995 "Periodic Review Work Program – Multi-Family Residential" resulted in the 1997 Buildable Lands Inventory (BLI) that concluded that 390 acres of land would be needed to meet the City's 20-year housing needs. BLIs, as was the case with the City's 1997 BLI, do not typically distinguish, for a variety of reasons whether needed lands will come from land already inside the City limits or whether they will come from the Urban Growth Area (UGA) or some combination thereof. BLIs typically conclude that the land needs will be met from land within the Urban Growth Boundary (UGB). Thus the City's 1997 BLI concluded that only 390 of the 1,331 acres of residentially designated land that is already included within the UGB will be needed within the 20-year planning period, and did not identify how many of those needed 390 acres are already within the City and already planned and zoned for residential use. The following quotation from a key work product of City's 2004 Periodic Review Work Program to Update the Comprehensive Plan, entitled the June 2004 Lebanon Urbanization Study (Housing Chapter, page 3-20), makes similar conclusions based on the 2004 BLI:

"Based on the alternative housing need forecast, Lebanon will need about 468 gross residential acres to accommodate housing need between 2003 and 2025. Of this, about 184 should be designated for low-density residential uses, and 286 acres should be designated for mixed-density residential uses. These figures represent total land needed for housing. They do not identify where housing will be located or estimate need for residential land that will be used for other purposes such as parks."

- H. Recent research indicates that very little residential land is currently available for sale within the Lebanon City Limits. In July of 2004, the Willamette Valley Multiple Listing Service reported that there were only 3.25 acres of residential land on the market at that time. In September of 2004, the Willamette Valley Multiple Listing Service reported that there were only eleven properties totaling 28.55 acres of residential land on the market at that time. Of the eleven residential properties listed on September 29th, six were smaller than one-half acre, four were between .51 acres and 1.08 acres, and one was 24.58 acres (in an RM Zone). (See Exhibit A.) Therefore, this annexation represents a timely infill opportunity that will result in a compact growth pattern that expands the City limits incrementally in this area of the City.

- I. As shown in the *October 13, 2004 Annexation Remands Service Provider Summary Matrix*, the service providers indicated that they could meet the service demands that could be generated by the specific proposed development. None of the providers indicated that providing these new services would compromise their delivery of services to the rest of the community.
- J. The subject property does not have a City zoning designation because it is not within the City limits. However, since the property is within the City's Urban Growth Boundary, the current Comprehensive Plan designation on the subject property is Mixed Density Residential. The corresponding City zoning designation for a Comprehensive Plan designation of Mixed Density Residential is Residential Mixed Density (RM). The applicant is requesting the aforementioned zoning designation be automatically assigned for the subject properties. Therefore, this action is NOT a zoning map amendment.
- K. The subject property has no environmental constraints that cannot be mitigated or that would prevent development as a residential site.
- L. The City's annexation review procedures on annexation request File # A-02-08 have complied with the City of Lebanon/Linn County Urban Growth Management Agreement, Sections 2 and 5 regarding City authority to annex lands within the Urban Growth Area (UGA) and assign City zoning in accordance with the Lebanon Comprehensive Plan Map.

2. Current Status of Infrastructure

Urban services are or can be made available to serve the proposed annexation area. The following comments review the city's infrastructure. Redevelopment of this area may require additional infrastructure improvements.

- A. Streets – South Main Road, a fully improved City arterial, borders the site on the east. Pheasant Run, a dead-end residential street, has approximately half of its width adjacent to the west property line of the site. Future development of the site may require an extension of Pheasant Run.
- B. Water - A 12-inch water main is located at the east end of Pheasant Run. There is also a 12-inch main on South Main Road. Water main extensions may be required with future site development. Connection to a new city water main will also involve costs for service lines, meters, plumbing permit fees, and a water system development charge.
- C. Drainage – The nearest storm drain pipe is an 18-inch main on South Main Road. Piped and/or surface drainage improvements will be required with site development in order to convey site storm drainage and to prevent adverse drainage impacts to neighboring properties.
- D. Sanitary Sewer – An 8-inch sanitary sewer main is located on Quail Run. There is also a 12-inch main on South Main Road. Connection to city sanitary sewer will involve costs for service lines, plumbing permit fees, and a sanitary sewer system development charge.

Connection to a city utility or building permit issuance will also cause to be due all remaining street and drainage system development charges.

All of the above permits, fees, and processes are detailed in the city's Site Development Guide.

PLANNING COMMISSION RECOMMENDATION

On January 15, 2003 the Lebanon Planning Commission voted to recommend to the City Council that this annexation request be approved.

PLANNING COMMISSION FINDINGS

The Planning Commission based this recommendation on the following:

Criteria 1:

City Annexation Policy Section 1: Requires proof that urban services are available or can be made available to serve the property considered for annexation and that the additional demands that would be placed on those services will not overburden their present capacities.

Planning Commission Finding # 1:

The proposed annexation complies with City Annexation Policy, Section 1, in that urban services can be made available to serve the property. A 12" water main is available at the east end of Pheasant Run and in South Main. Sanitary sewer is available by extending a new public mainline from Quail Place via Pheasant Run or by extending a line from South Main Road. Storm drainage is available from the existing system in South Main Road. All of these services are adequately sized to provide for the subject property.

Criteria 2:

City Annexation Policy Section 2: States that *public rights of way necessary for the safe and efficient movement of traffic, bicycles and pedestrians shall be provided with the annexation and without obligation to the City of Lebanon.*

Planning Commission Finding # 2:

The proposed annexation complies with City Annexation Policy, Section 2, in that currently adequate existing right of way is provided by the South Main Road right of way that runs along the eastern side of the property. The South Main Road right of way has city standard width and provides for safe and efficient movement of vehicular traffic, bicycles, and pedestrians. Since the current proposal is an annexation proposal and not a proposal of development, additional appropriate public right-of-way will be provided as the property actually develops. Recent case law dictates that public right-of-way shall be dedicated at the time or juncture when the nexus or need is established by an actual development proposal.

Criteria 3:

City Annexation Policy, Section 3: Specifies that *parties involved in seeking the annexation or who may be included in the annexation shall initiate a program to upgrade any urban services and/or public facilities within the area considered for annexation that do not meet standards as may be established by the City of Lebanon.*

Planning Commission Finding # 3:

The proposed annexation complies with City Annexation Policy, Section 3, in that substantial public infrastructure improvements are already in place along South Main Road with additional utility extensions and public improvements being provided as the property actually develops. Recent case law dictates that such public infrastructure improvements shall be provided at the time or juncture when the nexus or need is established by an actual development proposal. Mitigation cannot be required until the impacts of an actual development proposal have been established.

Criteria 4:

City Annexation Policy, Section 4: States that *no annexation shall be considered that does not conform with the Lebanon Comprehensive Plan and its goals and policies.*

Planning Commission Finding # 4:

The proposed annexation complies with City Annexation Policy, Section 4, in that the property complies with Zoning Ordinance and Comprehensive Plan policies pertaining to the property and zoning. The property currently has a Comprehensive Plan designation of Mixed-Density Residential. The corresponding City zoning designation for a Comprehensive Plan designation of Mixed-Density Residential is Residential Mixed Density (RM). The applicant is requesting a Residential Mixed Density zoning designation for the subject property. The proposed subdivision plan conforms to the standards of the RM zone.

Criteria 5:

City Annexation Policy, Section 5: States that *it shall be the burden of proof of the applicant that a public need exists for the proposed annexation and that the annexation is in the public's interest.*

Planning Commission Finding # 5:

The proposed annexation complies with City Annexation Policy, Section 5, in that a public need exists for lots that can be developed to support new housing creation, and in such a manner as to provide areas for housing of greater density that create less impact on the availability of land. It is in the public interest to use this land efficiently, as would be the case if allowable housing densities are increased on the subject property. Annexation of this property allows for infill and redevelopment potential. Furthermore, given the fact that the area is surrounded on three sides by property within the City limits, it is in the best interest of the public to annex such areas to allow for continuous and defined city borders, increased tax base revenue and consistent development of city services.

Criteria 6:

Urbanization Element of the Comprehensive Plan, Phased Growth Program, Policy #1 (page 4-P-1): States that . . . *the City shall maintain a compact growth pattern that expands the City limits incrementally in an orderly and efficient manner within the service capabilities of the City.*

Planning Commission Finding # 6:

The proposed annexation complies with Comprehensive Plan Urbanization Element, Phased Growth Program, Policy #1, (page 4-P-1) in that it would be an orderly and efficient expansion of City limits within City service capabilities. The areas immediately to the east, north and west of the subject property are within the City limits.

Criteria 7:

Urbanization Element of the Comprehensive Plan, Annexation Policy #1 (page 4-P-2): States that...*the City shall annex land only within the Urban Growth Boundary on the basis of findings that support the need for additional developable land in order to maintain an orderly, compact growth pattern within the City's service capability.*

Planning Commission Finding # 7:

The proposed annexation complies with Urbanization Element of the Comprehensive Plan, Annexation Policy #1 (page 4-P-2) based on several facts:

- The proposed Annexation is within the City's Urban Growth Boundary.
- A public need exists for lots that can be developed to support new housing creation.
- A public need exists to provide areas for housing of greater density that create less impact on the availability of land.
- Annexation of this property allows for infill and redevelopment potential.
- It is in the public interest to use this land efficiently, as would be the case if allowable housing densities are increased on the subject property.
- Since the areas immediately to the east, north and west of the subject property are within the City limits this annexation would be an orderly and efficient expansion of City limits within City service capabilities.
- Given the fact that the area is surrounded on three sides by property within the City limits, it is in the best interest of the public to annex such areas to allow for continuous and defined city borders, increased tax base revenue and consistent development of city services.
- Since potable water, sanitary sewer and storm drainage services (via extensions from nearby existing services) are available and are adequately sized to provide for the subject property this annexation would be within City service capabilities.
- Furthermore, since the annexation area is very miniscule in comparison with the size of the City and its infrastructure capacities, this will have a minimal to negligible impact upon City services.
- Currently adequate existing right of way is provided by the South Main Road right of way that runs along the eastern side of the property, and limited access from Pheasant Run at the northwest corner of the property providing for safe and efficient movement of vehicular traffic, bicycles, and pedestrians.

Criteria 8:

Urbanization Element of the Comprehensive Plan, Annexation Policy #3 (page 4-P-2): States that Unless otherwise approved by the City, specific development proposals shall be required for annexation requests on vacant land adjacent to the City to insure completion within a reasonable time limit in conformance with a plan approved by the City.

Planning Commission Finding # 8:

The proposed annexation complies with Urbanization Element of the Comprehensive Plan, Annexation Policy #3 (page 4-P-2) in that a proposed subdivision plan has been included with the annexation materials. The proposed subdivision conforms to the standards of the Lebanon Land Development Code and Comprehensive Plan. The actual approval of the proposed subdivision will require a subdivision application and public hearing review. Any subsequent developments or redevelopment of this property will be subject to the requirements of the Mixed-Density Residential zone and other applicable provisions of the Lebanon Land Development Code and Comprehensive Plan.

Criteria 9:

Public Facilities and Services Element of the Comprehensive Plan, General Policy #2 (page 8-P-1): States that the City shall consider impacts on community facilities before ... annexation requests are approved.

Planning Commission Finding # 9:

The proposed annexation complies with Comp. Plan Public Facilities and Services Element, General Policy #2, (page 8-P-1) in that the annexation will not result in an adverse impact on community facilities.

Criteria 10:

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.

Planning Commission Finding # 10:

This proposed Annexation is in compliance with Zoning Ordinance Section 3.050. Currently the subject property does not have a City zoning designation because it is not within the City limits. However, since the property is within the City's Urban Growth Boundary, the current Comprehensive Plan designation on the subject property is Mixed-Density Residential. The corresponding City zoning designation for a Comprehensive Plan designation of Mixed-Density Residential is Residential Mixed Density (RM). The applicant is requesting a Residential Mixed Density zoning designation for the subject property.

Criteria 11 and 12

City of Lebanon/Linn County -- Urban Growth Management Agreement (UGMA)

Section 2: Delineation of Authority in the Urban Growth Area (UGA), 2nd paragraph: *The Lebanon Comprehensive Plan designates the future city zoning UGA lands will receive upon annexation to the City.*

Section 5: Annexations: *The UGA identifies land that may be subject to future City annexation. The City may annex land using its own procedures in accordance with state law. Only land within the UGA will be considered for annexation. The City will notify the County of any proposed annexations. Upon annexation, the City assumes all jurisdiction for land use actions.*

Planning Commission Findings # 11 & 12:

The City's annexation review procedures on annexation request File # A-02-08 have complied with the City of Lebanon/Linn County Urban Growth Management Agreement (UGMA), Sections 2 and 5 regarding City authority to annex lands within the urban growth area and assign City Zoning in accordance with the Lebanon Comprehensive Plan Map.

OVERVIEW OF APPLICANT'S SPECIFIC DEVELOPMENT PROPOSAL

1. City Policy and State Law:

The Lebanon Comprehensive Plan (1980) and Annexation Ordinance (1982), as well as the Lebanon/Linn County Urban Growth Management Agreement (1995), were in effect when A-02-08 was originally submitted to the City. These codes have been interpreted by LUBA and others as necessitating the concurrent submittal of a specific development proposal. In accordance with LUBA's ruling on this issue, the applicant now **RE-SUBMITS** the following specific development proposal for concurrent review with this annexation request. This review is for the purpose of determining that the proposed annexation is consistent with the Goals and Policies of the existing (1980) City of Lebanon Comprehensive Plan.

The City notes that there is no mechanism in either City ordinances or in State law that requires the applicant to implement this specific development proposal should this annexation request be approved. The City has a separate development application and review process for development proposals. The applicant must submit the appropriate application(s) to initiate a development review process when the applicant desires to develop this property. Such an application cannot be submitted by the applicant and reviewed by the City until the subject property has been annexed into the City.

2. Applicant's Specific Development Proposal

2.1 As shown on the following specific development proposal, the tentative subdivision plat for this annexation territory represents land divisions and the creation of 11 single family residential lots that comply with relevant land development regulations. The existing dwellings are fit within the proposed lots in a conforming manner. This tentative subdivision plat represents a somewhat typical subdivision plat fit to the property size and configuration and within the service capabilities or existing, abutting city infrastructure.

2.2 Upon annexation these properties would be zoned Residential Mixed Density (RM). Lebanon Zoning Ordinance Section 4.020 lists the development opportunities, standards and requirements for the Residential Mixed Density zone.

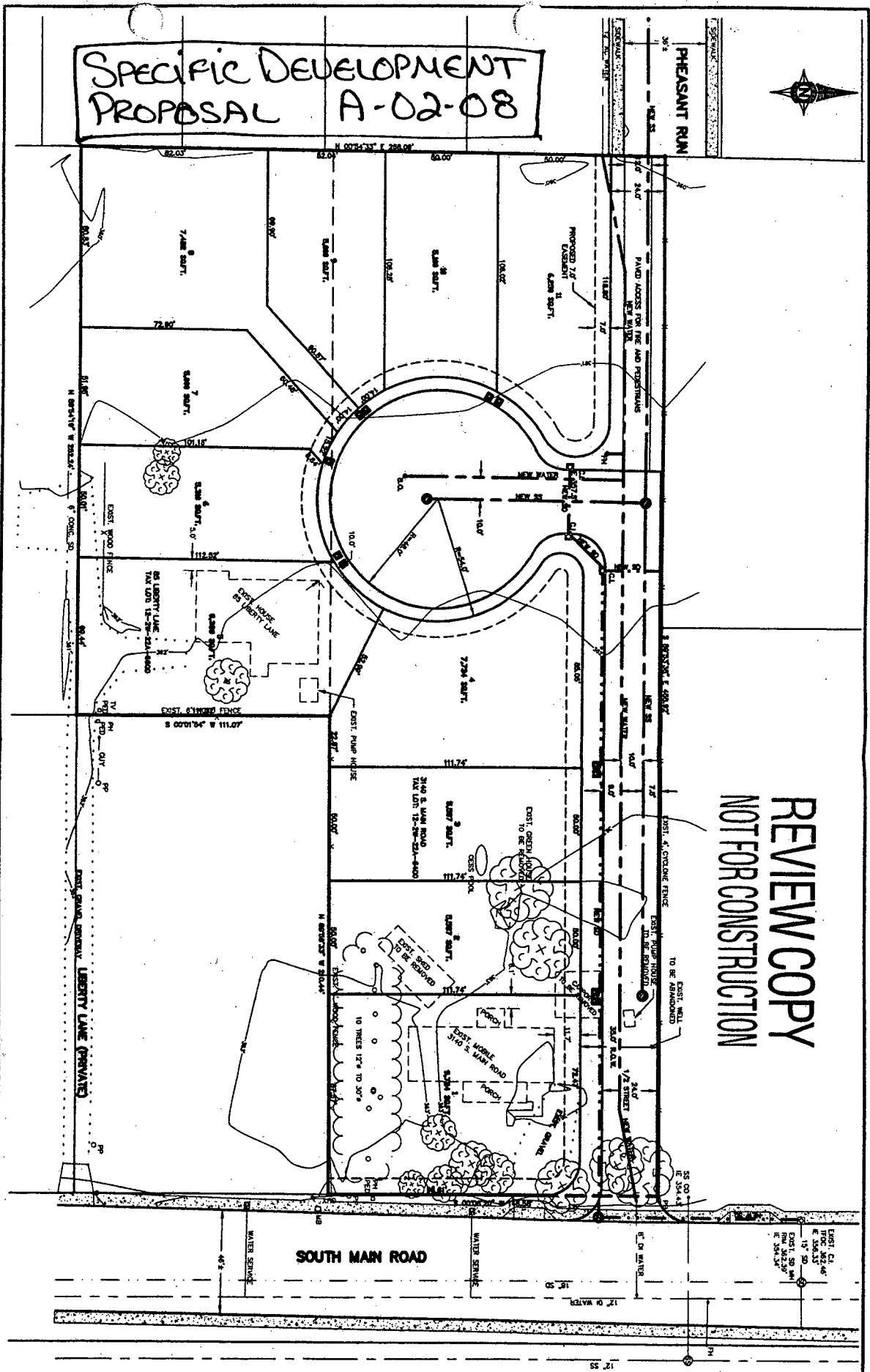
2.3 Assessment of Ability to Provide Urban Services:

As part of the review process, and for inclusion in this annexation Staff Report for the City Council, the City sent out on September 27, 2004, evaluation forms to fourteen different providers of urban services and requested an assessment of their organization's, company's, or agency's ability to provide services should the eleven single-family dwelling units indicated on the plat (nine additional dwellings) actually be built. The following urban services were assessed:

- a. **City of Lebanon Provided Services:** Waste Water (Sanitary Sewer), Water (potable & fire flow), Storm Drainage, Access (Roads, etc.), Police Protection, Parks, Library, and Senior Services;
- b. **Other Public Agencies:** Fire/Emergency Medical (Lebanon Fire District), Public Schools Lebanon Community School District;
- c. **Private Sector Vendors:** Solid Waste (Albany-Lebanon Sanitation), Electricity (Consumers Power or Pacific Power), Natural Gas (NW Natural Gas), Phone Service (CenturyTel)

Thirteen of these fourteen urban service providers responded in time for the results to be included in this Staff Report. All thirteen indicated that they could meet the service demands that could be generated by the specific proposed development. The results of these assessments are summarized in the **October 13, 2004 Annexation Remands Service Provider Summary Matrix** following the applicant's specific proposed development.

SPECIFIC DEVELOPMENT PROPOSAL A-02-08



REVIEW COPY
NOT FOR CONSTRUCTION

DATE	BY	CHK
11/15/08	J. DELL	S.
11/15/08	J. DELL	S.
11/15/08	J. DELL	S.

October 13, 2004 -- ANNEXATION REMANDS SERVICE PROVIDER SUMMARY MATRIX

SERVICE AND SERVICE PROVIDER	Ability to Serve Specific Development Proposal on Subject Property		Annexation A-02-08 Simonian – South Main Road	
	YES	NO	PROVIDER SUMMARY	OTHER COMMENTS
City of Lebanon Provided Services				
Waste Water (Sanitary Sewer)	X		James P. Ruef, Public Works Director City of Lebanon 925 Main Street Lebanon OR 97355	<i>A 12" sanitary sewer exists east of South Main Road. An 8" sanitary sewer exists on Quail Loop. The development can be served by sanitary sewer by extending a new sewer main to existing piping. As per development conditions, utilities must be constructed along the entire frontage of the property to serve. The wastewater generated by the proposed single family dwelling units will not exceed either the conveyance capacity or the treatment capacity of the wastewater treatment plant.</i>
Water (potable & fire flow)	X		James P. Ruef, Public Works Director City of Lebanon 925 Main Street Lebanon OR 97355	<i>A 12" water main exists in South Main Road. A 12" water main exists near the southern edge of Pheasant Run right-of-way. The proposed annexation property can be served by connecting to both mains and providing a looped system. This distribution system with necessary extension will provide sufficient water to meet fire and domestic demands. The water treatment plant has capacity to provide fire and domestic demands to the proposed site.</i>
Storm Drainage	X		James P. Ruef, Public Works Director City of Lebanon 925 Main Street Lebanon OR 97355	<i>The site is located in the upper reaches of the Burkhart Creek drainage basin. The proposed drainage from this site will flow into an existing 18" storm drainage line is located in South Main Road which has been sized to convey runoff from this site. The storm drain line on South Main, in the vicinity of the proposed site, flows north to the drainage channel crossing South Main at Weldwood Park which in turn flows into Burkhart Creek.</i>
Access (Roads, etc.)	X		James P. Ruef, Public Works Director City of Lebanon 925 Main Street Lebanon OR 97355	<i>The proposed site is bordered by an arterial South Main and will provide access for the proposed Simonian subdivision. Sufficient capacity exists to serve these sites.</i>

Police Protection	X		Michael D. Healy, Police Chief City of Lebanon 925 Main Street Lebanon OR 97355	<i>The provision of safety and emergency services to this annexation territory will not compromise the current delivery of services to the balance of the City.</i>
Parks	X		James P. Ruef, Public Works Director City of Lebanon 925 Main Street Lebanon OR 97355	<i>Development on the property proposed for annexation will fund increased Park Services through the System Development Charge fees and increased property tax revenues to the City of Lebanon</i>
Library	X		Denise Lee, Library Services Manager City of Lebanon 925 Main Street Lebanon OR 97355	<i>The Lebanon Public Library provides library services to the City of Lebanon and the surrounding area. This annexation is within the "surrounding area" and is currently receiving library services through a non-resident registration fee. The library has the capacity to provide services to this area.</i>
Senior Services	X		Susan Tipton, Senior Services Manager City of Lebanon 925 Main Street Lebanon, OR 97355	<i>The Senior Center already provides service to people in this area. The Dial-A-Bus also provides service to this area.</i>

October 13, 2004 -- ANNEXATION REMANDS SERVICE PROVIDER SUMMARY MATRIX

SERVICE AND SERVICE PROVIDER	Ability to Serve Proposed Site Development Plan on Subject Property		Annexation A-02-08 Simonian – South Main Road	
	YES	NO	PROVIDER SUMMARY	OTHER COMMENTS
Other Public Agencies				
Fire/Emergency Medical (Lebanon Fire District)	X		Perry Palmer, Fire Chief Lebanon Fire District 1050 W. Oak Street Lebanon, OR 97355	<i>It appears the street widths are turning radius of the cul-de-sac is in compliance with Fire District requirements.</i>
Public Schools Lebanon Community School District	X		Jim Robinson, Superintendent Lebanon Community School District 485 S. 5 th Street Lebanon, OR 97355	<i>No problem.</i>
Private Sector Vendors				
Solid Waste (Albany-Lebanon Sanitation)	X		Sid Lien Albany-Lebanon Sanitation Co. 1214 SE Montgomery St. Albany, OR 97322	<i>No comment.</i>
Electricity (Consumers Power or Pacific Power)	X		James Ramseyer, Manager Consumers Power, Inc. PO Box 1180 Philomath, OR 97370	<i>No comment.</i>
Natural Gas (NW Natural Gas)				<i>No information was received by the provider by the time the staff report was sent out.</i>
Phone Service (CenturyTel)	X		Duane L. Mattson CenturyTel 890 S. 2 nd Street Lebanon, OR 97355	<i>Developer would be required to place PVC SCH40 conduit to CenturyTel's design. Facilities adjacent to subject property.</i>

A-02-08; Page 18

STAFF RECOMMENDATION

If the City Council concludes that this proposed annexation has successfully and adequately addressed the applicable criteria from the City's Annexation Ordinance, Comprehensive Plan, Zoning Ordinance, and the City of Lebanon/Linn County Urban Growth Management Agreement, as well as effectively responding to LUBA remand issues and addressing applicable testimony, then staff recommends that the City Council **APPROVE** this annexation request.

However, if the City Council concludes that this proposed annexation has **NOT** successfully and adequately addressed the applicable criteria from the City's Annexation Ordinance, Comprehensive Plan, Zoning Ordinance, and the City of Lebanon/Linn County Urban Growth Management Agreement, has **NOT** effectively responded to LUBA remand issues, and has **NOT** effectively addressed applicable testimony, then staff recommends that the City Council **DENY** this annexation request.

PROPOSED FINDINGS

Staff shall write draft findings based on the above staff report, testimony, and city council discussion. These draft findings will be distributed to the city Council prior to the next City Council meeting so that the Council may take final action on the findings and the proposed annexation.

ANNEXATION ZONING MATRIX: For Property Annexed into the City of Lebanon	
City of Lebanon Comprehensive Plan Designations	City of Lebanon Zoning Designations
Single Family Residential	Residential Low density Zone (RL)
Mixed-Density Residential	Residential Mixed Density Zone (RM)
	* Residential High Density Zone (RH)
Special Development District (SPD) or Mixed Use	Mixed Use Zone (MU)
Commercial	** Neighborhood Commercial Zone (CN)
	*Central Business Commercial Zone (CB)
	Highway Commercial Zone (CH)
Light Industrial	Limited Industrial Zone (ML)
Heavy Industry	General Industrial Zone (MG)
Key	
* (or) Red Lettering & Yellow Shading	Based upon the Zoning Ordinance description of these zones, there are no un-annexed properties in the UGB eligible to be assigned to these zone designations. <i>(October 04)</i>
** (or) Blue Lettering & Blue Shading	This zone is for small neighborhood shopping clusters. Such designations would require a zone change and an Administrative Review Process.

COMPARISON OF LISTED BARE LAND
BETWEEN JULY 04 AND SEPTEMBER 04

ZONING	July 04	Sept. 04	+/-
CB - Central Business	3.55 acres	1.04 acres	+ 0.04 acres
CH - Highway Commercial		2.04 acres	
MU - Mixed Use		0.51 acres	
ML - Limited Industrial	148.85 acres	116.31 acres	32.54 acres
RH - Residential High Density	3.25 acres	0.91 acres	+ 25.30 acres
RL - Residential Low Density		0.42 acres	
RM - Residential Mixed Density		27.22 acres	
TOTALS	155.65 acres	148.45 acres	- 7.20 acres

**BARE LAND LISTINGS WITHIN CITY LIMITS
AS OF SEPTEMBER 29, 2004
ACCORDING TO MULTIPLE LISTING SERVICE**

Location	Lot Size	Asking Price	Zoning
Maple Street (W)	0.16 acres	\$43,900	CB - Central Business
2nd Street (S)	0.17 acres	\$48,900	CB - Central Business
Maple Street (W)	0.24 acres	\$54,870	CB - Central Business
2nd Street	0.22 acres	\$57,500	CB - Central Business
Maple Street (W)	0.25 acres	\$60,000	CB - Central Business
Park Street	0.29 acres	\$45,000	CH - Highway Commercial
Vine Street (W)	0.24 acres	\$45,000	CH - Highway Commercial
Airport Road	1.51 acres	\$299,000	CH - Highway Commercial
Airway Rd.	0.42 acres	\$99,900	ML - Limited Industrial
Oak Street (W)	63.92 acres	\$2,275,000	ML - Limited Industrial
Hansard Avenue	51.97 acres	\$1,820,000	ML - Limited Industrial
S. Main Road	0.51 acres	\$223,500	MU - Mixed Use
Grove Street	0.19 acres	\$24,000	RH - Residential High Density
Oak Street	0.38 acres	\$45,000	RH - Residential High Density
Oak Street	0.34 acres	\$45,000	RH - Residential High Density
8th Street	0.15 acres	\$32,500	RL - Residential Low Density
Grant Street (E)	0.27 acres	\$38,000	RL - Residential Low Density
Vine Street (W)	0.14 acres	\$29,000	RM - Residential Mixed Density
F Street	0.9 acres	\$47,500	RM - Residential Mixed Density
Walker Road	1.08 acres	\$59,000	RM - Residential Mixed Density
F Street	0.52 acres	\$59,987	RM - Residential Mixed Density
S. Main Road	24.58 acres	\$1,351,900	RM - Residential Mixed Density
TOTAL ACRES	148.45 acres		
SUMMARY	1.04 acres	CB - Central Business	
	2.04 acres	CH - Highway Commercial	
	116.31 acres	ML - Limited Industrial	
	0.51 acres	MU - Mixed Use	
	0.91 acres	RH - Residential High Density	
	0.42 acres	RL - Residential Low Density	
	27.22 acres	RM - Residential Mixed Density	

**CITY OF LEBANON
CITY COUNCIL STAFF REPORT
ANNEXATION REQUEST
(Remanded)**

The City Council conducted a public hearing and approved this proposed annexation on February 26, 2003. The City Council decision was then appealed to the Land Use Board of Appeals (LUBA) who has remanded it back to the City for reconsideration after the Court of Appeals affirmed the LUBA decision. **This REMAND HEARING will be using the 1982 Annexation Ordinance and the original 1980 (unmodified) Comprehensive Plan policies.**

NATURE OF REQUEST: An approximately 2.61 acre annexation territory comprised of two parcels, one vacant and one containing a single family dwelling, and the abutting Cascade Drive right-of-way from the parcels northward to Santiam Highway.

