

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-05-02, BRINKLEY PROPERTY ) ) ) ) ) )

ORDINANCE BILL NO. 14 for 2005

ORDINANCE NO. 2383

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:

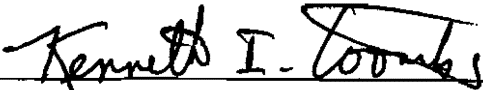
Section 1. Findings. In addition to the findings referred to above, the City Council further adopts and finds those matters contained in Exhibit "B", including the additional findings concerning the Statewide Planning Goals, which is incorporated herein by this reference as if fully set forth at this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

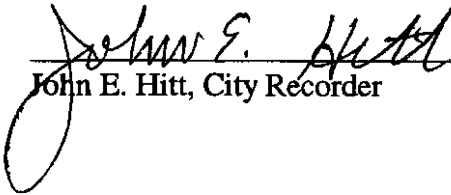
After Recording Please Return To: City of Lebanon Community Development 953 Main Street Lebanon OR 97355

**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.

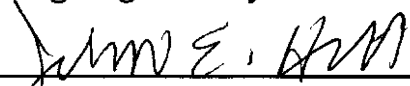
Passed by the Lebanon City Council by a vote of 6 for and 0 against and approved by the Mayor this 24<sup>th</sup> day of August, 2005.

  
\_\_\_\_\_  
Kenneth I. Toombs, Mayor

ATTEST:

  
\_\_\_\_\_  
John E. Hitt, City Recorder

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

  
\_\_\_\_\_  
John E. Hitt, City Recorder

ANN Y. BRINKLEY  
ANNEXATION LEGAL DESCRIPTION

An area of land in the Simon A. Nickerson D.L.C. no. 68 and also being in the N.W. ¼ of Section 15 in Township 12 South of Range 2 West of the Willamette Meridian, Linn County, Oregon described as follows:

Beginning at a 5/8" iron rod marking the Southern most Southwest corner of Parcel 2 of Linn County Partition Plat no. 2002-17; thence North 89°53'55" West 122.68 feet to a 5/8" iron rod on the East right-of-way of South 12<sup>th</sup> Street; thence North 0°05'56" West, along said right-of-way, 146.71 feet to a ½" iron pipe; thence leaving said right-of-way South 89°51'54" East 123.26 feet to a 5/8" iron rod; thence South 0°07'44" West 146.64 feet to the point of beginning.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

