

AN ORDINANCE AFFIRMING THE CITY)
OF LEBANON'S LAND USE DECISION)
IN ORDINANCE BILL NO. 9 FOR 2003,)
ORDINANCE 2345, (SIMONIAN, File A-02-08))
PARTNERSHIP) AND MAKING FURTHER)
FINDINGS IN SUPPORT OF SUCH)
DECISION)

ORDINANCE BILL NO. 8
For 2004
ORDINANCE NO. 2361

WHEREAS; the City Council for the City of Lebanon passed Ordinance Bill Number 9 for 2003, Ordinance 2345, on April 9, 2003 which approved the annexation of that certain property described herein in Exhibit "A", which is incorporated here by this reference, assigning said property certain zoning; and

WHEREAS, said decision of the City Council was appealed to the Land Use Board of Appeals for the State of Oregon by James Just, LUBA Case Number 2003-067; and

WHEREAS, LUBA issued its opinion remanding the case to the City Council for further consideration; and

WHEREAS, the decision rendered by LUBA was appealed to the Oregon Court of Appeals as *Just v. City of Lebanon, A112520*; and

WHEREAS, the Oregon Court of Appeals affirmed the decision from LUBA on April 21, 2004; and

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

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

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 recommendations of the Lebanon Planning Commission, the issues raised in the appeal of this matter in LUBA Case No. 2003-067 and in the opinion of the Oregon Court of Appeals, 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.

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, again, to be annexed to the City of Lebanon, Ordinance Bill Number 9 for 2003, Ordinance Number 2345 is hereby affirmed and the subject property is zoned as indicated in accordance with the Lebanon Zoning Ordinance No. 1773, assigned the zoning of Residential Mixed Density.

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, if required by said

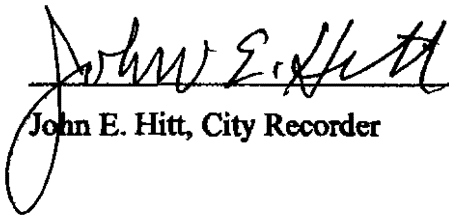
agencies as a result of this ordinance affirming the Council's prior decision. A copy of this ordinance shall also be filed with the Land Use Board of Appeals.

Passed by the Lebanon City Council by a vote of 6 for and 0 against and approved by the Mayor this 3rd day of November, 2004.




Ken Toombs, Mayor

ATTEST:



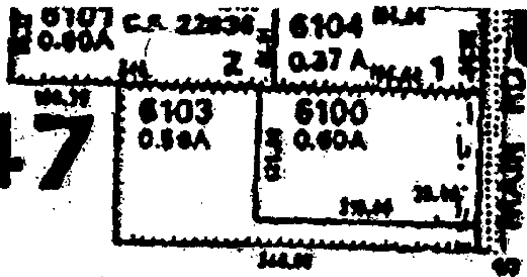
John E. Hitt, City Recorder

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

9-47



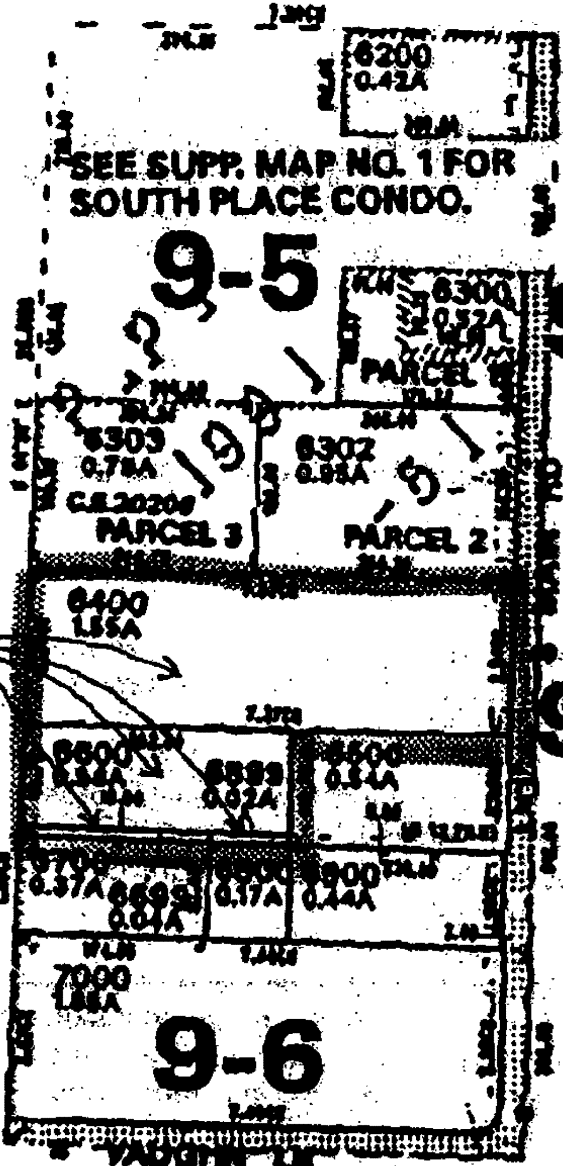
SEE MAP 122

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

9-5

9-12UR

22AD



9-13UR

SUBJECT PROPERTIES

9-6

2D

EXHIBIT A
PAGE 1 OF 2

ASSESSOR'S MAP T125-R2W-22A

ANNEXATION MAP AND LEGAL DESCRIPTION

LEBANON FILE #

A-02-08

F12S-R2W-22A

TAX LOTS 6400, 6600, 6699 + 6899

PARCEL 3
P.P. 1991-61

PARCEL 2
P.P. 1991-61



RICHARD SAM SIMONIAN AND
GLORIA SIMONIAN

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

DECEMBER 4, 2002

LEGEND

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

PROPERTY:

128-2W-22A
TAX LOT 6400, 6400, 6699, 6699
LEBANON, OREGON 97385

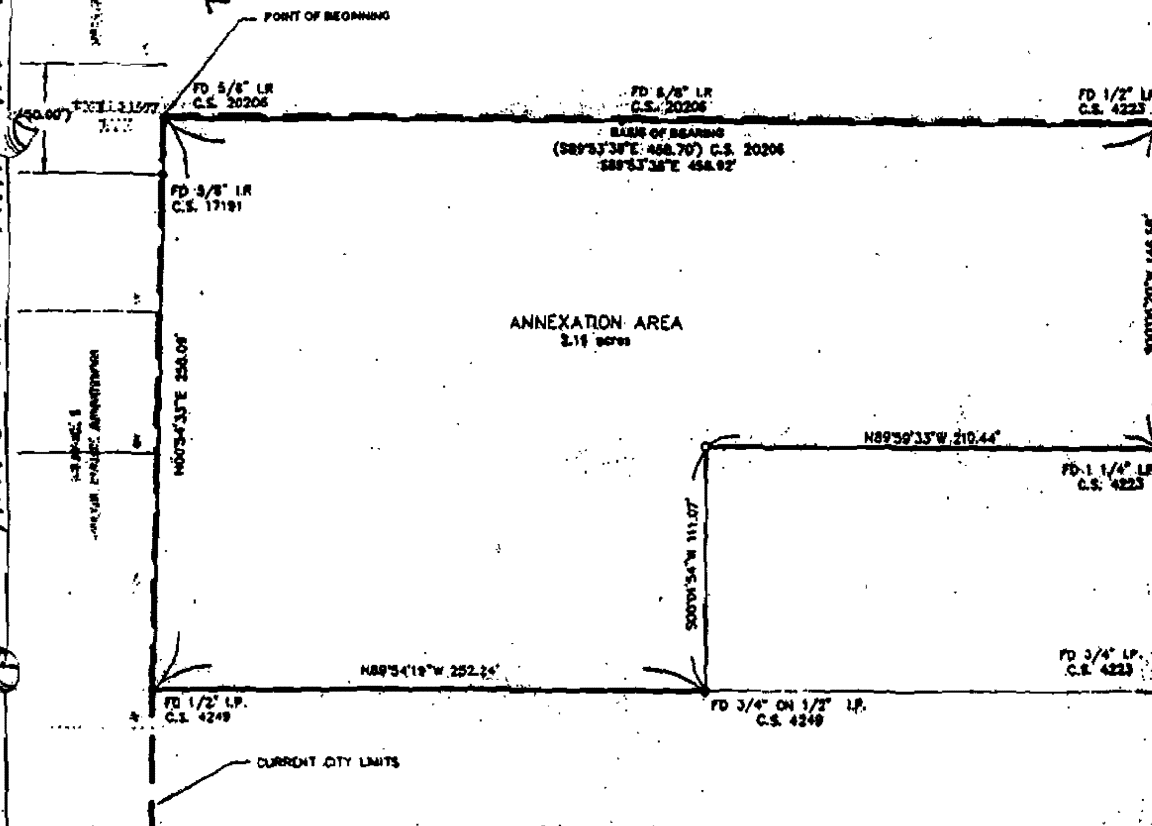
OWNERS:

