

A BILL FOR AN ORDINANCE ANNEXING)
 AND ZONING PROPERTY FOLLOWING)
 CONSENT FILED WITH THE CITY COUNCIL)
 BY LANDOWNERS IN SAID AREA)
 PURSUANT TO ORS 222.120 AND ORS 222.170)
 (File A-03-02, Mid Valley Health Care))

ORDINANCE BILL NO. 11
 for 2003

ORDINANCE NO. 2347

WHEREAS, the City of Lebanon has received a submission by written request for annexation of real property to the City of Lebanon, signed by more than one-half of the landowners who also own more than one-half of the land in the contiguous territory described in Exhibit "A", which real property represents more than one-half of the assessed value of all real property in the contiguous territory to be annexed; and

WHEREAS, the Lebanon City Council has elected to dispense with submitting the question of the proposed annexation to the electors of the City, initiating the annexation for the territory pursuant to ORS 222.120, calling a hearing and directing that notice be given as required by ORS 222.120(3); and

WHEREAS, after conducting the hearing and leaving the record open for submission of additional evidence and arguments pursuant to ORS 197.763(6)(c), and considering all objections or remonstrances with reference to the proposed annexation, and further considering the recommendation of the Lebanon Planning Commission, the City Council finds that this annexation is in the best interest of the City and of the contiguous territory.

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

Section 1. Findings. In addition to the findings referred to above, the City Council further adopts and finds those matters contained in Exhibit "B", which is incorporated herein by this reference as if fully set forth at this point.



After recording please return to:
 City of Lebanon
 Public Works Administration
 925 Main Street, Lebanon, OR 97355

Section 2. Annexation Area. Based upon the findings contained above and in Exhibit "B" the contiguous territory described in Exhibit "A" and incorporated herein by this reference as if fully set forth at this point is hereby proclaimed to be annexed to the City of Lebanon, and zoned as indicated in accordance with the Lebanon Zoning Ordinance No. 1773, and given the zoning of Mixed Use.

Section 3. Record. The City Recorder shall submit to the Oregon Secretary of State a copy of this Ordinance. The City Recorder is further ordered to send a description by metes and bounds, or legal subdivision, and a map depicting the new boundaries of the City of Lebanon with ten (10) days of the effective date of t his annexation ordinance to the Linn County Assessor, Linn County Clerk, and the Oregon State Department of Revenue.

Passed by the Lebanon City Council by a vote of 4 for and 1 against and approved by the Mayor this 25 day of June, 2003.

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

ATTEST:

John E. Hitt
John E. Hitt, City Recorder

I hereby certify that I am the City Recorder for the City of Lebanon, State of Oregon; that the foregoing is a full, true, correct copy of the original; and the J. Scott Simpson, whose signature appears on the original document, was at the time of signing the Mayor of the City of Lebanon.

John E. Hitt
John E. Hitt, City Recorder

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

- ◆ MONUMENT FOUND AS NOTED
 - MONUMENT SET 5/8" x 30" IRON ROD WITH YELLOW PLASTIC CAP STAMPED: JIM UDELL 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)

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.



