

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 (McCanham/Edwards)
File A-04-01))

ORDINANCE BILL NO. 12
for 2004

ORDINANCE NO. 2365

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 April 21, 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

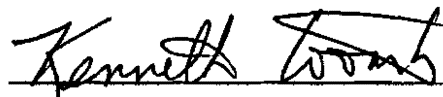
✓
After Recording Please Return To:
City of Lebanon
Community Development Department
853 Main Street, Lebanon, OR 97355

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).

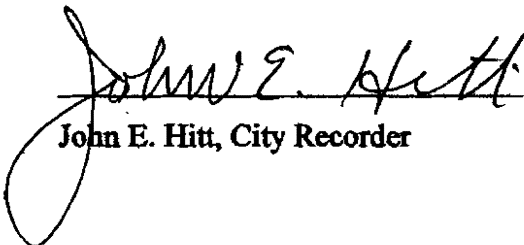
Section 3 Record. The City Recorder shall submit to the Oregon Secretary of State a copy of this Ordinance. The City Recorder is further ordered to send a description by metes and bounds, or legal subdivision, and a map depicting the new boundaries of the City of Lebanon within ten (10) days of the effective 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 6 for and 0 against and approved by the Mayor this 3rd day of November, 2004.



Ken Toombs, Mayor

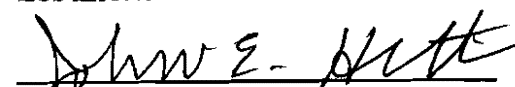
ATTEST:



John E. Hitt, City Recorder

Page 2 - Ordinance for Annexation

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

RUSSELL MCCANHAM DORIS EDWARDS

IN THE MORGAN KEES DLC NO. 43
SW 1/4 SEC. 3, T. 12 S., R. 02W., W.M.
CITY OF LEBANON, LINN COUNTY, OREGON

MARCH 25, 2004

LEGEND

- MONUMENT OR RECORD AS NOTED
- COUNTY ADQ
- FOUND
- C.S. COUNTY SURVEY
- DATA OF RECORD P.S. 17536 UNLESS NOTED OTHERWISE
- () CALCULATED DATA
- () IRON BAR
- () IRON ROD
- () IRON PIPE
- () REFERENCE SURVEY: C.S. 17136
- () REFERENCE DEED: MP 1274-106

OWNER:

RUSSELL MCCANHAM
DORIS EDWARDS
680 LAUREL ST
LEBANON, OR. 97355

PROPERTY:

MAP 12-794-36
TAX LOT 1300
TAX LOT 1300

SURVEYOR:

JAN UDELL PLS
BRIAN VANDETTA, PLS
UDELL ENGINEERING AND SURVEYING
33 E. ASH ST.
LEBANON, OR. 97355

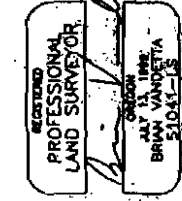
ANNEXATION AREA LEGAL DESCRIPTION:

AN AREA OF LAND IN THE MORGAN KEES DLC NO. 43, SW 1/4 OF SECTION 3 IN TOWNSHIP 12 SOUTH OF RANGE 2 WEST OF THE WILLAMETTE MERIDIAN, LINN COUNTY, OREGON DESCRIBED AS FOLLOWS:

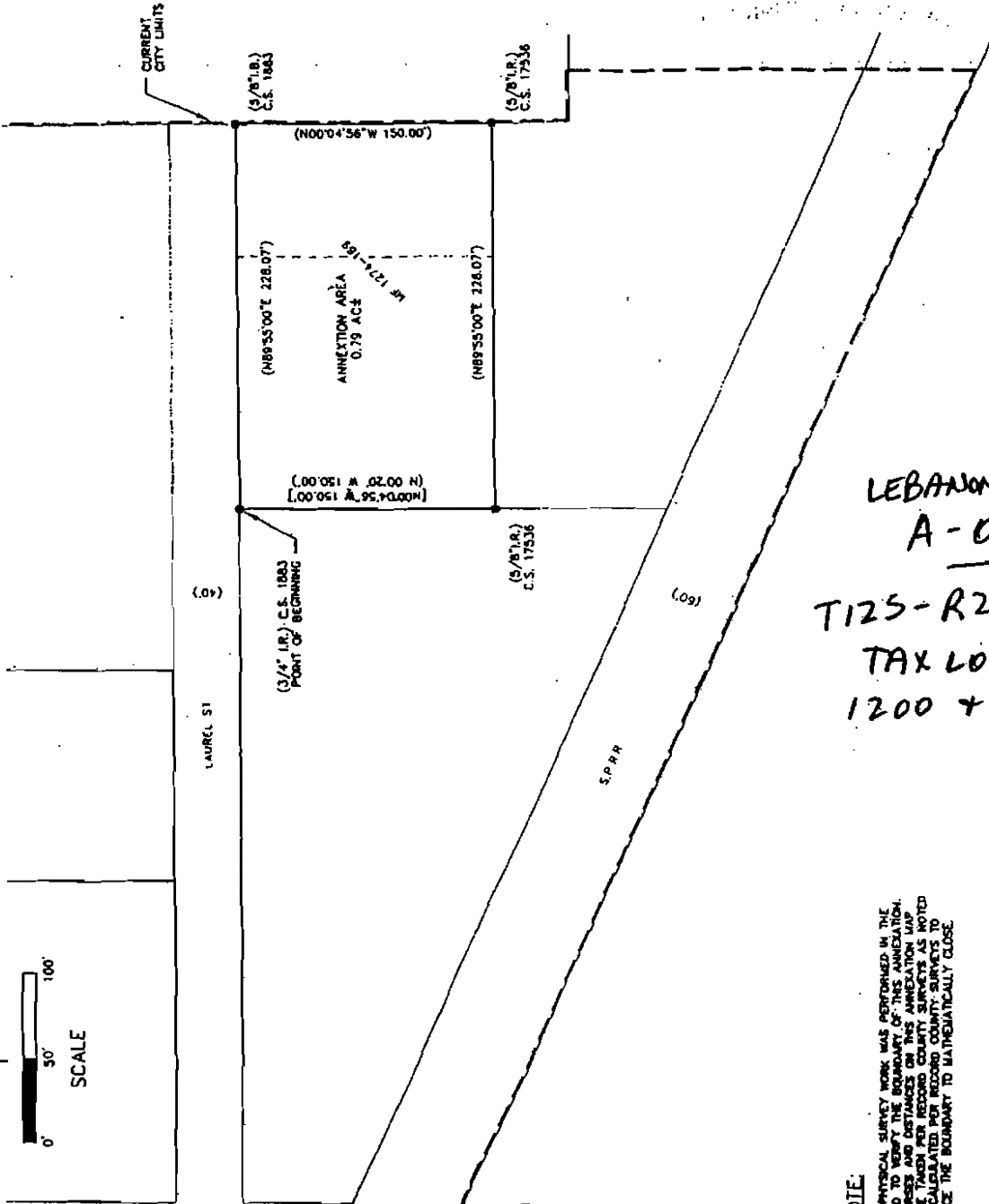
BEGINNING AT A 3/4 INCH IRON ROD WHICH IS MARKED BY 35 EAST 44.004 CHAINS AND SOUTH 00°29' EAST 24.254 CHAINS (BY PRIOR RECORD) FROM THE NORTHWEST CORNER OF SAID DLC NO. 43, THENCE NORTH 89°55' EAST 228.07 FEET TO A 5/8 INCH IRON BAR THENCE SOUTH 00°04' EAST 150.00 FEET TO A 5/8 INCH IRON ROD THENCE SOUTH 89°55' WEST 228.07 FEET TO A 5/8 INCH IRON ROD, THENCE NORTH 00°04' WEST 150.00 FEET TO THE POINT OF BEGINNING.

I HEREBY CERTIFY THE ABOVE LEGAL DESCRIPTION CLOSES WITHIN THE TOLERANCES OF RECOGNIZED PRACTICES AS PRESCRIBED IN ORS 91.

Brian Vandetta
BRIAN VANDETTA, PLS



DEEDS 8073
BOOKS 1366
JAMES F. UDELL
ENGINEERING & SURVEYING
63 EAST ASH ST.
LEBANON, OREGON
97355
PH. (541) 451-5125
FAX (541) 451-1366
MCCANHAM_EDWARDS ANNEXATION



LEBANON FILE #
A-04-03
T125-R2W-3C,
TAX LOTS
1200 + 1300

NOTE:
NO PHYSICAL SURVEY WORK WAS PERFORMED IN THE FIELD TO VERIFY THE BOUNDARY OF THIS ANNEXATION. CERTAIN POINTS AND CORNERS OF THIS ANNEXATION WERE TAKEN FROM RECORDS COUNTY SURVEYS OR CALCULATED PER RECORD COUNTY SURVEYS TO FORCE THE BOUNDARY TO MATHEMATICALLY CLOSE.



