

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-05-04, CORNELL PROPERTY))))))

ORDINANCE BILL NO. 16 for 2005
ORDINANCE NO. 2385

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:

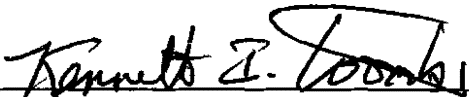
Section 1. Findings. In addition to the findings referred to above, the City Council further adopts and finds those matters contained in Exhibit "B", including the additional findings concerning the Statewide Planning Goals, which is incorporated herein by this reference as if fully set forth at this 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
853 Main Street
Lebanon OR 97355

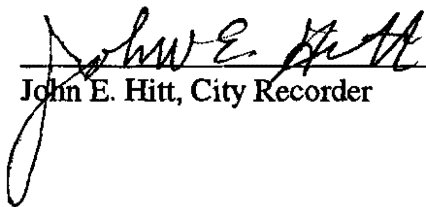
Section 3 Record. The City Recorder shall submit to the Oregon Secretary of State a copy of this Ordinance. The City Recorder is further ordered to send a description by metes and bounds, or legal subdivision, and a map depicting the new boundaries of the City of Lebanon within ten (10) days of the effective 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 24th day of August, 2005.



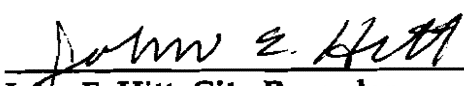
Kenneth I. Toombs, Mayor

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.



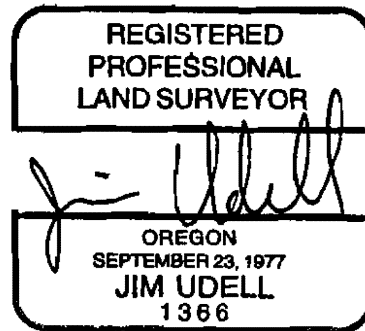
John E. Hitt, City Recorder

**CORNELL FAMILY TRUST
ANNEXATION LEGAL DESCRIPTION**

An area of land in the Southeast ¼ of Section 22 in Township 12 South of Range 2 West of the Willamette Meridian, Linn County, Oregon described as follows:

Parcel 1 of Linn County Partition Plat No. 1998-04 more particularly described as follows:

Beginning at the most Westerly Southwest corner of said Parcel 1; thence North 0°53'32" East 802.74 feet; thence South 89°55'12" East 659.69 feet; thence North 1°03'15" East 568.60 feet; thence South 89°57' East 794.65 feet; thence North 1°03'15" East 20.00 feet; thence South 89°57' East 45.36 feet; thence South 1°03'15" West 20.00 feet; thence North 89°57' West 25.36 feet; thence South 0°03' West 568.60 feet; thence South 89°57' East 768.45 feet to the West boundary of the Richmond Cheadle D.L.C. No. 69; thence South 0°03' West 133.25 feet to the South Southwest corner of the Richmond Cheadle D.L.C. No. 69 also being the Northwest corner of the S. Carroll D.L.C. no. 64; thence North 80°58'30" West 30.37 feet to the West right-of-way of South 5th Street; thence South 18°00'00" West, along said right-of-way, 1065.49 feet to a point on the North line of the Henry J. Peterson D.L.C. No. 59; thence South 89°52'08" West 1242.28 feet to the Southeast corner of Parcel 2 of Linn County Partition Plat No. 1998-04; thence North 0°53'32" East 346.00 feet to the Northeast corner of said Parcel 2; thence South 89°52'08" West 669.00 feet to the point of beginning.



Exp. 6-30-06

PROPOSED ANNEXATION

THOMAS H. CORNELL, TRUSTEE
RHONDA L. CORNELL, TRUSTEE
CORNELL FAMILY TRUST

SE 1/4 OF SECTION 22, T. 12 S., R. 2 W., W.M.
LINN COUNTY, OREGON

OCTOBER 31, 2002

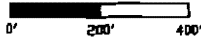
REVISED 8-01-05 TO EXCLUDE 5TH STREET RIGHT-OF-WAY

LEGAL DESCRIPTION:

An area of land in the Southeast 1/4 of Section 22 in Township 12 South of Range 2 West of the Willamette Meridian, Linn County, Oregon described as follows:

Parcel 1 of Linn County Partition Plat No. 1998-04 more particularly described as follows:

Beginning at the most Westerly Southwest corner of said Parcel 1 thence North 0°32'32" East 882.74 feet; thence South 89°32'12" East 639.69 feet; thence North 1°03'15" East 368.60 feet; thence South 89°37' East 794.65 feet; thence North 1°03'15" East 80.00 feet; thence South 89°37' East 45.36 feet; thence South 1°03'15" West 80.00 feet; thence North 89°37' West 25.36 feet; thence South 0°03' West 368.60 feet; thence South 89°37' East 768.45 feet to the West boundary of the Richmond Cheadle D.L.C. No. 69; thence South 0°02' West 133.23 feet to the South Southwest corner of the Richmond Cheadle D.L.C. No. 69 also being the Northwest corner of the S. Carroll D.L.C. No. 64; thence North 89°39'30" West 38.57 feet to the West right-of-way of South 5th Street; thence South 18°00'00" West, along said right-of-way 1065.49 feet to a point on the North line of the Henry J. Peterson D.L.C. No. 59; thence South 89°32'08" West 1248.28 feet to the Southeast corner of Parcel 2 of Linn County Partition Plat No. 1998-04; thence North 0°02'32" East 346.00 feet to the Northwest corner of said Parcel 2; thence South 89°32'08" West 669.00 feet to the point of beginning.



SCALE

LEGEND

- () DATA OF RECORD
 - [] CALCULATED DATA
 - DLC DONATION LAND CLAIM
- REFERENCE SURVEY: C.S. 22101

PROPERTY:

183-EV-220
TRACT 900

OWNERS:

THOMAS H. CORNELL, TRUSTEE
RHONDA L. CORNELL, TRUSTEE
CORNELL FAMILY TRUST
32863 TENNESSEE RD.
LEBANON, OREGON 97355

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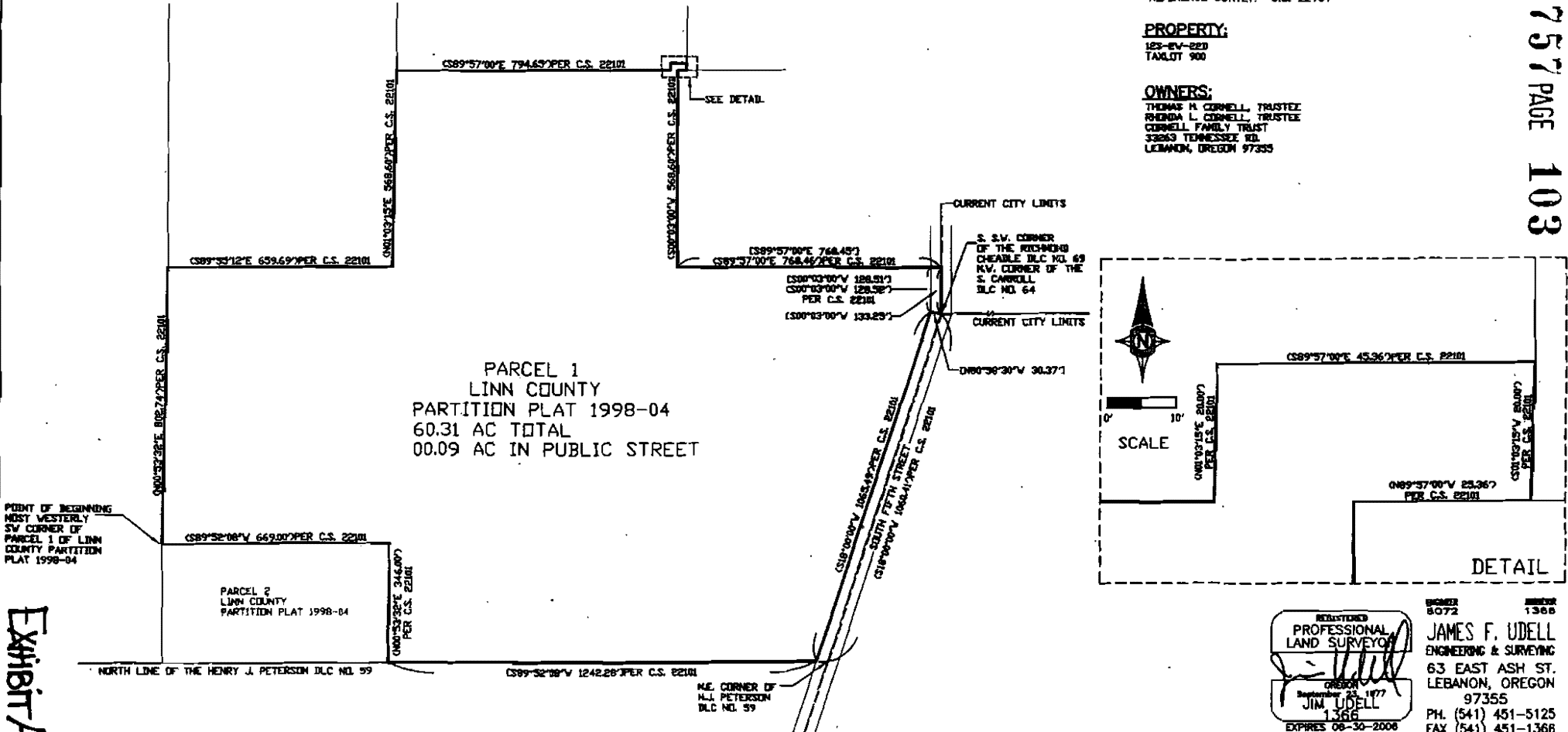