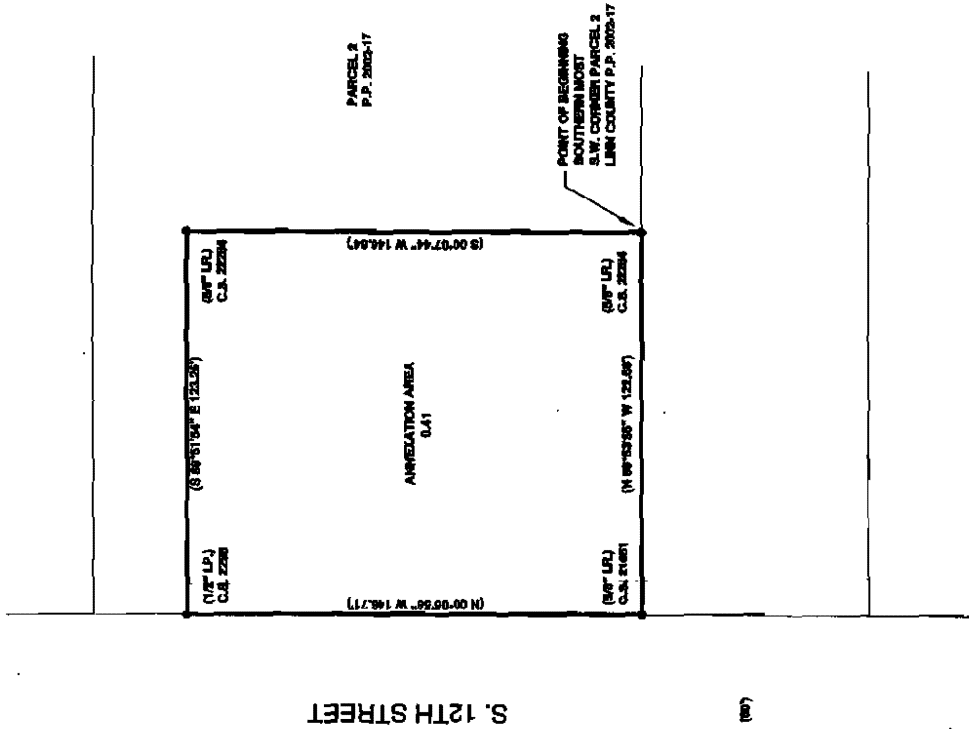
*Brian Vanetta*

OREGON  
JULY 13, 1999  
BRIAN S. VANETTA  
51041-LS

Exp. 6-30-06

ANNEXATION MAP  
**ANN Y. BRINKLEY**  
 SEC. 15, T. 12 S., R. 2 W., W.M.  
 LINN COUNTY, OREGON  
 AUGUST 1, 2005

- LEGEND:**
- RECORD SURVEY MONUMENT AS NOTED
  - ( ) DATA OF RECORD PER C.S. 2284
  - [ ] CALCULATED DATA
  - LR FROM ROD
  - LP FROM PIPE
  - C.S. COUNTY SURVEY
  - P.P. PARTITION PLAT

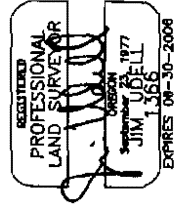


**PROPERTY:**  
 178 8 12TH STREET  
 LEBANON, OREGON 97066  
 1224W-108C  
 TAX LOT 2000

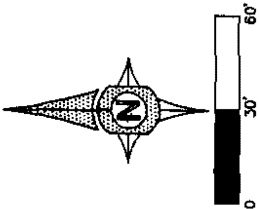
**OWNER:**  
 ANN Y. BRINKLEY  
 800 HALL ST.  
 LEBANON, OREGON 97066

**OWNER:**  
 80772  
 1386  
**JAMES F. UDELL**  
 ENGINEERING & SURVEYING  
 63 EAST ASH ST.  
 LEBANON, OREGON  
 97355  
 PH. (541) 451-5125  
 FAX (541) 451-1366

CG-BRINKLEY ANNEX



S. 12TH STREET



STATE OF OREGON  
 County of Linn

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

STEVE DRUCKENMILLER  
 Linn County Clerk

By *[Signature]* Deputy PAGE 92

M  
 R 20  
 S 20  
 A 11  
 O

SEP 1 2005

8:30 O'clock a.m. 41

MF 1757

92

EXHIBIT A 2 of 2

## **RECOMMENDATION**

Unless the public hearing identifies hitherto unknown reasons why the proposed annexation would be to the detriment of surrounding properties, the neighborhood or the City, staff recommends that the Planning Commission recommend to the City Council that the proposed annexation be approved.

## **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.

**EXHIBIT B**

**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 on the west, north, and east. This proposed annexation represents a classic infill opportunity.

**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 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 4.020 that lists the development opportunities, standards and requirements for the Residential Mixed Density (RM) 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 currently has only two accessory structures and no dwelling units. Access to City-provided services is not sought at this time, and therefore there are no anticipated needs at this time on the key City-provided urban utility services (i.e., are water, storm drainage, sanitary sewerage, and streets). However, this annexation territory has access to services as follows. (1) It has ready access to the **Street System** in that it abuts 12<sup>th</sup> Street (to the west), and is between Airport Road to the south, and "F" Street to the north. (2 & 3) **Water & Sanitary Sewer:** The property is fronted and could be served by existing sewer and water improvements in 12<sup>th</sup> Street. (4) **Storm Drainage:** 12<sup>th</sup> Street fronts the property and has been previously constructed to a county standard with storm drainage available in the roadway ditches and culverts connecting to city storm drainage piping.

Furthermore, any and all impacts of accessing City-provided services will be assessed and mitigated as part of any future development on this site. Such development proposals will require separate applications and reviews.

