

**A BILL FOR AN ORDINANCE ANNEXING AND
ZONING PROPERTY FOLLOWING CONSENT
FILED WITH THE CITY COUNCIL BY
LANDOWNERS IN SAID AREA PURSUANT TO
ORS 222.120 AND ORS 222.170 (File A-04-06,
ENTEK MANUFACTURING)**

**ORDINANCE BILL NO. 3
for 2005**

ORDINANCE NO. 2372

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.

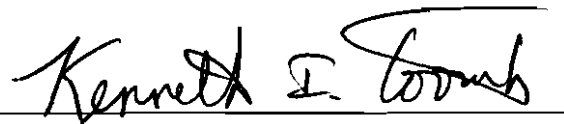
NOW, THEREFORE, the City of Lebanon ordains as follows:

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

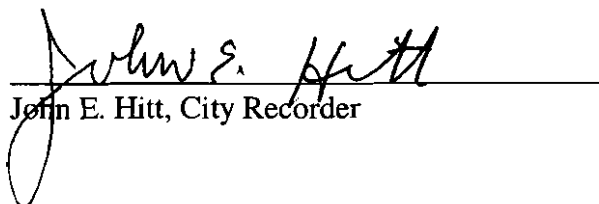
Section 2. Annexation Area. Based upon the findings contained above and in Exhibit "B", the contiguous territory described in Exhibit "A" and incorporated herein by this reference as if fully set forth at this point is hereby proclaimed to be annexed to the City of Lebanon, and zoned as indicated in accordance with the Lebanon Zoning Ordinance No. 1773, and assigned the zoning of Light 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 30th day of March, 2005.


Kenneth I. Toombs, Mayor

ATTEST:


John E. Hitt, City Recorder

LEGAL DESCRIPTION FOR ANNEXATION

EXHIBIT A
FILE #A-0406

A parcel of land located in the Northwest Quarter of Section 10 and in the Southwest Quarter of Section 3, Township 12 South, Range 2 West of the Willamette Meridian, Linn County, Oregon, being more particularly described as follows:

Beginning at a 5/8 inch iron rod at the Northwest corner of that property conveyed to Entek Manufacturing, Inc., and described as property transferred from Area "A" to Area "C" in Linn County Deed Records Microfilm Volume 1403 Page 774; thence along the West line of said Entek property South 0°35'15" East 1106.92 feet to a 5/8 inch iron rod at the Northwest corner of that property conveyed to Entek Manufacturing, Inc., and described as property transferred from Area "A" to Area "B" in Linn County Deed Records Microfilm Volume 1403 Page 763; thence along the lines of said Entek property South 0°35'15" East 424.27 feet to a 5/8 inch iron rod and North 89°17'41" East 387.56 feet to a 5/8 inch iron rod at the Southeast corner of that aforementioned property conveyed to Entek Manufacturing, Inc., and described in Linn County Deed Records Microfilm Volume 1403 Page 763, said Southeast corner being on the West line of that property conveyed to Entek Manufacturing, Inc., and described as property transferred from Area "A" to Area "B" in Linn County Deed Records Microfilm Volume 1279 Page 292; thence along the West lines of said transferred property South 0°35'15" East 638.11 feet to a 5/8 inch iron rod on the North line of that property conveyed to the State of Oregon and described in Linn County Deed Records Microfilm Volume 989 Page 76; thence along said State of Oregon North line North 89°18'53" East 53.00 feet to a 5/8 inch iron rod; thence North 0°35'15" West 440.98 feet to a 5/8 inch iron rod at the Northwest corner of that property conveyed to Weatherly and described in Linn County Deed Records Microfilm Volume 630 Page 526; thence North 89°20'07" East 527.93 feet to the Northeast corner of said Weatherly property, also being on the East line of that property conveyed to Steckley and described in Linn County Deed Records Microfilm Volume 519 Page 837; thence along said Steckley East line North 0°20'40" West 137.33 feet to a point on the Southerly right-of-way line of Harrison Street; thence South 89°20'39" West 237.38 feet to a 5/8 inch iron rod at the Southwest corner of Harrison Street; thence North 0°23'35" West 478.16 feet to a 5/8 inch iron rod at the Southeast corner of that property conveyed to Entek Manufacturing, Inc., and described as property transferred from Area "A" to Area "C" in Linn County Deed Records Microfilm Volume 1279 Page 280; thence along the East and North line of said transferred property North 0°23'35" West 792.68 feet to a point on the Southerly right-of-way line of the Southern Pacific Railroad, and along said Southerly right-of-way line North 65°44'09" West 384.01 feet to a 5/8 inch iron rod at the Northeast corner of that aforementioned property conveyed to Entek Manufacturing, Inc., and described as property transferred from Area "A" to Area "C" in Linn County Deed Records Microfilm Volume 1403 Page 774; thence along the North lines of said transferred property and the Southerly right-of-way of the Southern Pacific Railroad North 65°44'09" West 14.74 feet to a 5/8 inch iron rod, South 24°15'51" East 20.00 feet to a 5/8 inch iron rod, and North 65°44'09" West 403.11 feet to the point of beginning. The basis of bearings for this description is from Linn County Survey No. 23224 and Linn County Survey No. 23465. The area contained within this annexation is 25.95 acres, more or less.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