EXHIBIT A 2 of 2

REGISTERED
PROFESSIONAL
LAND SURVEYOR

September 21, 1977
JIM UDELL
1366
EXPIRES 06-30-2008

OWNER 8072 OWNER 1366

JAMES F. UDELL
ENGINEERING & SURVEYING
63 EAST ASH ST.
LEBANON, OREGON
97355
PH. (541) 451-5125
FAX (541) 451-1368
FILE: CORNELL-ANNEX.DWG

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  Deputy PAGE 100

M 20
R 10
S 11
A 11
O —

MF 1757

SEP 1 2005

⁴¹
8:30 O'clock a.m.

CORNELL 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 near the irregularly shaped property's mid point on its eastern boundary.

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 is vacant. **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, as noted below in the following excerpts from the applicant, this annexation territory has access to key infrastructure to support future development.

- (1) Street system:** "The annexation territory abuts South 5th Street on the east (South 5th Street is designated as a future City arterial. Furthermore the applicant has caused a Traffic Impact Analysis of this site to be conducted by Associated Transportation Engineering and Planning. The Traffic Impact Analysis (TIA) focused on the impact of potential development on the surrounding traffic facilities. The analysis of impact of potential future development is based on potential impact based on allowed densities under the RM zone. Based on the allowed density and current demand on the traffic facilities affected by potential development in the subject property, the affected traffic facilities have sufficient capacity currently to handle the increased demand from the potential development (See TIA for details)."
- (2) Water:** "A 16-inch water main runs the length of South 5th Street and is available to serve the site. Water main extensions will likely be required for future site development. Connection to a new city water main will also involve costs for service lines, meters, plumbing permit fees, and a water system development charge."
- (3) Sanitary Sewer:** "Sanitary sewer exists approximately 800 feet to the east at the end of Heather Estates Phase I. The elevation of this sanitary sewer does not allow gravity service of the entire site nor will it clear under Oak Creek. Therefore, a new sewer pump station could be constructed that would pump to a gravity main that was extended from the Heather Estate Phase I system. To get from the Heather Estates Phase I sewer an easement would be required. Alternative sewer extensions exist but would be more costly. If the easement were not obtainable, a mainline extension from Vaughn Lane and South Main could be constructed west of Vaughn and South 5th to Oak Creek. The newly constructed pump station would then pump the sewer flows to this point. Therefore, sanitary sewer can be made available. A review of available sewer capacity will be made at the time of a development proposal. Limitations in sewer discharge and/or downstream improvements to the collection system may be required at that time. Connection to city sanitary sewer will involve costs for service lines, plumbing permit fees, and a sanitary sewer system development charge. Connection to a city utility or building permit issuance will also cause to be due all remaining street and drainage system development charges."
- (4) Storm Drainage:** "The property currently slopes from south to north with Oak Creek being along the northern portion of the property. The site will discharge to Oak Creek after passing through onsite detention and water quality systems to satisfy DEQ standards. Therefore, storm drainage is available. . . . Surface drainage from the subject property flows to Oak Creek that runs through the site. A right-of-way dedication along Oak Creek will be required with future site development in order to facilitate city maintenance of the drainage way. Piped and/or surface drainage improvements will be required with site development in order to convey site storm drainage and to prevent potential adverse drainage impacts to neighboring properties."