APPLICANT: Thomas Herb and Norm and Nancy Cook

PROPERTY LOCATION: Located at 265 Cascade Drive (Tax Lot 1400) and the vacant parcel (Tax Lot 2000) directly across the street {on the west side} from 265 Cascade Drive, immediately north of the intersection of Cascade and Wagon Wheel drives. Assessor's Map 12-2W-23A, Tax Lot 1400 and Assessor's Map 12-2W-23B, Tax Lot 2000.

ZONE DESIGNATION: Upon Annexation: Residential Low Density (RL) for Tax Lot 2000 & Residential Mixed Density (RM) for Tax Lot 1400

COMP PLAN DESIGNATION: Single Mixed Density Residential (Tax Lot 1400)
Family Residential (Tax Lot 2000)

STAFF REPORT TABLE OF CONTENTS

	Page
• Nature of Request, Applicant, Property Location, Assessor's Map and Tax Lot #s, Zone and Comp Plan Designations	1
• Introduction	2
• Site Description	2
• Site Maps	3,4
• Annexation Map and Legal Description	5,6
• Planning and Zoning Considerations	7
• Relevant Criteria – Including 1980 Comprehensive Plan & 1982 Annexation Ordinance	8,9
• Staff Comments	10,11
• Planning Commission Recommendation & Findings	12-14
▪ Overview of Applicant's Proposed Development Plan	15-19
▪ Recommendation & Proposed Findings for City Council	20
▪ Annexation Zoning Matrix	21
Exhibits: (A) Applicant's Narrative; (B) Available Residential Land For Sale Within City Limits (WVMLS Compilation)	22-24

INTRODUCTION

The applicants propose to annex this area into the City in order to connect an existing home (265 Cascade Drive- Tax Lot 1400) to a new sewer line extension and to develop vacant property (Tax Lot 2000). A copy of the specific development proposal is included with this report.

SITE DESCRIPTION

The subject properties are located on both sides of Cascade Drive at 265 Cascade Drive (Tax Lot 1400) and the vacant parcel (Tax Lot 2000) directly across the street {on the west side} from 265 Cascade Drive, immediately north of the intersection of Cascade and Wagon Wheel drives. Cascade Drive is a designated collector improved to a county standard.

Tax Lot 1400 is comprised of Lot 40 of the Sturtevant Subdivision, it contains a new, replacement manufacture home, that is hooked up to the City's sewer system due to a failed septic tank and drain field.

Tax Lot 2000 is comprised of Lots 1 & 2, Block 1, White Oaks Addition Subdivision. This site is a corner lot bordering Cascade and Wagon Wheel drives at the northwest corner of this intersection. This vacant site has no vegetation other than grass.

The properties surrounding Tax Lot 2000 are developed and designated as residential and are unannexed. The two properties on either side of Tax Lot 1400 are commercially developed with Poor Richards nursery to the north and Mid Valley Business Machines located to the south.

All other properties in the neighborhood are residential including Santiam Village Manufactured Home Park located to the north. Seven Oak middle school is located to the south along Cascade Drive.

SEE MAP

NW (DCI)

2

ANNEXATION TERRITORY

10N

LOG POI

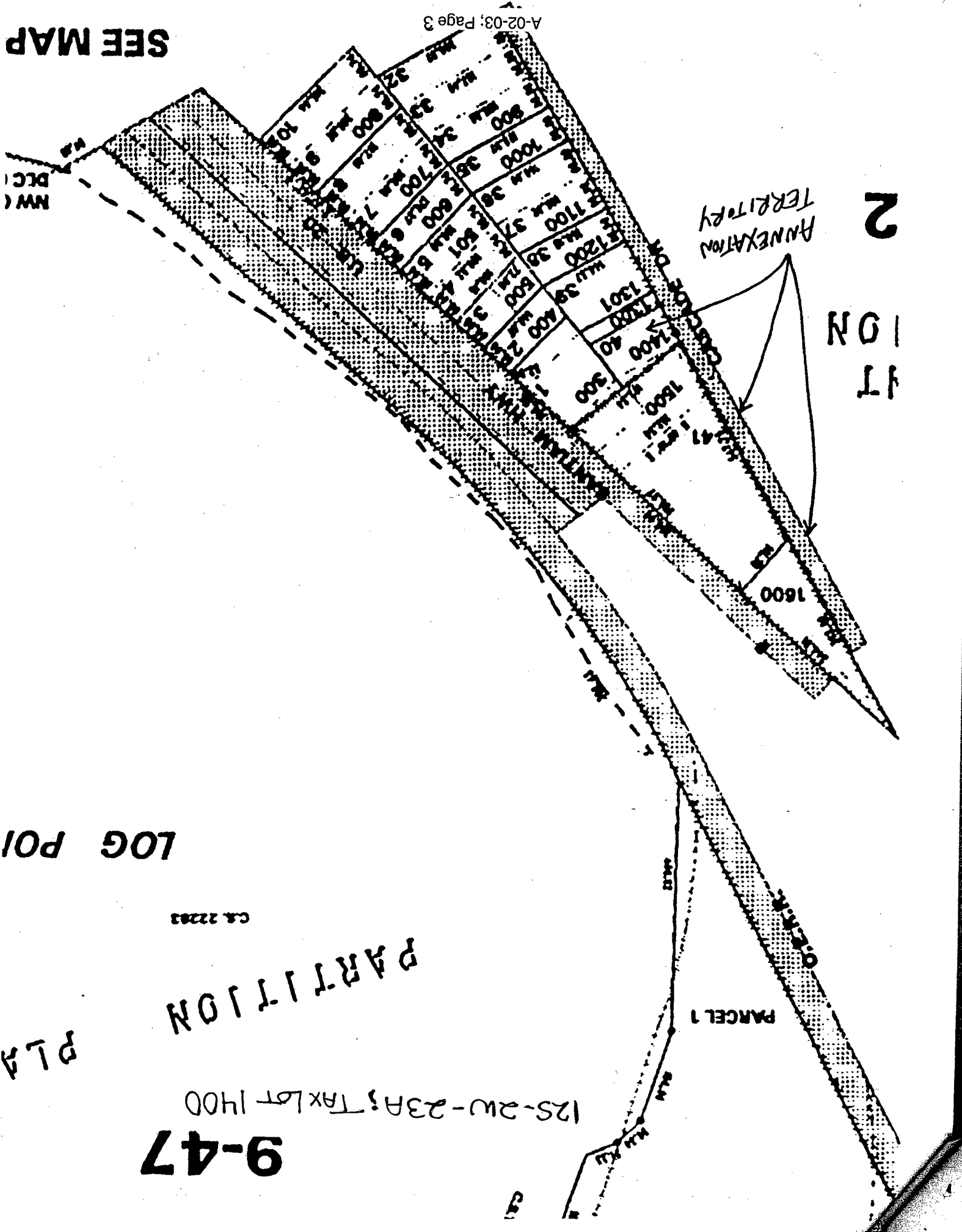
CA 22283

PARTITION

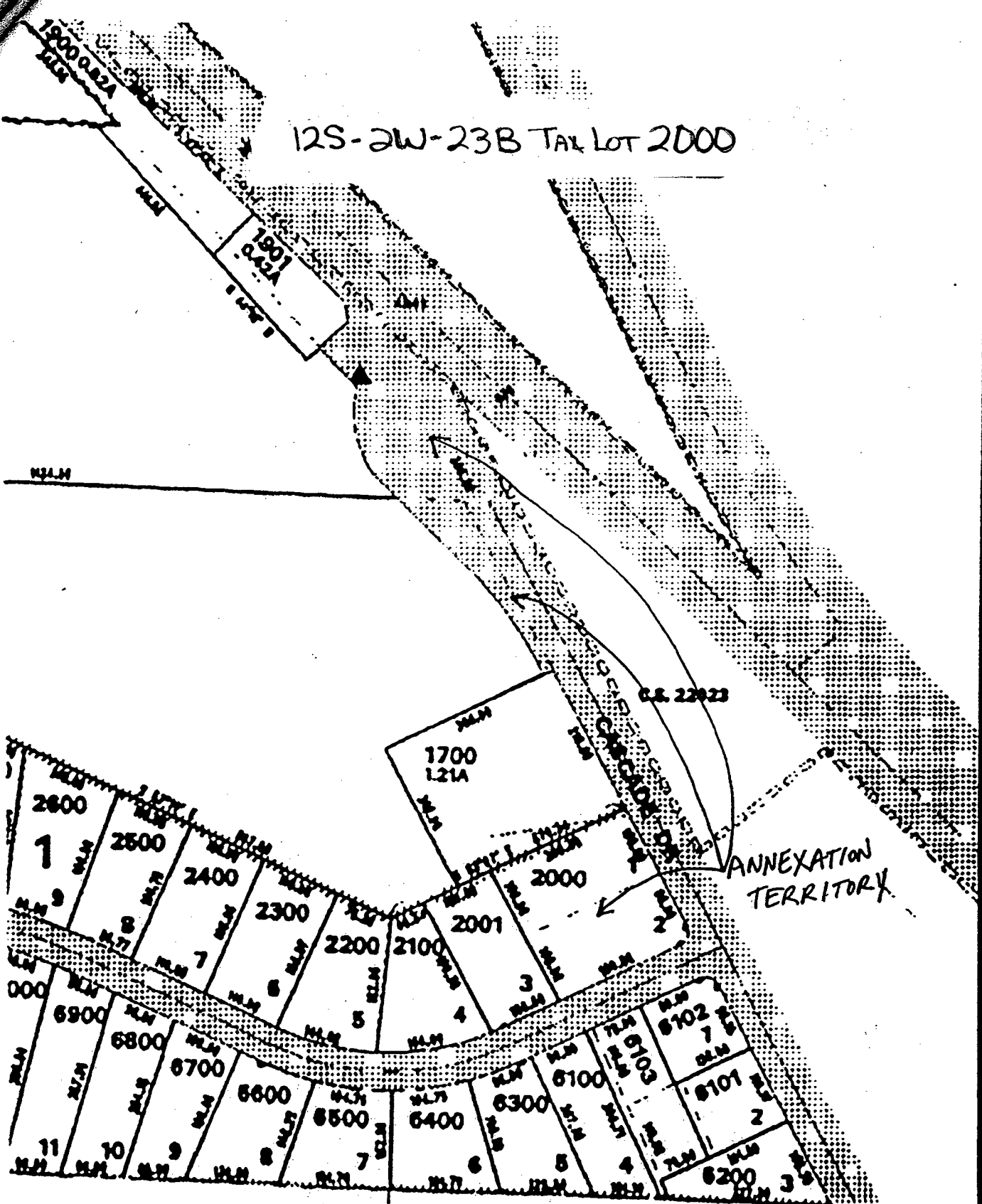
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12S-2W-23A; TAX LOT 1400

9-47



12S-2W-23B TAX LOT 2000

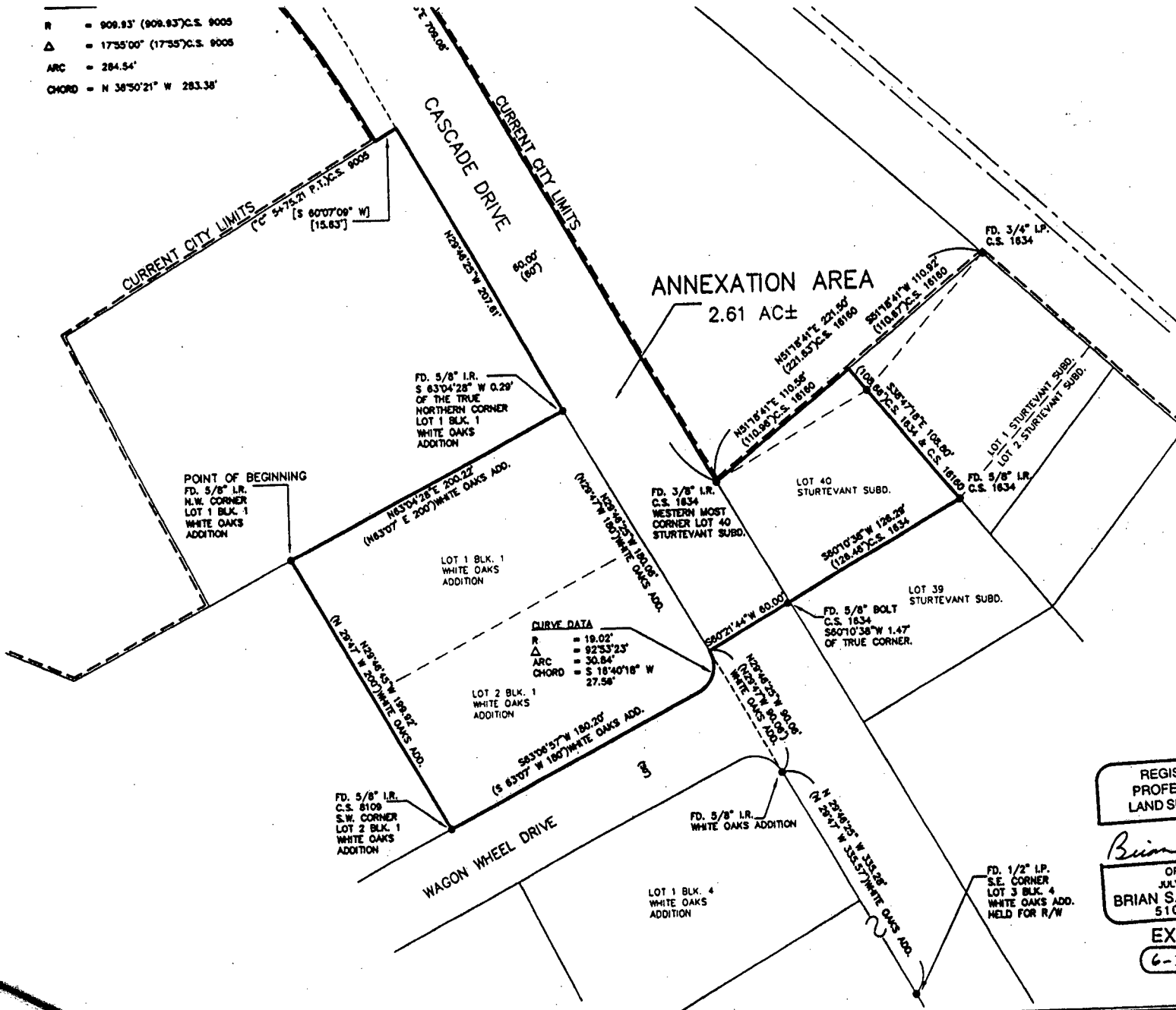


ANNEXATION TERRITORY

**LEBANON
12 2W 23B**

07/23/01.10:25:0 .Mon

R = 909.83' (909.83') C.S. 9005
 Δ = 17°55'00" (17°55') C.S. 9005
 ARC = 284.54'
 CHORD = N 36°50'21" W 283.38'



ANNEXATION MAP

HERB-COOK

date 4-04-02
 project
 drawn by HERB-COOK, DWS
 checked by BSV

SHEET 1
 of 1
 SCALE: 1" = 50'

REGISTERED PROFESSIONAL LAND SURVEYOR
Brian Vandetta
 OREGON
 JULY 13, 1999
 BRIAN S. VANDETTA
 51041-LS
 EXPIRES
 6-30-2002

JAMES F. UDELL ENGINEERING & SURVEYING

63 EAST ASH STREET
LEBANON, OREGON 97355
PHONE (541) 451-5125
FAX (541) 451-1366

HERB -COOK
ANNEXATION

An area of land in Section 23 of Township 12 South of 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 Lot 1 in Block 1 of White Oaks Addition; thence North 63°04'28" East 200.22 feet to the Northern most corner of said Lot 1 and being on the Westerly right-of-way of Cascade Drive; thence along said Westerly right-of-way the following courses and distances North 29°46'25" West 207.61 feet; thence South 60°07'09" West 15.63 feet; thence along the arc of a 909.93 foot radius curve to the left 284.54 feet (chord bears North 38°50'21" West 283.38 feet) to a 5/8" iron rod; thence North 47°47'51" West 20.09 feet; thence South 89°43'06" East 76.83 feet; thence North 29°46'25" West 336.37 feet to the Southwest right-of-way of US Highway No. 20; thence along said US Highway No. 20 right-of-way South 47°43'56" East 194.60 feet to the Easterly right-of-way of Cascade Drive; thence along said Easterly right-of-way South 29°46'25" East 709.08 feet to a 3/8" iron rod marking the Western most corner of Lot 40 in Sturtevant Subdivision; thence leaving said right-of-way North 51°18'41" East 110.58 feet; thence South 38°47'18" East 108.80 feet to a 5/8" iron rod marking the Eastern most corner of said Lot 40 ; thence South 60°10'38" West 126.29 feet to the Southern most corner of said Lot 40 on the Eastern right-of-way of Cascade Drive; thence South 60°21'44" West 60.00 feet to the Western right-of-way of Cascade Drive; thence following the arc of a 19.02 foot radius curve to the right 30.84 feet to the Northwest right-of-way of Wagon Wheel Drive (chord bears South 16°40'18" West 27.56 feet); thence along said Northwest right-of-way South 63°06'57" West 180.20 feet to a 5/8" iron rod marking the Southwest corner of Lot 2 in Block 1 of White Oaks Addition; thence North 29°46'45" West 199.92 feet to the point of beginning.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Brian Vandetta

OREGON
JULY 13, 1999
BRIAN S. VANDETTA
51041-LS

EXPIRES

6-30-2002

PLANNING AND ZONING CONSIDERATIONS

1. The Comprehensive Plan Map identifies the designation of Tax Lot 1400 as Mixed Density Residential, and Tax Lot 2000 as Single Family Residential which assigns Residential Mixed Density (RM) and Residential Low Density (RL) zoning, respectively, upon annexation.
2. The following contain the factors and conditions that the City considers in evaluating an annexation request: (1) City of Lebanon Resolution 11 for 1982, a Resolution Establishing an Annexation Policy; (2) Comprehensive Plan Urbanization Element Phased Growth Program, Policy #1 (page 4-P-1), Urbanization Element Annexation Policy #1 (page 4-P-2), Urbanization Element Annexation Policy #3 (page 4-P-2); Public Facilities and Services Element General Policy #2 (page 8-P-1); Chapter 1: Introductory Provisions -- General Goals and Objectives #s 2 & 5; Chapter 3: Population and Economy -- Overall Goals, Policy # 2, and Policy # 3; Chapter 6: Housing -- Overall Goal, and Buildable Lands Policy #1 Policy #12. (3) Zoning Ordinance Section 3.050, Zoning of Annexed Areas; (4) City of Lebanon/Linn County -- Urban Growth Management Agreement, Section 2: Delineation of Authority in the Urban Growth Area (UGA) , 2nd paragraph, and Section 5, Annexations; Lebanon Zoning Ordinance Section 4.020 lists the development opportunities, standards and requirements for the Residential Mixed Density zone; and LZO Section 4.010 lists the development opportunities, standards and requirements for the Residential Low Density zone.
3. In this annexation territory, Tax Lot 1400 abuts City limits to the north and east, and Tax Lot 2000 is directly across the road (west) from Tax Lot 1400 and is one tax lot away from Santiam Village Manufactured Home Park to the north.

RELEVANT CRITERIA

City Annexation Policy (City of Lebanon Resolution #11 For 1982) Criteria

1. Section 1, requires *proof that urban services are available or can be made available to serve the property considered for annexation and that the additional demands that would be placed on those services will not overburden their present capacities.*
2. City Annexation Policy, Section 2, states that *public rights of way necessary for the safe and efficient movement of traffic, bicycles and pedestrians shall be provided with the annexation and without obligation to the City of Lebanon.*
3. City Annexation Policy, Section 3, specifies that *parties involved in seeking the annexation or who may be included in the annexation shall initiate a program to upgrade any urban services and/or public facilities within the area considered for annexation that do not meet standards as may be established by the City of Lebanon.*
4. City Annexation Policy, Section 4, states that *no annexation shall be considered that does not conform with the Lebanon Comprehensive Plan and its goals and policies.*
5. City Annexation Policy, Section 5, states that *it shall be the burden of proof of the applicant that a public need exists for the proposed annexation and that the annexation is in the public's interest.*

1980 Comprehensive Plan Criteria

6. Urbanization Element of the Comprehensive Plan, Phased Growth Program, Policy #1 (page 4-P-1) states that . . . *the City shall maintain a compact growth pattern that expands the City limits incrementally in an orderly and efficient manner within the service capabilities of the City.*
7. Urbanization Element of the Comprehensive Plan, Annexation Policy #1 (page 4-P-2) states that . . . *the City shall annex land only within the Urban Growth Boundary on the basis of findings that support the need for additional developable land in order to maintain an orderly, compact growth pattern within the City's service capability.*
8. Urbanization Element of the Comprehensive Plan, Annexation Policy #3 (page 4-P-2) states that . . . *Unless otherwise approved by the City, specific development proposals shall be required for annexation requests on vacant land adjacent to the City to insure completion within a reasonable time limit in conformance with a plan approved by the City.*
9. Public Facilities and Services Element of the Comprehensive Plan, General Policy #2 (page 8-P-1) states that the City shall consider impacts on community facilities before . . . annexation requests are approved.

10. Chapter 1: Introductory Provisions – General Goals and Objectives (LCP page 1-17)

There are certain basic aims to which the Comprehensive Plan is broadly committed. These general goals and objectives are:

- 10.1 2: To achieve an environment that assures each individual the widest possible choices and opportunities for a productive and meaningful life-style within the community.
- 10.2 5: To broaden opportunities for economic expansion and diversification.

11. Chapter 6: Housing

11.1 Overall Goal (LCP page 6-P-1): To provide a housing policy plan which seeks to increase opportunities for all citizens to enjoy safe, decent, and sanitary housing, and to assist in creating and maintaining neighborhoods in a manner consistent with the natural environment and the needs of the people.

11.2 Buildable Lands

- 8
- a. **Policy #1:** The City shall maintain an adequate availability of residential, buildable lands that provide locational choices for each housing type as part of the City's development monitoring program and annual plan review. (LCP page 6-P-2)
 - b. **Policy #12:** The City should maintain a substantial supply of residentially zoned land within the community to assist in keeping land costs for housing at reasonable levels. (LCP page 6-P-3)

Zoning Ordinance Criteria

12. **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.*

1995 City of Lebanon/Linn County – Urban Growth Management Agreement

13. **Section 2: Delineation of Authority in the Urban Growth Area (UGA),** 2nd paragraph: *The Lebanon Comprehensive Plan designates the future City zoning UGA lands will receive upon annexation to the City.*
14. **Section 5: Annexations:** *The UGA identifies land that may be subject to future City annexation. The City may annex land using its own procedures in accordance with state law. Only land within the UGA will be considered for annexation. The City will notify the County of any proposed annexations. Upon annexation, the City assumes all jurisdiction for land use actions.*

STAFF COMMENTS

1. Planning

- A. The legal description and a map describing the entire annexation area has been submitted and are included in this report.
- B. Services can be made to serve the property. The existing dwelling on Tax Lot 1400 is currently hooked-up to the City's sanitary sewer service because of a failed septic tank and drain field. A 12-inch sanitary sewer main has been constructed on Cascade Drive and is available to serve the annexation territory.
- C. The subject property is bordered by ample rights-of-way to ensure safe and efficient movement of pedestrian and vehicular traffic. The adjacent Cascade Drive is available to serve the annexation. Cascade Drive is presently a county standard road. An Irrevocable Petition for Public (street) Improvements for each annexed property must be provided prior to city utility line (sewer) connection.
- D. Tax Lot 2000 is currently undeveloped, and therefore, there are no impacts at this time on the key City-provided urban utility services (i.e. water, storm drainage, sanitary sewerage, and streets).
- E. This annexation is comprised of two tax lots. Tax Lot 1400 is developed with a single-family dwelling. Tax Lot 2000 will have a Residential Low Density zoning assignment and is proposed to be residential developed. The applicant has submitted a specific development proposal.
- F. The proposed future use of the subject property complies with Zoning Ordinance and Comprehensive Plan polices pertaining to the property and zoning. The submitted specific development proposal (Tax Lot 2000) identifies possible future land uses that conform to the Comprehensive Plan and Zoning Map designations for the property.
- G. The City's 1995 "Periodic Review Work Program – Multi-Family Residential" resulted in the 1997 Buildable Lands Inventory (BLI) that concluded that 390 acres of land would be needed to meet the City's 20-year housing needs. BLIs, as was the case with the City's 1997 BLI, do not typically distinguish, for a variety of reasons whether needed lands will come from land already inside the City limits or whether they will come from the Urban Growth Area (UGA) or some combination thereof. BLIs typically conclude that the land needs will be met from land within the Urban Growth Boundary (UGB). Thus the City's 1997 BLI concluded that only 390 of the 1,331 acres of residentially designated land that is already included within the UGB will be needed within the 20-year planning period, and did not identify how many of those needed 390 acres are already within the City and already planned and zoned for residential use. The following quotation from a key work product of City's 2004 Periodic Review Work Program to Update the Comprehensive Plan, entitled the June 2004 Lebanon Urbanization Study (Housing Chapter, page 3-20), makes similar conclusions based on the 2004 BLI:

"Based on the alternative housing need forecast, Lebanon will need about 468 gross residential acres to accommodate housing need between 2003 and 2025. Of this, about 184 should be designated for low-density residential uses, and 286 acres should be designated for mixed-density residential uses. These figures represent total land needed for housing. They do not identify where housing will be located or estimate need for residential land that will be used for other purposes such as parks."
- H. Recent research indicates that very little residential land is currently available for sale within the Lebanon City Limits. In July of 2004, the Willamette Valley Multiple Listing Service reported that there were only 3.25 acres of residential land on the market at that time. In September of 2004, the Willamette Valley Multiple Listing Service reported that there were only eleven properties totaling 28.55 acres of residential land on the market at that time. Of the eleven residential properties listed on September 29th, six were smaller than one-half acre, four were between .51 acres and 1.08 acres, and one was 24.58 acres (in an RM Zone). (See Exhibit "B")

- I. Tax Lot 1400 abuts City limits to the north, and Tax Lot 2000 is directly across the road (west) from Tax Lot 1400 and is one tax lot away from Santiam Village Manufactured Home Park to the north. All of the area to the north, northwest, east, and northeast of the annexation territory is within the City limits. Seven Oak Middle School is located to the south. Therefore, this annexation represents a timely infill opportunity that will result in a compact growth pattern that expands the City limits incrementally in this area of the City.
- J. As shown in the *October 13, 2004 Annexation Remands Service Provider Summary Matrix*, the service providers indicated that they could meet the service demands that could be generated by the specific proposed development. None of the providers indicated that providing these new services would compromise their delivery of services to the rest of the community.
- K. The subject property does not have a City zoning designation because it is not within the City limits. However, since the property is within the City's Urban Growth Boundary, the current Comprehensive Plan designation on the subject property is Mixed Density Residential (Tax Lot 1400) and Single Family Residential (Tax Lot 2000). The corresponding City zoning designation for a Comprehensive Plan designation of Mixed Density Residential is Residential Mixed Density (RM), and Single Family Residential is Residential Low Density (RL). The applicant is requesting the aforementioned zoning designations be automatically assigned for the subject properties. Therefore, this action is NOT a zoning map amendment.
- L. The subject property has no environmental constraints that cannot be mitigated or that would prevent development as a residential site.
- M. The City's annexation review procedures on annexation request File # A-02-03 have complied with the City of Lebanon/Linn County Urban Growth Management Agreement, Sections 2 and 5 regarding City authority to annex lands within the Urban Growth Area (UGA) and assign City zoning in accordance with the Lebanon Comprehensive Plan Map.

2. Current Status of Infrastructure

Urban services are or can be made available to serve the proposed annexation area. The following comments review the City's infrastructure. Redevelopment of this area may require additional infrastructure improvements.

