

A BILL FOR AN ORDINANCE ANNEXING AND
 ZONING PROPERTY FOLLOWING HEARING AND
 UPON THE WRITTEN CONSENT FILED WITH THE
 CITY COUNCIL BY LANDOWNERS IN SAID AREA,
 PURSUANT TO ORS 222.120 and ORS 222.170
 AND DECLARING AN EMERGENCY.

ORDINANCE BILL NO. 40
 for 1979

ORDINANCE NO. 1761

WHEREAS, a public hearing was held as provided in Ordinance No. 1757,
 pursuant to the provisions of ORS 222.120; and

WHEREAS, as provided in ORS 222.170, more than half of the landowners
 of the property described below, who also own more than half of the land in
 said territory, which represents more than half of the assessed value of all
 real property in said territory have, prior to the public hearing, consented
 in writing to the annexation and have filed a statement of their consent with
 the City Council; and

WHEREAS, a public hearing was held pursuant to Article 8 of the City of
 Lebanon Zoning Ordinance No. 1428; and

WHEREAS, said real property is contiguous territory to the City of Lebanon;
 and

WHEREAS, "Findings" have been adopted as of this date; now therefore

THE PEOPLE OF THE CITY OF LEBANON DO ORDAIN AS FOLLOWS:

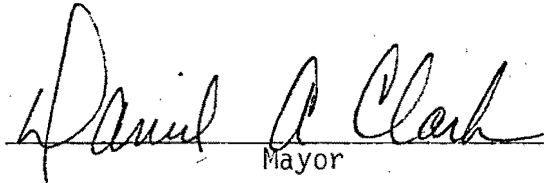
Section 1. The following described property is hereby annexed to the City
 of Lebanon, Oregon, and zoned (M-L) Light Industrial upon annexation, to-wit:

Beginning at the Northwest corner of the William B. Gore D. L. C. No. 38 in Section 4, Township 12 South, Range 2 West, Willamette Meridian, Linn County, Oregon; thence East along the North line of said D. L. C. 49.125 chains to a 1 inch x 18 inch rod; thence South $0^{\circ}38'$ East parallel with the West line of said Gore D. L. C. 33.635 chains to the Southwest corner of that property described in that deed to Norman B. Steckley, recorded in Volume MF 193, Page 532 of Linn County Record of Deeds; thence East along the South line of said Steckley property 12.3 chains to the Northwest corner of that property described in that deed to Eva L. Andross, recorded in Book 275, Page 147 of Linn County Record of Deeds; thence South along the West line of said Andross property 7.1 chains to the South line of said D. L. C. 38; thence West along said South line 699.46 feet to the Northwest corner of that property described in that deed to Glenn E. Brant and Millie M. Brant, recorded in Book 334, Page 473 of Linn County Record of Deeds; thence South to the Northerly line of the Southern Pacific Right-of-Way; thence Northwesterly along said Right-of-Way to the intersection of the West line of the Morgan Kees D. L. C. No. 43 in said Township and Range; thence North along said West line 541.16 feet to the Northwest corner of said D. L. C. No. 43 and the South line of said D. L. C. No. 38; thence West along the South line of said D. L. C. 38 to said Northerly line of the Southern Pacific Right-of-Way; thence Northwesterly along said Right-of-Way line to the intersection of the West line of said D. L. C. 38; thence North along the last mentioned West line 38.06 chains to the point of beginning.

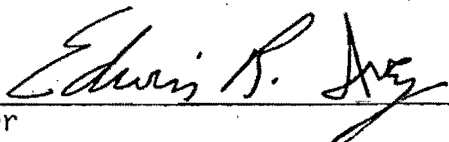
Section 2. The City Recorder is hereby directed to make and submit a copy of this Ordinance, together with a copy of the statement of consent of the landowners in said territory, and also a copy of Ordinance No. 1757 declaring that no election shall be required within the City of Lebanon to the appropriate state and county officials.

Section 3. Inasmuch as the provisions of this Ordinance are necessary for the immediate preservation of the peace, health and safety of the people of the City of Lebanon, an emergency is hereby declared to exist and this Ordinance shall be in full force and effect immediately upon its passage by the Council and approval by the Mayor.

Passed by the Council by a vote of 5 for and 0 against and approved by the Mayor this 17th day of October, 1979.

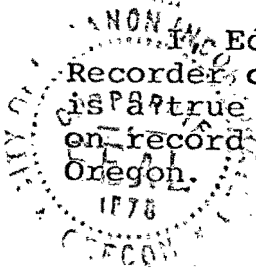

Mayor

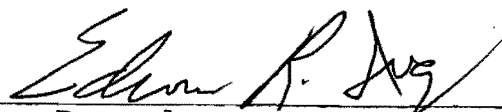
ATTEST:


Recorder

STATE OF OREGON)
) ss.
County of Linn)

NON
I, Edwin R. Ivey, the duly appointed, qualified and acting Recorder of the City of Lebanon do hereby certify that the foregoing is a true and exact copy of Ordinance No. 1761, City of Lebanon, as on record in the office of the City Recorder of Lebanon, Linn County, Oregon.




Recorder

499838

COMPARED

1050

STATE OF OREGON,
County of Linn

ss.

I hereby certify that
the within was received
and duly recorded by me
in Linn County Records:

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October 26, 1979
at 8:30 O'clock A.M.

DEL W. RILEY, CLERK

By Graen Helen Hunter
Deputy

Lebanon City Hall
P.O. Box 247
Lebanon, Ore
97355

BEFORE THE CITY COUNCIL OF THE
CITY OF LEBANON

In the Matter of the)	
Petition for a Zone)	<u>No. 79-11</u>
Change and Annexation)	
by Tektronix, Inc.)	