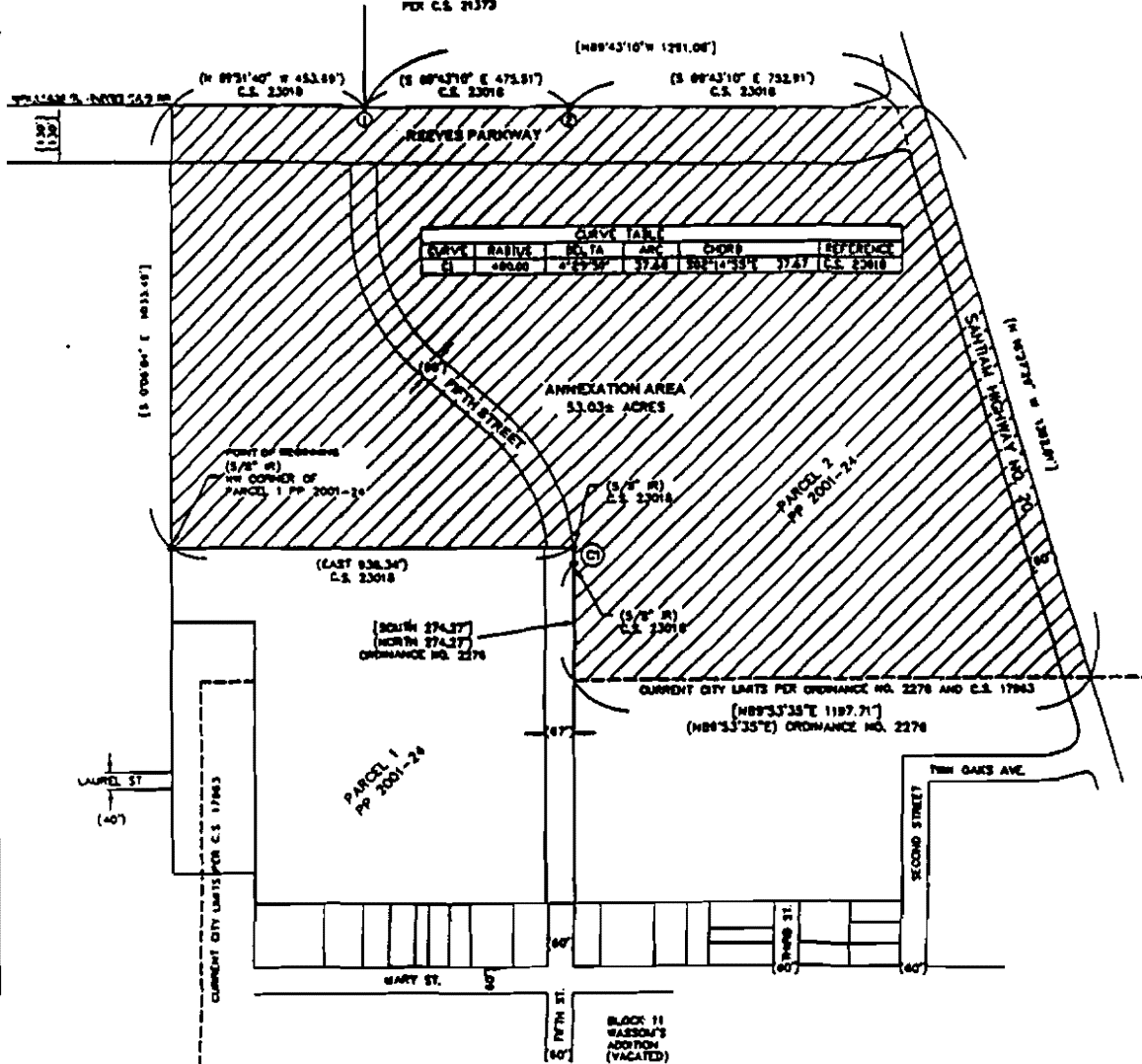
PROPOSED ANNEXATION
MID VALLEY HEALTH CARE, INC.
 SE 1/4 SEC. 3, T. 12 S., R. 2 W., W.M.
 CITY OF LEBANON, LINN COUNTY, OREGON

FEBRUARY 6, 2003

LEGEND

- MONUMENT FOUND AS NOTED
- MONUMENT SET 5/8" x 3/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED: JIM LODELL RLS 1368 FOUND
- COUNTY SURVEY
- () DATA OF RECORD
- () CALCULATED DATA
- IRON ROD
- IRON PIPE
- PARTITION PLAT
- REFERENCE SURVEYS: C.S. 23018 (PP 2001-24)

- ① (STONE) MARKING THE SE CORNER OF THE WEST ONE HALF OF THE WILLIAM B. CORE D.L.C. NO. 34 HOLD FOR NORTH RIGHT-OF-WAY OF REEVES PARKWAY ANGLE POINT IN RIGHT-OF-WAY FOR C.S. 21372
- ② (5/8" IR) C.S. 21372



ANNEXATION LEGAL DESCRIPTION

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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 37.27 FEET); THENCE SOUTH 274.27 FEET TO A POINT; THENCE NORTH 89°33'35" EAST 1187.71 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. CORE D.L.C. NO. 34; THENCE NORTH 88°43'18" WEST, ALONG THE SOUTH LINE OF THE WILLIAM B. CORE D.L.C. NO. 34, 1291.08 FEET TO THE SOUTHEAST CORNER OF THE WEST 1/2 OF SAID D.L.C. NO. 34; THENCE NORTH 88°31'40" WEST, CONTINUING ALONG THE SOUTH LINE OF SAID D.L.C. NO. 34, 483.86 FEET TO A POINT; THENCE SOUTH 0°06'04" EAST 1033.49 FEET TO THE POINT OF BEGINNING.