(50)

HANSARD AV

ATTACHMENT "A 1"

ANNEXATION MAP FOR

RUSSELL MCCANHAM DORIS EDWARDS

IN THE MORGAN KEES DLC NO. 43 SW 1/4 SEC. 3, T. 12 S., R. 02W., W.M. CITY OF LEBANON, LINN COUNTY, OREGON

SURVEYOR: MARCH 25 2004 LEBANON FILE # A-04-03 JIM UDELL, PLS BRIAN VANDETTA, PLS UDELL ENGINEERING AND SURVEYING 63 E. ASH ST. LEBANON, OR. 97355

T12S-R2W-3C, TAX LOTS 1200 + 1300.

ANNEXATION AREA LEGAL DESCRIPTION:

AN AREA OF LAND IN THE MORGAN KEES DLC NO. 43, SW 1/4 OF SECTION 3 IN TOWNSHIP 12 SOUTH OF RANGE 2 WEST OF THE WILLAMETTE MERIDIAN, LINN COUNTY, OREGON DESCRIBED AS FOLLOWS:

BEGINNING AT A 3/4 INCH IRON ROD WHICH IS NORTH 89°55' EAST 44.054 CHAINS AND SOUTH 00°20' EAST 24.254 CHAINS (BY PRIOR RECORD) FROM THE NORTHWEST CORNER OF SAID DLC NO. 43; THENCE NORTH 89°55' EAST 228.07 FEET TO A 5/8 INCH IRON BAR; THENCE SOUTH 00°04'56" EAST 150.00 FEET TO A 5/8 INCH IRON ROD; THENCE SOUTH 89°55' WEST 228.07 FEET TO A 5/8 INCH IRON ROD; THENCE NORTH 00°04'56" WEST 150.00 FEET TO THE POINT OF BEGINNING.

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

Brian Vandetta BRIAN VANDETTA, PLS

REGISTERED PROFESSIONAL LAND SURVEYOR

Brian Vandetta OREGON JULY 13, 1999 BRIAN VANDETTA 51041-LS

EXPIRES 06-30-2004-03; Page 19

ENGINEER 8072 SURVEYOR 1366

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

371.R.) 17536

SUMMARY OF PLANNING COMMISSION RECOMMENDATION

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

The Planning Commission based this recommendation on the following:

Criteria 1.1.1 – 1.1.7

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

Planning Commission Finding # 1:

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

Criteria 1.2.1 and 2.3.1

Annexation Ordinance Section 2: All Annexations shall conform to the requirements of the Lebanon Municipal Code, Annexation Ordinance, Lebanon Land Development Ordinance, City of Lebanon/Linn County Urban Growth Management Agreement, and shall be consistent with applicable State law.

LCP Chapter 4 (Urbanization) – Annexation Policy #1: All Annexations shall conform to the requirements of the Lebanon Municipal Code, Annexation Ordinance, Lebanon Land Development Ordinance, City of Lebanon/Linn County Urban Growth Management Agreement, and shall be consistent with applicable State law.

Planning Commission Finding # 2:

The proposed annexation complies with Annexation Ordinance Section 2 and LCP Annexation Policy #1 in that this proposal is in compliance with the requirements set forth by these provisions. The findings below detail this compliance.

Criteria 1.2.2 and 2.3.2

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

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

Planning Commission Finding # 3:

The proposed annexation complies with Annexation Ordinance Section 3 and LCP Annexation Policy #2 in that this proposal is consistent with the goals and policies of the Lebanon Comprehensive Plan. The findings below detail this compliance.

Criteria 1.1.2, 1.2.3, 2.2.1 and 2.3.3

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

Annexation Ordinance Section 4: All lands included within the Urban Growth Boundary are eligible for annexation and urban development. Areas within the Urban Growth Boundary with designated environmental constraints may be annexed and utilized as functional wetlands, parks, open space and related uses.