INTRODUCTION

Tektronix, Inc. is the contract purchaser of an approximately 245 acre parcel of property adjacent to the city limits of Lebanon and described on attached Exhibit A (the "Property"). Tektronix, Inc. is the applicant in this zone change proceeding and, along with all other persons with a title interest in the property, is the applicant in this annexation petition.

This annexation and zone change were heard by the Planning Commission of the City of Lebanon at its hearing on September 20, 1979. The transcript of that proceeding, and the other materials submitted in that hearing were made part of the record in this proceeding. The Planning Commission by a unanimous vote recommended approval of the zone change and annexation.

The annexation of the property and the change in the zoning of the property to light manufacturing (ML) was submitted to the City Council of the City of Lebanon with the favorable recommendation of the Planning Commission. These matters were heard by the City Council at a public hearing

held on October 10, 1979. After an extensive hearing on these matters, the City Council finds, decides, and concludes as follows:

I

PRELIMINARY MATTERS

A. No objections were presented as to any inadequacy of notice given for the City Council's hearing.

B. No objections as to ex parte contracts or the alleged lack of impartiality of any member of the City Council were presented.

C. The applicant and several witnesses opposing these petitions were represented by counsel.

D. The record of this proceeding, based upon the events at the hearing and the statements and requests of parties appearing, consists of the following:

1. The record of the Planning Commission's hearing.

2. The files of the Planning Department developed in connection with these petitions.

3. The application for zone change and petitions for annexation.

4. Maps, charts, and slides displayed at the City Council hearing.

5. Written correspondence received by the City Council commenting on the requested annexation and zone change.

6. The Comprehensive Plan and Zoning Ordinance of the City of Lebanon and the System Development Charge Ordinance of the City of Lebanon.

7. The findings of fact entered by the City Council upon the establishment of the Urban Growth Boundary as it pertains to this Property.

8. The applicant's Development Study and data submitted regarding alternative sites.

9. The testimony presented at the City Council hearing on October 10, 1979.

E. The City Council takes notice of the LCDC Goals and Guidelines and the Oregon Revised Statutes which pertain to annexation and zone changes.

II

LCDC Goals and Guidelines

A. Goal 1

The City Council finds that this annexation and zone change does not violate Goal 1 because the extensive hearing gave opportunity for citizen involvement.

B. Goal 2.

The City Council finds that Goal 2 relates primarily to the development of a comprehensive plan. To the extent that Goal 2 relates to specific zone changes and annexations the City Council finds:

1. This zone change and annexation are consistent with Linn County's plan because both the

county's and the city's plans concur that this property should be in the Urban Growth Boundary.

2. This zone change and annexation were subject to an extensive public hearing and notice was given to affected property owners.

3. As set forth below the exceptions process was complied with.

C. Goal 3.

The City Council finds that Goal 3 was complied with, through the taking of a proper exception, for the following reasons and based on the following facts:

1. The Property is the largest piece of industrially planned land in Lebanon. The Property is under the control of one entity, the applicant. The Property is entirely within the City and County approved Urban Growth Boundary. The Property is planned for industrial use.

2. The Property consists of the following percentages of the following soil classifications:

<u>Class</u>	<u>Percent of Site</u>
I	9
II	38
III	42
IV	11

The Property is therefore predominantly Class II and III soil and is all agricultural land as defined by Goal 3.

3. An exception to Goal 3 is justified for the following reasons:

a. Need.

Lebanon has a chronic and severe unemployment problem. Based on the most recently available data Lebanon's unemployment rate is 12.3 % which makes Lebanon's unemployment 43% higher than the current average for all of Oregon and 85% higher than the current U.S. average. The current unemployment rate for Lebanon is approximately 33% worse than a year ago.

Lebanon is characterized by an employment base which lacks diversification. Four out of five of its principal employers are wood products industries. The City Council finds that this is an unhealthy lack of economic diversification.

There has been virtually no new major industrial activity in Lebanon for more than a decade. No new providers of primary jobs have located in Lebanon for over a decade. The Lebanon Chamber of Commerce, working with the City, invited over 40 major industrial companies

to come to Lebanon over the last two years. Only Tektronix has expressed the interest and willingness to come to Lebanon. The lack of manufacturing, in this area has been identified by the Linn-Benton Economic Data Base as the most acute problem of this area.

Thus, in order to reduce this serious unemployment and to provide economic diversification, manufacturing jobs must be created in the Lebanon area. Tektronix appears to be the only provider of a substantial number of industrial jobs willing to come to Lebanon.

Based on the historical growth rate of 2.97% per year, it is clear that at least 1561 jobs must be provided by 1990. Of these the majority should be manufacturing jobs so as to directly diversify the Lebanon economy. However, Lebanon is growing at a rate faster than that set forth in the comprehensive plan; for Lebanon is now growing at a compounded rate of over 7%. Thus, an ever greater number of industrial jobs must be provided

by the year 1990 and more by the year 2000.

While the precise number of jobs needed each year is subject to some uncertainty, the timing of needed jobs and the resultant conversion of agricultural land to industrial use will be subject to the City Council's control through its site Development Ordinance. Until actually improved for industrial use, the Property and portions thereof will remain in agricultural use. Thus, the City Council finds that only the amount of agricultural land which is required to provide needed jobs will be so converted to industrial use over time.