RICHARD SAM SIMONIAN
GLORIA SIMONIAN
33382 BREWSTER ROAD
LEBANON, OREGON 97385

LEGAL DESCRIPTION:

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

BEGINNING AT A 5/8" IRON ROD MARKING THE SOUTHWEST CORNER OF PARCEL 3 OF LINN COUNTY PARTITION PLAT 1991-61, AND ALSO BEING ON THE EAST LINE OF QUAIL PARK ADDITION, THENCE SOUTH 89°57'30" EAST 486.82 FEET TO A 1/2" IRON PIPE ON THE WEST RIGHT-OF-WAY OF SOUTH MAIN ROAD, THENCE SOUTH 0°06'30" WEST, ALONG SAID RIGHT-OF-WAY, 148.88 FEET TO A 1 1/4" IRON PIPE, THENCE NORTH 89°24'33" WEST 210.44 FEET TO A POINT, THENCE SOUTH 89°16'57" WEST 111.07 FEET TO A 3/4" IRON PIPE ON A 1/2" IRON PIPE, THENCE NORTH 89°54'18" WEST 252.24 FEET TO A 1/2" IRON PIPE ON THE EAST LINE OF QUAIL PARK ADDITION, THENCE NORTH 0°44'33" EAST, ALONG THE EAST LINE OF QUAIL PARK ADDITION, 258.09 FEET TO THE POINT OF BEGINNING.



SOUTH MAIN ROAD

CURRENT CITY LIMITS

POINT OF BEGINNING

CURRENT CITY LIMITS

ANNEXATION AREA
2.19 acres



EXHIBIT A
PAGE 1 OF 1

OWNER 8072 ENGINEER 1308
JAMES F. UDELL
ENGINEERING & SURVEYING
63 EAST ASH ST.
LEBANON, OREGON
97385
PH. (541) 451-5125
FAX (541) 451-1388

FINDINGS

Findings Applicable to all Criteria

In previous Lebanon annexation proceedings, the Land Use Board of Appeals (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.* LUBA) stated that a specific development proposal is necessary to determine if the annexation will comply with the Comprehensive Plan and whether there is a general ability to serve the subject property with the City infrastructure. There is no requirement in the City's ordinances or policies for an annexation applicant to submit a specific development proposal. Such a proposal is only necessary in delayed annexations. The opponents in the previous annexation proceedings incorrectly cited this requirement, which was adopted by LUBA. The differences between a delayed annexation and the normal annexation process were submitted into this record so that no confusion will result in this annexation. A delayed annexation involves an agreement between the City and County to annex property in the future and permits urban uses prior to actual annexation. That is the purpose in approving a site development plan. A regular annexation does not address site development because no development will occur until after annexation.

While the City does not require the submission of a specific development proposal, applicant has submitted such a proposal in case there is continued confusion during this annexation. The specific development plan itself is non-binding and has no relevance with regard to the development that will actually occur on the site. A site development process flow chart was submitted into the record to show the process that will be followed when the property is developed. That procedure will address all impacts and necessary improvements to address those impacts at the time of development. Because impacts will not be known until the time of development, the City cannot require improvements at the time of annexation.

In addition to the findings contained herein and the evidence presented during this proceeding, the City relies on those findings made when this application was previously considered in February 2003.

EXHIBIT B
PAGE OF

Criterion 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.