- A. **Streets** - The adjacent Cascade Drive is available to serve the annexation. Cascade Drive is presently a county standard road. An Irrevocable Petition for Public (street) Improvements for each annexed property must be provided prior to City utility line (sewer) connection.
- B. **Water** - Currently, the nearest water mains are a 12-inch main on Santiam Highway southeast of Truman Street and an 8-inch main on Market Street. The development of the new Super-Wal-Mart site (building permits have been issued) will bring a major City water line to within 850 feet of Tax Lots 1400 and 2000. Site development will result in water line extensions to these properties. Connection to a new City water main will also involve costs for service lines, meters, plumbing permit fees, and a water system development charge.
- C. **Drainage** - A county standard roadside ditch exists along Cascade Drive. Further development may require drainage improvements.
- D. **Sanitary Sewer** - A 12-inch sanitary sewer main has been constructed on Cascade Drive extending to 7 Oak School Middle School. This sewer will be available to serve the annexation. Connection to City sanitary sewer will involve costs for service lines, plumbing permit fees, and a sanitary sewer system development charge. There may be a cost recovery assessment due to reimburse the Lebanon Community School District for extending the sanitary sewer.
- E. **Fees** - For each dwelling unit, connection to a City utility or building permit issuance will also cause to be due all remaining streets, drainage, and parks system development charges. All of the above permits, fees, and processes are detailed in the City's Site Development Guide.

PLANNING COMMISSION RECOMMENDATION

On May 15, 2002 the Lebanon Planning Commission voted to recommend to the City Council that this annexation request be approved.

PLANNING COMMISSION FINDINGS

The Planning Commission based this recommendation on the following:

Criteria 1:

City Annexation Policy Section 1: *Requires proof that urban services are available or can be made available to serve the property considered for annexation and that the additional demands that would be placed on those services will not overburden their present capacities.*

Planning Commission Finding # 1:

The proposed annexation complies with City Annexation Policy, Section 1, in that services are or can be made available to serve the properties. The subject site (Tax Lot 1400) is currently hooked-up to the City's sanitary sewer service. A 12-inch sanitary sewer main has been constructed on Cascade Drive to 7 Oak School, and is available to serve the annexation.

Criteria 2:

City Annexation Policy Section 2: *States that public rights of way necessary for the safe and efficient movement of traffic, bicycles and pedestrians shall be provided with the annexation and without obligation to the City of Lebanon.*

Planning Commission Finding # 2:

The proposed annexation complies with City Annexation Policy, Section 2, in the adjacent Cascade Drive is available to serve the annexation. Cascade Drive is presently a county standard road. An Irrevocable Petition for Public (street) Improvements for each annexed property must be provided prior to city utility line (sewer) connection. Recent case law dictates that public right-of-way shall be dedicated at the time or juncture when the nexus or need is established by an actual development proposal. The subject property is bordered by ample rights-of-way to ensure safe and efficient movement of pedestrian and vehicular traffic. Future public rights-of-way will be dedicated as per the eventual development of the subject property itself.

Criteria 3:

City Annexation Policy, Section 3: *Specifies that parties involved in seeking the annexation or who may be included in the annexation shall initiate a program to upgrade any urban services and/or public facilities within the area considered for annexation that do not meet standards as may be established by the City of Lebanon.*

Planning Commission Finding # 3:

The proposed annexation complies with City Annexation Policy, Section 3, in that one of the subject properties (Tax Lot 1400) is currently hooked-up to the City's sanitary sewer service. Additionally, a 12-inch sanitary sewer main has been constructed on Cascade Drive to 7 Oak School, and is available to serve the annexation. The nearest water mains are a 12-inch main on Santiam Highway southeast of Truman Street and an 8-inch main on Market Street. Further development may require a substantial water line extension. Storm drainage is currently provided by a county standard roadside ditch along Cascade Drive. Further development may require drainage improvements. Additional on-site public (and private) infrastructure improvements will be provided as the property actually develops. Recent case law dictates that such public infrastructure improvements shall be provided at the time or juncture when the nexus or need is established by an actual development proposal. Mitigation cannot be required until the impacts of an actual development proposal have been established.

Criteria 4:

City Annexation Policy, Section 4: States that *no annexation shall be considered that does not conform with the Lebanon Comprehensive Plan and its goals and policies.*

Planning Commission Finding # 4:

The proposed annexation complies with City Annexation Policy, Section 4, in that the property complies with Zoning Ordinance and Comprehensive Plan policies pertaining to the property and zoning. The submitted conceptual development strategy identifies possible future land uses that conform to the Comprehensive Plan and Zoning Map designations for the property.

Criteria 5 and 7:

City Annexation Policy, Section 5: States that *it shall be the burden of proof of the applicant that a public need exists for the proposed annexation and that the annexation is in the public's interest.*

Urbanization Element of the Comprehensive Plan, Annexation Policy #1 (page 4-P-2): States that *...the City shall annex land only within the Urban Growth Boundary on the basis of findings that support the need for additional developable land in order to maintain an orderly, compact growth pattern within the City's service capability.*

Planning Commission Finding # 5 & 7:

The proposed annexation complies with City Annexation Policy, Section 5, in that a public need exists for developable lots (infill and redevelopment potential) to support new housing development.

Criteria 6:

Urbanization Element of the Comprehensive Plan, Phased Growth Program, Policy #1 (page 4-P-1): States that *... the City shall maintain a compact growth pattern that expands the City limits incrementally in an orderly and efficient manner within the service capabilities of the City.*

Planning Commission Finding # 6:

The proposed annexation complies with Comprehensive Plan Urbanization Element, Phased Growth Program, Policy #1, (page 4-P-1) in that it would be an orderly and efficient expansion of City limits within City service capabilities. Tax Lot 1400 abuts city limits to the north, and Tax Lot 2000 is directly across the road (west) from Tax Lot 1400 and is one tax lot away from Santiam Village Mobile Home Park to the north. All of the area to the north, northwest, east, and northeast of the annexation territory is within the City limits. Seven Oak Middle School is located to the south. Therefore, this annexation represents a timely infill opportunity that will result in a compact growth pattern that expands the City limits incrementally in this area of the City.

Criteria 8:

Urbanization Element of the Comprehensive Plan, Annexation Policy #3 (page 4-P-2): States that *... Unless otherwise approved by the City, specific development proposals shall be required for annexation requests on vacant land adjacent to the City to insure completion within a reasonable time limit in conformance with a plan approved by the City.*

Planning Commission Finding # 8:

The proposed annexation complies with Urbanization Element of the Comprehensive Plan, Annexation Policy #3 (page 4-P-2). The applicant has provided a specific development proposal for the development of subject property (Tax Lot 2000). The specific development proposal identifies uses that comply with the Comprehensive Plan and Zoning Ordinance and that can be served by existing and proposed public and private infrastructure improvements in the area.

Criteria 9:

Public Facilities and Services Element of the Comprehensive Plan, General Policy #2 (page 8-P-1): States that *the City shall consider impacts on community facilities before ... annexation requests are approved.*

Planning Commission Finding # 9:

The proposed annexation complies with Comp. Plan Public Facilities and Services Element, General Policy #2, (page 8-P-1) in that the annexation will not result in an adverse impact on community facilities.

Criteria 10:

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.*

Planning Commission Finding # 10:

This proposed Annexation is in compliance with Zoning Ordinance Section 3.050. Currently the subject property does not have a City zoning designation because it is not within the City limits. However, since the property is within the City's Urban Growth Boundary, the current Comprehensive Plan designation on the subject property is Mixed Density Residential (Tax Lot 1400) and Single Family Residential (Tax Lot 2000). The corresponding City zoning designation for a Comprehensive Plan designation of Mixed Density Residential is Residential Mixed Density (RM), and Single Family Residential is Residential Low Density (RL). The applicant is requesting the aforementioned zoning designations be automatically assigned for the subject properties.

Criteria 11 and 12:

City of Lebanon/Linn County -- Urban Growth Management Agreement

Section 2: Delineation of Authority in the Urban Growth Area (UGA), 2nd paragraph:

The Lebanon Comprehensive Plan designates the future city zoning UGA lands will receive upon annexation to the City.

Section 5: Annexations

The UGA identifies land that may be subject to future City annexation. The City may annex land using its own procedures in accordance with state law. Only land within the UGA will be considered for annexation. The City will notify the County of any proposed annexations. Upon annexation, the City assumes all jurisdiction for land use actions.

Planning Commission Finding # 11:

The City's annexation review procedures on annexation request File # A-02-03 have complied with the City of Lebanon/Linn County Urban Growth Management Agreement, Sections 2 and 5 regarding City authority to annex lands within the Urban Growth Area (UGA) and assign City zoning in accordance with the Lebanon Comprehensive Plan Map.

OVERVIEW OF APPLICANT'S SPECIFIC DEVELOPMENT PROPOSAL

1. City Policy and State Law:

The Lebanon Comprehensive Plan (1980) and Annexation Ordinance (1982), as well as the Lebanon/Linn County Urban Growth Management Agreement (1995), were in effect when A-03-02 was originally submitted to the City. These codes have been interpreted by LUBA and others as necessitating the concurrent submittal of a specific development proposal. In accordance with LUBA's ruling on this issue, the applicant now submits the following specific development proposal for concurrent review with this annexation request. This review is for the purpose of determining that the proposed annexation is consistent with the Goals and Policies of the existing (1980) City of Lebanon Comprehensive Plan.

The City notes that there is no mechanism in either City ordinances or in State law that requires the applicant to implement this specific development proposal should this annexation request be approved. The City has a separate development application and review process for development proposals. The applicant must submit the appropriate application(s) to initiate a development review process when the applicant desires to develop this property. Such an application cannot be submitted by the applicant and reviewed by the City until the subject property has been annexed into the City.

2. Applicant's Specific Development Proposal

2.1 As shown on the following figure from the applicant's as specific proposed development plan, the parcel at 265 Cascade Drive of this proposed annexation is already developed and has hooked up to City Sewer services. The vacant parcel (Tax Lot 2000) is comprised of two platted subdivision lots (lots 1 & 2). Both are proposed to be developed with single-family dwellings with a shared driveway access to Wagon Wheel Drive.

2.2 Upon annexation these properties would be zoned Residential Mixed Density (RM) and Residential Low Density (RL). Lebanon Zoning Ordinance Section 4.020 lists the development opportunities, standards and requirements for the Residential Mixed Density zone; and LZO Section 4.010 lists the development opportunities, standards and requirements for the Residential Low Density zone. These standards would allow a maximum possible density of six single-family homes on Tax Lot 2000.

2.3 Assessment of Ability to Provide Urban Services:

As part of the review process, and for inclusion in this annexation Staff Report for the City Council, the City sent out on September 27, 2004, evaluation forms to fourteen different providers of urban services and requested an assessment of their organization's, company's, or agency's ability to provide services should up to six single-family dwellings actually be built. The following urban services were assessed:

- a. **City of Lebanon Provided Services:** Waste Water (Sanitary Sewer), Water (potable & fire flow), Storm Drainage, Access (Roads, etc.), Police Protection, Parks, Library, and Senior Services;
- b. **Other Public Agencies:** Fire/Emergency Medical (Lebanon Fire District), Public Schools Lebanon Community School District;
- c. **Private Sector Vendors:** Solid Waste (Albany-Lebanon Sanitation), Electricity (Consumers Power or Pacific Power), Natural Gas (NW Natural Gas), Phone Service (CenturyTel)

Thirteen of these fourteen urban service providers responded in time for the results to be included in this Staff Report. All thirteen indicated that they could meet the service demands that could be generated by the specific development proposal. The results of these assessments are summarized in the **October 13, 2004 Annexation Remands Service Provider Summary Matrix** following the applicant's specific development proposal.

DRIVE

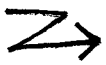
CASCADE

PROPOSED
SINGLE
FAMILY
DWELLING

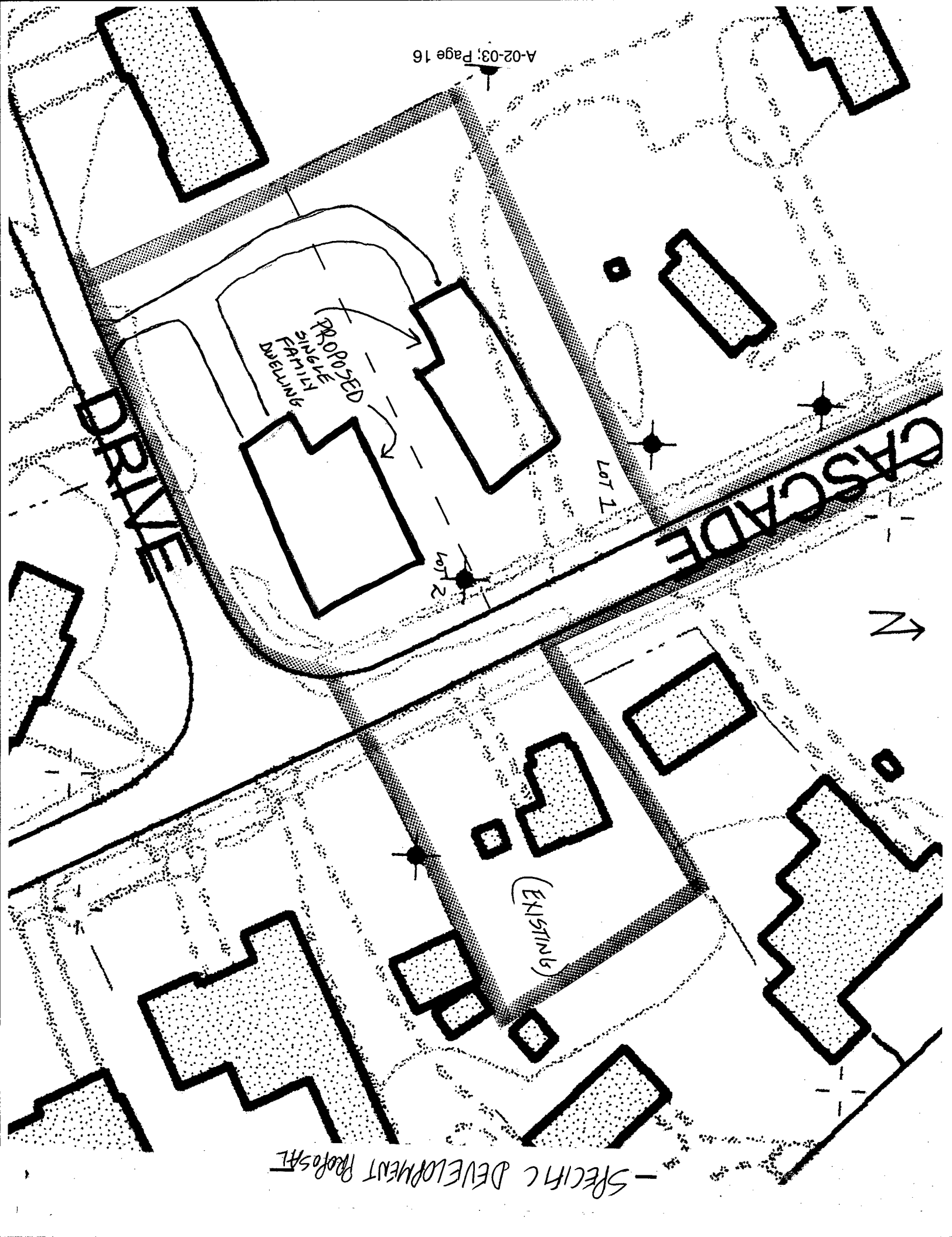
Lot 1

Lot 2

(EXISTING)



SPECIFIC DEVELOPMENT PROPOSAL



October 13, 2004 -- ANNEXATION REMANDS SERVICE PROVIDER SUMMARY MATRIX

SERVICE AND SERVICE PROVIDER	Ability to Serve Specific Proposed Development Plan on Subject Property		Annexation A-02-03 Herb / Cook - Cascade Drive	
	YES	NO	PROVIDER SUMMARY	OTHER COMMENTS
City of Lebanon Provided Services				
Waste Water (Sanitary Sewer)	X		James P. Ruef, Public Works Director City of Lebanon 925 Main Street Lebanon OR 97355	<i>An existing 12" sanitary sewer fronts the property at 265 Cascade Drive (Map 12S-2W-23A, Tax Lot 1400). The 12" sanitary sewer also fronts the parcel described as 12S-2W-23B, Tax Lot 2000. The parcel at the intersection of Cascade Drive and Wagon Wheel Drive (12S-2W-23B, Tax Lot 2000) will be required to extend the sanitary sewer along the southeastern frontage of the property in accordance with current development policy. Conveyance and treatment capacity exists to serve the proposed sites..</i>
Water (potable & fire flow)	X		James P. Ruef, Public Works Director City of Lebanon 925 Main Street Lebanon OR 97355	<i>Water service must be extended to serve the proposed annexed properties. The closest existing water main is located at the intersection of Wagon Wheel Drive and Oak Terrace. This main would need to be extended approximately 2,580' to reach the westernmost edge of 12S-2W-23B, Tax Lot 2000. Additional water main would need to be constructed to provide the water utility along the entire property frontage. Waterline improvements are proposed at the intersection of Cascade Drive and Highway 20. When these improvements are constructed ,then the water main could be extended approximately 850' to the northernmost property line of 12S-2W-23B, Tax Lot 2000. Additional water main would need to be constructed to provide the utility along the entire property frontage. Under each scenario, the main is to be 16" in diameter for the entire length as per the Water Master Plan .Treatment and distribution capacity is available to serve the proposed site.</i>
Storm Drainage	X		James P. Ruef, Public Works Director City of Lebanon 925 Main Street Lebanon OR 97355	<i>The annexation site is located on either side of Cascade Drive just north of Wagon Wheel Drive which is located in the upper reaches of the Burkhart Creek drainage basin. Both tax lots drain to Cascade Drive which has drainage ditches on each side of the road that flow north to the intersection of Cascade Dr. and Highway 20. The drainage on Cascade Drive will be intercepted and enter the drainage facilities proposed by the Wal-Mart development which have been designed to detain and convey runoff from the surrounding area including this site.</i>
Access (Roads, etc.)	X		James P. Ruef, Public Works Director City of Lebanon 925 Main Street Lebanon OR 97355	<i>The proposed site is bordered by a collector arterial Cascade Drive and will provide access for the two parcels. Sufficient capacity exists to serve these sites.</i>
Police Protection	X		Michael D. Healy, Police Chief City of Lebanon	<i>The provision of safety and emergency services to this annexation territory will not compromise the current delivery of services to the balance of the City.</i>

			925 Main Street Lebanon OR 97355	
Parks	X		James P. Ruef, Public Works Director City of Lebanon 925 Main Street Lebanon OR 97355	<i>Development on the property proposed for annexation will fund increased Park Services through the System Development Charge fees and increased property tax revenues to the City of Lebanon</i>
Library	X		Denise Lee, Library Services Manager City of Lebanon 925 Main Street Lebanon OR 97355	<i>The Lebanon Public Library provides library services to the City of Lebanon and the surrounding area. This annexation is within the "surrounding area" and is currently receiving library services through a non-resident registration fee. The library has the capacity to provide services to this area.</i>
Senior Services	X		Susan Tipton, Senior Services Manager City of Lebanon 925 Main Street Lebanon, OR 97355	<i>The Senior Center already provides service to people in this area. The Dial-A-Bus does not go this far south..</i>

October 13, 2004 -- ANNEXATION REMANDS SERVICE PROVIDER SUMMARY MATRIX

SERVICE AND SERVICE PROVIDER	Ability to Serve Proposed Site Development Plan on Subject Property		Annexation A-02-03 Herb / Cook - Cascade Drive	
	YES	NO	PROVIDER SUMMARY	OTHER COMMENTS
Other Public Agencies				
Fire/Emergency Medical (Lebanon Fire District)	X		Perry Palmer, Fire Chief Lebanon Fire District 1050 W. Oak Street Lebanon, OR 97355	<i>The Fire District has no issues with this proposal.</i>
Public Schools Lebanon Community School District	X		Jim Robinson, Superintendent Lebanon Community School District 485 S. 5 th Street Lebanon, OR 97355	<i>No problem.</i>
Private Sector Vendors				
Solid Waste (Albany-Lebanon Sanitation)	X		Sid Lien Albany-Lebanon Sanitation Co. 1214 SE Montgomery St. Albany, OR 97322	<i>Providing that all garbage and recycling containers must come out to Wagon Wheel or Cascade Drive.</i>
Electricity (Consumers Power or Pacific Power)	X		Doris Johnston, Manager Pacific Power 830 Old Salem Rd. Albany, OR 97321	<i>Pacific Power sees no major problem in meeting foreseeable increased demand for power.</i>
Natural Gas (NW Natural Gas)				Information was not received from the provider by the time the staff report was sent out.
Phone Service (CenturyTel)	X		Duane L. Mattson CenturyTel 890 S. 2 nd Street Lebanon, OR 97355	<i>These lots have service adjacent to them already.</i>

STAFF RECOMMENDATION

If the City Council concludes that this proposed annexation has successfully and adequately addressed the applicable criteria from the City's Annexation Ordinance, Comprehensive Plan, Zoning Ordinance, and the City of Lebanon/Linn County Urban Growth Management Agreement, as well as effectively responding to LUBA remand issues and addressing applicable testimony, then staff recommends that the City Council **APPROVE** this annexation request.

However, if the City Council concludes that this proposed annexation has **NOT** successfully and adequately addressed the applicable criteria from the City's Annexation Ordinance, Comprehensive Plan, Zoning Ordinance, and the City of Lebanon/Linn County Urban Growth Management Agreement, has **NOT** effectively responded to LUBA remand issues, and has **NOT** effectively addressed applicable testimony, then staff recommends that the City Council **DENY** this annexation request.

PROPOSED FINDINGS

Staff shall write draft findings based on the above staff report, testimony, and city council discussion. These draft findings will be distributed to the city Council prior to the next City Council meeting so that the Council may take final action on the findings and the proposed annexation.

**ANNEXATION ZONING MATRIX:
For Property Annexed into the City of Lebanon**

City of Lebanon Comprehensive Plan Designations	City of Lebanon Zoning Designations
Single Family Residential	Residential Low density Zone (RL)
Mixed-Density Residential	Residential Mixed Density Zone (RM)
	* Residential High Density Zone (RH)
Special Development District (SPD) or Mixed Use	Mixed Use Zone (MU)
Commercial	** Neighborhood Commercial Zone (CN)
	* Central Business Commercial Zone (CB)
	Highway Commercial Zone (CH)
Light Industrial	Limited Industrial Zone (ML)
Heavy Industry	General Industrial Zone (MG)
Key	
* (or) Red Lettering & Yellow Shading	Based upon the Zoning Ordinance description of these zones, there are no un-annexed properties in the UGB eligible to be assigned to these zone designations. (October 04)
** (or) Blue Lettering & Blue Shading	This zone is for small neighborhood shopping clusters. Such designations would require a zone change and an Administrative Review Process.

EXHIBIT "A"

HERB-COOK ANNEXATION NARRATIVE

The attached application is to request annexation into the City Limits of Lebanon Taxlot 2000 of map 12-2W-23B, Taxlot 1400 of map 12-2W-23A, and a portion of Cascade Drive as shown on the attached maps and described in the attached legal description. Both properties currently have well water and both properties will have access to City sanitary sewer with the completion of the 7-Oak Sanitary Sewer Extension Project.

EXHIBIT "B"

Page 1 of 2

COMPARISON OF LISTED BARE LAND BETWEEN JULY 04 AND SEPTEMBER 04

ZONING	July 04	Sept. 04	+/-
CB - Central Business	3.55 acres	1.04 acres	+ 0.04 acres
CH - Highway Commercial		2.04 acres	
MU - Mixed Use		0.51 acres	
ML - Limited Industrial	148.85 acres	116.31 acres	32.54 acres
RH - Residential High Density	3.25 acres	0.91 acres	+ 25.30 acres
RL - Residential Low Density		0.42 acres	
RM - Residential Mixed Density		27.22 acres	
TOTALS	155.65 acres	148.45 acres	- 7.20 acres

**BARE LAND LISTINGS WITHIN CITY LIMITS
AS OF SEPTEMBER 29, 2004
ACCORDING TO MULTIPLE LISTING SERVICE**

Location	Lot Size	Asking Price	Zoning
Maple Street (W)	0.16 acres	\$43,900	CB - Central Business
2nd Street (S)	0.17 acres	\$48,900	CB - Central Business
Maple Street (W)	0.24 acres	\$54,870	CB - Central Business
2nd Street	0.22 acres	\$57,500	CB - Central Business
Maple Street (W)	0.25 acres	\$60,000	CB - Central Business
Park Street	0.29 acres	\$45,000	CH - Highway Commercial
Vine Street (W)	0.24 acres	\$45,000	CH - Highway Commercial
Airport Road	1.51 acres	\$299,000	CH - Highway Commercial
Airway Rd.	0.42 acres	\$99,900	ML - Limited Industrial
Oak Street (W)	63.92 acres	\$2,275,000	ML - Limited Industrial
Hansard Avenue	51.97 acres	\$1,820,000	ML - Limited Industrial
S. Main Road	0.51 acres	\$223,500	MU - Mixed Use
Grove Street	0.19 acres	\$24,000	RH - Residential High Density
Oak Street	0.38 acres	\$45,000	RH - Residential High Density
Oak Street	0.34 acres	\$45,000	RH - Residential High Density
8th Street	0.15 acres	\$32,500	RL - Residential Low Density
Grant Street (E)	0.27 acres	\$38,000	RL - Residential Low Density
Vine Street (W)	0.14 acres	\$29,000	RM - Residential Mixed Density
F Street	0.9 acres	\$47,500	RM - Residential Mixed Density
Walker Road	1.08 acres	\$59,000	RM - Residential Mixed Density
F Street	0.52 acres	\$59,987	RM - Residential Mixed Density
S. Main Road	24.58 acres	\$1,351,900	RM - Residential Mixed Density

TOTAL ACRES	148.45 acres	
SUMMARY	1.04 acres	CB - Central Business
	2.04 acres	CH - Highway Commercial
	116.31 acres	ML - Limited Industrial
	0.51 acres	MU - Mixed Use
	0.91 acres	RH - Residential High Density
	0.42 acres	RL - Residential Low Density
	27.22 acres	RM - Residential Mixed Density

**CITY OF LEBANON
CITY COUNCIL STAFF REPORT
(Based on Planning Commission Staff Report for January 21, 2004)
ANNEXATION REQUEST**

The Planning Commission conducted a public hearing on this proposed annexation on January 21, 2004, and unanimously voted to recommend approval to the City Council.

NATURE OF REQUEST: Annexation of approximately a 7.77 acre territory comprised of three parcels.

APPLICANT: Clear View II, LLC, and Cornell Family Trust

PROPERTY LOCATION: Located on the west side of Mountain River Drive due north of River Road, northwest of the intersection of these two roads.

ASSESSOR'S MAP AND TAX LOT #s: Assessor's Map 12S-2W-14D, Tax Lots 901, 903, and 904

ZONE DESIGNATION: Residential Mixed Density (RM) upon annexation

COMP PLAN DESIGNATION: Mixed-Density Residential

STAFF REPORT TABLE OF CONTENTS

	Page
• Nature of Request, Applicant, Property Location, Assessor's Map and Tax Lot #s, Zone and Comp Plan Designations	1
• Introduction	1
• Site Maps and Land Cover Map	2, 3
• Site Description	4
• Annexation Map and Legal Description	5, 6
• Planning and Zoning Considerations	7
• Relevant Criteria	8
• Staff Comments	12-14
• Planning Commission Recommendation & Findings	15-21
• Recommendation & Proposed Findings	22

INTRODUCTION

The applicant proposes to annex approximately a 7.77 acre territory that is comprised of three parcels located northwest of the intersection of River Road and Mountain River Drive. This property is designated as Mixed-Density Residential on the City of Lebanon Comprehensive Plan Map and will be assigned a Residential Mixed Density (RM) zoning designation upon annexation. The annexation territory is contiguous with the City limits on the north and east. The annexation proposal includes a dedication of the right-of-way necessary for the City standard improvement of Mountain River Drive from River Road to near Riverview School. Development of this annexation territory will eventually provide east-west access to the homes and properties to the west of the annexation territory that currently only have access via substandard private bridges across the canal. These bridges are of such poor quality that emergency vehicles from the Fire District cannot cross them.