However, the City Council finds that it is necessary to designate the entire Property and annex the entire Property at this time because a major industrial user will not commit to come to Lebanon unless it can have a parcel of a sufficiently large size within which to expand and sufficient to accommodate its future growth. As noted in the Comprehensive Plan, the City has an urgent need to

to the city's attention. The applicant's data indicating that they conducted a city wide examination to isolate alternative sites based on these criteria and that these were the only alternative sites found is credible.

With respect to each of the three sites considered, the city finds that all of these sites consist of agricultural land. In fact, all of the undeveloped land in Lebanon designated for industrial use by the Comprehensive Plan is agricultural land. Of these three parcels only one is almost entirely within the city-county approved urban growth boundary. (Site III) However, this site would require a sewer line extension of 2000-6500 feet which is a substantially greater extension than would be required to serve the property. The size of this parcel is only 128 acres which is small for a major industrial user and is surrounded by existing uses which could limit any future expansion.

preserve and provide large serviceable parcels of land for industrial development.

In sum, the City Council finds an urgent and compelling public need to use the Property over time for industrial activity.

b. Alternative Sites.

The applicant has provided an extensive analysis of three potentially alternative sites through the submission of maps and an analysis of each site, which are incorporated into these findings. Alternative sites must be those which consist of sites comparable in size to the Property and the sites evaluated range as small as 128 acres. Alternative sites should be those to the western portion of the City where the Comprehensive Plan directs that industrial development occur.

The City Council finds that no sites beyond these are alternative sites. The city has previously inventoried potential industrial sites and finds no other large parcels in this area. No other alternative sites have been brought

c. Long-Term Consequences

If the industrial use of the property is allowed the long term consequence will be the elimination, over a long period of time and subject to City Councils control, of 250 acres of agricultural land which is now in the rye grass production and may be capable of other crops.

This change to industrial use will not cause adverse environmental consequences because waste water discharges from an industrial use can be safely accomodated in the piped waste water system as outlined by the applicant. Existing State D.E.Q. regulations will provide additional assurance of non-degredation of the water system and the applicant has demonstrated an exemplary record of compliance. Any air pollution would, based on the applicant's data, be required to meet state standards and there is no evidence that the development of this property for industrial use would exceed state standards.

The use of this property for industrial use would have very beneficial and important economic and social consequences. These are, as noted above, chiefly the diversification of Lebanon's economy and the provision of seriously needed jobs. In addition, this facility will be the first Tektronix plant primary manufacturing in Oregon outside of the Portland metropolitan area. This dispersion will help locate major industrial activity outside of the Portland metropolitan area which is one of the goals of LCDC Goal 9, as explained by one of its drafters, Mr. Beeton in testimony before the City Council.

With respect to the energy consequences of using the Property for industrial uses, the applicant's development study demonstrates that energy benefits, which are detailed below, can be realized from this use of the property.

d. Compatibility.

The City Council finds that the property is surrounded by a railroad, existing industrial activity, some single

family homes, and agricultural activity. The City Council reviewed the slides of the applicant's Wilsonville and Beaverton facilities which are examples of the proposed facility. The Lebanon facility will be an industrial facility creating high technology products in a campus like setting.

The effects on adjacent sites will be minimal and this industrial site will be compatible with adjacent sites. The railroad will not be adversely affected by an industrial site, since there are no effects from the industrial site which will impact the railroad. Similarly, adjacent industrial sites will not be adversely affected by this industrial site.

With respect to the neighboring single family homes, there may be some effects upon these homes from increased traffic along streets abutting the property. However, a simple increase in traffic does not mean that the industrial activity is incompatible with residential activity. Rather, such a use is compatible

with residential development because traffic problems can be minimized by road improvements, signalization, location of entrances and exits, and sight obscuring berms and landscaping, all of which will be addressed in the Site Development Review process for each building.

Finally, light industrial activity is compatible with neighboring agricultural uses. Existing industrial sites already occur near agricultural sites with no evidence of incompatibility. This facility, based on the applicants Development Report, will not emit air or water pollutants of a level posing a risk to agricultural uses.

In general, the City Council has carefully weighed the social, economic and environmental benefits and costs from an agricultural use of the property compared to the use as a Tektronix facility and concludes that Lebanon has no choice in meeting its economic goal but to use agricultural land, there is a compelling need for primary employment provided by a manufacturing firm, no

other site is superior to the property to serve this need, the social and economic benefits from the industrial use outweigh the costs of a loss of 250 acres of agricultural land, and the light industrial use is compatible with the surrounding area.

D. Goal 4 Forestlands.

This goal is not affected by the proposed annexation and zone change because none of the property is forestlands as defined in this Goal.

E. Goal 5 Open Spaces

The proposed annexation and zone change do not affect this goal since none of the Property is property which is subject to protection under this goal.

F. Goal 6 Air, Water and Land Resources Quality

The proposed annexation and zone change are in conformance with Goal Six. The chief pollutants which would be emitted as a result of the proposed industrial facility would be waste water discharges and ambient air particulates from employee vehicles.

With respect to waste water discharges, the applicant's data indicates that there are no present plans for discharging industrial waste water in the initial phase but that some industrial waste water may be discharged in the future. These discharges would be accommodated by existing sewer lines which are in the immediate vicinity of the

Property. This waste water will be pretreated, as indicated by the applicant's data. The particulates which would be discharged to this sewer system would be regulated by the State Department of Environmental Quality standards. The applicant has, based upon information provided by the State Department of Environmental Quality, maintained an exemplary record of compliance at its Beaverton facility and has reported only one brief and environmentally insignificant violation at that facility.