**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 currently has only two accessory structures and no dwelling units. Access to City-provided services is not sought at this time, and therefore there are no anticipated needs at this time on the key City-provided urban utility services (i.e., are water, storm drainage, sanitary sewerage, and streets).

As noted in Finding # 8, this annexation territory has access to City-provided services. Each of these services has the capacity to more than handle the impacts that would be generated by access from this property. Furthermore, any and all impacts of accessing City-provided services will be assessed and mitigated as part of any future development on this site. Such development proposals will require separate applications and reviews.



### **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 in that that it abuts 12<sup>th</sup> Street (to the west), and is between Airport Road to the south, and "F" Street to the north. Any necessary Rights-of Way will be addressed at such future time as the property redevelops.

### **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 Mixed-Density Residential. The corresponding City zoning designation for a Comprehensive Plan designation of Mixed-Density Residential is Residential Mixed Density (RM). The applicant is requesting a Residential Mixed Density (RM) zoning designation for the subject property. Therefore, a City zoning designation of Residential Mixed Density (RM) 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 Residential Mixed Density (RM) sites.

**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 Finding 8 above. Furthermore, any and all impacts of accessing City-provided services will be assessed and mitigated as part of any future development on this site. Such development proposals will require separate applications and reviews.

### **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 sanitary sewerage infrastructure is available via existing sanitary sewer improvements in 12<sup>th</sup> Street to the annexation territory. Furthermore, any and all impacts of accessing City-provided services will be assessed and mitigated as part of any future development on this site. Such development proposals will require separate applications and reviews.

**Criterion 3.0**

**3.1 LZO 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.

**3.2 LZO Section 4.020:** This Section lists the development opportunities, standards and requirements for the Residential Mixed Density (RM) zone.

**Finding # 18:**

The proposed annexation complies with **LZO Section 3.050** in that the current Comprehensive Plan designation on the subject property is Mixed-Density Residential. The corresponding City zoning designation for a Comprehensive Plan designation of Mixed-Density Residential is Residential Mixed Density (RM). The applicant is requesting a Residential Mixed Density (RM) zoning designation for the subject property. Therefore, a City zoning designation of Residential Mixed Density (RM) can automatically be assigned at this time, without a separate hearing. This action is NOT a zoning map amendment.

This annexation request does NOT include a development proposal. However, if at some future time development proposals regarding this territory are submitted to the City, the City shall at that time evaluate such proposals by applying the development opportunities, standards and requirements for the Residential Mixed Density (RM) zone contained in **LZO Section 4.020**.

**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), 2<sup>nd</sup> 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 # 19:**

The City's annexation review procedures on annexation request File # A-05-01 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.

**Criteria:**

**OAR 660-014-0060, DLCD Order 001621 (3/25/05), and DLCD Transportation Planning Rule Amendments relating to Plan Amendments and Zone Changes (4/15/05)**

**Finding # 20:**

Annexations are not zoning map amendments.

No existing land use zoning designation is in anyway modified by the annexation of new territory and its identification on an updated zoning map. The City limit boundaries are adjusted to reflect newly annexed territories, and the Comprehensive Plan Map designated zoning map assignment.

Furthermore, the finding that annexations are not zoning map amendments is reinforced and supported by the following attachments: OAR 660-014-0060, DLCD Order 001621 (3/25/05 – Approval of Periodic Review Subtask 6.1), and DLCD Transportation Planning Rule Amendments relating to Plan Amendments and Zone Changes (see 4/15/05 letter from DLCD Director Lane Shetterly)

## **Brinkley - Annexation Petition**

### **SUPPLEMENTAL FINDINGS ADDRESSING** **STATEWIDE PLANNING GOALS**

This annexation petition has been reviewed for compliance with the 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's periodic review Order No. 001621. On March 25, 2004, the Department of Land Conservation and Development (DLCD) reviewed these ordinances and determined the amendments complied with statewide planning goals and thus were approved by DLCD. The ordinances were appealed to the Land Conservation and Development Commission (LCDC). LCDC affirmed the DLCD approval of the City of Lebanon's Ordinances No. 2352 and 2353 on June 10, 2004. The LCDC affirmation order was entered on September 20, 2004.

