

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-04-01))

ORDINANCE BILL NO. 5
for 2004

ORDINANCE NO. 2358

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

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

WHEREAS, after conducting the hearing and considering all objections or remonstrances with reference to the proposed annexation, and further considering the recommendation of the Lebanon Planning Commission, the City Council finds that this annexation is in the best interest of the City and of the contiguous territory.

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", findings adopted by the Lebanon Planning Commission on January 14, 2004, which is incorporated herein by this reference as if fully set forth at this point. In addition thereto, for the reasons stated, the City Council further adopts the


After Recording Please Return To:
City of Lebanon
Community Development Department
853 Main Street, Lebanon, OR 97355

Supplemental Findings, attached as Exhibit "C", which is incorporated herein by this reference as if fully set forth at this point.

Section 2. Annexation Area. Based upon the findings contained above and in Exhibits "B" and "C", 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 Lebanon Ordinance Number 17 for 2003. Said contiguous and annexed territory is hereby given the zoning of Limited Industrial (ML).

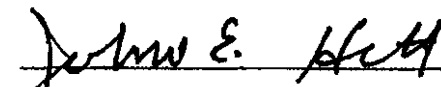
Section 3 Record. The City Recorder shall submit to the Oregon Secretary of State a copy of this Ordinance. The City Recorder is further ordered to send a description by metes and bounds, or legal subdivision, and a map depicting the new boundaries of the City of Lebanon within ten (10) days of the effective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

Passed by the Lebanon City Council by a vote of 5 for and 0 against and approved by the Mayor this 13th day of October, 2004.




Ken Toombs, Mayor

ATTEST:



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 Ken Toombs, whose signature appears on the original document, was at the time of signing the Mayor of the City of Lebanon.