Ambient air particulates resulting from employee trips to and from this facility will be kept within levels required by applicable state and federal standards. The applicant predicts that these pollutants should not exceed applicable standards. The concentration of industrial activity at one site, creates the opportunity for more efficient transportation systems which can reduce the total number of miles traveled by a given number of employees, as compared to dispersing this industrial activity throughout the city of Lebanon. As pointed out by the applicant, this concentration of employees on the Property will create the opportunity for van pooling, car pooling, employer encouraged pooling arrangements, as well as a bus transit system. These more efficient transportation means can reduce the level of air particulates which might otherwise result from dispersing this industrial activity throughout the city of Lebanon.

Therefore, the annexation and zone change would not violate Goal Six, but rather would present opportunities for fulfilling the requirements of this Goal. Existing State and federal regulations and standards will ensure that pollutants do not exceed acceptable levels.

G. Goal 7 Natural Hazards

The annexation and zone change do not affect Goal 7, because the Property is not subject to natural disasters or hazards. The Property is relatively flat, sloping to the northwest at only .3 percent. There are no faults located on or near the site and there are no major geological constraints which would adversely affect development.

H. Goal 8 Recreational Needs

Goal 8 is not affected by the proposed annexation and zone change because the property is not designated or suitable for recreational purposes.

I. Goal 9 Economy

Goal 9 requires that local governments take actions to diversify and improve the economy of the state. The goal further requires "Plans and policies which contribute to a stable and healthy economy in all regions of the state." Finally, the Goal provides that: "economic growth and activity in accordance with such plans shall be encouraged in areas that have underutilized human and natural resource capabilities and want increased growth and activity."

The city council hereby incorporates the findings of facts set forth above in Section II.C.3 and based on these facts makes the following additional findings and conclusions:

1. Lebanon functions as a part of the Linn Benton County economic region, a region which is characterized by unemployment which is higher than the states average and is growing increasingly worse. This region as a whole would benefit from the proposed annexation and zone change, in that a substantial number of the jobs created would be available to residents outside the immediate Lebanon boundaries.

2. Lebanon is an under utilized area, as referred to in the Goal, in that it has a substantial under utilized human capability represented by its present 12.1 unemployment rate, which is unacceptable to this City Council. As indicated by the Comprehensive Plan of Lebanon, which designates this property as industrial, and which, as discussed below, sets forth goals for increased industrial activity, the Lebanon area is an area, described by Goal 9; that is, an area which "wants increased growth and activity."

J. Goal 10 Housing.

Goal 10 requires local governments to take actions which will help provide for the housing needs of its citizens. Local governments are directed to take actions which will

help provide housing which is within the financial capabilities of its citizens.

The city council finds that the annexation and zone change will have an indirect but beneficial effect upon its obligations under Goal 10. First, the comprehensive plan of Lebanon presently designates sufficient residential land to accommodate the anticipated increase in housing for the industrial facility proposed by the applicant. Second, the average wage to be paid by the applicant is estimated at \$14,500 which is in excess of the current Lebanon average. This higher wage will enable employees to better accommodate the cost of housing. This can tend to enable more Lebanon residents to afford new homes which they otherwise might not be able to afford.

K. Goal 11 Public Facilities and Services.

Goal Eleven requires local governments to take actions which provide for a "timely, orderly and efficient arrangement of public facilities and services." With respect to the requirements of Goal 11, the annexation and zone change conform to and satisfy these requirements.

1. The Property is fully within the City and County agreed upon Urban Growth Boundary and the findings of fact made by this City Council at the time of the determination of the Urban Growth Boundary as it affects this Property, which have been made a part of this record, are hereby incorporated by reference.

2. The Property is an area adequately served so as to accommodate the initial phases of the proposed development. Sanitary sewer service is within the immediate area of the site as set forth in the applicant's Development Report. The city's waste water treatment plant, which is nearing completion, has an adequate capacity to accommodate waste water from the initial phases of the development.

3. With respect to water service, water supply to the site can be provided by a 16 inch pipeline to the existing PP&L system. The available level of water supply and treatment in the PP&L water system is adequate to accommodate the initial levels of the proposed development. The applicant has proposed utilizing on site sub-surface water as an adequate source of water for landscaping purposes.

4. The Property can be readily served by electric power lines sufficient to meet the requirements of the initial levels of the development. Three 20.8 kV distribution lines are located to the east and north of the site. An existing natural gas four inch line lies close to the Property and the Property can be readily served by a one inch extension line from this existing line. Northwest Telephone Systems, Inc. has indicated it is presently installing a computer based switching

facility with a capacity sufficient to handle the requirements of the proposed development.

5. Finally, with respect to storm water runoff, Burkhart Creek is close to the Property and storm water drainage can be discharged into Burkhart Creek by the location of ditches or culverts along Gore Drive. This creek will be improved through the watershed improvement project expected to commence prior to any development on the Property. Lebanon Sanitary Company and Valley Land Fill Company have indicated that they have the capacity to accommodate 33,800 to 23,000 cubic yards per year of solid waste, which is the expected amount of solid waste to be generated by the proposed development.

6. The city of Lebanon has a Systems Development Ordinance which requires the payment of a systems development charge to help defray the capital cost of public utilities, within the jurisdiction of the city of Lebanon, that are necessary for future growth. This system development charge ordinance will provide substantial funds to pay a portion of the cost of any capital improvements required by the proposed development. In addition, the proposed development at level two, would provide approximately \$826,000 in real property tax revenues, a portion of which would be available to amortize the cost of other capital improvements which may be required by the proposed development. The

absolute dollar amount of these increases in real property taxes will be multiplied by nine or ten times, given the fact that the city of Lebanon relies on property taxes for approximately 10 percent of its capital and operating budgets.