The following Findings address the criteria in the Statewide Planning Goals as they apply to this annexation petition.

#### **Supplemental Finding 1.**

**Goal 1 – Citizen Involvement.** This goal calls for the “opportunity for citizens to be involved in all phases of the planning process.” The annexation petition has been reviewed in accordance with the City's Acknowledged procedures for compliance with Goal 1. These procedures include public notification, the opportunity to provide written and oral testimony before the decision-making authority at or prior to two public hearings and notification of the City's decision and the procedures for appealing the decision. These procedures have been followed. Therefore, the annexation petition complies with Statewide Planning Goal 1.

#### **Supplemental Finding 2.**

**Goal 2 – Land Use Planning.** Goal 2 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 the Comprehensive Plan and Zoning Ordinance used to review this annexation petition, is acknowledged to be in compliance with Statewide Planning Goal 2. Substantial evidence has been submitted to demonstrate compliance with the City's criteria and standards and with the requirements of the statewide planning goals. This evidence was relied upon by the City in adopting previous findings of fact in support of the decision to approve the annexation petition. It constitutes an adequate factual base for the City's decision. The review of this annexation petition has complied with the City's land use program and the City's findings and decision are based on substantial evidence that provides an adequate factual base for the decision. Therefore, the annexation petition complies with Statewide Planning Goal 2.

**Supplemental Finding 3.**

Goal 3 – Agricultural Lands. Goal 3 addresses the state’s policy to “preserve and maintain” agricultural lands. The property proposed for annexation is in an acknowledged exception area within an urban growth boundary and is designated for residential uses in the City’s comprehensive plan. It is not considered agricultural land under Goal 3 and it is not subject to the provisions of this goal. Therefore, Statewide Planning Goal 3 does not apply to the annexation petition.

**Supplemental Finding 4.**

Goal 4 – Forest Lands. This goal addresses the state’s policies for protection of forest lands. The property proposed for annexation is in an acknowledged exception area within an urban growth boundary and is designated for residential uses in the City’s comprehensive plan. It is not considered forest land under Goal 4 and it is not subject to the provisions of this goal. Therefore, Statewide Planning Goal 4 does not apply to the annexation petition.

**Supplemental Finding 5.**

Goal 5 – Open Spaces, Scenic and Historic Areas and Natural Resources. The property contains no inventoried or otherwise identified open space, scenic and historic areas or other land that is subject to Statewide Planning Goal 5. Therefore, Statewide Planning Goal 5 does not apply to this annexation petition.

**Supplemental Finding 6.**

Goal 6 – Air, Water and Land Resources Quality. Goal 6 requires that local comprehensive plans be consistent with state and federal regulations. The City’s acknowledged Plan and Ordinances contain regulations requiring compliance with applicable state and federal regulations. While Goal 6 is not directly applicable to this annexation decision, future development on the site must comply with City ordinances which require consistency with applicable state and federal regulations related to air, water and land resource quality. Therefore, the annexation petition complies with Statewide Planning Goal 6.

**Supplemental Finding 7.**

Goal 7 – Areas Subject to Natural Disasters and Hazards. Goal 7 relates to development in areas subject to natural hazards, including floods and slope failures. No areas prone to natural disaster or hazards as defined by the Goal are present in the annexation area. Therefore, Statewide Planning Goal 7 does not apply to this annexation petition.

### **Supplemental Finding 8.**

Goal 8 – Recreation Needs. Goal 8 requires communities to evaluate their recreation needs and develop plans to deal with the projected demand. The annexation petition does not contain any area identified as needed by the City to address a current or projected recreation need under Goal 8. Therefore, the annexation petition complies with Statewide Planning Goal 8.

### **Supplemental Finding 9.**

Goal 9 – Economy of the State. Goal 9 requires jurisdictions to seek ways to diversify and improve their economy and the overall economy of the state. The proposed zoning designation of the property allows for a range of uses including residential and some commercial. All of the proposed uses are consistent with the acknowledged Goal 9 elements of the City's Plan and ordinances. Therefore, the annexation petition complies with Statewide Planning Goal 9.