John E. Hitt, City Recorder

LEBANON FILE # A-04-01
T125-R2W-3C, TAX LOT 1900

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EXHIBIT A
Page 1 of 2

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

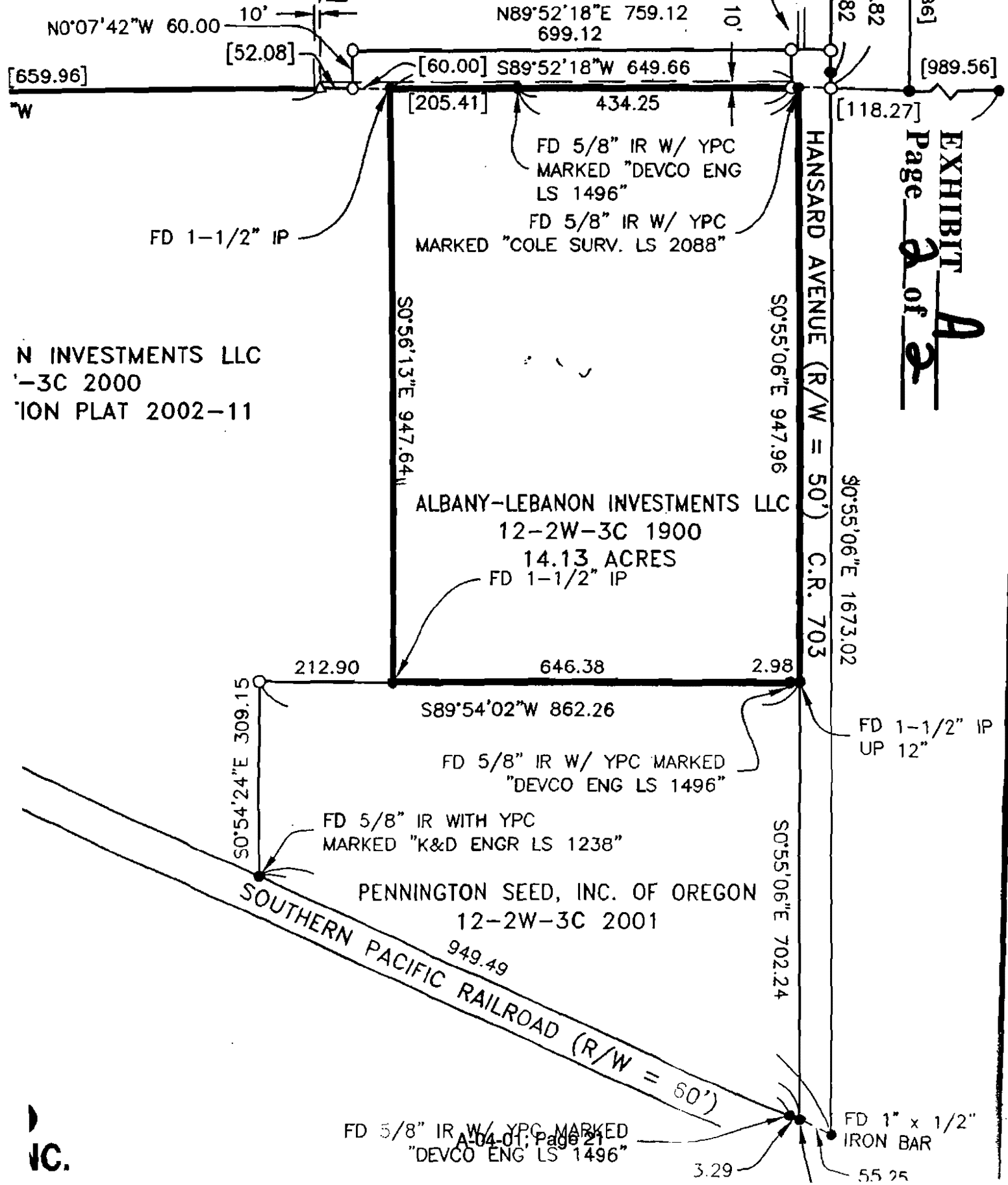
C. Henry Cole

OREGON
JULY 13 1984
C. HENRY COLE
2088

2 TELEPHONE LINE
PER LINN COUNTY
RECORDS MICROFILM
JME 68 PAGE 999

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ANNEXATION MAP
LEBANON FILE # A-04-01
SEE DETAIL

EXHIBIT **A**
Page **2** of **2**



ALBANY-LEBANON INVESTMENTS LLC
12-2W-3C 2000
14.13 ACRES
FD 1-1/2" IP

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

SOUTHERN PACIFIC RAILROAD (R/W = 50')

IC.

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 DLCDC 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.

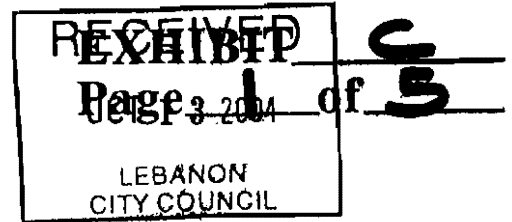
Criteria 4.1 and 4.2**City of Lebanon/Linn County – Urban Growth Management Agreement**

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.



SUPPLEMENTAL FINDINGS

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 Conversation 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 is to provide for an orderly and efficient transition from rural to urban land uses. Land within UGBs are considered to be available over time for urban uses based on consideration of: (1) orderly, economic provision for public facilities and services; (2) availability of sufficient land for the various uses to ensure choices in the marketplace; (3) compliance with the statewide planning goals or Plan policies; and (4) encouragement of development within urban areas before conversion of urbanizable areas.

The subject property is already located within the City’s UGB and is designated on the Plan Map for industrial use. The subject property is adjacent to an existing industrial use and is needed at this time for the expansion of that existing industrial use. Because expansion of the

existing industrial use can only occur on property immediately adjacent to that existing industrial use, and because no existing urban land is available, factors (2) and (4) are met.

City water and sewer lines, adequately sized to serve the proposed use, are readily available to the subject property. The storm drainage system has been shown to be adequate to serve the increased runoff anticipated from ~~allowed development~~ ^{annexation}. A transportation study has demonstrated that transportation facilities are adequate to serve the allowed urban uses. Therefore public services will be provided in an orderly and economic manner, and factor (1) is met. See also findings for Goals 11 and 12.

Compliance with the statewide planning goals and with applicable provisions of the Plan has been addressed and demonstrated elsewhere. Factor (3) is met.

Goal 14 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.

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

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8:30 O'clock a.m. ¹⁰¹

OCT 22 2004

Entered as
Exhibit C
Amended

SUPPLEMENTAL FINDINGS

These supplemental findings are entered into this 13th 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 is to provide for an orderly and efficient transition from rural to urban land uses. Land within UGBs are considered to be available over time for urban uses based on consideration of: (1) orderly, economic provision for public facilities and services; (2) availability of sufficient land for the various uses to ensure choices in the marketplace; (3) compliance with the statewide planning goals or Plan policies; and (4) encouragement of development within urban areas before conversion of urbanizable areas.

The subject property is already located within the City's UGB and is designated on the Plan Map for industrial use. The subject property is adjacent to an existing industrial use and is needed at this time for the expansion of that existing industrial use. Because expansion of the existing industrial use can only occur on property immediately adjacent to that existing industrial use, and because no existing urban land is available, factors (2) and (4) are met.

City water and sewer lines, adequately sized to serve the proposed use, are readily available to the subject property. ~~The storm drainage system has been shown to be adequate to serve the increased runoff anticipated from allowed development.~~ **The storm drain system can be made to be adequate to serve the runoff anticipated in the annexation [amended by Lebanon City Council, 10/13/04].**

A transportation study had demonstrated that transportation facilities are adequate to serve the allowed urban uses. Therefore public services will be provided in an orderly and economic manner, and factor (1) is met. See also finding for Goal 11.

Compliance with the statewide planning goals and with applicable provisions of the Plan has been addressed and demonstrated elsewhere. Factor (3) is met.

Goal 14 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.

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