7. The applicant has agreed, and as set forth below, the city of Lebanon will require, that building permits for buildings to be built on the Property be issued only upon a reasonable demonstration by the applicant that sufficient public services are then available, or are then programed, to meet the service needs posed by a specific building. This will insure that all public facilities and services are provided in a timely, orderly and efficient fashion.

L. Goal 12 Transportation.

Goal Twelve provides that local government should take actions which produce a "safe, convenient and economic transportation system." The Property is in close proximity to the region's major street and highway system, including Interstate 5, Highway 34, and Highway 20. The Property is immediately adjacent to a railroad and is in close proximity of the Lebanon airport. Traffic which is generated by the initial levels of the development can be accommodated by the existing street and highway system serving Lebanon. The city's comprehensive plan and traffic engineering improvement program have identified both immediate and long range

transportation improvements which can accommodate new development such as the development proposed by the applicant in its later states.

The concentration of the number of jobs which applicant's development would bring to this Property create opportunities for reducing the number and length of auto trips. It can be estimated that at level one of the proposed development, there will be 1,500 trips to and from the site and at level two there will be approximately 5,900 trips. The concentration of these numbers of trips create the opportunity for, actually, reducing these numbers of trips by using car pooling and van pooling. The applicant has demonstrated a capability of implementing such programs at its Beaverton Plant and has indicated a willingness to consider such programs at its Lebanon facility. In addition, the Property is located within one to three miles of major residential areas which are planned to be developed and can be the site for employees of the applicant's facility. The location of residences close to the source of jobs, can substantially decrease the length of vehicle trips. Finally, this concentration of employees can create a transportation focus which can be the basis for a future bus transit system.

M. Goal 13 Energy.

Goal 13 requires local governments to take actions which conserve energy. The annexation and zone change will help fulfill this goal in the following respects:

1. The applicant has demonstrated a superior capability of incorporating energy-saving facilities in its plants, as indicated by the fact that the applicant has received the Governor's Award for energy conservation.

2. As noted above, the concentration of employment on this site can reduce the amount of energy used in auto vehicle trips through car pooling and van pooling as well as bus transit, and through the location of industrial jobs close to areas of new residential growth. It is estimated that these opportunities to reduce the number and length of vehicle trips could reduce the number of trips per employee from the level of 1.6 per day, without these measures, to .6 per day. This opportunity for reduced vehicle trips and energy consumption would not occur if the same number of jobs were dispersed throughout a larger area.

N. Goal 14 Urbanization.

Goal Fourteen's requirements have been addressed at the time the Urban Growth Boundary was established in the vicinity of this Property. Those findings of fact are incorporated by reference, and have been made a portion of the record in this proceeding. With respect to the factors related to the conversion of urbanizable land to urban uses, the city council finds as follows:

1. The requirement of an orderly and economic provision for public facilities and services has been

addressed under the findings for Goal Eleven and those findings are incorporated by reference.

2. The Comprehensive Plan of the city of Lebanon has identified the fact that there is a serious deficiency in industrial land. At that time only 29 acres of undeveloped industrial land existed within the city of Lebanon. The Comprehensive Plan of the city of Lebanon has identified the fact that there is an urgent need to provide large parcels of land, with ready access to services, which are capable of accommodating industrial growth. Pursuant to the Lebanon Comprehensive Plan this Property has been designated as industrial use so as to help provide sufficient land within Lebanon for industrial employment.

3. LCDC Goals and guidelines have been addressed at the time of annexation and rezoning as required by Goal Fourteen and as set forth in these findings of fact.

4. The Property, as noted above, is in an area characterized by a mixture of urban uses (railroad, industrial activity, and residential development) and is an area which is presently serviced or capable of being readily serviced by sewer, water, electrical, telephone, and gas services. Therefore, this area is an urban area and is appropriate for development at this time and will

not encourage the development of other urbanizable areas.

III

LCDC ANNEXATION REQUIREMENTS

The requirements of the LCDC annexation policy have been established in this case based on the preceding findings of fact, which are set forth below in summary form:

A. Adequate public facilities and services can be reasonably made available to the Property. As noted above, the Property is served by an existing street and highway system which is adequate to accommodate the initial level of development. The Comprehensive Plan of Lebanon has already identified transportation improvements which should be made to accommodate any future development within Lebanon, as well as future industrial development in this area.

Sewer, water, waste water treatment, storm drainage, electricity, telephone, and gas services are now immediately present on the site, are programmed for availability to the site, or can be readily provided to the site through the creation of connecting lines. These connecting lines have been outlined in the applicant's development report. The timely provision of these improvements will be insured through conditioning the issuance of building permits for buildings on the Property upon a reasonable demonstration of the availability of needed services or the fact that these services have been programmed for availability.

B. The Property is within an area characterized by urban uses. As noted above, the Property is surrounded by already existing industrial activity, railroads, and residential development.

C. As noted above, this land is clearly needed for an urban use at this time. Prior to the acknowledgement of the Lebanon Comprehensive Plan, Lebanon will have only 29 acres of undeveloped land available for industrial activity. This amount of land is clearly inadequate to provide the number of jobs needed to help reduce the serious unemployment problem in Lebanon. The Property is now within the Urban Growth Boundary established by the City of Lebanon and approved by Linn County.

IV

LEBANON COMPREHENSIVE PLAN

The City Council finds that the annexation and zone change are in conformance with the following policies contained within the Lebanon Comprehensive Plan for the reasons and based upon the facts set forth below. The City Council also finds that the Comprehensive Plan map has designated this Property as industrial and that the annexation and zone change to light manufacturing are consistent with this designation.