JAMES F. LODELL
 ENGINEERING & SURVEYING
 63 EAST 45th ST.
 LEBANON, OREGON 97355
 (541) 451-9125
 (541) 451-1568 FAX

SHEET 1 OF 1
 NOT ANNEALING

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

ANNEXATION MAP

VOL. 1451 PAGE 80
 T12S-R2W-3D, T.L. 1200

FILE # A-03-02

EXHIBIT BFINDINGS**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.

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. The conceptual development plan (that includes roughly 17 acres for residential development, and roughly 26 acres for commercial and professional development), would add only a relatively small increase to the total community's need for such services as solid waste removal, communications, electricity, and natural gas. The private vendors of such services have given no indication that they have any foreseeable constraints on providing services to this community at anticipated growth rates.

Improvements planned for Reeves Parkway and Highway 20 abutting the subject property will be able to accommodate much of the transportation demands from the annexation and the subsequent development. In July of 2002, the Oregon Department of Transportation ("ODOT") approved, and the City of Lebanon later signed, an agreement to make improvements to Highway 20 between Reeves Parkway and the railroad tracks near Industrial Way. The City Council takes official notice of that agreement, which was an official act of the City. A newspaper article from the Lebanon Express outlines the project and was submitted by Applicant. Also considered was the Project Identification & Summary for the Highway 20 and Reeves Parkway improvements provided by the City staff. Highway 20 and Reeves Parkway are major roadways that abut the property to the east and north respectively. These improvements are slated to occur in 2005.

The proposed project will include turn lanes, sidewalks, and highway shoulders suitable for bicycle use on both Highway 20 and Reeves Parkway. It also will improve potential traffic congestions along Highway 20 and Reeves Parkway and improve safety conditions including safety for pedestrian and bicycle uses.

According to City of Lebanon meeting notes with ODOT conducted on January 31, 2003, and submitted into the Record, the purpose of the project is to improve many urban services. Among them, the project will "construct an urban section, including a center-turn lane at Reeves Parkway and curbs, sidewalks, shoulders and storm drainage improvements between Reeves Parkway and UPRR in Lebanon." Thus, the ODOT improvement project on Highway 20 and Reeves Parkway demonstrates that urban street and transportation systems can accommodate or may be made to accommodate most transportation demands for the subject property.

Storm drainage in this area is attended to by the large roadside ditch along Reeves

Parkway which drains both to the north and west. The ODOT project contemplates future improvements to the City drainage system along Highway 20 and Reeves Parkway. The \$2.2 million project will include significant storm drainage improvements that will affect the Applicant's property.

The City engineer, Allen Dannen, noted in the public hearing before the Lebanon City Council that, in his profession opinion, urban drainage facilities can or may be made available to accommodate the annexation and future development of the site. City engineers previously identified that the hospital and subject property "has a well-developed drainage system" to accommodate further development.

Additionally, in a January 31, 2003 meeting between the City's Administrator, Public Works Director, Engineer and ODOT, the option to transmit drainage across the east side of the City of Albany's water-supply and power canal that runs east of the property to a slough called "hospital Slough" east of the canal was outlined. These options demonstrate that the urban drainage system are or can be made available to serve the annexed property.

The police and fire departments have confirmed that they will be able to provide services for this annexation territory. Library services can accommodate the proposed annexation and conceptual development. It should be added that City police, fire, and library services already serve the property. Therefore, the annexation of the property has no adverse impact on these City urban and community facilities. A new K-8 school with a City park is adjacent to the subject property and will be able to serve educational and recreational needs of potential future residents of this annexation area.

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.*

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.

Public rights of way serving the annexed property will provide for the safe and efficient movement of traffic, bicycles and pedestrians. Improvements to these roadways paid for by ODOT will include sidewalks, dedicated turn lanes, and shoulders large enough to accommodate bicycles. The \$2.2 million project is designed specifically to improve safety conditions for vehicles, bicycles, and pedestrian while relieving traffic congestion.

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.*

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.*

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. The findings under Criterion 7 are also applicable to some extent to this criterion.

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.*

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, and Hwy. 20 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.