MAP WAS PREPARED FOR
ASSESSMENT PURPOSES ONLY

SE 1/4 SEC. 14 T. 12S. R. 02W. W.M.
LINN COUNTY, OREGON
1" = 200'

9-5

SECOND ADDITION
TO
ROBERTSON'S
ADDITION

9-7

SEE MAP 12 2W 13

SEE MAP 12 2W 14DB

PARTITION

9-16

PLAT

100
31.71A

PARCEL 1

SE COR. N 1/2
DLC 77

C.S. 22000

NO. 2001

17

SOUTH SANTIAM RIVER

SEE MAP 12 2W 13

SEE MAP 12 2W 14DC

Subject
Property
(901)

9-47

901
2.58A

901
14.51A

9-2

(904)

902 (903)

ASSESSORS
MAP
12S-2W-14D

9-2

1000
1200A

1202
1202A

1203
1203A

1204
1204A

1205
1205A

1206
1206A

1207
1207A

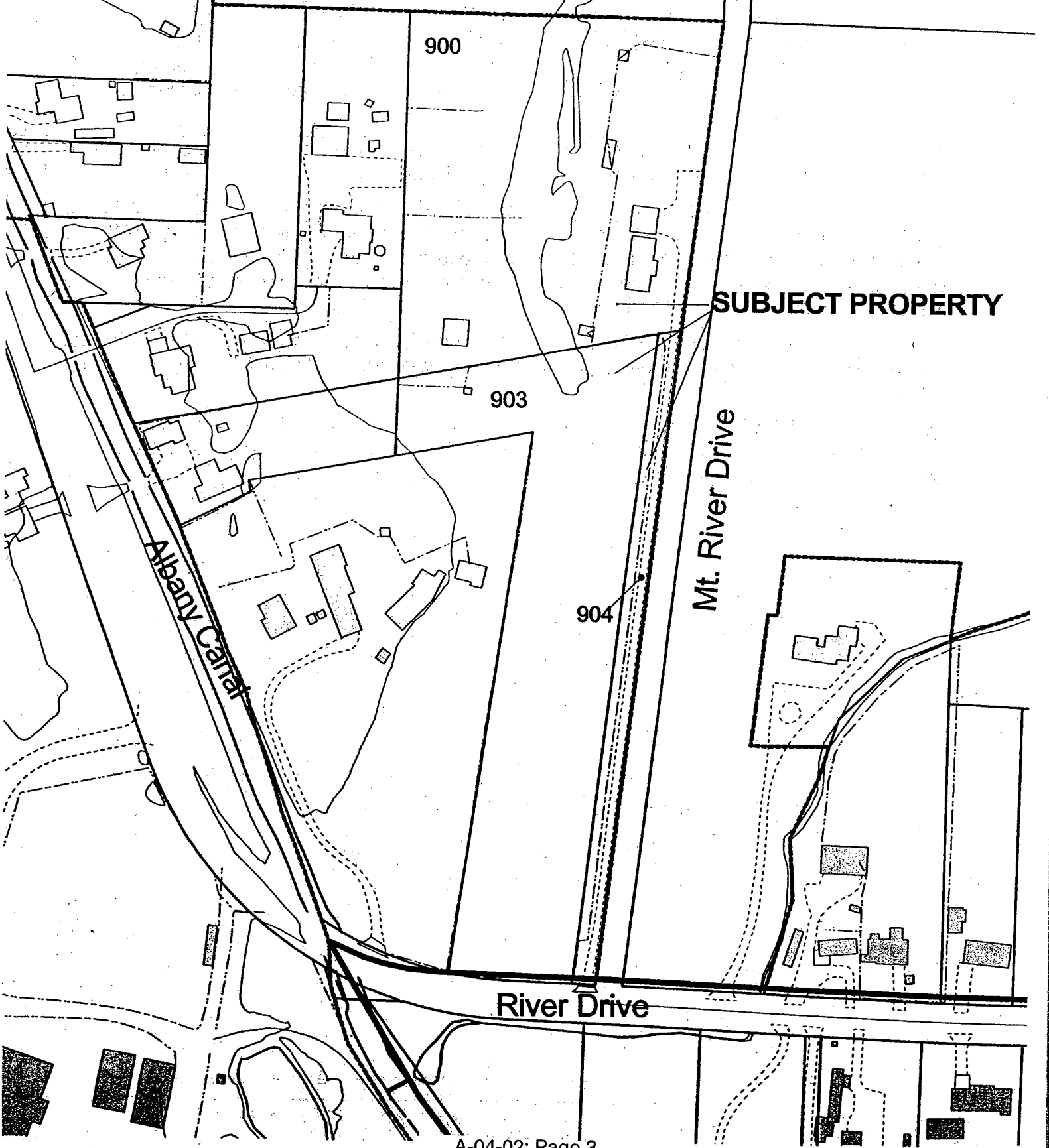
1208
1208A

1209
1209A

SEE MAP 12 2W 23A

LAND COVER MAP

12S-2W-14D



SUBJECT PROPERTY

SITE DESCRIPTION

The subject property or annexation territory is composed of three tax lots: Tax lot 901 and 904 are currently owned by Clear View I, LLC, and contains an existing single family residence that has an on-site septic system and well. In addition to the residence, the property has some pasture lands, and several out buildings. The property is oriented in a flag configuration with the flag providing access to River Road. The east boundary of the flag portion is adjacent to Mountain River Drive, currently a 34-foot right-of-way. Tax lot 903 is currently owned by the Cornell family trust. The land is currently vacant and being used to grow grass hay crops.

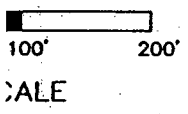
To the west of the annexation territory are unannexed, rural residential properties with individual lot access from private bridges across the Santiam Canal.

To the north of the annexation territory is Mountain River Village - Phase Three (MRV 3), which is within the City limits. This subdivision contains forty-four single-family lots. MRV 3 includes an expanded Mountain River Drive that features a center turn lane, bike lanes, on-street parking on both sides. Mountain River Drive extends to the northern boundary of the current annexation territory. Further north is Riverview School.

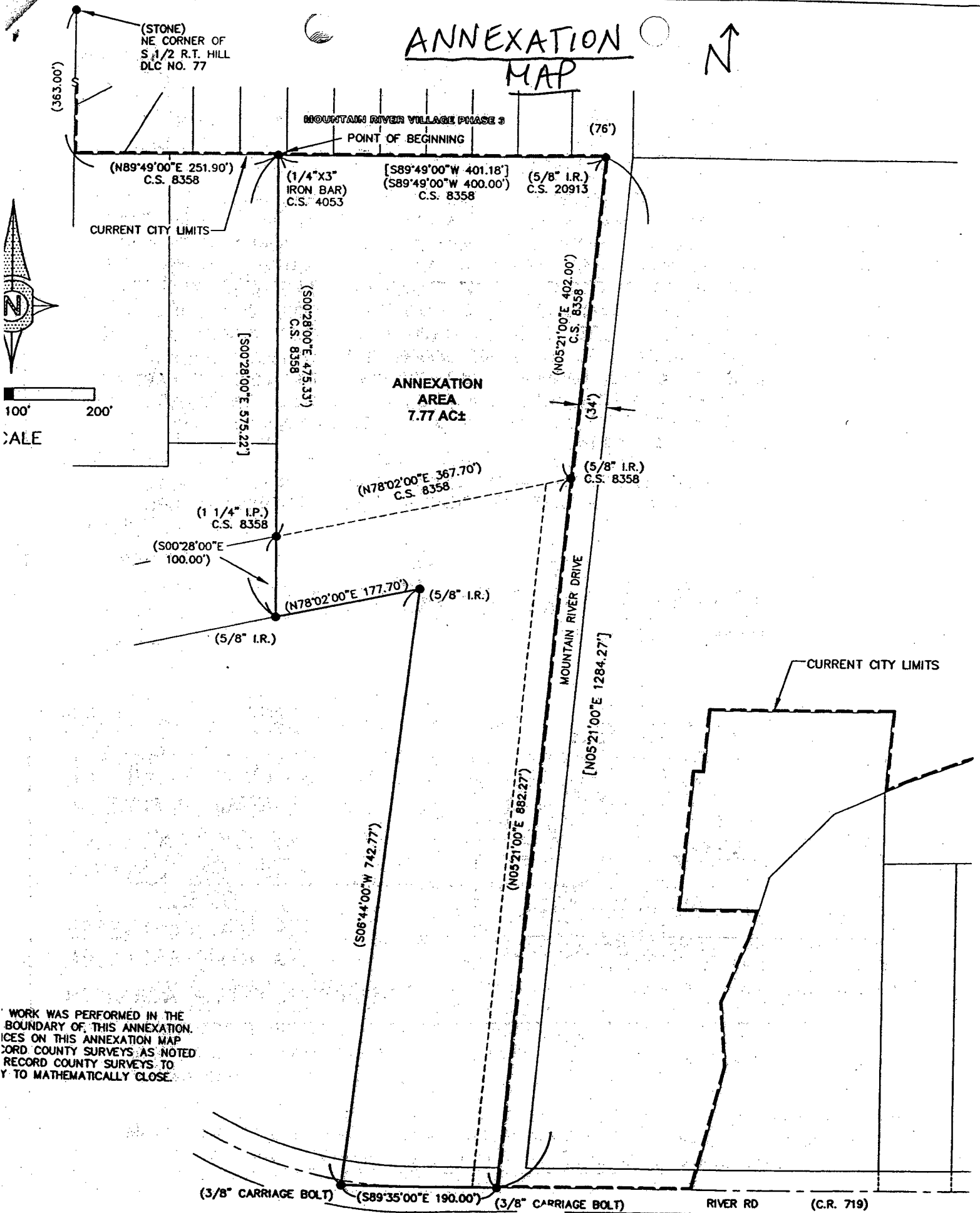
To the east of the annexation territory are rural residences, and formerly extensive orchards. The properties immediately to the east and adjacent to Mountain River Drive are within the City limits.

To the south of the annexation territory are an open field and a rural residential home. Further south is Cheadle Lake. Rural residential homes also occupy the area to the southeast of the subject property.

ANNEXATION MAP



SCALE



WORK WAS PERFORMED IN THE BOUNDARY OF THIS ANNEXATION. REFERENCES ON THIS ANNEXATION MAP TO RECORD COUNTY SURVEYS AS NOTED TO RECORD COUNTY SURVEYS TO BE MATHEMATICALLY CLOSE.

ANNEXATION AREA LEGAL DESCRIPTION:

AN AREA OF LAND IN THE SE 1/4 OF SECTION 14 IN TOWNSHIP 12 SOUTH OF RANGE 2 WEST OF THE WILLAMETTE MERIDIAN, LINN COUNTY, OREGON DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/4" X 3" IRON BAR WHICH BEARS SOUTH, ALONG THE EAST LINE OF THE R.T. HILL DLC NO. 77, 363.00 FEET AND NORTH 89°49'00" EAST 251.90 FEET FROM THE NORTHEAST CORNER OF THE SOUTH 1/2 OF SAID DLC NO. 77; THENCE SOUTH 00°28'00" EAST 575.22 FEET TO A 5/8" IRON ROD; THENCE NORTH 78°02'00" EAST 177.70 FEET TO A 5/8" IRON ROD; THENCE SOUTH 06°44'00" WEST 742.77 FEET TO A 3/8" CARRIAGE BOLT; THENCE SOUTH 89°35'00" EAST 190.00 FEET TO A 3/8" CARRIAGE BOLT; THENCE NORTH 05°21'00" EAST 1284.27 FEET TO A 5/8" IRON ROD; THENCE SOUTH 89°49'00" WEST 401.18 FEET TO THE 1/4" X 3" IRON BAR MARKING THE POINT OF BEGINNING.

I HEREBY CERTIFY THE ABOVE LEGAL DESCRIPTION CLOSES WITHIN TOLERANCES OF RECOGNIZED PRACTICES AS PRESCRIBED IN ORS 92.

Brian Vanetta

BRIAN VANETTA, PLS

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Brian Vanetta

OREGON
JULY 13, 1999
BRIAN VANETTA
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FAX (541) 451-1366

BRANDVOLD_HOFFMAN ANNEXATION

PLANNING AND ZONING CONSIDERATIONS

1. The Comprehensive Plan Map identifies the designation of the subject property as Mixed-Density Residential that assigns a Residential Mixed Density (RM) zoning upon annexation.

The following contain the factors and conditions that the City considers in evaluating an annexation request: (1) City of Lebanon Ordinance Number 17 for 2003, an Ordinance Making Findings and Adopting Policies for the Annexation of Real Property into the City Limits; and (2) Lebanon Comprehensive Plan as follows: (a) Introductory Provisions, Administrative Policy #8; (b) Urbanization Element, Flexible Growth Program, Policies #1 and 2 (page 4-P1); (c) Urbanization Element, Annexations, Policies #1 through 8 (page 4-P-2); (d) Public Facilities and Services Element, General Policy #2 (page 8-P-1); and (e) Public Facilities and Services Element, Sewerage Facilities, Policy #2 (pages 8-P-4, 5); *Chapter 6: Housing*, Overall Goal (LCP page 6-P-1), and Buildable Lands Policies # 1 and 2 (LCP pages 6-P-2, 6-P-3); (3) Zoning Ordinance Section 3.050, Zoning of Annexed Areas; (4) City of Lebanon/Linn County – Urban Growth Management Agreement, Section 2: Delineation of Authority in the Urban Growth Area (UGA), and Section 5, Annexations.

2. Lebanon Zoning Ordinance Section 4.020 lists the development opportunities, standards and requirements for the Residential Mixed Density (RM) zone.

RELEVANT CRITERIA

1.0 Criteria Based on the City of Lebanon Ordinance Number 17 for 2003, an Ordinance Making Findings and Adopting Policies for the Annexation of Real Property into the City Limits

1.1 Annexation Ordinance Findings:

- 1.1.1 **A:** Implementation of the City's Annexation Ordinance and its policies ensure the orderly expansion of City Limits and the efficient provision of key City-provided urban utility services, which are hereby defined as water, storm drainage, sanitary sewerage, and streets.
- 1.1.2 **B:** The original Urban Growth Boundary of the City was established with the adoption and acknowledgment of Lebanon's Comprehensive Plan and Comprehensive Plan Map. This Plan, Map and the corresponding Urban Growth Boundary were accepted by both the City and the State. The acknowledgment of the Comprehensive Plan and Map established that all lands included within the Urban Growth Boundary are eligible for annexation (when they are contiguous to city limits) and urban development (except for minor inclusions of areas with environmental constraints) and other urban uses. The area within the Urban Growth Boundary designated for urban development and other urban uses has therefore been acknowledged as land needed by the City.
- 1.1.3 **C:** Annexation incorporates territory within the Urban Growth Area into the City Limits.
- 1.1.4 **D:** Annexation proposals do not require site specific development proposals.
- 1.1.5 **E:** Proposals for the development or redevelopment of properties that pertain to annexation proposals are a separate land use process, requiring separate application. Except as specified below in Section 15, the City may not act upon such development or redevelopment proposals related to an

annexation territory until the annexation proposal has been approved. These development or redevelopment proposals will be acted upon after approval of the annexation, and thus require a separate hearing or process.

1.1.6 F: As part of the annexation process of developed property or properties, the City will consider the anticipated demands of existing development within the annexation territory to access City-provided urban utility services, which are water, storm drainage, sanitary sewerage, and streets. Furthermore, as part of the annexation process of developed property or properties, the City will consider the impacts on these same key City-provided urban utility services, water, storm drainage, sanitary sewerage, and streets, needed to serve these developed properties.

1.1.7 G: The annexation of a territory that is vacant and undeveloped does not represent any change or impact on any City-provided urban utility services, and therefore the annexation of such a territory does not need to consider such issues.

1.2 Provisions of the Annexation Ordinance Sections:

1.2.1 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.

1.2.2 Section 3: All Annexations shall be consistent with the goals and policies of the Lebanon Comprehensive Plan.

1.2.3 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.

1.2.4 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).

1.2.5 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.

1.2.6 Section 7: Development proposals are NOT REQUIRED for annexation requests.

1.2.7 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.

1.2.8 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.

1.2.9 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.

- 1.2.10 **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.
- 1.2.11 **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.
- 1.2.12 **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.
- 1.2.13 **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.
- 1.2.14 **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.

2.0 **Lebanon Comprehensive Plan (LCP) Criteria**

2.1 ***Chapter 1: Introductory Provisions -- Administrative Policies And Recommendations (LCP page 1-P-1)***

- 2.1.1 **Policy #8:** The City of Lebanon Comprehensive Plan shall be consistent with the applicable Statewide Planning Goals.

2.2 ***Chapter 4: Urbanization -- Flexible Growth Program (LCP page 4-P-1)***

- 2.2.1 **Policy #1:** All lands included within the Urban Growth Boundary have been determined as suitable for urban development except those areas designated as undevelopable due to environmental constraints such as wetlands, drainage courses, flooding or steep slopes. However, those areas inside the City's Urban Growth Boundary with environmental constraints may be utilized as functional wetlands, parks, open space and related uses.

2.2.2 Policy #2: The City shall maintain an orderly and efficient, yet flexible, approach to the growth of the City and extension of the City limits through the implementation of the Annexation Policies contained in this Plan, the Lebanon/Linn County Urban Growth Management Agreement, and the City's Annexation Ordinance.

2.3 Chapter 4: Urbanization – Annexations (LCP page 4-P-2)

2.3.1 Policy #1: 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.

2.3.2 Policy #2: All Annexations shall be consistent with the goals and policies of the Lebanon Comprehensive Plan.

2.3.3 Policy #3: 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.

2.3.4 Policy #4: The City shall only annex land that is contiguous to the existing City limits and is within the City's Urban Growth Boundary (UGB). [

2.3.5 Policy #5: 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.

2.3.6 Policy #6: Development proposals are NOT REQUIRED for annexation requests.

2.3.7 Policy #7: 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.

2.3.8 **Policy #8:** 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.

2.4. **Chapter 8: Public Facilities and Services Policies and Recommendations -- General Policies (LCP page 8-P-1)**

2.4.1 **Policy #2:** The city shall consider impacts on key City-provided urban utility services (water, storm drainage, sanitary sewerage, and streets) and any other community facilities that are identified by service providers as substantially impacted by the proposal before-development proposals, or rezoning applications are approved.

2.5 **Chapter 8: Public Facilities and Services Policies and Recommendations -- Sewerage Facilities (LCP pages 8-P-4 & 8-P-5)**

2.5.1 **Policy #2:** The provision of sewerage service determines the urban development potential. Extension of public sanitary sewer infrastructure shall be in accordance with the City's Facilities Plans, as amended by special studies, or the City's Capital Improvement plans, and/or by official City Council action.

2.6 **Chapter 6: Housing**

2.6.1 **Overall Goal (LCP page 6-P-1)**

To provide a housing policy plan which seeks to increase opportunities for all citizens to enjoy safe, decent, and sanitary housing, and to assist in creating and maintaining neighborhoods in a manner consistent with the natural environment and the needs of the people.

2.6.2 **Buildable Lands**

A. **Policy #1:** The city shall maintain an adequate availability of residential, buildable lands that provide locational choices for each housing type as part of the city's development monitoring program and annual plan review. (LCP page 6-P-2)

B. **Policy #2:** The city should maintain a substantial supply of residentially zoned land within the community to assist in keeping land costs for housing at reasonable levels. (LCP page 6-P-3)

3.0 **Zoning Ordinance Criteria**

3.1 **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.

4.0 City of Lebanon/Linn County -- Urban Growth Management Agreement

- 4.1 **Section 2: Delineation of Authority in the Urban Growth Area (UGA), 2nd paragraph:** The Lebanon Comprehensive Plan designates the future city zoning UGA lands will receive upon annexation to the City.
- 4.2 **Section 5: Annexations:** *The UGA identifies land that may be subject to future City annexation. The City may annex land using its own procedures in accordance with state law. Only land within the UGA will be considered for annexation. The City will notify the County of any proposed annexations. Upon annexation, the City assumes all jurisdiction for land use actions.*

STAFF COMMENTS

1. Planning:

- A. The legal description and a map describing the entire annexation area have been submitted and are included in this report.
- B. The annexation territory is within the City's Urban Growth Boundary, and is therefore eligible for annexation and urban development. This annexation territory has been identified as land needed by the City for nearly a quarter of a century.
- C. 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 on the north, and east.
- D. The annexation territory can be developed to an urban use. This territory can be developed according to the provisions of Lebanon Zoning Ordinance Section 4.020 that lists the development opportunities, standards and requirements for the Residential Mixed Density (RM) zone, and this is consistent with all applicable provisions of the Comprehensive Plan.
- E. No development proposal was required to be submitted at this time.
- F. This property currently has one single-family residence with adequate services from both an on-site septic system and well. 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, this annexation territory (1) has ready access to the street system in that it abuts Mountain River Drive on the east, and has access to River road on the south, (2) has ready access to water via a 16" water main in Mountain River Drive, (3) a 10" sanitary sewer line is in the Mountain River Drive right-of-way, and (4) storm drainage for this area is currently addressed by City of Lebanon system in the Mountain River Drive Right-of-Way, that includes a 21" line and two catch basins immediately east of the subject property.

- G. Access to City-provided services is not sought at this time, and therefore there are no impacts at this time on the key City-provided urban utility services (i.e., are water, storm drainage, sanitary sewerage, and streets). However, when it develops, any foreseeable allowed uses of this property will be well within the capacities of the four key City-provided urban utility services in geographical proximity to the annexation property. This annexation territory (1) has ready access to the street system in that it abuts Mountain River Drive on the east and has access to River road on the south, (2) has ready access to water via a 16" water main in Mountain River Drive, (3) a 10" sanitary sewer line is in the Mountain River Drive right-of-way, and (4) storm drainage for this area is currently addressed by City of Lebanon system in the Mountain River Drive Right-of-Way, that includes a 21" line and two catch basins immediately east of the subject property.
- H. A crucial segment of the enhancement of Mountain River Drive runs along the eastern boundary of this annexation territory. The City will require the dedication of the right-of-way necessary for this extension at the time of development. This enhancement of Mountain River Drive is a crucial step in providing access to the homes and properties to the west of the annexation territory. Currently these properties only have access via substandard bridges across the canal. These bridges are of such poor quality that emergency vehicles from the Fire District cannot cross them. This annexation and subsequent dedication of right-of-way will eventually enable the development of east-west local streets connecting to Mountain River drive that will eliminate this very hazardous situation.
- I. Currently the subject property does not have a City zoning designation because it is not within the City limits. However, since the property is within the City's Urban Growth Boundary, the current Comprehensive Plan designation on the subject property is Mixed-Density Residential. The corresponding City zoning designation for a Comprehensive Plan designation of Mixed-Density Residential is Residential Mixed Density (RM). The applicant is requesting a Residential Mixed Density (RM) zoning designation for the subject property. 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.
- J. The subject property has no environmental constraints that cannot be mitigated that would prevent development.
- K. This annexation is an implementation of the Annexation Policies contained in this Plan, the Lebanon/Linn County Urban Growth Management Agreement, and the City's Annexation Ordinance.
- L. This annexation application does NOT include a development proposal or a rezoning application.

2. Current Status of Infrastructure:

- A. **Sanitary Sewer:** A 10" public sewer line is in the Mountain River Drive right-of-way at the northeast corner of the subject property.
- B. **Water:** There is a 16" water line in the Mountain Rive Drive right-of-way at the northeast corner of the subject property.

C. Drainage: Storm drainage for this area is currently addressed by the City of Lebanon system in the Mountain River Drive Right-of-Way that includes a 21" line and two catch basins immediately east of the subject property. This will be further upgraded when Mountain River Drive is brought up to City standards.

D. Transportation Access: The subject property has ready access to the street system in that it abuts Mountain River Drive on the east, and has access to River Road on the south. Future improvements of Mountain River Drive that are made possible by this annexation will eventually provide east-west access to the homes and properties to the west of the annexation territory that currently only have access via substandard private bridges across the canal. Such future improvements will resolve a very problematic situation since these bridges are currently of such poor quality that emergency vehicles from the Fire District cannot cross them.

Fees: Connection to a City utility or building permit issuance will also cause to be due all remaining street and drainage system development charges. All of the above permits, fees, and processes are detailed in the City's Site Development Guide.

SUMMARY OF PLANNING COMMISSION RECOMMENDATION

The Planning Commission conducted a public hearing on this proposed annexation on January 21, 2004, and unanimously voted to recommend approval to the City Council.

The Planning Commission based this recommendation on the following:

Criteria 1.1.1 – 1.1.7

Annexation Ordinance Findings: *These seven findings constitute the preamble of Lebanon Ordinance Number 17 for 2003, and thereby provide a legal context for the policies that pertain to all annexations to the City of Lebanon.*

Planning Commission Finding # 1:

The proposed annexation complies with all Annexation Ordinance Findings in that this land use hearing is in compliance with the legal context established by this preamble.

Criteria 1.2.1 and 2.3.1

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.*

LCP Chapter 4 (Urbanization) – Annexation Policy #1: *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.*

Planning Commission 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 1.2.2 and 2.3.2

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

LCP Chapter 4 (Urbanization) – Annexation Policy #2: *All Annexations shall be consistent with the goals and policies of the Lebanon Comprehensive Plan.*

Planning Commission Finding # 3:

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. The findings below detail this compliance.

Criteria 1.1.2, 1.2.3, 2.2.1 and 2.3.3

Annexation Ordinance Finding B (Criteria 1.1.2): The original Urban Growth Boundary of the City was established with the adoption and acknowledgment of Lebanon's Comprehensive Plan and Comprehensive Plan Map. This Plan, Map and the corresponding Urban Growth Boundary were accepted by both the City and the State. The acknowledgment of the Comprehensive Plan and Map established that all lands included within the Urban Growth Boundary are eligible for annexation (when they are contiguous to city limits) and urban development (except for minor inclusions of areas with environmental constraints) and other urban uses. The area within the Urban Growth Boundary designated for urban development and other urban uses has therefore been acknowledged as land needed by the City.

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 4 (Urbanization) – Flexible Growth Program Policy #1: All lands included within the Urban Growth Boundary have been determined as suitable for urban development except those areas designated as undevelopable due to environmental constraints such as wetlands, drainage courses, flooding or steep slopes. However, those areas inside the City's Urban Growth Boundary with environmental constraints may be utilized as functional wetlands, parks, open space and related uses.

LCP Chapter 4 (Urbanization) – Annexation Policy #3: 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.

Planning Commission Finding # 4:

The proposed annexation complies with the above noted criteria in that the annexation territory is within the City's Urban Growth Boundary, and is therefore eligible for annexation and urban development. This annexation territory has been identified as land needed by the City for nearly a quarter of a century.

Criteria 1.2.4 and 2.3.4

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).

LCP Chapter 4 (Urbanization) – Annexation Policy #4: The City shall only annex land that is contiguous to the existing City limits and is within the City's Urban Growth Boundary (UGB).

Planning Commission Finding # 5:

The proposed annexation complies with Annexation Ordinance Section 5 and LCP Annexation Policy #4 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 on the north, and east.

Criteria 1.2.5, 1.2.13, and 2.3.5 (& 1.1.1)

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 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.*

LCP Chapter 4 (Urbanization) – Annexation Policy #5: *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 Finding A (Criteria 1.1.1): *Implementation of the City's Annexation Ordinance and its policies ensure the orderly expansion of City Limits and the efficient provision of key City-provided urban utility services, which are hereby defined as water, storm drainage, sanitary sewerage, and streets.*

Planning Commission Finding # 6:

The proposed annexation complies with the above noted criteria. (1) Since the annexation territory is contiguous to the existing City limits the annexation of this territory is deemed orderly. (2) The annexation is efficient since the annexation territory can be developed to an urban use. This territory can be developed according to the provisions of Lebanon Zoning Ordinance Section 4.020 that lists the development opportunities, standards and requirements for the Residential Mixed Density (RM) zone, and this is consistent with all applicable provisions of the Comprehensive Plan.

Criteria 1.2.6 and 2.3.6 (& 1.14)

Annexation Ordinance Section 7: *Development proposals are NOT REQUIRED for annexation requests.*

LCP Chapter 4 (Urbanization) – Annexation Policy #6: *Development proposals are NOT REQUIRED for annexation requests.*

Annexation Ordinance Finding D (Criteria 1.1.4): *Annexation proposals do not require site specific development proposals.*

Planning Commission Finding # 7:

The proposed annexation complies with the above noted criteria in that no development proposal was required to be submitted at this time.

Criteria 1.2.7 and 2.3.7 (& 1.1.1 and 1.16)

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.*

LCP Chapter 4 (Urbanization) – Annexation Policy #7: *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.*

Annexation Ordinance Finding A (Criteria 1.1.1), and Annexation Ordinance Finding F (Criteria 1.1.6)

Planning Commission Finding # 8:

The proposed annexation complies with the above noted criteria in that this property currently has one single-family residence with adequate services from both an on-site septic system and well. 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, this annexation territory (1) has ready access to the street system in that it abuts Mountain River Drive on the east, and has access to River road on the south, (2) has ready access to water via a 16" water main in Mountain River Drive, (3) a 10" sanitary sewer line is in the Mountain River Drive right-of-way, and (4) storm drainage for this area is currently addressed by City of Lebanon system in the Mountain River Drive Right-of-Way, that includes a 21" line and two catch basins immediately east of the subject property.

Criteria 1.2.8 and 2.3.8 (&1.1.1 and 1.1.6)

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.*

LCP Chapter 4 (Urbanization) – Annexation Policy #8: *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.*

Annexation Ordinance Finding A (Criteria 1.1.1), and Annexation Ordinance Finding F (Criteria 1.1.6)

Planning Commission Finding # 9:

The proposed annexation complies with the above noted criteria in that this property currently has one single-family residence with adequate services from both an on-site septic system and well. Access to City-provided services is not sought at this time, and therefore there are no impacts at this time on the key City-provided urban utility services (i.e., are water, storm drainage, sanitary sewerage, and streets). However, when it develops, any foreseeable allowed uses of this property will be well within the capacities of the four key City-provided urban utility services in geographical proximity to the annexation property. This annexation territory (1) has ready access to the street system in that it abuts Mountain River Drive on the east and has access to River road on the south, (2) has ready access to water via a 16" water main in Mountain River Drive, (3) a 10" sanitary sewer line is in the Mountain River Drive right-of-way, and (4) storm drainage for this area is currently addressed by City of Lebanon system in the Mountain River Drive Right-of-Way, that includes a 21" line and two catch basins immediately east of the subject property.