A. Urbanization Policies.

1. Urbanization Policy No. 5 provides 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."

The annexation of the Property is needed by the City of Lebanon, because of its shortage of industrial land and, as noted above, the fact that this area is already served by public facilities.

2. Urbanization Policy No. 7 provides: "Specific development proposals shall be required for annexation requests on vacant property ***."

The applicant has submitted a development proposal outlining the approximate character of its first two levels of development, a general description of the overall development of the property and a statement of the approximate time at which it proposes to undertake its initial levels of development. This data is a "specific development proposal" as that term is used in this policy. The City of Lebanon has in the past not expected or required applicants to submit information in any greater detail than the information submitted by the applicant in this case. In fact, the applicant in this case has submitted a superior amount of information and data pertaining to its development plan and its effects. Past administrative practice of the City of Lebanon has been to require that applicants only submit a statement of the general uses for properties to be annexed.

3. Urbanization Policy No. 8 provides that: "the city shall permit zoning reclassification requests on the basis of an approved development plan that specifies a development timetable."

The past administrative practice of the City of Lebanon has been to interpret this policy to mean that development plans are those which outline, in general, the uses to be placed upon the rezoned property and give an approximate statement of when the applicant intends to commence actual development of the property. As noted above, the information submitted by this applicant is in conformance with this policy as interpreted by the City of Lebanon.

4. Urbanization Policy No. 12 provides that: "the city shall support and enforce energy conservation and efficiency programs ***."

As noted above in the findings under Goal 13, which findings are incorporated by reference, this annexation and zone change present opportunities to the City of Lebanon to bring about needed jobs in an energy efficient manner.

5. Urbanization Policy No. 14 provides that: "the city shall require development proposals within its jurisdiction to identify potential impacts on the air, water, and land resources of the area and shall insure that proposals are within the safe caring capacity of the environment through the city's building permit and site review procedures in cooperation with other governing agencies."; and

Urbanization Policy No. 15 provides that: "the city shall insure that an adequate water support and waste disposal capability exists for all development proposals within its jurisdiction as part of the city's building permit and site review procedures."

The development study submitted by the applicant sets forth in reasonable detail the effects of the initial levels of the development upon the air, water, and land resources of the Property, as well as upon the affected utility systems. This data indicates that the initial levels of the development can be accommodated by existing utility systems and that future systems have been programmed for growth as part of the Comprehensive Plan's policies.

6. Urbanization Policy No. 19 provides that: "Lebanon shall encourage its own business and employment activity, while also capitalizing on its livability potential within a larger regional economical context"; and

Urbanization Policy No. 20 provides 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."

The annexation and zone change will provide a major manufacturing industry, in a community which has not experienced any major manufacturing or industrial development in

over ten years. The first level of the proposed development would provide approximately 500 primary jobs and the second level would provide approximately 3,000 primary jobs. These basic employment jobs will tend to stimulate additional secondary jobs and together will produce approximately \$43 million in revenue for the Lebanon economy. In addition, the annexation and zone change will allow the phased and orderly development of this Property, under the Site Development Ordinance of the City of Lebanon, which will continue to bring needed industrial jobs to Lebanon over a substantially long period of time.

7. Urbanization Policy No. 21 provides that: "the city shall continue to actively encourage industrial developments that improve the economy of the community and the state ***."

As noted above in the findings for Goal 9, this annexation and zone change will bring a long-needed source of industrial employment to Lebanon. Lebanon has, in the past, attempted to interest approximately 40 major industrial firms in locating in Lebanon, and Tektronix is the only company who has expressed a willingness to do so. This annexation and zone change will allow a major industrial facility to be located outside of the Portland Metropolitan area, thereby helping to diversify the economy of the state as a whole and to disperse this activity to regions other than the Portland Metropolitan area.

B. Land Use Policies.

1. Land Use Policy No. 11 provides that: "the city and county shall preserve the designated industrial reserve lands for future exclusive industrial use in accessory support uses only, and shall allow existing agricultural use to continue as the only permitted use until conversion for industrial purposes."

The applicant has represented that until building permits are approved for portions of the Property, the balance of the Property will be maintained in its present agricultural use.

2. Land Use Policy No. 13 provides that: "industrial developments on the westerly fringe of the urban growth boundary shall be limited to light industrial uses which have minimal impact on adjacent land uses and have no emissions potentially detrimental to the public health, safety, and general welfare of the community."

The Property is within the Urban Growth Boundary but lies along the westerly edge of the City of Lebanon. The proposed use is precisely the form of light industrial use planned for this area. As noted above, ~ emissions from the proposed development will not be detrimental to the public health, safety, or general welfare.

3. Land Use Policy No. 17 provides that: "the city shall insure that landscaping is included as an integral

part of site and street development through its zoning standards and review criteria."

The applicant has represented that it intends to provide a campus-like light industrial complex, with more than the minimum required amount of landscaping. However, at the same time, the applicant has indicated that the amount of landscaping to be provided is not excessive and not an inefficient use of its land area. It has been noted that the amount of land devoted to landscaping relative to the total area of the site will be somewhat less than the Hewlett-Packard facility in Corvallis, which opponents contended was an efficient ratio between landscaped area and total site area. The proposed development will be 18 percent more dense than the Hewlett-Packard facility, in terms of the ratio between employees and site area used.

C. Housing Policies.

The Housing Policy of the Lebanon Comprehensive Plan provides that: "every family should have the opportunity to live in sound housing, adequate to their needs, at a reasonable cost relative to their income."