### **Supplemental Finding 10.**

Goal 10 – Housing. Goal 10 requires that Cities plan for and accommodate needed housing types. The annexation area would be zoned for mixed density residential development upon annexation. This designation allows for establishment of a variety of housing types that are consistent with the identified housing needs of the City, region and state, including single and multi-family housing. Therefore, the annexation petition complies with Statewide Planning Goal 10.

### **Supplemental Finding 11.**

Goal 11 – Public Facilities and Services. Goal 11 requires efficient planning of public services such as sewers, water, law enforcement, and fire protection. The annexation area is undeveloped. There would be no immediate impacts on City-provided urban utility services (i.e., water, storm drainage, sanitary sewerage, and streets). The City Engineer has determined that the demand created by allowed uses of this property will be well within the capacities of City-provided urban utility services when the property is developed. The annexation territory has access to all necessary urban services, including: (1) Improved streets (frontage on 12<sup>th</sup> Street); (2) An adequately sized water main; (3) The City's storm drainage system; and (4) The City's sanitary sewerage system. The area is within the service area of the Lebanon Fire District. All public and private urban service providers have indicated they have the capacity to serve anticipated growth in the community through the year 2025. Therefore, the annexation petition complies with Statewide Planning Goal 11.

### **Supplemental Finding 12.**

Goal 12 – Transportation. Goal 12 is “to provide and encourage a safe, convenient and economic transportation system.” The annexation area is undeveloped. There will be no impacts on the transportation system at the current time. The property contains frontage on 12<sup>th</sup> Street, an improved street. 12<sup>th</sup> Street contains sufficient right-of-way to comply with the City’s acknowledged Transportation Plan. The transportation system has the capacity to serve the property when it is fully developed with uses allowed in the Residential Mixed Density Zone. Therefore, the annexation petition complies with Statewide Planning Goal 12.

### **Supplemental Finding 13.**

Goal 13 – Energy. Goal 13 requires land and uses developed on the land be “managed and controlled as to maximize the conservation of all forms of energy.” The annexation territory provides for orderly and efficient use of land and conversion of land to urban uses. It is within the Lebanon Urban Growth Boundary and contiguous to the City Limits. It is bordered by urban development on three sides. City services are available to the property with sufficient capacity to accommodate development with urban uses permitted in the Residential Medium Density Zone. The orderly and efficient expansion of the City provides maximum efficiency in energy use and conservation. Therefore, the annexation petition complies with Statewide Planning Goal 13.

### **Supplemental Finding 14.**

Goal 14 – Urbanization. Goal 14 requires the City to establish urban growth boundaries to separate urbanizable land from rural land. The annexation area is within the City’s acknowledged urban growth boundary. Annexation of the property is orderly and efficient in that the property is within the urban growth boundary, can be fully developed with urban uses allowed in the Residential Mixed Density zone and can be efficiently served by existing City services. Therefore, the annexation petition complies with Statewide Planning Goal 14.

### **Supplemental Finding 15.**

Goal 15 – Willamette Greenway. Goal 15 provides regulations and guidelines for administering land adjacent to the Willamette River. The annexation area is not adjacent to the Willamette River. Therefore, Goal 15 does not apply to the annexation petition.

### **Supplemental Finding 16.**

Goal 16 – Estuarine Resources. Goal 16 provides regulations and guidelines for administering land in an identified estuary site. The annexation area is not an identified estuary site. Therefore, Goal 16 does not apply to the annexation petition.



**Supplemental Finding 17.**

Goal 17 – Coastal Shorelands. Goal 17 provides regulations and guidelines for administering designated coastal shorelands. The annexation area does not contain coastal shorelands. Therefore, Goal 17 does not apply to the annexation petition.

**Supplemental Finding 18.**

Goal 18 – Beaches and Dunes. Goal 18 provides regulations and guidelines for administering designated beaches and dunes. The annexation area does not contain beaches or dunes. Therefore, Goal 18 does not apply to the annexation area.

**Supplemental Finding 19.**

Goal 19 – Ocean Resources. Goal 19 provides regulations and guidelines for administering ocean resources. The annexation area does not contain ocean resources. Therefore, Goal 18 does not apply to the annexation area.