Criterion 1.2.9

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.*

Planning Commission Finding # 10:

The proposed annexation complies with Annexation Ordinance Section 10 in that a crucial segment of the enhancement of Mountain River Drive runs along the eastern boundary of this annexation territory. The City will require the dedication of the right-of-way necessary for this extension at the time of development. This enhancement of Mountain River Drive is a crucial step in providing access to the homes and properties to the west of the annexation territory. Currently these properties only have access via substandard bridges across the canal. These bridges are of such poor quality that emergency vehicles from the Fire District cannot cross them. This annexation and subsequent dedication of right-of-way will eventually enable the development of east-west local streets connecting to Mountain River drive that will eliminate this very hazardous situation.

Criteria 1.2.10, 1.2.11, and 3.1

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.

Planning Commission 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. However, since the property is within the City's Urban Growth Boundary, the current Comprehensive Plan designation on the subject property is Mixed-Density Residential. The corresponding City zoning designation for a Comprehensive Plan designation of Mixed-Density Residential is Residential Mixed Density (RM). The applicant is requesting a Residential Mixed Density (RM) zoning designation for the subject property. 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 1.2.12

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.

Planning Commission Finding # 12:

The proposed annexation complies with Annexation Ordinance Section 13 in that this property has no designated environmental constraints that would prevent development as Residential Mixed Density (RM) sites.

Criterion 1.2.14 (and 1.1.5)

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.

Annexation Ordinance Finding E (Criteria 1.1.5): Proposals for the development or redevelopment of properties that pertain to annexation proposals are a separate land use process, requiring separate application. Except as specified below in Section 15, the City may not act upon such development or redevelopment proposals related to an annexation territory until the annexation proposal has been approved. These development or redevelopment proposals will be acted upon after approval of the annexation, and thus require a separate hearing or process.

Planning Commission Finding # 13:

The proposed annexation complies with Annexation Ordinance Section 15 Annexation Ordinance Finding E in that no development proposal has been submitted at this time.

Criterion 2.1.1

LCP Chapter 1 (Introductory Provisions) – Administrative Policies And Recommendations, Policy #8: *The City of Lebanon Comprehensive Plan shall be consistent with the applicable Statewide Planning Goals.*

Planning Commission Finding # 14:

The proposed annexation complies with this policy of the Lebanon Comprehensive plan in that the Comprehensive Plan in its entirety has been accepted and acknowledged by the Oregon Department of Conservation and Land Development (DLCD). Acknowledgement of a Comprehensive Plan is dependent upon DLCD concluding that the Comprehensive Plan is consistent with the applicable Statewide Planning Goals.

Criterion 2.2.2

LCP Chapter 1 (Urbanization) – Flexible Growth Program Policy #2: *The City shall maintain an orderly and efficient, yet flexible, approach to the growth of the City and extension of the City limits through the implementation of the Annexation Policies contained in this Plan, the Lebanon/Linn County Urban Growth Management Agreement, and the City's Annexation Ordinance.*

Planning Commission Finding # 15:

The proposed annexation complies with this policy of the Lebanon Comprehensive plan in that this annexation constitutes an implementation of the Annexation Policies contained in this Plan, the Lebanon/Linn County Urban Growth Management Agreement, and the City's Annexation Ordinance, and therefore this annexation maintains an orderly and efficient, yet flexible, approach to the growth of the City and extension of the City limits.

Criterion 2.4.1 (and 1.1.7)

LCP Chapter 8 (Public Facilities and Services Policies and Recommendations) – General Policies, Policy #2: *The city shall consider impacts on key City-provided urban utility services (water, storm drainage, sanitary sewerage, and streets) and any other community facilities that are identified by service providers as substantially impacted by the proposal before-development proposals, or rezoning applications are approved.*

Annexation Ordinance Finding G (Criteria 1.1.7): *The annexation of a territory that is vacant and undeveloped does not represent any change or impact on any City-provided urban utility services, and therefore the annexation of such a territory does not need to consider such issues.*

Planning Commission Finding # 16:

The proposed annexation complies with this Public Facilities and Services Policy of the Lebanon Comprehensive plan in that this annexation does NOT include a development proposal or a rezoning application. Therefore, at this time the City is under no obligation to consider impacts on key City-provided urban utility services (water, storm drainage, sanitary sewerage, and streets) or any other community facilities, which is in compliance with Annexation Ordinance Finding G (Criteria 1.1.7).

However, if at some future time development proposals, and/or rezoning applications regarding this territory are submitted to the City, the City shall at that time consider impacts on key City-provided urban utility services (water, storm drainage, sanitary sewerage, and streets) and any other community facilities that are identified by service providers as substantially impacted by the proposal(s) before development proposals, and/or rezoning applications are approved.

Yet, it is again worth noting that the four key City-provided urban utility services (water, storm drainage, sanitary sewerage, and streets) are available to serve this site, as noted in Findings 8 and 9 above.

Criterion 2.5.1

LCP Chapter 8 (Public Facilities and Services Policies and Recommendations) -- Sewerage Facilities, Policy #2: The provision of sewerage service determines the urban development potential. Extension of public sanitary sewer infrastructure shall be in accordance with the City's Facilities Plans, as amended by special studies, or the City's Capital Improvement plans, and/or by official City Council action.

Planning Commission Finding # 17:

The proposed annexation complies with this policy of the Lebanon Comprehensive plan in that this annexation does NOT include a development proposal. Therefore, at this time the City is under no obligation to consider impacts on sanitary sewerage.

However, if at some future time development proposals regarding this territory are submitted to the City, the City shall at that time consider impacts on sanitary sewerage, and the availability of public sanitary sewer infrastructure in accordance with the City's Facilities Plans (as amended by special studies, or the City's Capital Improvement plans, and/or by official City Council action), before such development proposals are approved.

Yet, it is worth noting that the following sanitary sewerage infrastructure is availability in relatively close proximity to the annexation territory (i.e., a 10" sanitary sewer line is in the Mountain River Drive right-of-way).

Criteria 4.1 and 4.2

City of Lebanon/Linn County -- Urban Growth Management Agreement

Section 2: Delineation of Authority in the Urban Growth Area (UGA), 2nd paragraph: *The Lebanon Comprehensive Plan designates the future city zoning UGA lands will receive upon annexation to the City.*

Section 5: Annexations: *The UGA identifies land that may be subject to future City annexation. The City may annex land using its own procedures in accordance with state law. Only land within the UGA will be considered for annexation. The City will notify the County of any proposed annexations. Upon annexation, the City assumes all jurisdiction for land use actions.*

Planning Commission Finding # 18:

The City's annexation review procedures on annexation request File # A-04-02 have complied with the City of Lebanon/Linn County Urban Growth Management Agreement, Sections 2 and 5 regarding City authority to annex lands within the urban growth area and assign City Zoning in accordance with the Lebanon Comprehensive Plan Map.

STAFF RECOMMENDATION FOR CITY COUNCIL

If the City Council concludes that this proposed annexation has successfully and adequately addressed the applicable criteria cited in this staff report from the City's 2003 revised Annexation Ordinance, updated (2003) Comprehensive Plan, Zoning Ordinance, and the City of Lebanon/Linn County Urban Growth Management Agreement, as well as effectively addressing applicable testimony, then staff recommends that the City Council **APPROVE** this annexation request.

However, if the City Council concludes that this proposed annexation has **NOT** successfully and adequately addressed the applicable criteria cited in this staff report from the City's 2003 revised Annexation Ordinance, updated (2003) Comprehensive Plan, Zoning Ordinance, and the City of Lebanon/Linn County Urban Growth Management Agreement, and has **NOT** effectively addressed applicable testimony, then staff recommends that the City Council **DENY** this annexation request.

PROPOSED FINDINGS

Staff shall write draft findings based on the above staff report, testimony, and City Council discussion. These draft findings will be distributed to the City Council prior to the next City Council meeting so that the Council may take final action on the findings and the proposed annexation.



City of Lebanon

Administration

MEMORANDUM

TO: Mayor and City Council
FROM: City Administrator *[Signature]*
SUBJECT: "New" Annexations

DATE: October 4, 2004

Enclosed are the last two staff reports for the "new" annexations: "Cole" and "McCanham/Edwards". The four staff reports that you have now received will be reviewed under the new Annexation Ordinance 17 for 2003. (Please see Tom McHill memo dated October 1, 2004, attached).

Please recall, for scheduling purposes, that these two annexations along with the Clear View II, LLC annexation (which was sent out Friday), will not be heard October 13th unless a majority of the City Council desires to proceed with some or all of them that night. Otherwise, three of the four new annexations will be heard October 27th.

The four remanded annexations: "Gilbert", "Mid-Valley Heath", "Herb/Cook", and "Simonian", will be sent to you, as a single package, in the next day or two. The staff reports for the remanded annexations will look quite different that the four you've received heretofore. This is due to the fact that the four remands must be reviewed under the previous annexation policies, which are quite different that those adopted in November of 2003.

Once again, legal questions should be directed to Tom McHill (258-3194), Planning questions to Doug Parker (258-4252), and Engineering questions to Malcolm Bowie (258-4270).

**CITY OF LEBANON
CITY COUNCIL STAFF REPORT
(Based on Planning Commission Staff Report for May 19, 2004)
ANNEXATION REQUEST**

The Planning Commission conducted a public hearing on this proposed annexation on May 19, 2004, and unanimously voted to recommend approval to the City Council.

Nature of Request: Annexation of an approximately 5.01 acre territory comprised of one parcel containing a single-family dwelling, pasture, and several outbuildings.

Applicant: Paul L. and Coralie A. Cole

Property Location: Located southwest of the intersection of Mazama Avenue and 10th Street.

Assessor's Map and Tax Lot #: Assessor's Map12-2W-22B, Tax Lot 504

Zone Designation: Residential Mixed Density (RM) zoning for the west half and a Residential Low Density (RL) for the east half upon annexation.

Comp Plan Designation: Mixed Density Residential for the west half, and Single Family Residential for the east half of the site.

STAFF REPORT TABLE OF CONTENTS

	Page
• Nature of Request, Applicant, Property Location, Assessor's Map and Tax Lot #s, Zone and Comp Plan Designations	1
• Introduction	1
• Site Maps and Land Cover Map	2-4
• Site Description	5
• Planning and Zoning Considerations	5
• Annexation Map and Legal Description	6-7
• Relevant Criteria	8-11
• Staff Comments	12-13
• Planning Commission Recommendation & Findings	14-18
• Recommendation & Proposed Findings for City Council	18
• Annexation Zoning Matrix	19

INTRODUCTION

The applicant proposes to annex this property into Lebanon's City limits. The ultimate proposed future use of this property is for residential use as provided by the development opportunities, standards and requirements for the Residential Mixed Density (RM) zone in Section 4.020 of the Lebanon Zoning Ordinance, and the development opportunities, standards and requirements for the Residential Low Density (RL) zone in Section 4.010 of the Lebanon Zoning Ordinance.

The applicant has submitted a conceptual tentative subdivision plan (conceptual lot layout) demonstration that the annexation territory could be residentially developed in compliance with the appropriate zoning regulations in an efficient and orderly fashion.

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSES ONLY

NW1/4 SEC. 22 T. 12S. R. 02W. W.M.
LINN COUNTY, OREGON

1" = 200'

12 2W 22B
LEBANON

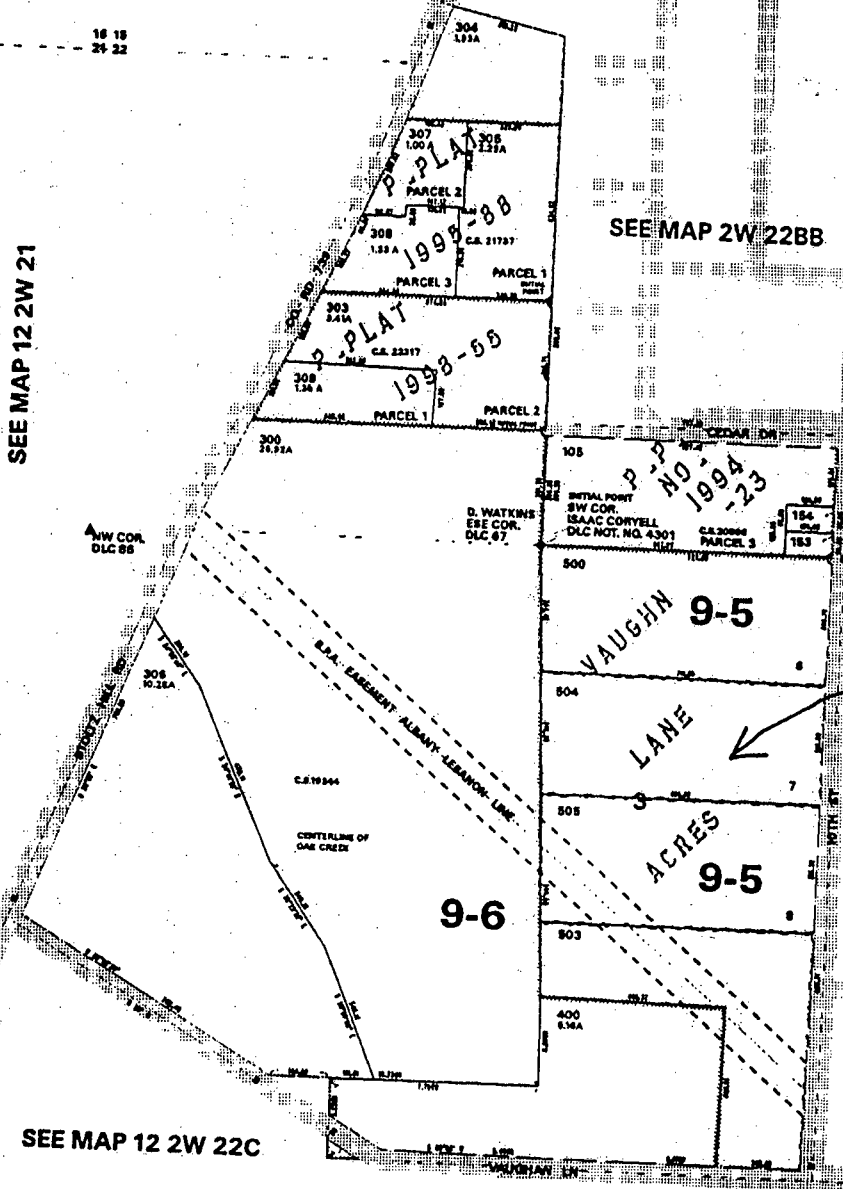
16 18
24 22

SEE MAP 12 2W 22BA

SEE MAP 2W 22BB

SEE MAP 12 2W 22BD

SEE MAP 12 2W 21



SUBJECT
PROPERTY

SEE MAP 12 2W 22AC

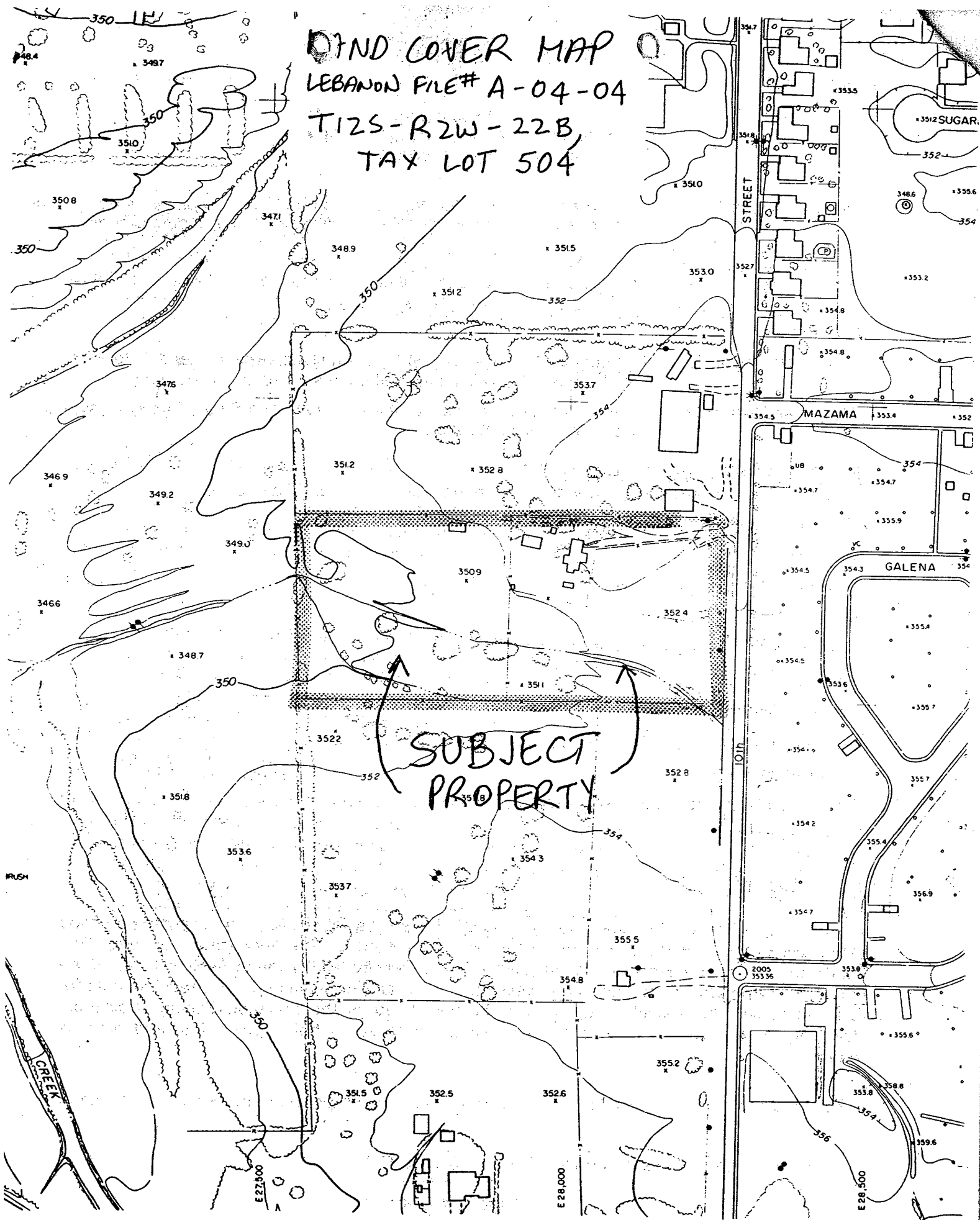
SEE MAP 12 2W 22C

LEBANON
12 2W 22B

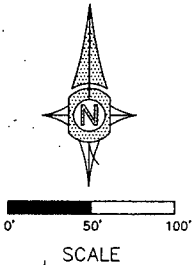
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LINN COUNTY - ASSESSOR'S MAP
T12S - R2W - 22B

D7ND COVER MAP
LEBANON FILE# A-04-04
T12S-R2W-22B,
TAX LOT 504



SUBJECT
PROPERTY



CONCEPTUAL LOT LAYOUT
 FOR
**PAUL L. COLE and
 CORALIE COLE**
 IN THE RICHARD CHEADLE DLC NO. 86
 NW 1/4 SEC. 22, T. 12 S., R. 02W., W.M.
 CITY OF LEBANON, LINN COUNTY, OREGON
 SEPTEMBER 29, 2004

- LEGEND**
- MONUMENT OF RECORD AS NOTED
 - CR COUNTY ROAD
 - FD FOUND
 - C.S. COUNTY SURVEY
 - () DATA OF RECORD C.S. 22033 UNLESS NOTED OTHERWISE
 - [] CALCULATED DATA
 - I.R. IRON ROD
 - I.P. IRON PIPE
 - REFERENCE SURVEY: C.S. 22033
 - REFERENCE DEED: MF 706-298

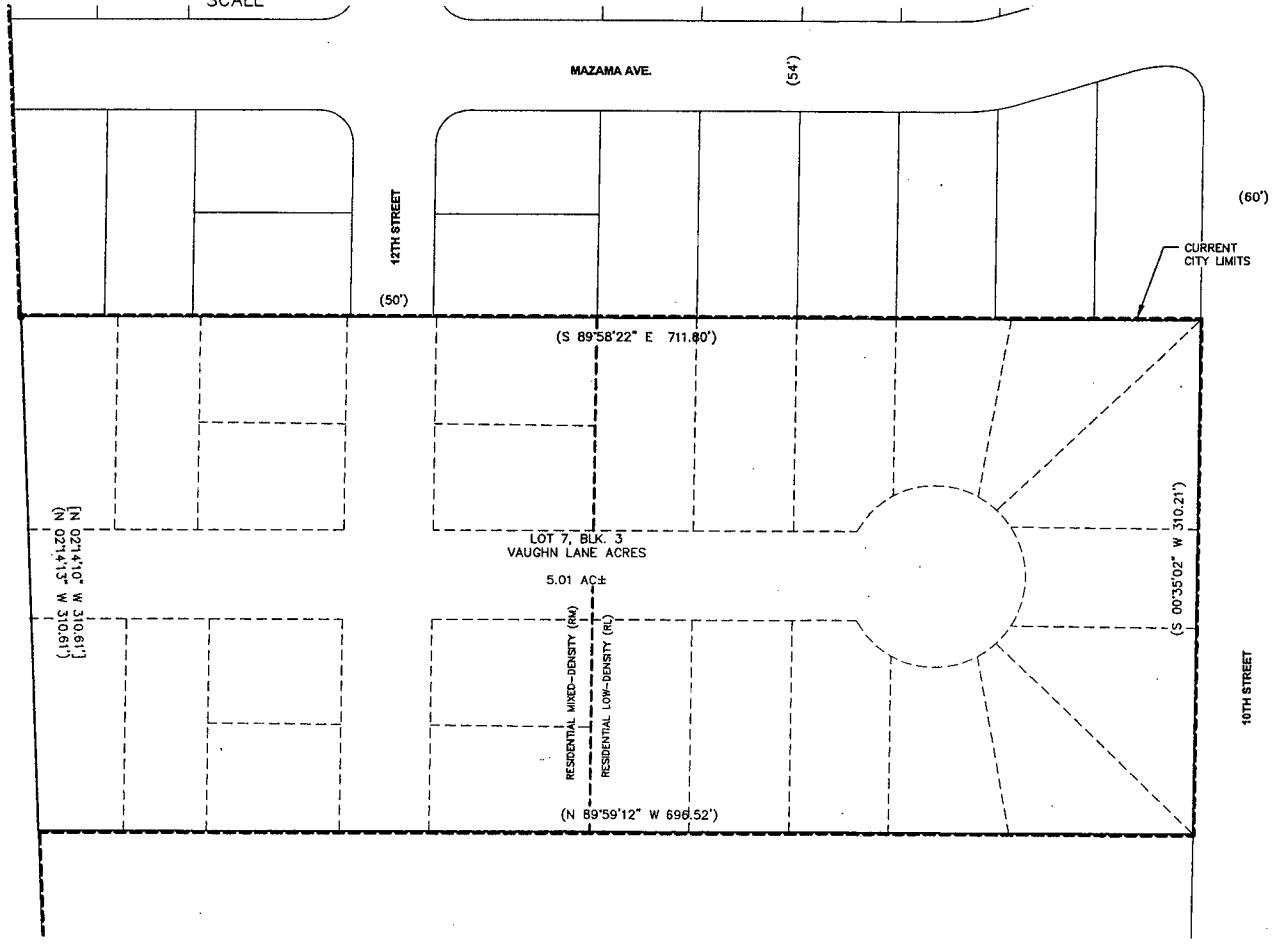
OWNER:
 PAUL L. COLE
 CORALIE COLE
 3074 S 10TH ST
 LEBANON, OR. 97355

PROPERTY:
 MAP 12-2W-22B
 TAX LOT 504

SURVEYOR:
 JIM UDELL, PLS
 BRIAN VANDETTA, PLS
 UDELL ENGINEERING AND SURVEYING
 63 E. ASH ST.
 LEBANON, OR. 97355

CONCEPTUAL LOT LAYOUT
12.2W. 22B TL 504
A-04-04

ENGINEER
 8072
JAMES F. UDELL
 ENGINEERING & SURVEYING
 63 EAST ASH ST.
 LEBANON, OREGON
 97355
 PH. (541) 451-5125
 FAX (541) 451-1366
 BRANDVOLD_HOFFMAN ANNEXATION



SITE DESCRIPTION

The subject property or annexation territory is located approximately 625 feet south of Christopher Columbus Park and west of 10th Street. The annexation territory is comprised 5.01 acres on one parcel that contains a single-family dwelling, pasture, and several outbuildings. This relatively flat site has a drainage ditch running from the southeast corner of the property toward the northwest corner. Some fruit trees are located in the east part of the property near 10th Street, conifer trees are scattered around the house (a manufactured home) and near the north property line and various other deciduous trees are found on the site. Nevertheless, the predominant land cover is primarily grasses as this property previously supported horses and other grazing animals. This territory is bordered by the City limits on three sides – north, east, and south.

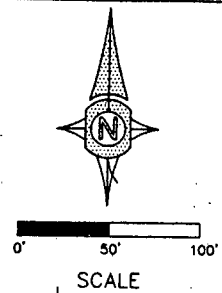
Surrounding uses include the newly constructed Clear View Subdivision to the north (RM and RL), an approved although not built subdivision (vacant site) to the south (RM and RL), an older established neighborhood (Mountain Shadows manufactured home subdivision) to the east (RL), and vacant undeveloped and unannexed land to the west (that has a Comprehensive Plan Map designation of Mixed-Density Residential).

PLANNING AND ZONING CONSIDERATIONS

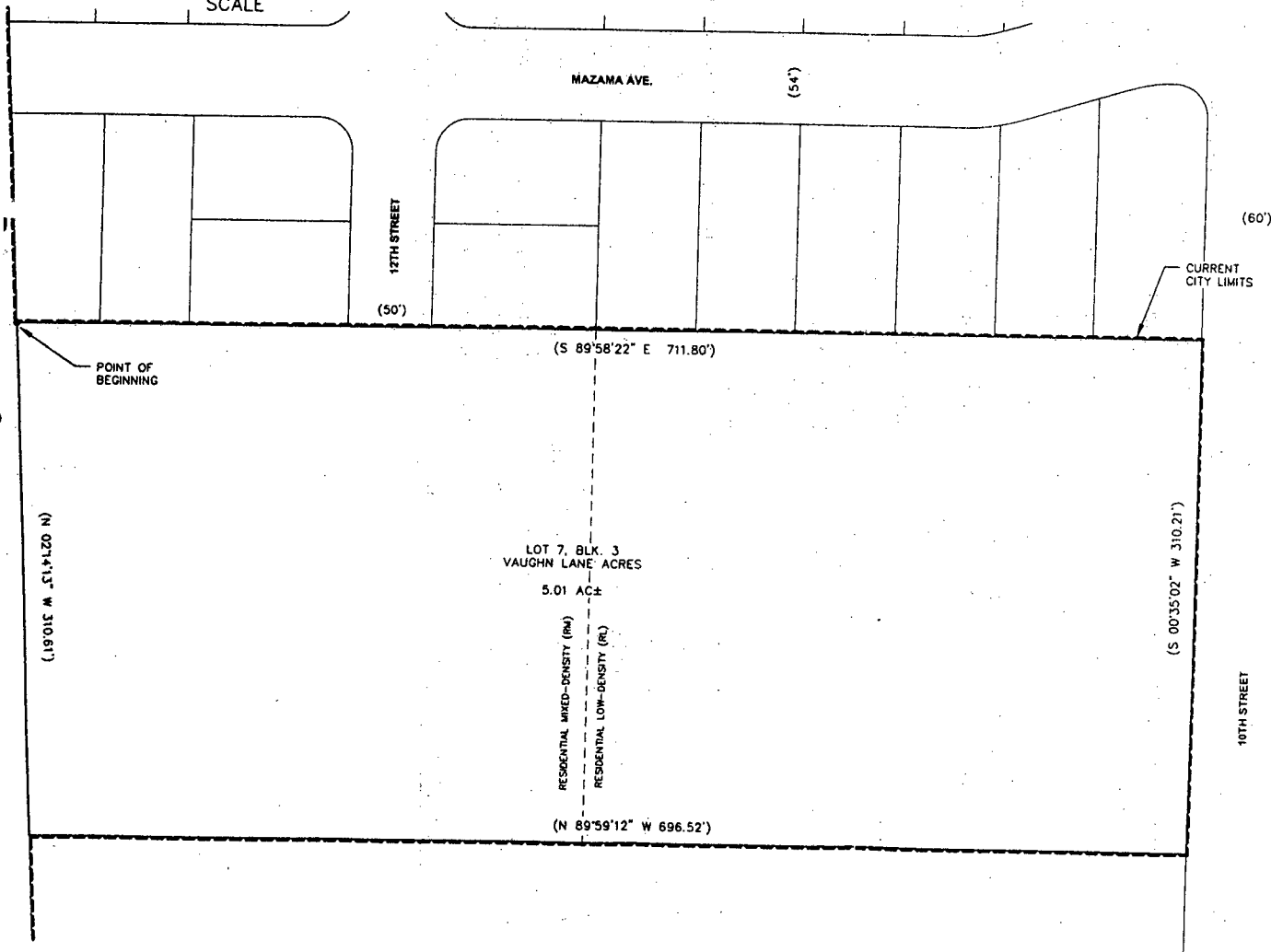
1. The Comprehensive Plan Map identifies the designation of the subject property as Residential Mixed Density (RM) zoning for the west half and a Residential Low Density (RL) for the east half zoning upon annexation.
2. The following contain the factors and conditions that the City considers in evaluating an annexation request: (1) City of Lebanon Ordinance Number 17 for 2003, an Ordinance Making Findings and Adopting Policies for the Annexation of Real Property into the City Limits; and (2) Lebanon Comprehensive Plan as follows: (a) Introductory Provisions, Administrative Policy #8; (b) Urbanization Element, Flexible Growth Program, Policies #1 and 2 (page 4-P1); (c) Urbanization Element, Annexations, Policies #1 through 8 (page 4-P-2); (d) Public Facilities and Services Element, General Policy #2 (page 8-P-1); (e) Public Facilities and Services Element, Sewerage Facilities, Policy #2 (pages 8-P-4, 5); (f) *Chapter 6: Housing, Overall Goal* (LCP page 6-P-1); and, (g) Buildable Lands Policies # 1 and 2 (LCP pages 6-P-2, 6-P-3) (3) Zoning Ordinance Section 3.050, Zoning of Annexed Areas; (4) City of Lebanon/Linn County – Urban Growth Management Agreement, Section 2: Delineation of Authority in the Urban Growth Area (UGA), and Section 5, Annexations.
3. Lebanon Zoning Ordinance Section 4.020 lists the development opportunities, standards and requirements for the Residential Mixed Density (RM) zone, and Section 4.010 lists the development opportunities, standards and requirements for the Residential Low Density (RL) zone.
4. This annexation territory abuts City limits on three sides (north, east and south).