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 is vacant. **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 ready access to key infrastructure to support future development. (See 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 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 Any necessary Rights-of Way will be addressed at a later time when this property develops.

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. The applicant notes that "only approximately 50 of the 60 acres of the subject property are fully developable due to the constraints imposed by Oak Creek which is within the annexation territory. Oak Creek is within the City of Lebanon Riparian Protection (RP) Subzone. The RP Subzone is a state-mandated protection requirement for fish bearing streams, which is a city designation and not implemented by the county in its administration of the urban growth area. Consequently, annexation of this property would apply city-implemented creek protection measures not currently required by the county. The Lebanon Parks Master Plan identifies an open space area and a recreational pedestrian trail along Oak Creek. Annexation of this property will aid in the acquisition and development of this future trail system."

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 a variety of options (see Finding # 8).

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), 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 # 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)

Supplemental Criteria – All Applicable Statewide Planning Goals

Proposed Supplemental Findings Provided by the Applicant

Goal 1 - Citizen Involvement: Goal 1 calls for “the opportunity for citizens to be involved in all phases of the planning process.” A petition for annexation is a land use decision subject to the notice and hearing requirements of ORS chapter 197. Pursuant to those requirements consideration of this petition will be conducted by public hearing, and affected citizens and property owners will receive prior notice and an opportunity to be heard.

Goal 2 - Land Use Planning: Goal 2 states land use decisions are to be made in accordance with local land use regulations. If the local Comprehensive Plan and Zoning Ordinance do not control the annexation, OAR 660-014-0060 and OAR 660-014-0070 require the annexation to comply with Statewide Planning Goals. In this case, the city has adopted an annexation ordinance, however that ordinance is on appeal to DLCD. If the annexation ordinance is remanded to the city, relevant Statewide Planning Goals may be directly applicable.

Goal 3 - Agricultural Lands/Goal 4 - Forest Lands: The subject property is zoned Mixed Density Residential use not Agricultural or Forest lands. Therefore, these goals are not applicable.

Goal 5 - Open Spaces, Scenic and Historic Areas, and Natural Resources: Goal 5 requires local governments to consider significant natural resources in land use planning decisions. Oak Creek and its associated floodplain occupy approximately 10 acres of the 60 acre subject property. As no development plan is being submitted with this annexation petition, the annexation decision will not affect any natural resources. In accordance with Goal 5, lands subject to Goal 5 are eligible for annexation and urban uses such as functional wetlands, parks, open space and related uses. To the extent any of the subject property is limited by natural resource issues, it may still be annexed subject to use restrictions.

Goal 6 - Air Water and Land Resources: Goal 6 states “All waste and process discharges from future development, when combined with such discharges from existing developments shall not threaten to violate, or violate applicable state or federal environmental quality statutes, rules and standards.”

Goal 6 is not applicable to this annexation. Future development plans will be required to comply with all state and federal regulations regarding air, water, and land resources.

Goal 7 - Areas Subject to Natural Disasters and Hazards: A portion of the Oak Creek floodplain is within the subject property. Future development plans will be required to comply with applicable floodplain restrictions.

Goal 8 - Recreation Needs: Future development of the site will include the establishment of a pedestrian trail/open space corridor along Oak Creek as per the Adopted Parks Master Plan.

Goal 9 - Economic Development: This Goal is not applicable as the subject property is zoned Mixed Density Residential, not Commercial or Industrial.

Goal 10 – Housing: The subject property is zoned Mixed Density Residential and is already within the city UGB. As such, it is included in the city buildable lands inventory and will provide for needed housing in the city.

Goal 11 - Public Facilities and Services & Goal 12 – Transportation: The subject property is vacant and undeveloped. As such, there is no immediate impact on public facilities. Upon development with residential dwelling, the resulting subdivision will create a demand and impact on public facilities, such as water, sewerage and storm drainage. [See Exhibit G–Utility Analysis, and Exhibit H–TIA.]

Goal 13 - Energy Conservation: This Goal is not applicable to the annexation decision.

Goal 14 – Urbanization: The subject property is within the city UGB and zoned for residential development. It is considered urbanizable from a land use standpoint. Goal 14 lists four factors to consider when deciding whether to convert urbanizable land to urban uses. However, this petition is for annexation only, not an application for a specific use. Once a development plan proposes specific uses, consideration of the Goal 14 factors may be appropriate.