C. Henry Cole

OREGON
JULY 13 1984
G. HENRY COLE
2088

EXPIRES 12/31/03

FILE # A-04-06

POINT OF BEGINNING FOR LEGAL DESCRIPTION FOR ANNEXATION PROPERTY

FD 5/8" IR WITH YPC MARKED "K&D ENGR LS 1238"

FD BENT 5/8" IR W/ YPC MARKED "DEVCO ENG LS 1496" PULLED, SHOT HOLE, REPLACED

FD 1-1/2" IP UP 12"

FD 1" x 1/2" IRON BAR

55.25

FD 5/8" IR W/ YPC CAP UNREADABLE BENT-SHOT BASE

FD 3/4" IR S0°20'40"E 0.45 OF TRUE CORNER 0.45 SOUTH OF CORNER

CALCULATED ANGLE POINT IN CENTER TANGENT RD (CORVALLIS-LEBANON HI) FD 1-1/8" BRASS PLUG II MARKED "ODOT CONTROL 320", S1°18'...

DOWN 15" N0°23'35"W 0.13 OF CORNER

N24°15'51"E 20.00

14.74

S65°44'09"E 403.11

384.01

175.46

[815.40]

SOUTHERN PACIFIC RAILROAD (R/W = 60')

949.49

S0°35'15"E 1106.92

ENTEK MANUFACTURING, INC. 12-2W-3C 1600 16.02 ACRES

S0°23'35"E 792.68

ENTEK MANUFACTURING, INC. 12-2W-3C 1600

HANSARD AVENUE (R/W = 60')

ENTEK MANUFACTURING, INC. 12-2W-10BA 1101

S89°46'21"W

387.57

348.77

162.73

148.69

UDELL

L19

UDELL

L18

L17

L16

L15

L14

L13

L12

ENTEK MANUFACTURING, INC. 12-2W-10BB 103 9.93 ACRES

ENTEK MANUFACTURING, INC. 12-2W-10BB 103

ENTEK MANUFACTURING, INC. 12-2W-10BA 1100

S89°17'41"W 387.56

DOWN 15"

DOWN 15"

DOWN 15"

S0°23'35"E 478.16

L4 HARRISON STREET (R/W = 60')

L11

L10

L9

L8

L7

L6

L5

L4

L3

L2

L1

S89°20'07"W 527.93

520.93

60.00

S0°35'15"E

359.93

11.38

638.81

S0°35'15"E

3.51

3.51

S0°35'15"E

7.00 R/W

DEVCO

L1

[2892.06]