ATTACHMENT "A"
LEBANON FILE # A-04-04

ANNEXATION MAP
FOR
**PAUL L. COLE and
CORALIE COLE**
IN THE RICHARD CHEADLE DLC NO. 86
NW 1/4, SEC. 22, T. 12 S., R. 02W., W.M.
CITY OF LEBANON, LINN COUNTY, OREGON
APRIL 14, 2004



A-04-04; Page 6



- LEGEND**
- MONUMENT OF RECORD AS NOTED
 - CR COUNTY ROAD
 - FD FOUND
 - C.S. COUNTY SURVEY
 - () DATA OF RECORD C.S. 22033 UNLESS NOTED OTHERWISE
 - [] CALCULATED DATA
 - I.R. IRON ROD
 - I.P. IRON PIPE
- REFERENCE SURVEY: C.S. 22033
REFERENCE DEED: MF 706-298

OWNER:
PAUL L. COLE
CORALIE COLE
13105 NE 195TH AVE
BRUSH PRAIRIE, WA 98606

PROPERTY:
MAP 12-2W-22B
TAX LOT 504

SURVEYOR:
JIM UDELL, PLS.
BRIAN VANDETTA, PLS.
UDELL ENGINEERING AND SURVEYING
63 E. ASH ST.
LEBANON, OR. 97355

ANNEXATION AREA LEGAL DESCRIPTION:
AN AREA OF LAND IN THE RICHARD CHEADLE DLC NO. 86, NW 1/4 OF SECTION 22 IN TOWNSHIP 12 SOUTH OF RANGE 2 WEST OF THE WILLAMETTE MERIDIAN, LINN COUNTY, OREGON DESCRIBED AS FOLLOWS:

BEGINNING AT A 5/8" IRON ROD WHICH IS THE NORTHWEST CORNER OF LOT 7, BLOCK 3 IN VAUGHN LANE ACRES; THENCE SOUTH 89°58'22" EAST 711.80 FEET; THENCE SOUTH 00°35'02" WEST 310.21 FEET; THENCE NORTH 89°59'12" WEST 696.52 FEET; THENCE NORTH 02°14'13" WEST 310.61 FEET TO THE POINT OF BEGINNING.

I HEREBY CERTIFY THE ABOVE LEGAL DESCRIPTION CLOSES WITHIN TOLERANCES OF RECOGNIZED PRACTICES AS PRESCRIBED IN ORS 92.

Brian Vandetta
BRIAN VANDETTA, PLS

REGISTERED
**PROFESSIONAL
LAND SURVEYOR**
Brian Vandetta
OREGON
JULY 13, 1999
BRIAN VANDETTA
51041-LS
EXPIRES 06-30-2004

ENGINEER
8072
JAMES F. UDELL
ENGINEERING & SURVEYING
63 EAST ASH ST.
LEBANON, OREGON
97355
PH. (541) 451-5125
FAX (541) 451-1366

NOTE:
NO PHYSICAL SURVEY WORK WAS PERFORMED IN THE FIELD TO VERIFY THE BOUNDARY OF THIS ANNEXATION. COURSES AND DISTANCES ON THIS ANNEXATION MAP WERE TAKEN PER RECORD COUNTY SURVEYS AS NOTED OR CALCULATED PER RECORD COUNTY SURVEYS.

ATTACHMENT "A₂"

LEBANON FILE #
A-04-04

ANNEXATION MAP
FOR

**PAUL L. COLE and
CORALIE COLE**

IN THE RICHARD CHEADLE DLC NO. 86
NW 1/4 SEC. 22, T. 12 S., R. 02W., W.M.
CITY OF LEBANON, LINN COUNTY, OREGON

APRIL 14, 2004

T12S-R2W-22B,
TAX LOT 504

LEGEND

- MONUMENT OF RECORD AS NOTED
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OWNER:

PAUL L. COLE
CORALIE COLE
13105 NE 195TH AVE
BRUSH PRAIRIE, WA 98606

PROPERTY:

MAP 12-2W-22B
TAX LOT 504

SURVEYOR:

JIM UDELL, PLS
BRIAN VANDETTA, PLS
UDELL ENGINEERING AND SURVEYING
63 E. ASH ST.
LEBANON, OR. 97355

ANNEXATION AREA LEGAL DESCRIPTION:

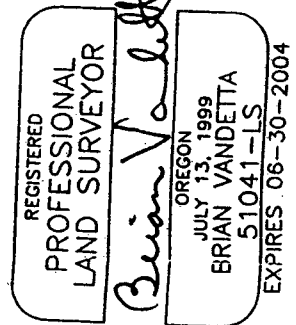
AN AREA OF LAND IN THE RICHARD CHEADLE DLC NO. 86, NW
1/4 OF SECTION 22 IN TOWNSHIP 12 SOUTH OF RANGE 2 WEST
OF THE WILLAMETTE MERIDIAN, LINN COUNTY, OREGON DESCRIBED
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BEGINNING.

I HEREBY CERTIFY THE ABOVE LEGAL DESCRIPTION CLOSES WITHIN
TOLERANCES OF RECOGNIZED PRACTICES AS PRESCRIBED IN ORS
92.

ENGINEER 8072
SURVEYOR 1366
JAMES F. UDELL
ENGINEERING & SURVEYING
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LEBANON, OREGON 97355
PH. (541) 451-5125
FAX (541) 451-1366

Brian Vandetta
BRIAN VANDETTA, PLS



RELEVANT CRITERIA

1.0 Criteria Based on the City of Lebanon Ordinance Number 17 for 2003, an Ordinance Making Findings and Adopting Policies for the Annexation of Real Property into the City Limits

1.1 Annexation Ordinance Findings:

- 1.1.1 A:** Implementation of the City's Annexation Ordinance and its policies ensure the orderly expansion of City Limits and the efficient provision of key City-provided urban utility services, which are hereby defined as water, storm drainage, sanitary sewerage, and streets.
- 1.1.2 B:** The original Urban Growth Boundary of the City was established with the adoption and acknowledgment of Lebanon's Comprehensive Plan and Comprehensive Plan Map. This Plan, Map and the corresponding Urban Growth Boundary were accepted by both the City and the State. The acknowledgment of the Comprehensive Plan and Map established that all lands included within the Urban Growth Boundary are eligible for annexation (when they are contiguous to city limits) and urban development (except for minor inclusions of areas with environmental constraints) and other urban uses. The area within the Urban Growth Boundary designated for urban development and other urban uses has therefore been acknowledged as land needed by the City.
- 1.1.3 C:** Annexation incorporates territory within the Urban Growth Area into the City Limits.
- 1.1.4 D:** Annexation proposals do not require site specific development proposals.
- 1.1.5 E:** Proposals for the development or redevelopment of properties that pertain to annexation proposals are a separate land use process, requiring separate application. Except as specified below in Section 15, the City may not act upon such development or redevelopment proposals related to an annexation territory until the annexation proposal has been approved. These development or redevelopment proposals will be acted upon after approval of the annexation, and thus require a separate hearing or process.
- 1.1.6 F:** As part of the annexation process of developed property or properties, the City will consider the anticipated demands of existing development within the annexation territory to access City-provided urban utility services, which are water, storm drainage, sanitary sewerage, and streets. Furthermore, as part of the annexation process of developed property or properties, the City will consider the impacts on these same key City-provided urban utility services, water, storm drainage, sanitary sewerage, and streets, needed to serve these developed properties.
- 1.1.7 G:** The annexation of a territory that is vacant and undeveloped does not represent any change or impact on any City-provided urban utility services, and therefore the annexation of such a territory does not need to consider such issues.

1.2 Provisions of the Annexation Ordinance Sections:

- 1.2.1 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.
- 1.2.2 Section 3:** All Annexations shall be consistent with the goals and policies of the Lebanon Comprehensive Plan.

- 1.2.3 **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.
- 1.2.4 **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).
- 1.2.5 **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.
- 1.2.6 **Section 7:** Development proposals are NOT REQUIRED for annexation requests.
- 1.2.7 **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.
- 1.2.8 **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.
- 1.2.9 **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.
- 1.2.10 **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.
- 1.2.11 **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.
- 1.2.12 **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.
- 1.2.13 **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.
- 1.2.14 **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.

2.0 Lebanon Comprehensive Plan (LCP) Criteria

2.1 Chapter 1: Introductory Provisions -- Administrative Policies And Recommendations (LCP page 1-P-1)

2.1.1 Policy #8: The City of Lebanon Comprehensive Plan shall be consistent with the applicable Statewide Planning Goals.

2.2 Chapter 4: Urbanization -- Flexible Growth Program (LCP page 4-P-1)

2.2.1 Policy #1: All lands included within the Urban Growth Boundary have been determined as suitable for urban development except those areas designated as undevelopable due to environmental constraints such as wetlands, drainage courses, flooding or steep slopes. However, those areas inside the City's Urban Growth Boundary with environmental constraints may be utilized as functional wetlands, parks, open space and related uses.

2.2.2 Policy #2: The City shall maintain an orderly and efficient, yet flexible, approach to the growth of the City and extension of the City limits through the implementation of the Annexation Policies contained in this Plan, the Lebanon/Linn County Urban Growth Management Agreement, and the City's Annexation Ordinance.

2.3 Chapter 4: Urbanization -- Annexations (LCP page 4-P-2)

2.3.1 Policy #1: 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.

2.3.2 Policy #2: All Annexations shall be consistent with the goals and policies of the Lebanon Comprehensive Plan.

2.3.3 Policy #3: 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.

2.3.4 Policy #4: The City shall only annex land that is contiguous to the existing City limits and is within the City's Urban Growth Boundary (UGB).

2.3.5 Policy #5: 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.

2.3.6 Policy #6: Development proposals are NOT REQUIRED for annexation requests.

2.3.7 Policy #7: 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.

2.3.8 Policy #8: 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.

2.4. **Chapter 8: Public Facilities and Services Policies and Recommendations -- General Policies** (LCP page 8-P-1)

2.4.1 **Policy #2:** The city shall consider impacts on key City-provided urban utility services (water, storm drainage, sanitary sewerage, and streets) and any other community facilities that are identified by service providers as substantially impacted by the proposal before—development proposals, or rezoning applications are approved.

2.5 **Chapter 8: Public Facilities and Services Policies and Recommendations -- Sewerage Facilities** (LCP pages 8-P-4 & 8-P-5)

2.5.1 **Policy #2:** The provision of sewerage service determines the urban development potential. Extension of public sanitary sewer infrastructure shall be in accordance with the City's Facilities Plans, as amended by special studies, or the City's Capital Improvement plans, and/or by official City Council action.

2.6 **Chapter 6: Housing**

2.6.1 **Overall Goal** (LCP page 6-P-1)

To provide a housing policy plan which seeks to increase opportunities for all citizens to enjoy safe, decent, and sanitary housing, and to assist in creating and maintaining neighborhoods in a manner consistent with the natural environment and the needs of the people.

2.6.2 **Buildable Lands**

A. **Policy #1:** The city shall maintain an adequate availability of residential, buildable lands that provide locational choices for each housing type as part of the city's development monitoring program and annual plan review. (LCP page 6-P-2)

B. **Policy #2:** The city should maintain a substantial supply of residentially zoned land within the community to assist in keeping land costs for housing at reasonable levels. (LCP page 6-P-3)

3.0 **Zoning Ordinance Criteria**

3.1 **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.

4.0 **City of Lebanon/Linn County -- Urban Growth Management Agreement**

4.1 **Section 2: Delineation of Authority in the Urban Growth Area (UGA), 2nd paragraph:** The Lebanon Comprehensive Plan designates the future city zoning UGA lands will receive upon annexation to the City.

4.2 **Section 5: Annexations:** The UGA identifies land that may be subject to future City annexation. The City may annex land using its own procedures in accordance with state law. Only land within the UGA will be considered for annexation. The City will notify the County of any proposed annexations. Upon annexation, the City assumes all jurisdiction for land use actions.

STAFF COMMENTS

1. Planning:

- A.** The legal description and a map describing the entire annexation area have been submitted and are included in this report.
- B.** The annexation territory is within the City's Urban Growth Boundary, and is therefore eligible for annexation and urban development. This annexation territory has been identified as land needed by the City for nearly a quarter of a century.
- C.** 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 on the north, and east.
- D.** The annexation territory can be developed to an urban use. This territory can be developed according to the provisions of Lebanon Zoning Ordinance Section 4.020 that lists the development opportunities, standards and requirements for the Residential Mixed Density (RM) zone, and Section 4.010 lists the development opportunities, standards and requirements for the Residential Low Density (RL) zone, and this is consistent with all applicable provisions of the Comprehensive Plan.
- E.** No development proposal was required to be submitted at this time.
- F.** The subject property is currently developed with one single family residence. At this juncture there is not any proposal that would place additional (or a change in) demands on the key City-provided urban utility services (i.e., sanitary sewerage, water, storm drainage, and streets). However, this annexation territory has ready access to (1) the street system via both 12th Street and 10th Street, (2) water via both a 12-inch water line along 10th Street, and an 8" line along 12th Street, (3) city storm drainage system via a 54" line in 10th Street, and (4) sanitary sewerage service via 10' lines in both 10th and 12th Streets.
- G.** The subject property has one single family residence which is serviced by a potable well and onsite septic system. Since the property is "self sufficient" by having its own water supply and onsite septic there will no impact to the city's water and sanitary sewer system. Storm drainage will remain as it is today. Currently the site has surface drainage that ultimately enters Oak Creek. No further impact to the storm drainage will be caused by this annexation.
- H.** This annexation places no new burdens on the transportation system at this time. However, the annexation of this land will provide the City with the ability to require that the remainder of 12th Street Rights-of-Way be dedicated with any future development. This also will ensure that neighboring properties to the South will have a future access way provided with future developments, and provides an effective vehicle for the City to achieve future connectivity in this area. This would help ensure compliance with the Comprehensive Plan, the Transportation System Plan (TSP), and the State's Transportation Planning Rule (TPR).
- I.** Currently the subject property does not have a City zoning designation because it is not within the City limits. However, since the property is within the City's Urban Growth Boundary, the current Comprehensive Plan designations on the subject property are Mixed Density Residential for the west half, and Single Family Residential for the east half of the site. The corresponding City zoning designation for a Comprehensive Plan designation of Mixed Density Residential is Residential Mixed Density (RM) zone and a designation of Single Family Residential is Residential Low Density (RL). The applicant is requesting these aforementioned zoning designations. Therefore, these City zoning designations can automatically be assigned at this time, without a separate hearing. This action is NOT a zoning map amendment.

- J. The subject property has no environmental constraints that cannot be mitigated that would prevent development.
- K. No development proposal has been submitted at this time. This annexation is an implementation of the Annexation Policies contained in this Plan, the Lebanon/Linn County Urban Growth Management Agreement, and the City's Annexation Ordinance.
- L. This annexation application does NOT include a development proposal or a rezoning application.

2. Current Status of Infrastructure:

- A. **Urban services** can be made available to serve the proposed annexation. The following comments review the adjacent infrastructure. Development of this site will require infrastructure improvements.
- B. **Streets:** The adjacent South 10th Street is available to serve the annexation as is 12th Street.
- C. **Water:** A 12-inch water main is available on the east side of 10th Street and at 12th Street.
- D. **Sanitary sewer:** A 10-inch sanitary sewer main is available along 10th Street.
- E. **Drainage:** The site presently surface drains, generally toward the northwest. A 54-inch piped storm drainage is available along 10th Street.
- F. **Facility Plans:** Although adequate infrastructure and City provided utility services are available to serve the urban build out of this annexation territory, not all City standard infrastructure and utility service improvements are complete at this juncture. Nevertheless, it is noteworthy that the City Facility Plans (water, wastewater, storm drainage, streets parks) have been prepared that identify the ultimate infrastructure improvements needed to serve the full urban density development of the subject property. These Facility Plans identify site-specific infrastructure improvements and extensions needed to serve the site.
- G. **Fees:** Connection to a City utility or building permit issuance will also cause to be due system development charges. All of the above permits, fees, and processes are detailed in the City's Site Development Guide.

SUMMARY OF PLANNING COMMISSION RECOMMENDATION

The Planning Commission conducted a public hearing on this proposed annexation on May 19, 2004, and unanimously voted to recommend approval to the City Council.

The Planning Commission based this recommendation on the following:

Criteria 1.1.1 – 1.1.7

Annexation Ordinance Findings: These seven findings constitute the preamble of Lebanon Ordinance Number 17 for 2003, and thereby provide a legal context for the policies that pertain to all annexations to the City of Lebanon.

Planning Commission Finding # 1:

The proposed annexation complies with all Annexation Ordinance Findings in that this land use hearing is in compliance with the legal context established by this preamble.

Criteria 1.2.1 and 2.3.1

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.

LCP Chapter 4 (Urbanization) – Annexation Policy #1: 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.

Planning Commission 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 1.2.2 and 2.3.2

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

LCP Chapter 4 (Urbanization) – Annexation Policy #2: All Annexations shall be consistent with the goals and policies of the Lebanon Comprehensive Plan.

Planning Commission Finding # 3:

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. The findings below detail this compliance.

Criteria 1.1.2, 1.2.3, 2.2.1 and 2.3.3

Annexation Ordinance Finding B (Criteria 1.1.2): The original Urban Growth Boundary of the City was established with the adoption and acknowledgment of Lebanon's Comprehensive Plan and Comprehensive Plan Map. This Plan, Map and the corresponding Urban Growth Boundary were accepted by both the City and the State. The acknowledgment of the Comprehensive Plan and Map established that all lands included within the Urban Growth Boundary are eligible for annexation (when they are contiguous to city limits) and urban development (except for minor inclusions of areas with environmental constraints) and other urban uses. The area within the Urban Growth Boundary designated for urban development and other urban uses has therefore been acknowledged as land needed by the City.

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 4 (Urbanization) – Flexible Growth Program Policy #1: All lands included within the Urban Growth Boundary have been determined as suitable for urban development except those areas designated as undevelopable due to environmental constraints such as wetlands, drainage courses, flooding or steep slopes. However, those areas inside the City's Urban Growth Boundary with environmental constraints may be utilized as functional wetlands, parks, open space and related uses.

LCP Chapter 4 (Urbanization) – Annexation Policy #3: 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.

Planning Commission Finding # 4:

The proposed annexation complies with the above noted criteria in that the annexation territory is within the City's Urban Growth Boundary, and is therefore eligible for annexation and urban development. This annexation territory has been identified as land needed by the City for nearly a quarter of a century.

Criteria 1.2.4 and 2.3.4

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).

LCP Chapter 4 (Urbanization) – Annexation Policy #4: The City shall only annex land that is contiguous to the existing City limits and is within the City's Urban Growth Boundary (UGB).

Planning Commission Finding # 5:

The proposed annexation complies with Annexation Ordinance Section 5 and LCP Annexation Policy #4 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 on three sides, the east, north and south.

Criteria 1.2.5, 1.2.13, and 2.3.5 (& 1.1.1)

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 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.

LCP Chapter 4 (Urbanization) – Annexation Policy #5: 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 Finding A (Criteria 1.1.1): Implementation of the City's Annexation Ordinance and its policies ensure the orderly expansion of City Limits and the efficient provision of key City-provided urban utility services, which are hereby defined as water, storm drainage, sanitary sewerage, and streets.

Planning Commission Finding # 6:

The proposed annexation complies with the above noted criteria. (1) Since the annexation territory is contiguous to the existing City limits the annexation of this territory is deemed orderly. (2) The annexation is efficient since the annexation territory can be developed to a conforming urban use. This territory can be developed according to the provisions of Lebanon Zoning Ordinance Section 4.020 that lists the development opportunities, standards and requirements for the Residential Mixed Density (RM) zone, and Section 4.010 that lists the development opportunities, standards and requirements for the Residential Low Density (RL) zone; this is consistent with all applicable provisions of the Comprehensive Plan. The zoning of this land RM and RL will allow the land to eventually be developed to urban lot standards.

Criteria 1.2.6 and 2.3.6 (& 1.14)

Annexation Ordinance Section 7: Development proposals are NOT REQUIRED for annexation requests.

LCP Chapter 4 (Urbanization) – Annexation Policy #6: Development proposals are NOT REQUIRED for annexation requests.

Annexation Ordinance Finding D (Criteria 1.1.4): Annexation proposals do not require site specific development proposals.

Planning Commission Finding # 7:

The proposed annexation complies with the above noted criteria in that no development proposal was required to be submitted at this time.

Criteria 1.2.7 and 2.3.7 (& 1.1.1 and 1.16)

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.

LCP Chapter 4 (Urbanization) – Annexation Policy #7: 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.

Annexation Ordinance Finding A (Criteria 1.1.1), and Annexation Ordinance Finding F (Criteria 1.1.6)

Planning Commission Finding # 8:

The proposed annexation complies with the above noted criteria in that this property is currently developed with one single family residence and no impacts will be created by the access to key city – provided urban utility services since such services will not be accessed until further development occurs.

At this juncture there is not any proposal that would place additional (or a change in) demands on the key City-provided urban utility services (i.e., sanitary sewerage, water, storm drainage, and streets). However, this annexation territory has ready access to (1) the street system via both 12th Street and 10th Street, (2) water via both a 12-inch water line along 10th Street, and an 8" line along 12th Street, (3) city storm drainage system via a 54" line in 10th Street, and (4) sanitary sewerage service via 10' lines in both 10th and 12th Streets.

Criteria 1.2.8 and 2.3.8 (&1.1.1 and 1.1.6)

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.

LCP Chapter 4 (Urbanization) – Annexation Policy #8: 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.

Annexation Ordinance Finding A (Criteria 1.1.1), and Annexation Ordinance Finding F (Criteria 1.1.6)

Planning Commission Finding # 9:

The proposed annexation complies with the above noted criteria in that this property has one single family residence which contains a potable well and onsite septic system. Since the property is "self sufficient" by having its own water supply and onsite septic no impact to the city's water and sanitary sewer system will be felt. Storm drainage will remain as it is today. Currently the site has surface drainage that ultimately enters Oak Creek. No further impact to the storm drainage will be caused by this annexation. Additionally, when this site further develops with a conforming use in the future, foreseeable allowed uses of this property will be well within the capacities of the four key City-provided urban utility services in geographical proximity to the annexation property. This annexation territory has ready access to (1) the street system via both 12th Street and 10th Street, (2) water via both a 12-inch water line along 10th Street, and an 8" line along 12th Street, (3) city storm drainage system via a 54" line in 10th Street, and (4) sanitary sewerage service via 10' lines in both 10th and 12th Streets.

Criterion 1.2.9

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.

Planning Commission Finding # 10:

The proposed annexation complies with Annexation Ordinance Section 10 in the annexation territory in that this annexation places no new burdens on the transportation system at this time. However, the annexation of this land will provide the City with governmental control of how this property develops in the future. Thus the City will be in apposition to require that the remainder of 12th Street Rights-of-Way be dedicated with any future development. This also will ensure that neighboring properties to the South will have a future access way provided with future developments. Thus annexation will have a very positive implication to the future development of streets in the immediate area. In short, this annexation provides an effective vehicle for the City to achieve future connectivity in this area, thus ensuring compliance with the Comprehensive Plan, the Transportation System Plan (TSP), and the State's Transportation Planning Rule (TPR).

Criteria 1.2.10, 1.2.11, and 3.1

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.

Planning Commission 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. However, since the property is within the City's Urban Growth Boundary, the current Comprehensive Plan designations on the subject property are Mixed Density Residential for the west half, and Single Family Residential for the east half of the site. The corresponding City zoning designation for a Comprehensive Plan designation of Mixed Density Residential is Residential Mixed Density (RM) zone and a designation of Single Family Residential is Residential Low Density (RL). The applicant is requesting these aforementioned zoning designations. Therefore, these City zoning designations can automatically be assigned at this time, without a separate hearing. This action is NOT a zoning map amendment.

Criterion 1.2.12

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.

Planning Commission Finding # 12:

The proposed annexation complies with Annexation Ordinance Section 13 in that this property has no designated environmental constraints that would prevent future development as according to the assigned City zoning designations.

Criterion 1.2.14 (and 1.1.5)

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.

Annexation Ordinance Finding E (Criteria 1.1.5): Proposals for the development or redevelopment of properties that pertain to annexation proposals are a separate land use process, requiring separate application. Except as specified below in Section 15, the City may not act upon such development or redevelopment proposals related to an annexation territory until the annexation proposal has been approved. These development or redevelopment proposals will be acted upon after approval of the annexation, and thus require a separate hearing or process.

Planning Commission Finding # 13:

The proposed annexation complies with Annexation Ordinance Section 15 and Annexation Ordinance Finding E in that no development proposal has been submitted at this time.

Criterion 2.1.1

LCP Chapter 1 (Introductory Provisions) – Administrative Policies And Recommendations, Policy #8: The City of Lebanon Comprehensive Plan shall be consistent with the applicable Statewide Planning Goals.

Planning Commission Finding # 14:

The proposed annexation complies with this policy of the Lebanon Comprehensive plan in that the Comprehensive Plan in its entirety has been accepted and acknowledged by the Oregon Department of Conservation and Land Development (DLCD). Acknowledgement of a Comprehensive Plan is dependent upon DLCD concluding that the Comprehensive Plan is consistent with the applicable Statewide Planning Goals.

Criterion 2.2.2

LCP Chapter 1 (Urbanization) – Flexible Growth Program Policy #2: The City shall maintain an orderly and efficient, yet flexible, approach to the growth of the City and extension of the City limits through the implementation of the Annexation Policies contained in this Plan, the Lebanon/Linn County Urban Growth Management Agreement, and the City's Annexation Ordinance.

Planning Commission Finding # 15:

The proposed annexation complies with this policy of the Lebanon Comprehensive Plan in that this annexation constitutes an implementation of the Annexation Policies contained in this Plan, the Lebanon/Linn County Urban Growth Management Agreement, and the City's Annexation Ordinance, and therefore this annexation maintains an orderly and efficient, yet flexible, approach to the growth of the City and extension of the City limits.

Criterion 2.4.1 (and 1.1.7)

LCP Chapter 8 (Public Facilities and Services Policies and Recommendations) -- General Policies, Policy #2: The city shall consider impacts on key City-provided urban utility services (water, storm drainage, sanitary sewerage, and streets) and any other community facilities that are identified by service providers as substantially impacted by the proposal before development proposals, or rezoning applications are approved.

Annexation Ordinance Finding G (Criteria 1.1.7): The annexation of a territory that is vacant and undeveloped does not represent any change or impact on any City-provided urban utility services, and therefore the annexation of such a territory does not need to consider such issues.

Planning Commission Finding # 16:

The proposed annexation complies with this Public Facilities and Services Policy of the Lebanon Comprehensive plan in that this annexation does NOT include a development proposal or a rezoning application. Therefore, at this time the City is under no obligation to consider impacts on key City-provided urban utility services (water, storm drainage, and streets) other than sanitary service or any other community facilities, which is in compliance with Annexation Ordinance Finding G (Criteria 1.1.7). Therefore, there are no incremental or adverse impacts at this time on other key City-provided urban utility services (i.e., water, storm drainage, and streets).

However, if at some future time development proposals, and/or rezoning applications regarding this territory are submitted to the City, the City shall at that time consider impacts on key City-provided urban utility services (water, storm drainage, sanitary sewerage, and streets) and any other community facilities that are identified by service providers as substantially impacted by the proposal(s) before development proposals, and/or rezoning applications are approved.

Yet, it is again worth noting that the four key City-provided urban utility services (water, storm drainage, sanitary sewerage, and streets) are available to serve this site, as noted in Findings 8 and 9 above.