As noted above, with respect to Goal 10 findings, the proposed development can provide employee incomes above the average presently in Lebanon. This level of income will assist families in meeting their housing needs.

D. Transportation Policies.

Transportation Policy No. 11 provides that: "the city recognizes the increasing need for additional forms of mass transit for the community and shall support efforts by other agencies or private industry to provide needed service."

As noted above, the annexation and zone change will allow the concentration of a substantial portion of industrial employment on a single site, well served by existing transportation systems. Because of this concentration, opportunities exist for dial-a-bus or other forms of bus mass transit. The dispersal of a comparable number of jobs throughout a larger area would not create a sufficient concentration of employee destinations to provide the opportunity for such bus systems. In addition, this opportunity is enhanced by the fact that residential development is planned to occur in the close proximity to this site, creating the opportunity for short distance service between the Property and future residential areas which house the employees working at the proposed development.

V

ZONE CHANGE STANDARDS

A. Introduction.

The City Council concludes that the precise requirements for a zone change established by the Oregon Supreme Court in Fasano v. Washington County and Sunnyside v. Clackamas

County are somewhat unsettled. The City Council is uncertain as to whether the Fasano substantive standards (conformance with comprehensive plan, public need, best capability to meet that need) are the presently applicable standards or whether the Sunnyside standard of requiring that zone changes only be granted for public needs and benefits is the proper standard. The City Council finds that, regardless of which of these statements of standards now prevails, the proposed zone change is in conformance with both statements of standards.

In addition, the City Council notes that this decision may either be characterized as a legislative or quasi-judicial decision. The Supreme Court has not provided definitive guidance as to the precise dividing line between these two types of cases. The City Council finds that it is more desirable to treat this case as a quasi-judicial decision, out of a concern that an erroneous decision to treat this matter as legislative could produce a subsequent court reversal. By treating this decision as quasi-judicial, the higher applicable standards will be considered and therefore no detriment will occur to the judicial review process should this decision later be characterized as a legislative decision.

B. Fasano Standards.

1. Conformance with Comprehensive Plan.

The City Council finds that the Comprehensive Plan of the City of Lebanon designates this Property as industrial

and that the proposed zone change to light manufacturing brings this Property into conformance with its plan designation. As set forth in more detail above, the City Council has found that the proposed annexation and zone change would be in conformance with a substantial number of the policies set forth in the Comprehensive Plan.

2. Public Need.

As noted above under the findings for conformance to Goal 9, the City Council has determined that a serious and chronic unemployment problem exists in Lebanon and that there is therefore a public need for the provision of a substantial number of manufacturing jobs over a long period of time. The findings of fact which are set forth above on the matter of Lebanon's unemployment and economic problems are incorporated here.

3. Best Capability to Meet This Need.

The City Council finds that there are only three sites which may be alternative sites to providing a large site for light manufacturing. The criteria used to identify these sites are parcels in excess of 100 acres, which are within the urban growth boundary approved by the City and Linn County, are serviced or readily capable of being served, are located on the western side of the City, and are available for sale and development. The applicant has submitted an analysis of each of the alleged alternative sites and this

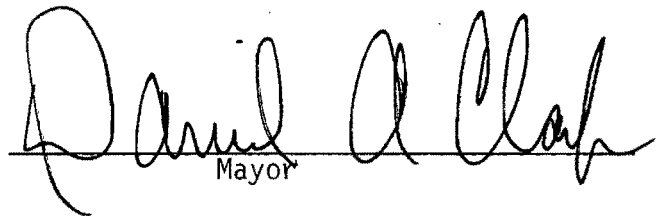
data shows that no site is superior to the Property, that only one other site is within the approved Urban Growth Boundary, and that this site would require a substantially longer extension of the sewer line. In addition, the alternative sites are substantially smaller than the Property, thereby making them unsuitable for a major industrial user, which will require a parcel approximately the size of the Property before committing to locate in a town such as Lebanon. Lebanon's previous experiences indicated that only Tektronix, out of 40 some industries invited to Lebanon, was willing to consider building a major facility in Lebanon. Such an industrial user can only make such a commitment if it has an assurance of a substantial area for future expansion. The City Council finds that the other alternative sites would be substantially less desirable to any prospective major industrial firm willing to develop a facility in Lebanon.

The City Council finds that the applicant has a burden of proof which is comensurate with the change requested from agricultural to light manufacturing; that the applicant has submitted an extensive amount of expert analysis on these issues; that the applicant's testimony has been credible; that the applicant's data and analysis is the most extensive and detailed submitted in the immediate recollection of the present City Council; and that the applicant has carried its burden of proof.

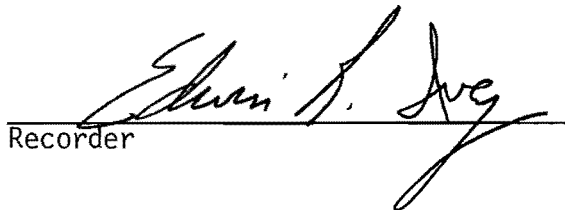
4. Sunnyside Standards.

The City Council concludes that the annexation and zone change requested will fulfill public needs and will produce public benefits in excess of any public costs. These benefits and costs have been established in detail in the findings of fact set forth above.

ADOPTED by the Council by a vote of 5 for and 0 against and approved by the Mayor this 17th day of October, 1979.