TANGENT RD

FD 5/8" IR W/ YPC

[N89°18'53"E 3242.06]

CORVALLIS-LEBANON HIGHWAY 34

SCALE: 1" = 200'

KLEY, NORMAN, TR 12-2W-10BB 100

ANNEXATION TERRITORY

[1°E]

[S23°03'14"E 648.81]

(32.81)

0.00

STAFF RECOMMENDATION

PLANNING COMMISSION FINDINGS

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 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 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 has ready access to these basic urban services: (1) Highway 34 is adjacent to the south, and Street improvements to both Harrison Street (westward) and 12th Street (southward) to Highway 34 are scheduled to be constructed as part of the industrial development project occurring in the summer of 2006; (2) A 12-inch water main borders the south side of the property in Harrison Street. A new main extending the existing main is scheduled to be constructed in Harrison Street and 12th Street in the summer of 2006; (3) A storm drainage system borders the property on the south in Highway 34. A new storm drainage system is scheduled to be constructed in Harrison Street and 12th Street in the area in the summer of 2006; (4) An 8-inch sewer lateral has recently been constructed along the east boundary of the property north from Harrison Street. This main ties directly into the West Side interceptor and could serve the subject property.

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 has ready access to these basic urban services: (1) Highway 34 is adjacent to the south, and Street improvements to both Harrison Street (westward) and 12th Street (southward) to Highway 34 are scheduled to be constructed as part of the industrial development project occurring in the summer of 2006; (2) A 12-inch water main borders the south side of the property in Harrison Street. A new main extending the existing main is scheduled to be constructed in Harrison Street and 12th Street in the summer of 2006; (3) A storm drainage system borders the property on the south in Highway 34. A new storm drainage system is scheduled to be constructed in Harrison Street and 12th Street in the area in the summer of 2006; (4) An 8-inch sewer lateral has recently been constructed along the east boundary of the property north from Harrison Street. This main ties directly into the West Side interceptor and could serve the subject property.

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 Harrison Street west and 12th Street south to Highway 34 is within the annexation territory. The City is requiring the dedication of the rights-of-way necessary for this extension at the time of annexation.

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. [See **Annexation Zoning Matrix** on page following Proposed Findings.]

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 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, 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 an 8 inch sewer lateral has recently been constructed along the east boundary of the property north from Hamison Street. This main ties directly into the West Side interceptor and could serve the subject property.

Criterion 2.6.1

Chapter 1: Introductory Provisions – General Goals and Objectives (LCP page 1-17):

There are certain basic aims to which the Comprehensive Plan is broadly committed. These general goals and objectives are [include]:

2. *To achieve an environment that assures each individual the widest possible choices and opportunities for a productive and meaningful life-style within the community.*
5. *To broaden opportunities for economic expansion and diversification.*

Planning Commission Finding # 18:

This annexation request is in compliance with these two General Goals of the 1980 Comprehensive Plan in that it will both help assure that the citizens of Lebanon have *"the widest possible choices and opportunities for a productive and meaningful life-style within the community"* and *"broaden opportunities for economic expansion and diversification by:*

- Facilitating the future expansion of ENTEK Manufacturing, thus providing additional local employment opportunities and further stabilizing the Lebanon economy and employment base.
- The expansion of ENTEK will likely generate additional related employment opportunities within the community;
- Further more, the extension of roads and other infrastructure to the annexation territory (or subject Property) will also provide these services to other vacant industrial sites;
- New jobs will attract new home buyers;
- The demand for new homes will likely increase the selection and diversity of housing types in Lebanon;
- All businesses in Lebanon can be expected to benefit from increases in the local labor force and the number of families living in the community.

Criterion 2.7

Chapter 3: Population and Economy (LCP page 3-P-1)

[2.7.1] Overall Goals

- A. To broaden opportunities for economic expansion and diversification.
- B. To help increase employment opportunities in the Lebanon area by providing an attractive environment to stimulate economic growth.