Findings # 1:

The proposed annexation complies with City Annexation Policy, Section 1, in that urban services can be made available to serve the property. A 12 inch water main is available at the east end of Pheasant Run and in South Main Road. The proposed annexation property can be served by connecting to both mains and providing a looped system. This distribution system, with necessary extension, will provide sufficient water to meet fire and domestic demands. According to the testimony of Public Works Director Jim Ruef, the water treatment plant, run by the City of Lebanon, has capacity to provide fire and domestic demands to the proposed site as presented by the development proposal of possible 11 single family dwelling units to the City.

Sanitary sewer is available via an existing 12 inch sanitary sewer pipe existing east of South Main Road. In addition, an 8 inch sanitary sewer exists on Quail Loop. These existing facilities show that the development as proposed can be served by sanitary sewer by extending a new sewer main to existing piping. According to the City's Public Works Director, Mr. Ruef, the wastewater generated by the proposed single family dwelling units will not exceed either the conveyance capacity or the treatment capacity of the wastewater treatment plant.

A representative of the Applicant, Brian Vandetta, who is an engineer, further testified that recent public infrastructure improvements which will be improving the area due to a new Wal-Mart store will help provide facilities for the proposed development. The City accepts and finds his testimony credible that the proposed development will not overburden the sewer system.

The private vendors of urban services have indicated that they can provide services to the subject property. The Council has considered the evidence presented concerning urban services for Wastewater, Water, Storm Drainage, Streets, Police Safety and Emergency Services, Parks, Library, Senior Services, Fire Emergency Services, Education Services, Solid Waste Services, Electrical Services and Telephone Services and finds that all of these services can be available to the subject property without overburdening the capacities of those services.

No evidence was submitted that contradicted the expert testimony and documentary evidence that was submitted into the record. The only opponent, Jim Just, provided written testimony raising as an issue the capacity of the sewage system. Mr. Just provided a partial transcript of another meeting of the city, a Citizen's Advisory Committee meeting which he represented as evidence that the wastewater system is not shown to have capacity to serve this subject property.

The City Council finds that the evidence presented to it by its City Engineer (Malcolm Bowie), the applicant's engineer and City's Public Works Director is credible and sufficient

to show that the City's wastewater system has the capacity to serve this subject annexation property, or that it can be developed to adequately serve the subject property. It is noted that the Council heard testimony in a related case on a proposed annexation at a site in the same sewer service area in the vicinity of this proposal, Gilbert Limited Partnership, file A-02-03, wherein the evidence showed that the City is committed to replace or improve the Harrison Street pump station which will eliminate concerns about capacity to the system. Furthermore, the Council finds that Mr. Ruef's out of context statements made at the Citizen's Advisory Committee concern capacity for the system for a 25 year event. The Council takes notice that the Department of Environmental Quality considers fining the city when the system overflows during a 5 year event. Accordingly, considering the proposal submitted by the applicants here, coupled with the Council's determination to replace the pump station in the near future, the Council is satisfied that the evidence, taken in its entirety, shows that the system will not be overburdened by this annexation.

As stated by City staff, the City Council, and the representative for Applicant, it is not possible to address all of the specific impacts on drainage, traffic, or any other urban services, until the exact development that will occur on the annexed property is known. Calculating these impacts is a specific mathematical process that cannot be undertaken until the time of development when the variables will be better known. That is the purpose of the multi-level approval process followed by the City of Lebanon. It is enough to show that the services can be made available and will not overburden the facilities.

The City Council has also considered the letter submitted by Mr. & Mrs. Parker objecting to the annexation on the grounds that their parcel of property near the subject property needs an easement and that they have observed water standing on the parcels during rainy weather. The Council finds that the issue of easements for adjoining lands is not relevant to this annexation decision. The Council further finds that, based upon Mr. Vandetta's testimony primarily, development of this subject property, with the additional services which will be required for storm drainage establishes another need for the annexation of this subject property.

Criterion 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.*

Findings # 2:

The proposed annexation complies with City Annexation Policy, Section 2. Currently, adequate existing right of way is provided by the South Main Road right of way which runs along the eastern side of the subject property. The South Main Road right of way in this area currently is of city standard width and provides for the safe and efficient movement of vehicular traffic, bicycles and pedestrians. Since the current proposal is an annexation proposal and not a proposal of development, additional and appropriate public right of way

will be provided as the property actually develops.. There will be no additional impact as a result of this annexation itself. 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 development proposal which has been submitted as required by LUBA in this annexation is a non-binding proposal.