Mayor

ATTEST:


Recorder

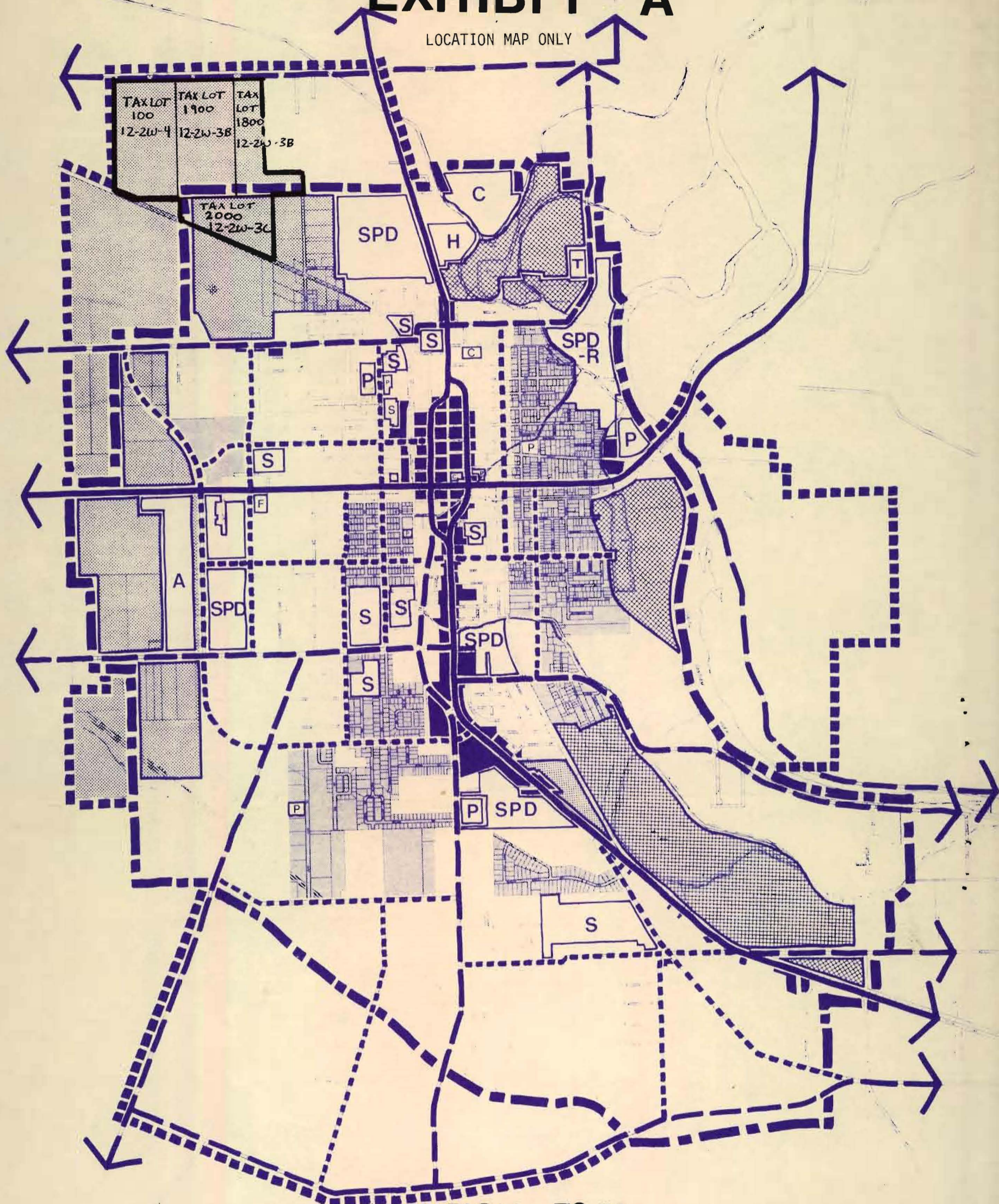
ANNEXATION 79-11
EXHIBIT "A"
LEGAL DESCRIPTION

Beginning at the Northwest corner of the William B. Gore D. L. C. No. 38 in Section 4, Township 12 South, Range 2 West, Willamette Meridian, Linn County, Oregon; thence East along the North line of said D. L. C. 49.125 chains to a 1 inch x 18 inch rod; thence South $0^{\circ}38'$ East parallel with the West line of said Gore D. L. C. 33.635 chains to the Southwest corner of that property described in that deed to Norman B. Steckley, recorded in Volume MF 193, Page 532 of Linn County Record of Deeds; thence East along the South line of said Steckley property 12.3 chains to the Northwest corner of that property described in that deed to Eva L. Andross, recorded in Book 275, Page 147 of Linn County Record of Deeds; thence South along the West line of said Andross property 7.1 chains to the South line of said D. L. C. 38; thence West along said South line 699.46 feet to the Northwest corner of that property described in that deed to Glenn E. Brant and Millie M. Brant, recorded in Book 334, Page 473 of Linn County Record of Deeds; thence South to the Northerly line of the Southern Pacific Right-of-Way; thence Northwesterly along said Right-of-Way to the intersection of the West line of the Morgan Kees D. L. C. No. 43 in said Township and Range; thence North along said West line 541.16 feet to the Northwest corner of said D. L. C. No. 43 and the South line of said D. L. C. No. 38; thence West along the South line of said D. L. C. 38 to said Northerly line of the Southern Pacific Right-of-Way; thence Northwesterly along said Right-of-Way line to the intersection of the West line of said D. L. C. 38; thence North along the last mentioned West line 38.06 chains to the point of beginning.

and is zoned M-L, Light Industrial.

EXHIBIT "A"

LOCATION MAP ONLY



ANNEXATION 79-11

COMPREHENSIVE PLAN MAP

LEBANON OREGON

LAND

USE

STREETS

FACILITIES