Criterion 2.5.1

LCP Chapter 8 (Public Facilities and Services Policies and Recommendations) -- Sewerage Facilities, Policy #2: The provision of sewerage service determines the urban development potential. Extension of public sanitary sewer infrastructure shall be in accordance with the City's Facilities Plans, as amended by special studies, or the City's Capital Improvement plans, and/or by official City Council action.

Planning Commission Finding # 17:

The proposed annexation complies with this policy of the Lebanon Comprehensive plan in that this annexation does NOT include any sewer line extension nor is any needed to serve this site which is adjacent to the existing 54-inch sewer line. This new utility facility has substantial unused capacity and can readily provide sanitary service to this property without causing adverse impacts to the system.

However, if at some future time re-development or in-fill proposals regarding this territory are submitted to the City, the City shall at that time consider impacts on sanitary sewerage, and the availability of public sanitary sewer infrastructure in accordance with the City's Facilities Plans (as amended by special studies, or the City's Capital Improvement plans, and/or by official City Council action), before such development proposals are approved.

Yet, it is worth noting that this sewerage service line has abundant unused capacity.

Criteria 4.1 and 4.2

City of Lebanon/Linn County -- Urban Growth Management Agreement

Section 2: Delineation of Authority in the Urban Growth Area (UGA), 2nd paragraph: The Lebanon Comprehensive Plan designates the future city zoning UGA lands will receive upon annexation to the City.

Section 5: Annexations: The UGA identifies land that may be subject to future City annexation. The City may annex land using its own procedures in accordance with state law. Only land within the UGA will be considered for annexation. The City will notify the County of any proposed annexations. Upon annexation, the City assumes all jurisdiction for land use actions.

Planning Commission Finding # 18:

The City's annexation review procedures on annexation request File # A-04-04 have complied with the City of Lebanon/Linn County Urban Growth Management Agreement, Sections 2 and 5 regarding City authority to annex lands within the urban growth area and assign City Zoning in accordance with the Lebanon Comprehensive Plan Map.

STAFF RECOMMENDATION FOR CITY COUNCIL

If the City Council concludes that this proposed annexation has successfully and adequately addressed the applicable criteria cited in this staff report from the City's 2003 revised Annexation Ordinance, updated (2003) Comprehensive Plan, Zoning Ordinance, and the City of Lebanon/Linn County Urban Growth Management Agreement, as well as effectively addressing applicable testimony, then staff recommends that the City Council **APPROVE** this annexation request.

However, if the City Council concludes that this proposed annexation has **NOT** successfully and adequately addressed the applicable criteria cited in this staff report from the City's 2003 revised Annexation Ordinance, updated (2003) Comprehensive Plan, Zoning Ordinance, and the City of Lebanon/Linn County Urban Growth Management Agreement, and has **NOT** effectively addressed applicable testimony, then staff recommends that the City Council **DENY** this annexation request.

PROPOSED FINDINGS FOR CITY COUNCIL

Staff shall write draft findings based on the above staff report, testimony, and City Council discussion. These draft findings will be distributed to the City Council prior to the next City Council meeting so that the Council may take final action on the findings and the proposed annexation.

ANNEXATION ZONING MATRIX:

For Property Annexed into the City of Lebanon

City of Lebanon Comprehensive Plan Designations	City of Lebanon Zoning Designations
Single Family Residential	Residential Low density Zone (RL)
Mixed-Density Residential	Residential Mixed Density Zone (RM)
	* Residential High Density Zone (RH)
Special Development District (SPD) or Mixed Use	Mixed Use Zone (MU)
Commercial	** Neighborhood Commercial Zone (CN)
	* Central Business Commercial Zone (CB)
	Highway Commercial Zone (CH)
Light Industrial	Limited Industrial Zone (ML)
Heavy Industry	General Industrial Zone (MG)
Key	
* (or) Red Lettering & Yellow Shading	Based upon the Zoning Ordinance description of these zones, there are no un-annexed properties in the UGB eligible to be assigned to these zone designations. (October 04)
** (or) Blue Lettering & Blue Shading	This zone is for small neighborhood shopping clusters. Such designations would require a zone change and an Administrative Review Process.

**CITY OF LEBANON
CITY COUNCIL STAFF REPORT
(Based on Planning Commission Staff Report for April 21, 2004)
ANNEXATION REQUEST**

The Planning Commission conducted a public hearing on this proposed annexation on April 21, 2004, and unanimously voted to recommend approval to the City Council.

NATURE OF REQUEST: Annexation of an approximately 0.79 acre annexation territory comprised of one parcel containing a single-family residence and an adjacent vacant parcel.

APPLICANT: Russ McCanham and Doris Edwards

PROPERTY LOCATION: Located east of the intersection of Hansard Avenue and Laurel Street.

ASSESSOR'S MAP AND TAX LOT #S: Assessor's Map 12S-2W-3C, Tax Lots 1200 & 1300

ZONE DESIGNATION: Limited Industrial (ML) - upon annexation.

COMP PLAN DESIGNATION: Light Industrial

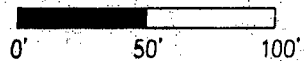
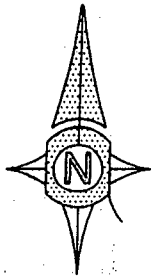
STAFF REPORT TABLE OF CONTENTS

	Page
▪ Nature of Request, Applicant, Property Location, Assessor's Map and Tax Lot #s, Zone and Comp Plan Designations	1
▪ Introduction	1
▪ Site Maps and Land Cover Map	2,3
▪ Site Description	4
▪ Planning and Zoning Considerations	4
▪ Relevant Criteria	5-8
▪ Staff Comments	9,10
▪ Planning Commission Recommendation & Findings	11-15
▪ Recommendation and Proposed Findings for City Council	16
▪ Annexation Zoning Matrix	17
Attachments: (A) Annexation Map and Legal Description; (B) Linn County letter; (C) Applicant's Request to Annex; (D) City Council minutes	18-22

INTRODUCTION

The applicant proposes to annex this property into city limits in order to benefit from City utility services. This property has a failed septic system and due to Oregon Administrative Rule 340-71-160(5)(f), the County cannot issue a permit for a new, replacement system on-site because "a sewage system ...is both legally and physically available." (See Attachment "B") This property is on the south side of Laurel Street; the new 54-inch westside sewer interceptor is located in the Laurel Street right-of-way (ROW) adjacent to this property. The applicants have obtained City Council permission for an emergency sanitary sewer connection for this property with the condition that the property owners apply for and be annexed as quickly as possible.

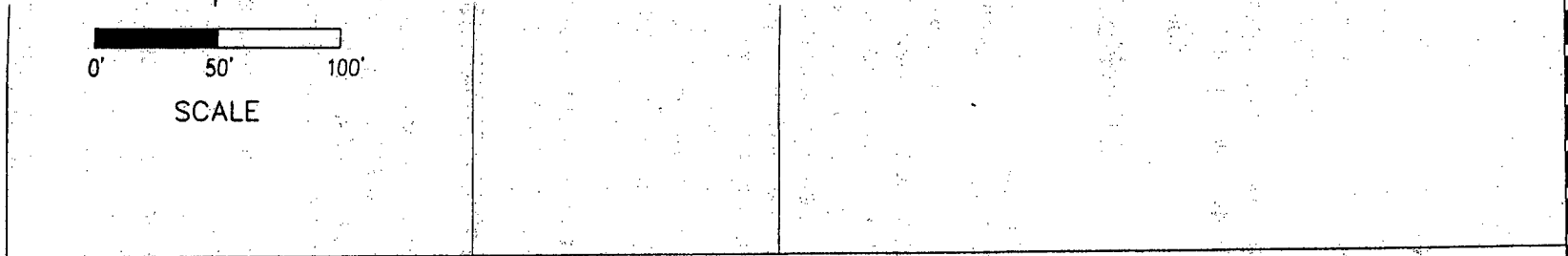
The City Council minutes granting permission for an emergency sewer connection is included as an Attachment "D".



SCALE

(50')

HANSAR
E

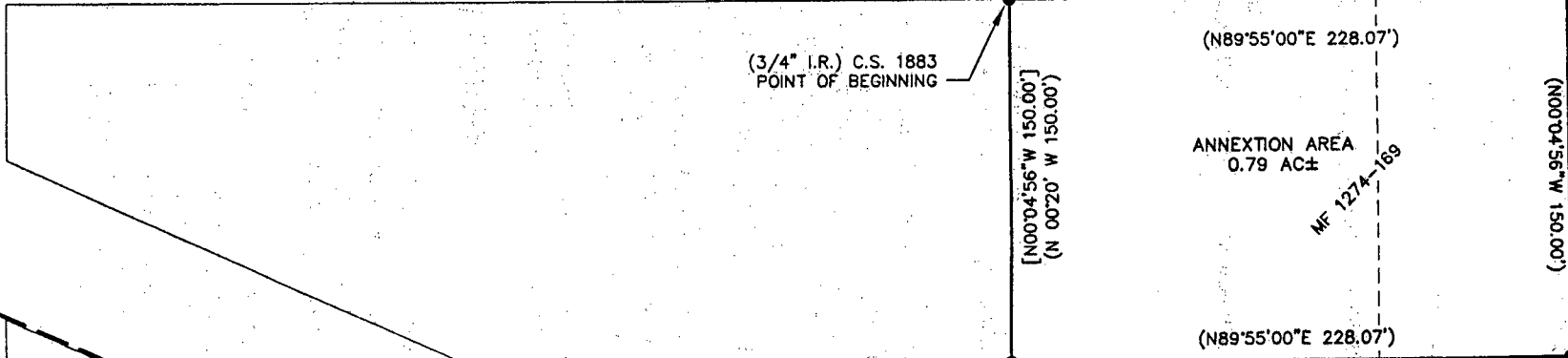


LAUREL ST

(40')

CURRENT
CITY LIMITS

(3/4" I.R.) C.S. 1883
POINT OF BEGINNING



(N89°55'00"E 228.07')

(5/8" I.B.)
C.S. 1883

ANNEXATION AREA
0.79 AC±

MF 1274-169

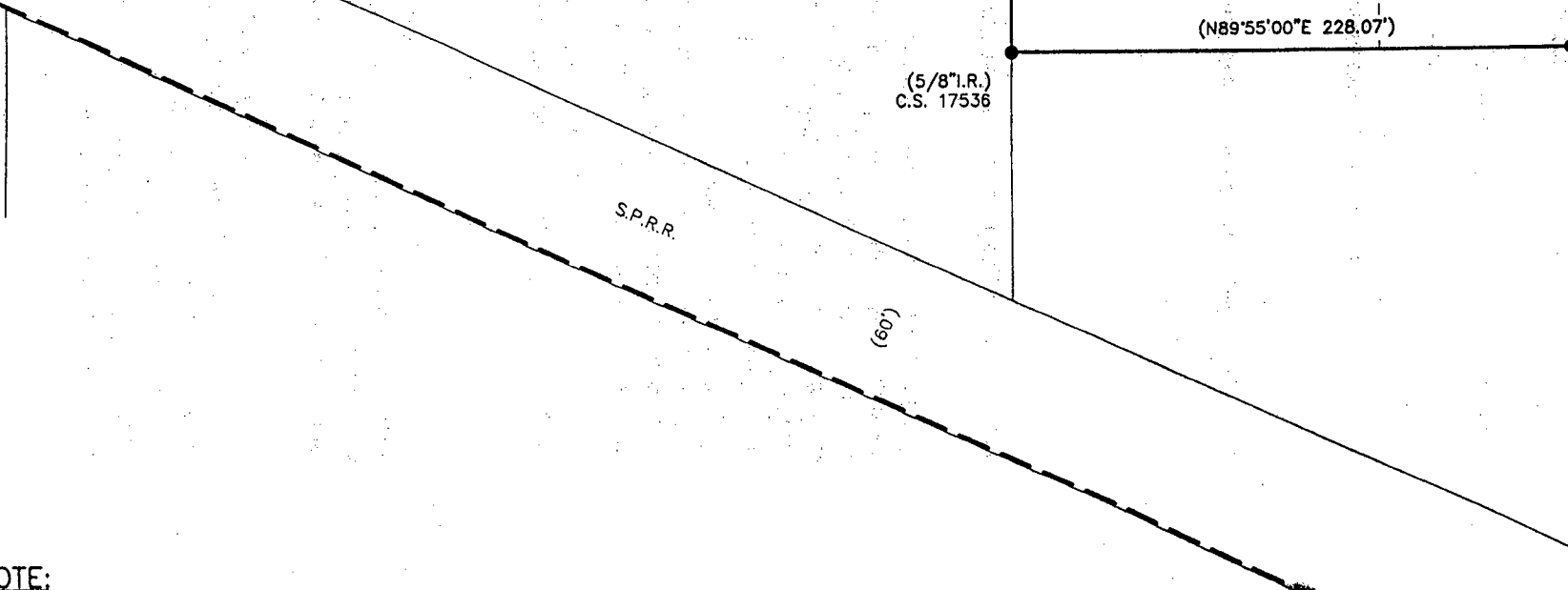
[N00°04'56"W 150.00']
(N 00°20' W 150.00')

(00°04'56"W 150.00')

(N89°55'00"E 228.07')

(5/8" I.R.)
C.S. 17536

(5/8" I.R.)
C.S. 17536



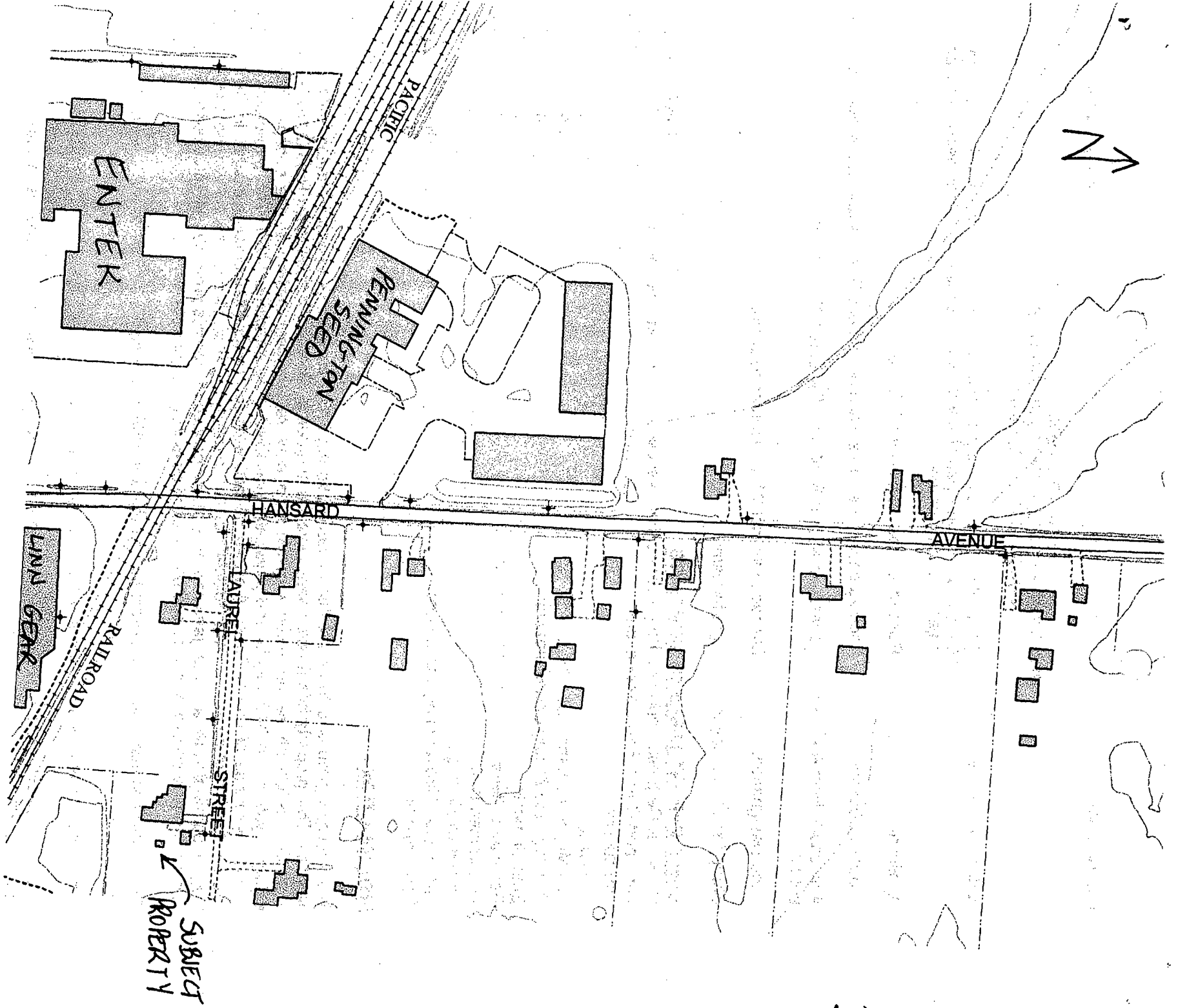
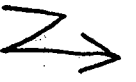
S.P.R.R.

(60')

SITE MAP

T 12S-R2W-3C
TAX LOTS 1200 & 1300

NOTE:



10B

LAND COVER MAP

A-04-05, Page 3

SUBJECT
PROPERTY

SITE DESCRIPTION

The subject property or annexation territory is located south of Laurel Street, north of the railroad tracks, east of Hansard Avenue and west of Pioneer School. The subject property is 0.79 acres in size, comprised of two tax lots and is developed with a single family dwelling and a variety of shop outbuildings. This flat site is nicely maintained with landscaping including trees, shrubs, flowers, etc. Laurel Street is a gravel "public street" with a 40-foot ROW width. Neither water nor storm drainage infrastructure are present on Laurel Street to serve the subject property.

Surrounding uses include rural residences on large lots (~4-5 acre) to the east, north and west. Vacant, flat, grassy parcels are located to the south, immediate west and north. Pennington Seed is located to the more distant west, Linn Gear to the more distant south beyond the railroad tracks; and Pioneer School and park are located to the more distant east.

PLANNING AND ZONING CONSIDERATIONS

1. The Comprehensive Plan Map identifies the designation of the subject property as Light Industrial that assigns a Limited Industrial (ML) zoning upon annexation.
2. The following contain the factors and conditions that the City considers in evaluating an annexation request: (1) City of Lebanon Ordinance Number 17 for 2003, an Ordinance Making Findings and Adopting Policies for the Annexation of Real Property into the City Limits; and (2) Lebanon Comprehensive Plan as follows: (a) Introductory Provisions, Administrative Policy #8; (b) Urbanization Element, Flexible Growth Program, Policies #1 and 2 (page 4-P1); (c) Urbanization Element, Annexations, Policies #1 through 8 (page 4-P-2); (d) Public Facilities and Services Element, General Policy #2 (page 8-P-1); and (e) Public Facilities and Services Element, Sewerage Facilities, Policy #2 (pages 8-P-4, 5); (3) Zoning Ordinance Section 3.050, Zoning of Annexed Areas; (4) City of Lebanon/Linn County – Urban Growth Management Agreement, Section 2: Delineation of Authority in the Urban Growth Area (UGA), and Section 5, Annexations.
3. Lebanon Zoning Ordinance Section 4.210 lists the development opportunities, standards and requirements for the Limited Industrial (ML) zone.
4. This annexation territory abuts City limits on the east and is separated by one property from City limits to the south and west.

RELEVANT CRITERIA

1.0 Criteria Based on the City of Lebanon Ordinance Number 17 for 2003, an Ordinance Making Findings and Adopting Policies for the Annexation of Real Property into the City Limits

1.1 Annexation Ordinance Findings:

- 1.1.1 A:** Implementation of the City's Annexation Ordinance and its policies ensure the orderly expansion of City Limits and the efficient provision of key City-provided urban utility services, which are hereby defined as water, storm drainage, sanitary sewerage, and streets.
- 1.1.2 B:** The original Urban Growth Boundary of the City was established with the adoption and acknowledgment of Lebanon's Comprehensive Plan and Comprehensive Plan Map. This Plan, Map and the corresponding Urban Growth Boundary were accepted by both the City and the State. The acknowledgment of the Comprehensive Plan and Map established that all lands included within the Urban Growth Boundary are eligible for annexation (when they are contiguous to city limits) and urban development (except for minor inclusions of areas with environmental constraints) and other urban uses. The area within the Urban Growth Boundary designated for urban development and other urban uses has therefore been acknowledged as land needed by the City.
- 1.1.3 C:** Annexation incorporates territory within the Urban Growth Area into the City Limits.
- 1.1.4 D:** Annexation proposals do not require site specific development proposals.
- 1.1.5 E:** Proposals for the development or redevelopment of properties that pertain to annexation proposals are a separate land use process, requiring separate application. Except as specified below in Section 15, the City may not act upon such development or redevelopment proposals related to an annexation territory until the annexation proposal has been approved. These development or redevelopment proposals will be acted upon after approval of the annexation, and thus require a separate hearing or process. [See Findings 1 & 13]
- 1.1.6 F:** As part of the annexation process of developed property or properties, the City will consider the anticipated demands of existing development within the annexation territory to access City-provided urban utility services, which are water, storm drainage, sanitary sewerage, and streets. Furthermore, as part of the annexation process of developed property or properties, the City will consider the impacts on these same key City-provided urban utility services, water, storm drainage, sanitary sewerage, and streets, needed to serve these developed properties.
- 1.1.7 G:** The annexation of a territory that is vacant and undeveloped does not represent any change or impact on any City-provided urban utility services, and therefore the annexation of such a territory does not need to consider such issues.

1.2 Provisions of the Annexation Ordinance Sections:

- 1.2.1 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.

- 1.2.2 Section 3:** All Annexations shall be consistent with the goals and policies of the Lebanon Comprehensive Plan.
- 1.2.3 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.
- 1.2.4 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).
- 1.2.5 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.
- 1.2.6 Section 7:** Development proposals are NOT REQUIRED for annexation requests.
- 1.2.7 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.
- 1.2.8 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.
- 1.2.9 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.
- 1.2.10 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.
- 1.2.11 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.
- 1.2.12 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.
- 1.2.13 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.

- 1.2.14 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.
- 2.0 Lebanon Comprehensive Plan (LCP) Criteria**
- 2.1 Chapter 1: Introductory Provisions -- Administrative Policies And Recommendations (LCP page 1-P-1)**
- 2.1.1 Policy #8:** The City of Lebanon Comprehensive Plan shall be consistent with the applicable Statewide Planning Goals.
- 2.2 Chapter 4: Urbanization -- Flexible Growth Program (LCP page 4-P-1)**
- 2.2.1 Policy #1:** All lands included within the Urban Growth Boundary have been determined as suitable for urban development except those areas designated as undevelopable due to environmental constraints such as wetlands, drainage courses, flooding or steep slopes. However, those areas inside the City's Urban Growth Boundary with environmental constraints may be utilized as functional wetlands, parks, open space and related uses.
- 2.2.2 Policy #2:** The City shall maintain an orderly and efficient, yet flexible, approach to the growth of the City and extension of the City limits through the implementation of the Annexation Policies contained in this Plan, the Lebanon/Linn County Urban Growth Management Agreement, and the City's Annexation Ordinance.
- 2.3 Chapter 4: Urbanization -- Annexations (LCP page 4-P-2)**
- 2.3.1 Policy #1:** 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.
- 2.3.2 Policy #2:** All Annexations shall be consistent with the goals and policies of the Lebanon Comprehensive Plan.
- 2.3.3 Policy #3:** 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.
- 2.3.4 Policy #4:** The City shall only annex land that is contiguous to the existing City limits and is within the City's Urban Growth Boundary (UGB).
- 2.3.5 Policy #5:** 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.
- 2.3.6 Policy #6:** Development proposals are NOT REQUIRED for annexation requests.
- 2.3.7 Policy #7:** 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.

- 2.3.8 **Policy #8:** 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.
- 2.4. **Chapter 8: Public Facilities and Services Policies and Recommendations – General Policies (LCP page 8-P-1)**
- 2.4.1 **Policy #2:** The city shall consider impacts on key City-provided urban utility services (water, storm drainage, sanitary sewerage, and streets) and any other community facilities that are identified by service providers as substantially impacted by the proposal before—development proposals, or rezoning applications are approved.
- 2.5 **Chapter 8: Public Facilities and Services Policies and Recommendations – Sewerage Facilities (LCP pages 8-P-4 & 8-P-5)**
- 2.5.1 **Policy #2:** The provision of sewerage service determines the urban development potential. Extension of public sanitary sewer infrastructure shall be in accordance with the City's Facilities Plans, as amended by special studies, or the City's Capital Improvement plans, and/or by official City Council action.
- 2.6 **Chapter 6: Housing**
- 2.6.1 **Overall Goal (LCP page 6-P-1)**
- To provide a housing policy plan which seeks to increase opportunities for all citizens to enjoy safe, decent, and sanitary housing, and to assist in creating and maintaining neighborhoods in a manner consistent with the natural environment and the needs of the people.
- 2.6.2 **Buildable Lands**
- A. **Policy #1:** The city shall maintain an adequate availability of residential, buildable lands that provide locational choices for each housing type as part of the city's development monitoring program and annual plan review. (LCP page 6-P-2)
- B. **Policy #2:** The city should maintain a substantial supply of residentially zoned land within the community to assist in keeping land costs for housing at reasonable levels. (LCP page 6-P-3)
- 3.0 **Zoning Ordinance Criteria**
- 3.1 **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.
- 4.0 **City of Lebanon/Linn County -- Urban Growth Management Agreement**
- 4.1 **Section 2: Delineation of Authority in the Urban Growth Area (UGA), 2nd paragraph:** The Lebanon Comprehensive Plan designates the future city zoning UGA lands will receive upon annexation to the City.
- 4.2 **Section 5: Annexations: The UGA identifies land that may be subject to future City annexation.** The City may annex land using its own procedures in accordance with state law. Only land within the UGA will be considered for annexation. The City will notify the County of any proposed annexations. Upon annexation, the City assumes all jurisdiction for land use actions.

STAFF COMMENTS

- A. The legal description and a map describing the entire annexation area have been submitted and are included in this report.
- B. The annexation territory is within the City's Urban Growth Boundary, and is therefore eligible for annexation and urban development.
- C. 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.
- D. The property is currently developed with a single family dwelling with a failed, uncorrectable septic system and that the demands to the sewer system to serve this site are minimal and within the service capabilities of this new infrastructure facility. There is no other proposal to place additional demands on other key City-provided urban utility services (i.e., water, storm drainage, and streets). This annexation territory (1) has ready access to the street system via Laurel Street and Hansard Avenue, (2) has ready access to water via a 12-inch water line at the intersection of Hansard and Laurel, and (3) storm drainage flowing along its natural, historic surface drainage pattern, with primary flows handled by the drainage ditch along Hansard Avenue.
- E. The property will connect to the new 54-inch westside sanitary sewer interceptor and therefore, there are no incremental or adverse impacts on other key City-provided urban utility services (i.e. water, storm drainage, and streets). When this site further develops with a conforming use in the future, foreseeable allowed uses of this property will be well within the capacities of the four key City-provided urban utility services in geographical proximity to the annexation property. This annexation territory (1) has ready access to the street system via Laurel Street and Hansard Avenue, (2) has ready access to water via a 12-inch water line at the intersection of Hansard and Laurel, and (3) routes storm drainage for this area along its natural, historic surface drainage pattern, with primary flows handled by the drainage ditch along Hansard Avenue. Sewer service will be provided by the 54-inch westside sewer interceptor which has substantial surplus capacity.
- F. The property will contribute/dedicate 10-feet of ROW to Laurel Street for the full length of the property as a condition of annexation approval. This ROW dedication will help to achieve a city standard ROW along this road.
- G. Currently the subject property does not have a City zoning designation because it is not within the City limits. However, since the property is within the City's Urban Growth Boundary, the current Comprehensive Plan designation on the subject property is Light Industrial that assigns a Limited Industrial (ML) zoning upon annexation. The applicant is requesting the Limited Industrial zoning designation. Therefore, the City zoning designation can automatically be assigned at this time, without a separate hearing. This action is NOT a zoning map amendment.
- H. The subject property has no environmental constraints that cannot be mitigated that would prevent development.
- I. This annexation is an implementation of the Annexation Policies contained in this Plan, the Lebanon/Linn County Urban Growth Management Agreement, and the City's Annexation Ordinance.
- J. This annexation application does NOT include a development proposal or a rezoning application.

2. **Current Status of Infrastructure:**

- A. **Sanitary Sewer:** The new 54" West Side Sewer Interceptor is located on Laurel Street adjacent to the subject property.
- B. **Water:** There is a 12" water line in Hansard Avenue at Laurel Street.
- C. **Drainage:** Primary drainage is via drainage ditch along Laurel Street and Hansard Avenue that are currently developed to County standards.
- D. **Transportation Access:** There is ready access to the transportation system in that the subject property is served by Laurel Street and subsequently Hansard Avenue (built to county standards) both of which provide access to Highway 34 (directly) and Highway 20 (via Reeves Parkway).

Laurel Street currently has a 40-foot ROW. As a condition of approval of this annexation request, the City is requiring a 10-foot ROW dedication for the full length of the property abutting Laurel Street. When the other properties abutting Laurel Street, on both the north and south sides annex, they also will provide 10-feet of ROW to achieve a city standard 60-foot ROW to serve these industrially designated properties.