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

LCP Chapter 4 (Urbanization) – Annexation Policy #3: All lands included within the Urban Growth Boundary are eligible for annexation and urban development. Areas within the Urban Growth Boundary with designated environmental constraints may be annexed and utilized as functional wetlands, parks, open space and related uses.

Planning Commission Finding # 4:

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

Criteria 1.2.4 and 2.3.4

Annexation Ordinance Section 5: The City shall only annex land that is contiguous to the existing City limits and is within the City's Urban Growth Boundary (UGB).

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

Planning Commission Finding # 5:

The proposed annexation complies with Annexation Ordinance Section 5 and LCP Annexation Policy #4 in that the annexation territory is both contiguous to the existing City limits and within the City's Urban Growth Boundary, and is therefore eligible for annexation and urban development. The annexation territory is contiguous to the existing City Limits to the east.

Criteria 1.2.5, 1.2.13, and 2.3.5 (& 1.1.1)

Annexation Ordinance Section 6: An annexation shall be deemed orderly if the annexation territory is contiguous to the existing City limits. An annexation is efficient if the annexation territory can be developed or redeveloped to an urban use. Urban uses may include functional wetlands, parks, open space and related uses.

Annexation Ordinance Section 14: An "urban use" is hereby defined as any land use that is authorized under the terms and provisions of the land use regulations, Zoning Ordinance, Subdivision Ordinance, Comprehensive Plan, and other related documents of the City of Lebanon.

LCP Chapter 4 (Urbanization) – Annexation Policy #5: An annexation shall be deemed orderly if the annexation territory is contiguous to the existing City limits. An annexation is efficient if the annexation territory can be developed or redeveloped to an urban use. Urban uses may include functional wetlands, parks, open space and related uses.

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

Planning Commission Finding # 6:

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

Criteria 1.2.6 and 2.3.6 (& 1.14)

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

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

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

Planning Commission Finding # 7:

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

Criteria 1.2.7 and 2.3.7 (& 1.1.1 and 1.16)

Annexation Ordinance Section 8: As part of the annexation process of developed property or properties, the City shall consider the anticipated demands to access key City-provided urban utility services, which are water, storm drainage, sanitary sewerage, and streets, of existing development within the annexation territory.

LCP Chapter 4 (Urbanization) – Annexation Policy #7: As part of the annexation process of developed property or properties, the City shall consider the anticipated demands to access key City-provided urban utility services, which are water, storm drainage, sanitary sewerage, and streets, of existing development within the annexation territory.

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

Planning Commission Finding # 8:

The proposed annexation complies with the above noted criteria in that this property is currently developed with a single family dwelling with a failed, uncorrectable septic system and that the demands to the sewer system to serve this site are minimal and unequivocally within the service capabilities of this new infrastructure facility. Additionally, at this juncture there is not any other proposal to place additional (or a change in) demands on other key City-provided urban utility services (i.e., water, storm drainage, and streets). However, this annexation territory (1) has ready access to the street system via Laurel Street and Hansard Avenue (built to county standards), (2) has ready access to water via a 12-inch water line at the intersection of Hansard and Laurel, and (3) with storm drainage for this area flowing along its natural, historic surface drainage pattern, with primary flows handled by the drainage ditch along Hansard Avenue.

Criteria 1.2.8 and 2.3.8 (&1.1.1 and 1.1.6)

Annexation Ordinance Section 9: As part of the annexation process of developed property or properties, the City shall consider the impacts on key City-provided urban utility services needed to serve these properties, which are water, storm drainage, sanitary sewerage, and streets.

LCP Chapter 4 (Urbanization) – Annexation Policy #8: As part of the annexation process of developed property or properties, the City shall consider the impacts on key City-provided urban utility services needed to serve these properties, which are water, storm drainage, sanitary sewerage, and streets.

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

Planning Commission Finding # 9:

The proposed annexation complies with the above noted criteria in that this property seeks only to connect to the new 54-inch westside sanitary sewer interceptor (with substantial unused capacity) at this time and therefore, there are no incremental or adverse impacts at this time on other key City-provided urban utility services (i.e., water, storm drainage, and streets). Additionally, when this site further develops with a conforming use in the future, foreseeable allowed uses of this property will be well within the capacities of the four key City-provided urban utility services in geographical proximity to the annexation property. This annexation territory (1) has ready access to the street system via Laurel Street and Hansard Avenue, (2) has ready access to water via a 12-inch water line at the intersection of Hansard and Laurel, and (3) routes storm drainage for this area along its natural, historic surface drainage pattern, with primary flows handled by the drainage ditch along Hansard Avenue. Sewer service will be provided by the 54-inch westside sewer interceptor which has substantial surplus capacity.