The findings under Criterion 7 will be also applicable to some extent to this criterion.

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.*

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. The findings under Criterion 7 are also applicable to some extent to this criterion.

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.*

Finding # 7:

The proposed annexation complies with the 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 that 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 land 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.

In its Commercial Lands Study and Highway Access Plans prepared by the City in 1995 ("1995 Study") as part of its periodic review process for its Comprehensive Plan, the City identified the subject property as suitable for annexation. The City adopted the proposed amendments to the Comprehensive Plan contained in the 1995 Study. The 1995 Study was submitted into the Record and considered by the City Council.

In the 1995 Study, the City recognized that this property "has been in a 'holding pattern' waiting for development." As early as 1995, the City recognized that the applicant's property is ideal as a mixed use zone development potential. The site was chosen as an ideal site for development because, among other things, (1) there are very few large

commercial sites currently available for development or re-development in the City, (2) that the site is ideal for commercial development because of its proximity to the highway and transportation facilities, and (3) because of its proximity to the highway, hospital, and nearby industrial areas make it ideal for the placement of both commercial and residential uses. Consequently, the 1995 Study already demonstrates that annexation of the property is in the public interest.

Additionally, the 1995 Study demonstrates that mixed use zoning and future annexation of the subject property are consistent with the goals and policies of the Lebanon Comprehensive Plan ("LCP"). The City found the zoning and development of the property is consistent with the LCP under the following policies:

1. LCP, Land Use Element, Residential Land Use Section, Policy #1
2. LCP, Land Use Element, Residential Land Use Section, Policy #5
3. LCP, Land Use Element, Commercial Land Use Section, Policy #8
4. LCP, Land Use Element, Commercial Land Use Section, Policy #10
5. LCP, Land Use Element, Transportation Element, Streets & Highways Section, Policy #9.

The zoning and development goals of the property were adopted into the LCP in 1995. No objections or challenges were made to these findings at that time and they cannot be challenged now. Those findings are adopted by the City Council. The annexation of the subject property is wholly consistent with these prior findings because annexation enables the City to actualize the goals and policies outlined in the 1995 Study.

The Study found that the zoning furthered the LCP, Land Use Element, Residential Land Use Section, Policy #1, in that it provided for "compact residential development to provide more efficient land utilization and to reduce the cost of housing, public facilities, and services." The Study also found that the zoning furthered LCP, Land Use Element, Commercial Land Use Section, Policy #10, in that the commercial development would be constructed "as compact centers rather than scattered along roadways or mixed in with noncommercial uses that would conflict." Therefore, the annexation of the subject property is wholly consistent with these prior findings.

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.*

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. However, for this annexation application, the City of Lebanon does not require a specific development proposal.

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.*

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, as the property is currently vacant and therefore will not have an impact upon community facilities until developed. Upon development, the street, water, sewer, and storm drainage infrastructure improvements to support the types of development identified for the site are feasible. The types of proposed development identified in Finding # 8 above, are typical of developments in the Mixed Use zone, and hence these uses have long been anticipated in the City's land use and infrastructure planning activities. City Planning Director Doug Parker provided evidence that police, fire, and library services can accommodate the proposed annexation and conceptual development. It should be added that City police, fire, and library services already serve the property. Therefore, the annexation of the property has no adverse impact on these City urban and 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.*

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.

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. The City has conducted an advertised and noticed public hearing regarding the annexation of the property into the City and the assigning of the Comprehensive Plan Map designated City zoning classification of Mixed Use. Accordingly, the Mixed Use Zone is consistent with the Comprehensive Plan, and by authority of the UGMA this is the appropriate zoning for this property. This process is in accordance with the established annexation policies as noted in RELEVANT CRITERIA (pages 8-9 of the A-03-02 Staff Report, and again listed above before each finding). In summary, these Relevant Criteria include the *City Annexation Policy* (City of Lebanon Resolution #11 for 1982), as well as relevant Comprehensive Plan Policies and Zoning Ordinance Section 3.050.

STATE OF OREGON
County of Linn

I hereby certify that the attached
was received and duly recorded
by me in Linn County records.

STEVE DRUCKENMILLER
Linn County Clerk

M. 60
R. 20
S. 21
A. —
O. —

8:30 O'clock a.m. ⁸¹

JUL 9 2003

MF 1451

By [Signature] Deputy PAGE 77