[2.7.2] **Policy # 2:** The city shall encourage a diversified economic base for the community which broadens and improves long-term employment opportunities and is compatible with the environmental resources of the community.

[2.7.3] **Policy # 3:** The city shall continue to actively encourage industrial and business developments that improve the economy of the community and the state and shall maintain an up-to-date information file on the community including an inventory of available industrial sites for potential developers, utilizing the resources of the Oregon State Economic Development Division.

[2.7.4] **Policy # 4:** The city shall continue the cooperative association with local industries to assist with their problems, needs, and desires to the mutual benefit of both the community and local industry.

Planning Commission Finding # 19:

This annexation request facilitates the future expansion of ENTEK Manufacturing and is therefore in compliance with these Population and Economic Goals and Policies of the 1980 Comprehensive Plan in that it will help *encourage a diversified economic base for the community which broadens and improves long-term employment opportunities* (as noted above in previous findings) and in a manner that is compatible with the environmental resources of the community since this development makes relatively small demands upon the environmental resources of the community, and is well within the carrying capacity of the natural resources (e.g., air, land, water) of the Lebanon area. In fact, this area has been set aside for this type of development for a quarter of a century, since the original Comprehensive Plan Map was created in 1980. Approval of this annexation request is in direct compliance with the long standing (25 years) mandate of the Comprehensive Plan to *actively encourage industrial and business developments that improve the economy of the community and the state and continuing the cooperative association with local industries to assist with their problems, needs and desires to the mutual benefit of both the community and local industry*. Facilitating the future expansion of ENTEK Manufacturing, and thereby providing additional local employment opportunities with their attendant multiplying factors are exactly the kind of actions on the part of the City that these Goals and Policies mandate.

Criterion 2.8

Chapter 5: Land Use

2.8.1 Overall Goal -- Industrial Land Use

To provide a land use policy plan which sets forth the suitable kinds, amounts, and intensities of use to which land in various parts of the city should be put. (LCP page 5-P-4)

2.8.2 **Policy # 4:** A sufficient supply of suitable industrial land shall be maintained to actually attract industry, particularly light nonpolluting industries, in support of the city's economic development program. (LCP page 5-P-4)

Planning Commission Finding # 20:

The Comprehensive Plan Map designation for the subject property is Light Industrial, and the corresponding Zoning Map designation is Limited Industrial (ML). This area has been set aside for Light Industrial development for a quarter of a century, since the original Comprehensive Plan Map was created in 1980. The annexation of this territory to facilitate the expansion of ENTEK is in direct compliance with this Goal and Policy, and is in fact the realization of the intent of this Goal and Policy.

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 # 21:

The City's annexation review procedures on annexation request File # A-04-06 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.

Criteria 5.0

Relevant Statewide Planning Goal Criteria -- Goal 9: Economic Development

To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens. . . .

Planning Commission Finding # 22:

Lebanon's Comprehensive Plan (LCP) has been acknowledged in its entirety, and is therefore in compliance with all applicable Statewide Planning Goals inclusive of Goal 9. Accordingly the economic policies of the LCP are key implementation tools of Goal 9 in Lebanon, as are the annexation policies that enable the community to actually make available the land designated for various uses when the Comprehensive Plan and Map were first created 25 years ago. Since 1980 it has been intended that the subject property of this annexation request be utilized for light industrial development to provide *opportunities . . . for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens* and the citizens of Lebanon. The annexation of this territory is in direct compliance with the intentions and purposes of Statewide Planning Goal 9, since this property will be used to support industrial development and job creation efforts. It is expected that ENTEK Manufacturing Inc., ENTEK International LLC, or both will expand onto this property. Such expansion could produce new jobs and tax revenues.

PLANNING COMMISSION SUPPLEMENTAL FINDINGS (SF)
FOR STATEWIDE PLANNING GOALS

This annexation request has been analyzed in part by utilizing the annexation criteria and policies adopted by the Lebanon 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, and thus, is not yet final.