The subject property is bordered by ample rights-of-way to ensure safe and efficient movement of pedestrian and vehicular traffic. Future public rights of way will be dedicated as the eventual development of the subject property itself is considered.

No evidence or testimony was submitted in opposition to these findings and no argument was made that Criterion 2 was not met.

Criterion 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.*

Findings # 3:

The proposed annexation complies with City Annexation Policy, Section 3, in that substantial public infrastructure improvements are already in place along South Main Road. Additional utility extensions and public improvements will be provided as the property actually develops ..

Further development may require drainage improvements, but the testimony and the finding of the City Council is that the site is located in the upper reaches of the Burkhart Creek drainage basin. The proposed drainage from this site will flow into an existing 18 inch storm drainage line which is located in South Main Road. This drainage line has been sized to convey runoff from this site. The storm drain line on South Main, which is in the vicinity of the proposed site, flows north to the drainage channel crossing South Main Road at Weldwood park which, in turn, flows into Burkhart Creek.

Additional on-site public and private infrastructure improvements will be provided as the property actually develops. Case law dictates that such public infrastructure improvements shall be provided at the time or juncture when the nexus or need is established by application for development permits. Currently, the available urban services and public facilities available to serve the property are sufficient to meet the needs of the proposed development plan. Mitigation cannot be required until the impacts of an actual development proposal have been established. As the plan is implemented, the applicant will be required to improve the urban services and public facilities on site to City standards prior to any development. At that time, the actual development of the property will be clear and the impacts can be addressed in specific detail.

The city also relies upon the findings under Criterion 1 in support of this criterion. No credible evidence was submitted to contradict the testimony and evidence submitted by qualified professionals.

Criterion 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.*

Findings # 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 plan identifies possible future land uses that conform to the Comprehensive Plan and Zoning Map designations for the property. This annexation is in conformity with all Comprehensive Plan policies and goals applicable to this annexation and is not in conflict with any other Comprehensive Plan goal or policy. The findings under Criterion 7 are also applicable to some extent to this criterion.

LUBA has previously stated that if all other criteria are met, Criterion 4 is also met. The City has found that all other criteria were met.

Criterion 5 and 7:

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

Findings # 5 and 7:

The proposed annexation complies with City Annexation Policy, Section 5, in that a public need exists for developable lots to support new housing development within the City. This development represents opportunity for infill and housing of greater density that create less impact on the City's availability of land. The City Council finds that it is in the public interest to use this land efficiently, as would be the case if allowable housing densities are increased on the subject property as the specific development proposal allows. Annexation of this subject property is necessary to help satisfy this need.

Furthermore, given the fact that the area is surrounded on three sides by property within the City limits, currently, the Council finds that it is in the best interest of the public to annex such areas to allow for continuous and defined city borders which increase tax base revenue and consistent development of city services.

In support of this finding, the Council relies upon evidence in this record concerning the need for multi-family residential uses identified in the City's 1995 Periodic Review Work Program which resulted in the 1997 Buildable Lands Inventory. This work concluded that 390 acres of land would be needed to meet the City's 20-year housing needs.

The City Council also finds persuasive evidence that in September of 2004, the Willamette Valley Multiple Listing Service reported that there were only eleven properties totaling 28.55 acres of residential land on the local real estate marked at that time. Of the eleven

residential properties listed on September 29, 2004, six were smaller than one-half acre, four were between .51 acres and 1.08 acres, and one was 24.58 acres in an RM zone. These statistics satisfy the Council that adequate public need exists for this annexation.

Jim Just, by written testimony, stated that the multiple listing methodology used by the City to show a need for residential property is unacceptable, without an explanation as to why it is not a proper consideration. It is clear from the evidence that there is a need for this annexation and Mr. Just failed to clarify any particular details that were inadequate to show this need. Mr. Just provided no information to contradict the testimony and evidence in the record. Therefore, the City Council finds that his testimony is not credible.

Criterion 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.*

Findings # 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. A compact growth pattern means to expand the boundaries of the City in a rational, incremental manner that will allow the development of annexed property to urban standards within the limits of City services. In other words, if Criterion 1 is met, the application goes a long way towards meeting this criterion.