Goals 15 – 19: Not applicable

Analysis (TIA) of the impact of potential development on the surrounding traffic facilities. See Exhibit H-TIA. Because this is a petition for annexation only and no development or improvements on the subject territory is being proposed at this time, the analysis of impact of potential future development is based on potential impact based on allowed densities under the RM zone. Based on the allowed density and current demand on the traffic facilities affected by potential development in the subject property, the affected traffic facilities have sufficient capacity currently to handle the increased demand from the potential development.

The TIA examined the following intersections:

- Stoltz Hill Road at Vaughn Lane,
- South Main Street at Vaughn Lane,
- South 5th Street at Vaughn Lane,
- Stoltz Hill Road at Airport Road, and
- South 5th Street at the site entrance.

The TIA found acceptable existing levels of service at these intersections for both AM Peak and PM Peak hours, ranging from level "A" to level "C". See Exhibit H-p. 5. Upon development of the subject properties, the examined intersections, with the exception of Stoltz Hill Road at Airport Road, continue to maintain acceptable levels of service with service levels ranging from "A" to "D". The Stoltz Hill Road/Airport Road intersection was estimated to be a level "E" upon completion of the potential development of the subject property. See Exhibit H-p. 17.

The Stoltz Hill Road/Airport Road intersection was on the cusp of the "D" and "E" rating, with an estimated 40.5 LOS and only 0.66 v/c. Less than a 40.00 LOS would result in a "D" rating instead of an "E". In addition, at the time of development, the property owner can be expected to contribute to the improvement of the Stoltz Hill Road/Airport Road intersection in proportion to the increased demand the development will place on the intersection.

In addition, the Transportation Planning Rule (TPR) has been amended by DLCDC to provide local governments with more flexibility. The TPR now makes clear that "adequate transportation facilities need to be in place by the end of the relevant planning period rather than continuously." See Exhibit I-Letter from Lane Shetterly, Director DLCDC. In the case of the Stoltz Hill Road/Airport Road intersection, necessary improvements required by the eventual development of the subject property can be required by the city when the development of the property is actually proposed.

For a complete analysis of the impact on traffic facilities of the potential development of the subject property please refer to the TIA attached herein.

VI. RELEVANT CRITERIA

The City of Lebanon amended the Comprehensive Plan and adopted a new annexation ordinance on November 12, 2004. However, those changes are currently on appeal to the Department of Land Conservation and Development (DLCDC). Should those changes be remanded to the city for further consideration, it may be the case that no local ordinance controls the annexation of territory for the city. In which case, pursuant to OAR 660-014-0060 and OAR 660-014-0070, the statewide planning goals may apply directly as relevant criteria. Petitioner will apply the relevant criteria of the revised Plan and annexation ordinance, in addition to the statewide planning goals.

A. City of Lebanon Comprehensive Plan

Urbanization Element, Policy 3.0 - Annexations

3.3 The Process And Procedures Of Annexation

3.3.4 - The implementation of the city's annexation ordinance and comprehensive plan address the four factors to be considered when a city converts urbanizable land, within the UGB, to urban uses as set forth in Goal 14, which are:

- 1) Orderly, economic provision for public facilities and services;
- 2) Availability of sufficient land for various uses to ensure choice;
- 3) LCDC goals or the acknowledged comprehensive plan; and,
- 4) Encouragement of development within urban areas before conversion of urbanizable areas.

Through compliance with the annexation ordinance as discussed in this petition, the proposed annexation complies with this policy. As recognized in the Plan Policy 3.3.9, the annexation of vacant territory does not represent any change or impact on any key city-provided urban utility services. In addition, LUBA has held that "neither Goal 11 nor Goal 14 identifies annexation or application of city zoning as the decision points at which (1) a specific development proposal must be

approved and (2) any public service or facility inadequacies at the property must be corrected.” *Just v. City of Lebanon*, 45 Or LUBA 179, ___ (2003).

3.3.10 - Public right-of-ways can be made available during the development process, once it is initiated.

Appropriate public right-of-ways will be provided as the property actually develops. Future public right-of-ways will be dedicated as for the proposed Reeves Parkway that will eventually run northwest to southeast in the northeast quadrant of the property, as per the city’s adopted Transportation Master Plan and draft Transportation System Plan (TSP). In addition, right-of-ways may need to be secured for improvements to 5th Street and local street extensions, as well as a right-of-way dedication along Oak Creek that will be required with future site development in order to facilitate city maintenance of the drainage way. Furthermore, future development of the site will require securing city access along Oak Creek for an open space area and trail as per the adopted Parks Master Plan.