Criterion 1.2.9

Annexation Ordinance Section 10: Needed Public rights-of-way, as identified in adopted transportation plans as necessary for the safe and efficient movement of traffic, bicycles and pedestrians, shall be dedicated to the City either with annexation or when the property develops and/or redevelops and thus creates an increased demand for the benefits and utility provided by additional rights-of-way dedication.

Planning Commission Finding # 10:

The proposed annexation complies with Annexation Ordinance Section 10 in the annexation territory will contribute/dedicate 10-feet of ROW to Laurel Street for the full length of the property as a condition of annexation approval. This ROW dedication will help to achieve a city standard ROW along this road.

Criteria 1.2.10, 1.2.11, and 3.1

Annexation Ordinance Section 11: Upon annexation, the annexation territory shall be assigned zoning classifications in accordance with the adopted Comprehensive Plan Map, as shown in the City's Annexation Zoning Matrix. Such zoning assignments in and of themselves are not a zoning map change and shall not require approval of a zoning map amendment, or a separate proceeding.

Annexation Ordinance Section 12: If a zoning designation other than one in accordance with the Comprehensive Plan Map (shown in the Annexation Zoning Matrix) is requested by an applicant, the zoning requested shall not be granted until the Comprehensive Plan Map is appropriately amended to reflect concurrence. Such an amendment shall require a separate application, hearing and decision, which may be held concurrently with an annexation hearing and will not become effective until the annexation is complete.

Zoning Ordinance Section 3.050 – Zoning of Annexed Areas: All areas annexed to the City shall be placed in a zoning classification in accordance with the adopted Comprehensive Plan. If a zoning designation other than one in accordance with the Comprehensive Plan is requested by an applicant, the zoning requested shall not be granted until the plan is amended to reflect concurrence.

Planning Commission Finding # 11:

This proposed Annexation is in compliance with Annexation Ordinance Sections 11 and 12, and Zoning Ordinance Section 3.050. Currently the subject property does not have a City zoning designation because it is not within the City limits. However, since the property is within the City's Urban Growth Boundary, the current Comprehensive Plan designation on the subject property is Light Industrial. The corresponding City zoning designation for a Comprehensive Plan designation of Light Industrial is Limited Industrial (ML). The applicant is requesting a Limited Industrial (ML) zoning designation for the subject property. Therefore, a City zoning designation of Limited Industrial (ML) can automatically be assigned at this time, without a separate hearing. This action is NOT a zoning map amendment.

Criterion 1.2.12

Annexation Ordinance Section 13: The areas within the Urban Growth Boundary with designated environmental constraints may be annexed and developed as functional wetlands, parks, open space and related uses.

Planning Commission Finding # 12:

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

Criterion 1.2.14 (and 1.1.5)

Annexation Ordinance Section 15: At the applicant's discretion and with the City's concurrence, a development or redevelopment proposal for an annexation territory may be acted upon by the Planning Commission immediately following the Commission's hearing on the annexation proposal and a decision of recommendation of approval to the City Council. However, any approval of the Planning Commission of such a development or redevelopment proposal must be contingent upon subsequent approval of the annexation by City Council.

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

Planning Commission Finding # 13:

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

Criterion 2.1.1

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

Finding # 14:

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

Criterion 2.2.2

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

Planning Commission Finding # 15:

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

Criterion 2.4.1 (and 1.1.7)

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

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

Planning Commission Finding # 16:

The proposed annexation complies with this Public Facilities and Services Policy of the Lebanon Comprehensive plan in that this annexation does NOT include a development proposal or a rezoning application. Therefore, at this time the City is under no obligation to consider impacts on key City-provided urban utility services (water, storm drainage, and streets) other than sanitary service or any other community facilities, which is in compliance with Annexation Ordinance Finding G (Criteria 1.1.7). This property seeks only to connect to the new 54-inch westside sanitary sewer interceptor (with substantial unused capacity) at this time and therefore, there are no incremental or adverse impacts at this time on other key City-provided urban utility services (i.e., water, storm drainage, and streets).