- E. **Facility Plans:** Not all infrastructure and City provided services are currently available to serve this annexation territory. Nevertheless, it is noteworthy that the City Facility Plans (water, wastewater, storm drainage, streets parks) have been prepared that identify the ultimate infrastructure improvements needed to serve the full urban density development of the subject property. These Facility Plans identify site-specific infrastructure improvements and extensions needed to serve the site.
- F. **Fees:** Connection to a City utility or building permit issuance will also cause to be due system development charges. All of the above permits, fees, and processes are detailed in the City's Site Development Guide.

SUMMARY OF PLANNING COMMISSION RECOMMENDATION

The Planning Commission conducted a public hearing on this proposed annexation on April 21, 2004, and unanimously voted to recommend approval to the City Council.

The Planning Commission based this recommendation on the following:

Criteria 1.1.1 – 1.1.7

Annexation Ordinance Findings: These seven findings constitute the preamble of Lebanon Ordinance Number 17 for 2003, and thereby provide a legal context for the policies that pertain to all annexations to the City of Lebanon.

Planning Commission Finding # 1:

The proposed annexation complies with all Annexation Ordinance Findings in that this land use hearing is in compliance with the legal context established by this preamble.

Criteria 1.2.1 and 2.3.1

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.

LCP Chapter 4 (Urbanization) – Annexation Policy #1: 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.

Planning Commission 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 1.2.2 and 2.3.2

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

LCP Chapter 4 (Urbanization) – Annexation Policy #2: All Annexations shall be consistent with the goals and policies of the Lebanon Comprehensive Plan.

Planning Commission Finding # 3:

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. The findings below detail this compliance.

Criteria 1.1.2, 1.2.3, 2.2.1 and 2.3.3

Annexation Ordinance Finding B (Criteria 1.1.2): The original Urban Growth Boundary of the City was established with the adoption and acknowledgment of Lebanon's Comprehensive Plan and Comprehensive Plan Map. This Plan, Map and the corresponding Urban Growth Boundary were accepted by both the City and the State. The acknowledgment of the Comprehensive Plan and Map established that all lands included within the Urban Growth Boundary are eligible for annexation (when they are contiguous to city limits) and urban development (except for minor inclusions of areas with environmental constraints) and other urban uses. The area within the Urban Growth Boundary designated for urban development and other urban uses has therefore been acknowledged as land needed by the City.

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 4 (Urbanization) – Flexible Growth Program Policy #1: All lands included within the Urban Growth Boundary have been determined as suitable for urban development except those areas designated as undevelopable due to environmental constraints such as wetlands, drainage courses, flooding or steep slopes. However, those areas inside the City's Urban Growth Boundary with environmental constraints may be utilized as functional wetlands, parks, open space and related uses.

LCP Chapter 4 (Urbanization) – Annexation Policy #3: 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.

Planning Commission Finding # 4:

The proposed annexation complies with the above noted criteria in that the annexation territory is within the City's Urban Growth Boundary, and is therefore eligible for annexation and urban development. This annexation territory has been identified as land needed by the City for nearly a quarter of a century.

Criteria 1.2.4 and 2.3.4

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).

LCP Chapter 4 (Urbanization) – Annexation Policy #4: The City shall only annex land that is contiguous to the existing City limits and is within the City's Urban Growth Boundary (UGB).

Planning Commission Finding # 5:

The proposed annexation complies with Annexation Ordinance Section 5 and LCP Annexation Policy #4 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.

Criteria 1.2.5, 1.2.13, and 2.3.5 (& 1.1.1)

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 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.

LCP Chapter 4 (Urbanization) – Annexation Policy #5: 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 Finding A (Criteria 1.1.1): Implementation of the City's Annexation Ordinance and its policies ensure the orderly expansion of City Limits and the efficient provision of key City-provided urban utility services, which are hereby defined as water, storm drainage, sanitary sewerage, and streets.

Planning Commission Finding # 6:

The proposed annexation complies with the above noted criteria. (1) Since the annexation territory is contiguous to the existing City limits the annexation of this territory is deemed orderly. (2) The annexation is efficient since the annexation territory can be developed to a conforming urban use. This territory can be developed according to the provisions of Lebanon Zoning Ordinance Section 4.210 that lists the development opportunities, standards and requirements for the Limited Industrial (ML) zone, and this is consistent with all applicable provisions of the Comprehensive Plan.

Criteria 1.2.6 and 2.3.6 (& 1.14)

Annexation Ordinance Section 7: Development proposals are NOT REQUIRED for annexation requests.

LCP Chapter 4 (Urbanization) – Annexation Policy #6: Development proposals are NOT REQUIRED for annexation requests.

Annexation Ordinance Finding D (Criteria 1.1.4): Annexation proposals do not require site specific development proposals.

Planning Commission Finding # 7:

The proposed annexation complies with the above noted criteria in that no development proposal was required to be submitted at this time.

Criteria 1.2.7 and 2.3.7 (& 1.1.1 and 1.16)

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.

LCP Chapter 4 (Urbanization) – Annexation Policy #7: 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.

Annexation Ordinance Finding A (Criteria 1.1.1), and Annexation Ordinance Finding F (Criteria 1.1.6)

Planning Commission Finding # 8:

The proposed annexation complies with the above noted criteria in that this property is currently developed with a single family dwelling with a failed, uncorrectable septic system and that the demands to the sewer system to serve this site are minimal and unequivocally within the service capabilities of this new infrastructure facility. Additionally, at this juncture there is not any other proposal to place additional (or a change in) demands on other key City-provided urban utility services (i.e., water, storm drainage, and streets). However, this annexation territory (1) has ready access to the street system via Laurel Street and Hansard Avenue (built to county standards), (2) has ready access to water via a 12-inch water line at the intersection of Hansard and Laurel, and (3) with storm drainage for this area flowing along its natural, historic surface drainage pattern, with primary flows handled by the drainage ditch along Hansard Avenue.

Criteria 1.2.8 and 2.3.8 (&1.1.1 and 1.1.6)

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.

LCP Chapter 4 (Urbanization) – Annexation Policy #8: 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.

Annexation Ordinance Finding A (Criteria 1.1.1), and Annexation Ordinance Finding F (Criteria 1.1.6)

Planning Commission Finding # 9:

The proposed annexation complies with the above noted criteria in that this property seeks only to connect to the new 54-inch westside sanitary sewer interceptor (with substantial unused capacity) at this time and therefore, there are no incremental or adverse impacts at this time on other key City-provided urban utility services (i.e., water, storm drainage, and streets). Additionally, when this site further develops with a conforming use in the future, foreseeable allowed uses of this property will be well within the capacities of the four key City-provided urban utility services in geographical proximity to the annexation property. This annexation territory (1) has ready access to the street system via Laurel Street and Hansard Avenue, (2) has ready access to water via a 12-inch water line at the intersection of Hansard and Laurel, and (3) routes storm drainage for this area along its natural, historic surface drainage pattern, with primary flows handled by the drainage ditch along Hansard Avenue. Sewer service will be provided by the 54-inch westside sewer interceptor which has substantial surplus capacity.

Criterion 1.2.9

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.

Planning Commission Finding # 10:

The proposed annexation complies with Annexation Ordinance Section 10 in the annexation territory will contribute/dedicate 10-feet of ROW to Laurel Street for the full length of the property as a condition of annexation approval. This ROW dedication will help to achieve a city standard ROW along this road.

Criteria 1.2.10, 1.2.11, and 3.1

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.

Planning Commission 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. However, since the property is within the City's Urban Growth Boundary, the current Comprehensive Plan designation on the subject property is Light Industrial. The corresponding City zoning designation for a Comprehensive Plan designation of Light Industrial is Limited Industrial (ML). The applicant is requesting a Limited Industrial (ML) zoning designation for the subject property. Therefore, a City zoning designation of Limited Industrial (ML) can automatically be assigned at this time, without a separate hearing. This action is NOT a zoning map amendment.

Criterion 1.2.12

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.

Planning Commission Finding # 12:

The proposed annexation complies with Annexation Ordinance Section 13 in that this property has no designated environmental constraints that would prevent development as an industrial site.

Criterion 1.2.14 (and 1.1.5)

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.

Annexation Ordinance Finding E (Criteria 1.1.5): Proposals for the development or redevelopment of properties that pertain to annexation proposals are a separate land use process, requiring separate application. Except as specified below in Section 15, the City may not act upon such development or redevelopment proposals related to an annexation territory until the annexation proposal has been approved. These development or redevelopment proposals will be acted upon after approval of the annexation, and thus require a separate hearing or process.

Planning Commission Finding # 13:

The proposed annexation complies with Annexation Ordinance Section 15 Annexation Ordinance Finding E in that no development proposal has been submitted at this time.

Criterion 2.1.1

LCP Chapter 1 (Introductory Provisions) – Administrative Policies And Recommendations, Policy #8: The City of Lebanon Comprehensive Plan shall be consistent with the applicable Statewide Planning Goals.

Finding # 14:

The proposed annexation complies with this policy of the Lebanon Comprehensive plan in that the Comprehensive Plan in its entirety has been accepted and acknowledged by the Oregon Department of Conservation and Land Development (DLCD). Acknowledgement of a Comprehensive Plan is dependent upon DLCD concluding that the Comprehensive Plan is consistent with the applicable Statewide Planning Goals.

Criterion 2.2.2

LCP Chapter 1 (Urbanization) – Flexible Growth Program Policy #2: The City shall maintain an orderly and efficient, yet flexible, approach to the growth of the City and extension of the City limits through the implementation of the Annexation Policies contained in this Plan, the Lebanon/Linn County Urban Growth Management Agreement, and the City's Annexation Ordinance.

Planning Commission Finding # 15:

The proposed annexation complies with this policy of the Lebanon Comprehensive Plan in that this annexation constitutes an implementation of the Annexation Policies contained in this Plan, the Lebanon/Linn County Urban Growth Management Agreement, and the City's Annexation Ordinance, and therefore this annexation maintains an orderly and efficient, yet flexible, approach to the growth of the City and extension of the City limits.

Criterion 2.4.1 (and 1.1.7)

LCP Chapter 8 (Public Facilities and Services Policies and Recommendations) -- General Policies, Policy #2: The city shall consider impacts on key City-provided urban utility services (water, storm drainage, sanitary sewerage, and streets) and any other community facilities that are identified by service providers as substantially impacted by the proposal before-development proposals, or rezoning applications are approved.

Annexation Ordinance Finding G (Criteria 1.1.7): The annexation of a territory that is vacant and undeveloped does not represent any change or impact on any City-provided urban utility services, and therefore the annexation of such a territory does not need to consider such issues.

Planning Commission Finding # 16:

The proposed annexation complies with this Public Facilities and Services Policy of the Lebanon Comprehensive plan in that this annexation does NOT include a development proposal or a rezoning application. Therefore, at this time the City is under no obligation to consider impacts on key City-provided urban utility services (water, storm drainage, and streets) other than sanitary service or any other community facilities, which is in compliance with Annexation Ordinance Finding G (Criteria 1.1.7). This property seeks only to connect to the new 54-inch westside sanitary sewer interceptor (with substantial unused capacity) at this time and therefore, there are no incremental or adverse impacts at this time on other key City-provided urban utility services (i.e., water, storm drainage, and streets).

However, if at some future time development proposals, and/or rezoning applications regarding this territory are submitted to the City, the City shall at that time consider impacts on key City-provided urban utility services (water, storm drainage, sanitary sewerage, and streets) and any other community facilities that are identified by service providers as substantially impacted by the proposal(s) before-development proposals, and/or rezoning applications are approved.

Yet, it is again worth noting that the four key City-provided urban utility services (water, storm drainage, sanitary sewerage, and streets) are available to serve this site, as noted in Findings 8 and 9 above.

Criterion 2.5.1

LCP Chapter 8 (Public Facilities and Services Policies and Recommendations) -- Sewerage Facilities, Policy #2: The provision of sewerage service determines the urban development potential. Extension of public sanitary sewer infrastructure shall be in accordance with the City's Facilities Plans, as amended by special studies, or the City's Capital Improvement plans, and/or by official City Council action.

Planning Commission Finding # 17:

The proposed annexation complies with this policy of the Lebanon Comprehensive plan in that this annexation does NOT include any sewer line extension nor is any needed to serve this site which is adjacent to the existing 54-inch westside sewer interceptor. This new utility facility has substantial unused capacity and can readily provide sanitary service to this property without causing adverse impacts to the system.

However, if at some future time re-development or in-fill proposals regarding this territory are submitted to the City, the City shall at that time consider impacts on sanitary sewerage, and the availability of public sanitary sewer infrastructure in accordance with the City's Facilities Plans (as amended by special studies, or the City's Capital Improvement plans, and/or by official City Council action), before such development proposals are approved.

Yet, it is worth noting that the new westside interceptor has abundant unused capacity.

Criteria 4.1 and 4.2

City of Lebanon/Linn County -- Urban Growth Management Agreement

Section 2: Delineation of Authority in the Urban Growth Area (UGA), 2nd paragraph: The Lebanon Comprehensive Plan designates the future city zoning UGA lands will receive upon annexation to the City.

Section 5: Annexations: The UGA identifies land that may be subject to future City annexation. The City may annex land using its own procedures in accordance with state law. Only land within the UGA will be considered for annexation. The City will notify the County of any proposed annexations. Upon annexation, the City assumes all jurisdiction for land use actions.

Planning Commission Finding # 18:

The City's annexation review procedures on annexation request File # A-04-03 have complied with the City of Lebanon/Linn County Urban Growth Management Agreement, Sections 2 and 5 regarding City authority to annex lands within the urban growth area and assign City Zoning in accordance with the Lebanon Comprehensive Plan Map.

STAFF RECOMMENDATION FOR CITY COUNCIL

If the City Council concludes that this proposed annexation has successfully and adequately addressed the applicable criteria cited in this staff report from the City's 2003 revised Annexation Ordinance, updated (2003) Comprehensive Plan, Zoning Ordinance, and the City of Lebanon/Linn County Urban Growth Management Agreement, as well as effectively addressing applicable testimony, then staff recommends that the City Council **APPROVE** this annexation request.

However, if the City Council concludes that this proposed annexation has **NOT** successfully and adequately addressed the applicable criteria cited in this staff report from the City's 2003 revised Annexation Ordinance, updated (2003) Comprehensive Plan, Zoning Ordinance, and the City of Lebanon/Linn County Urban Growth Management Agreement, and has **NOT** effectively addressed applicable testimony, then staff recommends that the City Council **DENY** this annexation request.

PROPOSED FINDINGS FOR CITY COUNCIL

Staff shall write draft findings based on the above staff report, testimony, and City Council discussion. These draft findings will be distributed to the City Council prior to the next City Council meeting so that the Council may take final action on the findings and the proposed annexation.

ANNEXATION ZONING MATRIX:

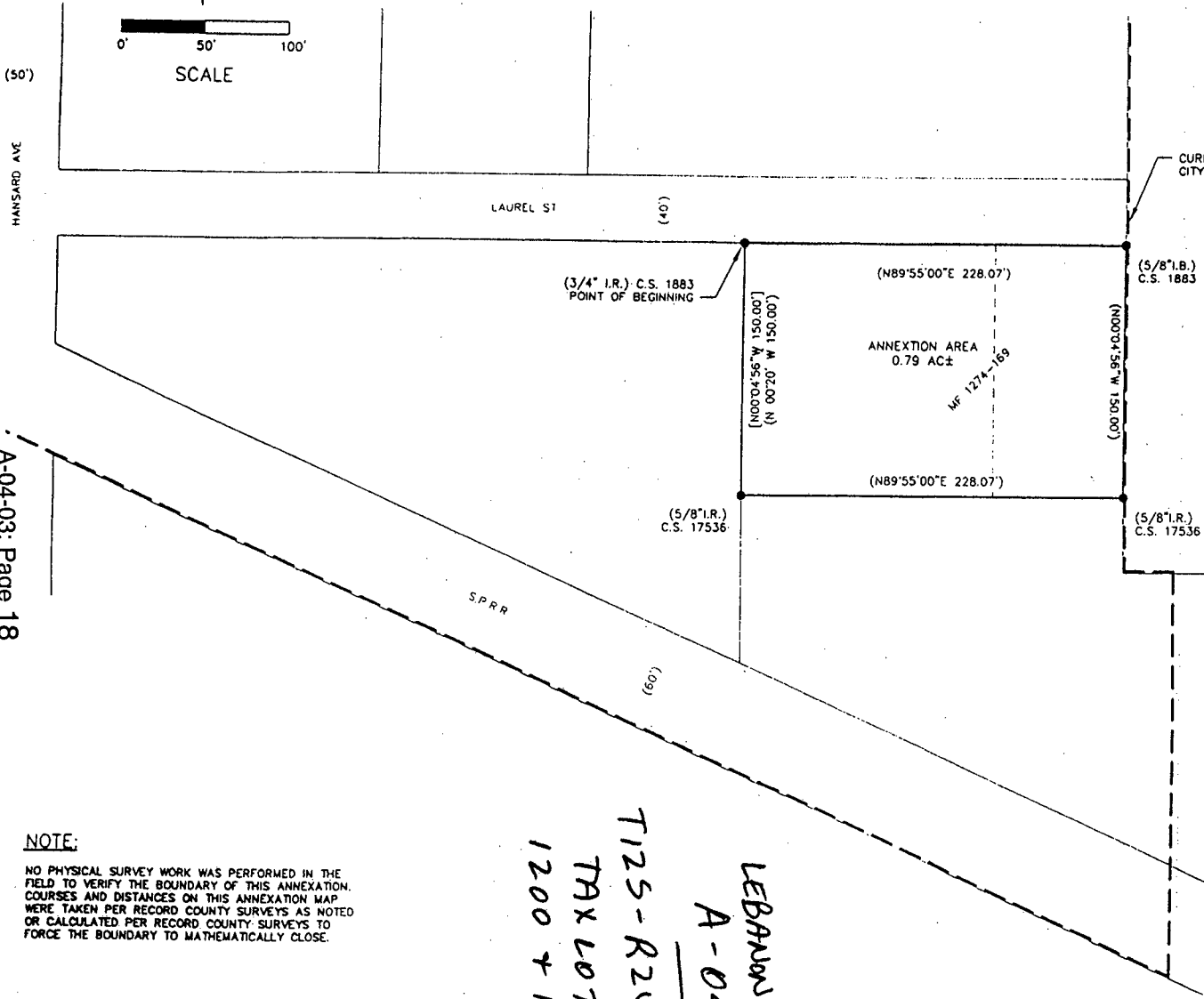
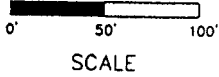
For Property Annexed into the City of Lebanon

City of Lebanon Comprehensive Plan Designations	City of Lebanon Zoning Designations
Single Family Residential	Residential Low density Zone (RL)
Mixed-Density Residential	Residential Mixed Density Zone (RM)
	* Residential High Density Zone (RH)
Special Development District (SPD) or Mixed Use	Mixed Use Zone (MU)
Commercial	** Neighborhood Commercial Zone (CN)
	* Central Business Commercial Zone (CB)
	Highway Commercial Zone (CH)
Light Industrial	Limited Industrial Zone (ML)
Heavy Industry	General Industrial Zone (MG)
Key	
* (or) Red Lettering & Yellow Shading	Based upon the Zoning Ordinance description of these zones, there are no un-annexed properties in the UGB eligible to be assigned to these zone designations. (October 04)
** (or) Blue Lettering & Blue Shading	This zone is for small neighborhood shopping clusters. Such designations would require a zone change and an Administrative Review Process.

**RUSSELL MCCANHAM
DORIS EDWARDS**

IN THE MORGAN KEES DLC NO. 43
SW 1/4 SEC. 3, T. 12 S., R. 02W., W.M.
CITY OF LEBANON, LINN COUNTY, OREGON

MARCH 25, 2004.



LEGEND

- MONUMENT OF RECORD AS NOTED
- CR COUNTY ROAD
- FD FOUND
- C.S. COUNTY SURVEY
- () DATA OF RECORD C.S. 17536 UNLESS NOTED OTHERWISE
- [] CALCULATED DATA
- I.B. IRON BAR
- I.R. IRON ROD
- I.P. IRON PIPE
- REFERENCE SURVEY: C.S. 17536
- REFERENCE DEED: WF 1274-169

OWNER:

RUSSELL MCCANHAM
DORIS EDWARDS
680 LAUREL ST
LEBANON, OR. 97355

PROPERTY:

MAP 12-2W-3C
TAX LOT 1200
TAX LOT 1300

SURVEYOR:

JIM UDELL, PLS
BRIAN VANDETTA, PLS
UDELL ENGINEERING AND SURVEYING
63 E. ASH ST.
LEBANON, OR. 97355

ANNEXATION AREA LEGAL DESCRIPTION:

AN AREA OF LAND IN THE MORGAN KEES DLC NO. 43, SW 1/4 OF SECTION 3 IN TOWNSHIP 12 SOUTH OF RANGE 2 WEST OF THE WILLAMETTE MERIDIAN, LINN COUNTY, OREGON DESCRIBED AS FOLLOWS:

BEGINNING AT A 3/4 INCH IRON ROD WHICH IS NORTH 89°55' EAST 44.054 CHAINS AND SOUTH 00°20' EAST 24.254 CHAINS (BY PRIOR RECORD); FROM THE NORTHWEST CORNER OF SAID DLC NO. 43; THENCE NORTH 89°55' EAST 228.07 FEET TO A 5/8 INCH IRON BAR; THENCE SOUTH 00°04'56" EAST 150.00 FEET TO A 5/8 INCH IRON ROD; THENCE SOUTH 89°55' WEST 228.07 FEET TO A 5/8 INCH IRON ROD; THENCE NORTH 00°04'56" WEST 150.00 FEET TO THE POINT OF BEGINNING.

I HEREBY CERTIFY THE ABOVE LEGAL DESCRIPTION CLOSES WITHIN TOLERANCES OF RECOGNIZED PRACTICES AS PRESCRIBED IN ORS 92.

Brian Vandetta
BRIAN VANDETTA, PLS

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 13, 1999
BRIAN VANDETTA
51041-LS
EXPIRES 06-30-2004

ENGINEER 8072 SURVEYOR 1366

JAMES F. UDELL
ENGINEERING & SURVEYING
63 EAST ASH ST.
LEBANON, OREGON
97355
PH. (541) 451-5125
FAX (541) 451-1366

A-04-03; Page 18

NOTE:
NO PHYSICAL SURVEY WORK WAS PERFORMED IN THE FIELD TO VERIFY THE BOUNDARY OF THIS ANNEXATION. COURSES AND DISTANCES ON THIS ANNEXATION MAP WERE TAKEN PER RECORD COUNTY SURVEYS AS NOTED OR CALCULATED PER RECORD COUNTY SURVEYS TO FORCE THE BOUNDARY TO MATHEMATICALLY CLOSE.

LEBANON FILE #
A-04-03
T125-R2W-3C,
TAX LOTS
1200 + 1300

ATTACHMENT "A"

ANNEXATION MAP
FOR

**RUSSELL MCCANHAM
DORIS EDWARDS**

IN THE MORGAN KEES DLC NO. 43
SW 1/4 SEC. 3, T. 12 S., R. 02W., W.M.
CITY OF LEBANON, LINN COUNTY, OREGON

SURVEYOR: MARCH 25 2004

LEBANON FILE #
A-04-03

JIM UDELL, PLS
BRIAN VANDETTA, PLS
UDELL ENGINEERING AND SURVEYING
63 E. ASH ST.
LEBANON, OR. 97355

T12S-R2W-3C,
TAX LOTS 1200 + 1300

/8" I.R.)
S. 17536

ANNEXATION AREA LEGAL DESCRIPTION:

AN AREA OF LAND IN THE MORGAN KEES DLC NO. 43, SW 1/4
OF SECTION 3 IN TOWNSHIP 12 SOUTH OF RANGE 2 WEST OF THE
WILLAMETTE MERIDIAN, LINN COUNTY, OREGON DESCRIBED AS
FOLLOWS:

BEGINNING AT A 3/4 INCH IRON ROD WHICH IS NORTH 89°55'
EAST 44.054 CHAINS AND SOUTH 00°20' EAST 24.254 CHAINS
(BY PRIOR RECORD) FROM THE NORTHWEST CORNER OF SAID DLC
NO. 43; THENCE NORTH 89°55' EAST 228.07 FEET TO A 5/8 INCH
IRON BAR; THENCE SOUTH 00°04'56" EAST 150.00 FEET TO A
5/8 INCH IRON ROD; THENCE SOUTH 89°55' WEST 228.07 FEET
TO A 5/8 INCH IRON ROD; THENCE NORTH 00°04'56" WEST
150.00 FEET TO THE POINT OF BEGINNING.

I HEREBY CERTIFY THE ABOVE LEGAL DESCRIPTION CLOSES WITHIN
TOLERANCES OF RECOGNIZED PRACTICES AS PRESCRIBED IN ORS
92.

Brian Vandetta

BRIAN VANDETTA, PLS

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Brian Vandetta

OREGON
JULY 13, 1999
BRIAN VANDETTA
51041-LS

EXPIRES 06-30-2004-03; Page 19

ENGINEER
8072

SURVEYOR
1366

JAMES F. UDELL
ENGINEERING & SURVEYING
63 EAST ASH ST.
LEBANON, OREGON
97355

PH. (541) 451-5125
FAX (541) 451-1366



Linn County
Department of Health Services

ATTACHMENT "B"

P.O. Box 100, Albany, OR 97321

Toll Free 1-800-304-7468 www.co.linn.or.us

"Working together to promote the health and well-being of all Linn County residents."

John Powell, Contractor #45567
35231 Tennessee Road
Albany, OR 97355

DEQ # 36617

Re: Failing sewage disposal system
680 Laurel Street, Lebanon
T 12S, R 2W, Section 3C, Map Lot 1300

Dear John,

You have asked about the possibility of obtaining a permit to repair or replace the on-site sewage disposal system on the property referenced above. It is my understanding that the City of Lebanon's municipal sewerage system is available to this property. Oregon Administrative Rule 340-71-160(5)(f) prohibits me from issuing a permit for an on-site sewage disposal system when a sewerage system...is both legally and physically available. I suggest you contact the City of Lebanon to pursue connection to the sewer. This letter should be helpful in demonstrating the need for connection.

If you have any questions, you can call me at (541) 967-3821.

Sincerely,

Jan Heron, Field Supervisor
Linn County Environmental Health Program

ATTACHMENT "C"

To: City of Lebanon
02/18/2004

I, Russell McCanham, would like to annex into the city of Lebanon due to my present sewer system has failed. Linn County Enviromental Health has said per letter that they cannot meet Oregon criteria for a new septic system. Letter has been submitted.

The present system has totally failed and is not functioning properly and could be a health hazard.

Thank You,

Russ McCanham
680 Laurel Street
Lebanon, Or. 97355
258-2950 Home
738-3715 Work

Russ McCanham
2-18-04

Manager Fugate stated that there would not be any rater names on the employee evaluations.

Councils' consensus was to eliminate the six community members from the evaluation process, but leave in the Department Manager's comments.

Mayor Toombs asked for public comment, hearing none he asked that Council make a motion.

Councilor Simpson moved, Councilor Harrington seconded, to approve the evaluation form with the exception of the six community members. The motion carried with 4 yeas (Councilor Elliott, Harrington, Munk and Simpson) and 1 nay (Councilor Thackaberry).

4) SURPLUS PROPERTY

Police Chief Healy requested that items listed on Exhibit A of the staff report be declared surplus property.

City Attorney McHill read the title of the RESOLUTION.

Councilor Elliott moved, Councilor Harrington seconded to approve A RESOLUTION AUTHORIZING THE SALE OF DISPOSAL OF CITY OWNED PERSONAL PROPERTY. The motion passed unanimously.

5) TEMPORARY WASTEWATER CONNECTION APPROVAL – Russ McCanham, 680 Laurel Street

Public Works Director Ruef stated that John Powell, on behalf of the property owners of 680 Laurel Street, requested to connect to city services before the annexation process was completed.

In response to Councilor Harrington, Mr. Powell stated that the sewage is on the surface due to a failing septic tank, which created a health hazard.

Councilor Simpson moved, Councilor Harrington seconded, to approve the sewer connection request for the property located at T12S, R2W, Section 3C, Tax Lot 1300 owned by Russel McCanham and Dorris Edwards. The motion passed unanimously.

6) BUDGET UPDATE

Administrator Hitt distributed a memo and Partial List of City Council and City Staff Budget Initiatives 2000-2004 (attached) to Council for their review.

Director Cole presented an outline of the PERS rate history from July 1999 through July 2003 and how the rate changes differ due to legislative changes. This year the City's departments have been charged the higher rate of 13.99% while paying PERS the lower rate of 8.52%. The difference is being held in reserve pending the outcome of Court challenges of the Legislative changes. The current reserve is over \$117,000 and should be over \$200,000 by the end of the fiscal year. The General Fund portion is \$112,000.

Director Cole supplied three options and asked for Council's direction. Council's consensus was to direct staff to continue using 13.99%, setting aside reserve in case the Court decision is overturned.