Accordingly, the Planning Commission makes the following additional findings that address the Statewide Planning Goals:

- SF#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.
- SF#2. Goal 2 – Land Use Planning. This goal mandates the establishment of "a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions." The land use program in place in the City of Lebanon, including its Comprehensive Plan and Zoning ordinance, and the procedures of the Planning Commission (including this hearing on A-04-06) are in compliance with this Statewide Planning Goal. Thus, this goal is satisfied.
- SF#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.
- SF#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.
- SF#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.
- SF#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.
- SF#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.
- SF#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.
- SF#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. It is expected that ENTEK Manufacturing Inc., ENTEK International LLC, or both will expand on to this property. Such expansion could produce new jobs and tax revenues.

SF#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.

SF#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.

The proposed annexation 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 has ready access to these basic urban services: (1) Highway 34 is adjacent to the south, and Street improvements to both Harrison Street (westward) and 12th Street (southward) to Highway 34 are scheduled to be constructed as part of the industrial development project occurring in the summer of 2006; (2) A 12-inch water main borders the south side of the property in Harrison Street. A new main extending the existing main is scheduled to be constructed in Harrison Street and 12th Street in the summer of 2006; (3) A storm drainage system borders the property on the south in Highway 34. A new storm drainage system is scheduled to be constructed in Harrison Street and 12th Street in the area in the summer of 2006; (4) An 8-inch sewer lateral has recently been constructed along the east boundary of the property north from Harrison Street. This main ties directly into the West Side interceptor and could serve the subject property. In addition, this area is already within the service area of the Lebanon Fire District. Further more, all urban service providers (public and private) have previously indicated that they have the capacity to serve anticipated growth in the community through the year 2025. Thus, this goal is satisfied.

SF#12. Goal 12 – Transportation. Goal 12 aims to provide a "safe, convenient and economic transportation system." The proposed annexation 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 and supported by an adequate transportation system. This annexation territory has ready access transportation services: Highway 34 is adjacent to the south, and Street improvements to both Harrison Street (westward) and 12th Street (southward) to Highway 34 are scheduled to be constructed in the summer of 2006. Thus, this goal is satisfied.

SF#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.

SF#14. Goal 14 – Urbanization. This goal requires that the City estimate future growth needs and establish urban growth boundaries to separate urbanizable land from rural land. This goal is satisfied because the property is already located within the City's UGB and has previously been identified for industrial use. This goal is satisfied.

SF#15. Goal 15 – Willamette Greenway. Goal 15 administers land adjacent to the Willamette River and is not applicable to this application.

SF#16. Goal 16 – Estuarine Resources. This goal is not applicable because this site is not an identified estuary site subject to this goal.

SF#17. Goal 17 – Coastal Shorelands. This goal defines planning areas at the Oregon Coast. This goal is not applicable.

SF#18. Goal 18 – Beaches and Dunes. Goal 18 applies to beaches and dunes at the Oregon Coast and is not applicable to this site.

SF#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.

PROPOSED FINDINGS

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.

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.

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.

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.

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).

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.

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.

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.

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)

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). Nonetheless, the annexation site is fully served by public utilities and an adequate transportation system.

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)

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. The annexation site is fully served by public utilities and an adequate transportation system.

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.

Finding #10:

The proposed annexation complies with Annexation Ordinance Section 10 since no new rights-of-way are needed due to the annexation.

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.

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.

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.

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.

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.

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.

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.

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.

STATEWIDE PLANNING GOALS

This 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, and thus, is not yet final.

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. It is expected that ENTEK Manufacturing Inc., ENTEK International LLC, or both will expand on to this property. Such expansion could produce new jobs and tax revenues.
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.

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.

12. Goal 12 – Transportation. Goal 12 aims to provide a “safe, convenient and economic transportation system.”

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 and supported by an adequate transportation system.

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 and other public facilities, adequately sized to serve the proposed use, are readily available to the subject property. 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 in this application. 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.