These subject properties are located within the City's Urban Growth Boundary. The areas immediately to the east, north and west of the subject property are within the city limits. 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.

No credible evidence was submitted to contradict the testimony and evidence submitted into this record.

Criterion 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*

Findings #7

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

1. The proposed Annexation is within the City's Urban Growth Boundary.
2. A public need exists for lots that can be developed to support new housing creation.
3. A public need exists to provide areas for housing of greater density that create less impact on the availability of land. This proposal will accomplish this purpose.
4. Annexation of this property allows for infill and redevelopment potential.
5. It is in the public interest to use this land efficiently. The City Council finds that this means that this project will allow for the increase of housing densities on the subject property if it is developed as proposed.
6. Since the areas immediately to the east, north and west of the subject property are within the City limits, this annexation would be an orderly and efficient expansion of City limits within City service capabilities. The Council has determined that the service capabilities are adequate by reviewing the Service Providers Matrix which is in this record.
7. Since the area is surrounded on three sides by property within the City limits, it is in the best interest of the public to annex such areas to allow for continuous and defined city borders, increased tax base revenue and consistent development of future city services.
8. Potable water, sanitary sewer and storm drainage services by extensions from nearby existing services are available and are adequately sized to provide for the subject property, this annexation is within City service capabilities. The Council accepts the testimony of its City Engineer, Public Works Director and the applicant's engineer as expert testimony which support this finding.
9. This subject property consists of 2.19 acres. This annexation area, compared to the area of the city limits, is minuscule in comparison with the size of the City and infrastructure capacities. This annexation will have a minimal to negligible impact upon City services. This is particularly true when, as in this instance, the capacities of nearby services are as large as the services here.
10. Currently adequate and existing right of way is provided by the South Main Road right of way which runs along the eastern side of the property. Limited access from existing Pheasant Run, at the northwest corner of the property, provides for safe and efficient movement of vehicular traffic, bicycles and pedestrians.

Criterion 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.*

Findings # 8:

The proposed annexation complies with Urbanization Element of the Comprehensive Plan, Annexation Policy #3 (page 4-P-2), in that the applicant has provided a non-binding specific development strategy or plan for the development of the subject property, as required by LUBA. The City once again finds that there is no requirement pursuant to the criteria for such a development plan and this is purely a LUBA created criterion. Such a plan is only required if the City deems it so for conventional annexations, although such a plan is always required for delayed annexations. The conceptual development proposal identifies uses that comply with the Comprehensive Plan and Zoning Ordinance and that can be served by existing and proposed public and private infrastructure improvements in the area. Any additional details regarding the proposed development plan will be properly addressed during the permitting phases of development, pursuant to the City's two-phase process for annexation and development. The adequacy of urban services was determined by referring to the proposed development plan. No credible evidence was submitted to contradict the testimony and evidence submitted

Criterion 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.*

Findings # 9:

The proposed annexation complies with Comprehensive 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. It has been determined that, upon development, the street, water, sewer, and storm drainage infrastructure improvements to support the types of development identified for the site are feasible. 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. The findings under Criterion 1 are also relied upon to satisfy this criterion, considering the specific development plan submitted by applicant.

Criterion 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.*

Findings # 10:

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

Plan designation of Mixed Density Residential is Residential Mixed Density (RM). The applicant is requesting the aforementioned zoning designations be automatically assigned for the subject properties. LUBA has decided in Just v. Cornell Family Trust, Or. LUBA No. 2003-044 (Just 1) that the City's process in applying zoning to the annexed property is proper.

Criteria 11 and 12:

City of Lebanon/Linn County – Urban Growth Management Agreement

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

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.

Findings # 11 & 12:

The City's annexation review procedures on annexation request File # A-02-08 have complied with the City of Lebanon/Linn County Urban Growth Management Agreement, 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 Residential Mixed Density. Accordingly, the assigned zoning is consistent with the Comprehensive Plan, and by authority of the UGMA this is the appropriate zoning for this property. No argument was presented that these criteria were not met.

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

By SD Deputy PAGE 905

M. 70
R. 10
S. 10
A. 11
O. —

8:30 O'clock a.m. ⁹¹

NOV 12 2004

MF 1644