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

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

Criterion 2.5.1

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

Planning Commission Finding # 17:

The proposed annexation complies with this policy of the Lebanon Comprehensive plan in that this annexation does NOT include any sewer line extension nor is any needed to serve this site which is adjacent to the existing 54-inch westside sewer interceptor. This new utility facility has substantial unused capacity and can readily provide sanitary service to this property without causing adverse impacts to the system.

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

Yet, it is worth noting that the new westside interceptor has abundant unused capacity.

Criteria 4.1 and 4.2

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

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

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

Planning Commission Finding # 18:

The City's annexation review procedures on annexation request File # A-04-03 have complied with the City of Lebanon/Linn County Urban Growth Management Agreement, Sections 2 and 5 regarding City authority to annex lands within the urban growth area and assign City Zoning in accordance with the Lebanon Comprehensive Plan Map.

SUPPLEMENTAL FINDINGS

These supplemental findings are entered into this 3rd day of November, 2004, by the City of Lebanon City Council. In addition to expressly adopting the Planning Commission Staff Report of April 21, 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 spaces, 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 deals with economic growth and activity based upon activity concerning business, industrial and commercial activities which generate employment, products and services consistent with the availability of long term human natural resources. This .79 acres is currently used as a single family residence with out-buildings that are used for small business or shops. While this annexation is of a small parcel, the annexation of the territory, which is in the near vicinity of business such as Pennington Seed, Entek and Linn Gear, will provide additional possible land for industrial development. To the extent that this annexation makes light industrial land available for future industrial use in an area which currently contains such uses, this goal is satisfied.
10. Goal 10 - Housing. This goal specifies that each city must plan for and accommodate needed housing types. This site has already been designated Light Industrial on the comprehensive plan. While this parcel currently contains a house, this goal does not apply to this designated industrial land.

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, this property is within the City's Urban Growth Boundary and is contiguous to the existing City limits. The property is currently developed with a single family dwelling with a failed septic system. The annexation territory has ready access to the street system via Laurel Street and Hansard Avenue, has ready access to water via a 12 inch water line at the nearby intersection of Hansard and Laurel, and storm drainage flowing along its natural, historic surface drainage pattern, with primary flows handled by the drainage ditch along Hansard Avenue.

The property will connect to the new 54 inch westside sanitary sewer interceptor and therefor, there are no incremental or adverse impacts on other key City-provided urban utility services. See Planning Commission findings #8 and #9. As the Council found in its Albany-Lebanon Investments (Entek) decision, which is a property near to this subject property, the City has adequate law enforcement and fire protection capability to serve the annexed property.. Therefore, the City Council finds that this goal has been satisfied.

12. Goal 12 - Transportation. Goal 12 aims to provide a "safe, convenient and economic transportation system." This annexation territory is currently served by Laurel Street and subsequently Hansard Avenue, which is built to county standards. Both streets provide access to Highway 34, directly, and Highway 20 by way of the Reeves Parkway. Laurel Street currently has a 40 foot right of way,

and this annexation will require of the applicant an additionally 10 foot right of way dedication for the full length of the property abutting Laurel Street. As other properties develop, the City will require similar rights of way to ensure, ultimately, a city standard 60 foot right of way to serve these industrially designated properties.. 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, or systems which will be improved and adequate at the time of development.

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 polices; and (4) encouragement of development within urban areas before conversion to urbanizable areas.

The subject property is already located within the City’s UGB and is designated on the Plan Map for Light Industrial use. The subject property is in close proximity to existing industrial uses, such as Pennington Seed, Entek and Linn Gear. This subject property is likely to be needed in the future for the

expansion of those existing or similar industrial uses. Because expansion of existing industrial uses can only occur on property immediately adjacent to the existing industrial uses, factors (2) and (4) are met.

City water and sewer lines, adequately sized to serve the proposed use, are available to the subject property. The storm drainage system has been shown to be adequate to serve the existing use and can be available to serve increased runoff anticipated from allowed development. Existing transportation facilities are adequate to serve the allowed urban uses, or can be made adequate as conditions of future development. Therefore public services will be provided in an orderly an 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. 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

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By [Signature] Deputy PAGE 969