3.3.11 - The proposed annexation is in compliance with the Lebanon - Linn County Urban Growth Management Agreement (UGMA).

3.3.12 - The petitioner will communicate and coordinate with all applicable service districts during the annexation and development process.

3.4 Annexation and First Assignment of City Zoning

Pursuant to this policy, upon annexation the subject property will automatically be assigned a city zoning designation in accordance with the city’s annexation zoning matrix. The matrix provides that the assigned zoning designation is consistent with the comprehensive plan map designation. The subject property is currently designated Mixed Density Residential by the Comprehensive Plan and the applicant requests the property be zoned Residential Mixed Density (RM), which is in accordance with the zoning matrix.

Assignment of a zoning designation, through the annexation process, does not affect a “zone change” from a land use standpoint. Property within the UGB has already been assigned a particular zone, and the assignment of the consistent city zoning designation upon annexation reflects the change in jurisdiction from county to city. *See, Barton v. City of Lebanon*, 45 Or LUBA 214, ___ (2003) (“LUBA will defer to a city council interpretation of its zoning ordinance as not requiring a separate zoning amendment application where city zoning is applied to property inside the city’s UGB as part of the annexation process.”).

3.4.6 - Areas designated with environmental constraints may be annexed and developed as functional wetlands, parks, open spaces, and related area.

Development of the portion of the subject property which includes Oak Creek and its floodplain may be limited by environmental constraints. The best and most efficient use of that portion of the property will be addressed when a development proposal is introduced to the city.

3.5 Annexation and the Review of Impacts on City-provided Utility Services and Other Urban Service of Future Development and Redevelopment Proposals

As previously stated, the subject property is vacant and undeveloped. Annexation will have no impact on provisions of city utility services, such as sewer, water and storm drainage.

B. Annexation Ordinance, adopted November 12, 2003.

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

The proposed annexation complies with City Annexation Policy, Section 4, in that the property complies with zoning ordinance and Plan policies pertaining to the property and zoning. The city’s Plan designation for the subject property is Mixed Density Residential. The requested zoning upon annexation is RM, which is consistent with both the goals and policies of the Plan and zoning ordinance. Oak Creek is within the Riparian Protection (RP) Subzone; these city-adopted, state-mandated protection requirements for fish bearing streams are a city designation and are not implemented by the county in its administration of the urban growth area. Consequently, annexation of this property would avail city implemented creek protection measures not currently required by the county.

The Lebanon Parks Master Plan identifies an open space area and a recreational pedestrian trail along Oak Creek. Annexation of this property will aid in the acquisition and development of this future trail system. Additionally, the future Reeves Parkway is identified as being routed through this property and therefore annexation and subsequent development of this site will promote the establishment of the right-of-way and road improvements for this critical element of the city’s transportation network and plan. Finally, this site is adjacent to the ELCA. The residential development of the subject property will avail housing opportunities in immediate proximity to this popular private educational facility.

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.

The subject property includes a portion of Oak Creek and its associated floodplain. Approximately 10 acres of the subject property may have development constraints imposed by this natural feature. Subject to this section, the subject property, including the area affected by these natural features, are appropriate for annexation.

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).

The subject property is completely within the City of Lebanon UGB and therefore complies with this criteria. *See Exhibit B–Comprehensive Plan Map.*

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.

The subject property is contiguous to the city limits and therefore the annexation is deemed orderly. *See Exhibit C–Zoning Map.* The subject property, as described above, may be developed for urban uses consistent with RM zoning. The subject property consists of approximately 60 acres of vacant land. There are few physical characteristics of the subject property which limit its development potential aside from the area adjacent to Oak Creek. That portion of the property is appropriate for parks and/or open space, which are urban uses, pursuant to this criteria.

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.”

Section 8 concerns the annexation of “developed property”. The subject property is undeveloped and annexation of this property will create no demand on City-provided urban utility services.

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.”

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.”

Public rights-of-way will be dedicated as necessary at the time development of the subject property is proposed and the type and location of rights-of-way can be determined.

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.”

The subject property has a current zoning designation of Mixed Density Residential and will acquire a city zoning designation of RM upon annexation, pursuant to the annexation zoning matrix. *See* Exhibit B–Comprehensive Plan Map.

C. City of Lebanon/Linn County UGMA

The UGMA provides: (1) only land within the city UGB may be considered for annexation; (2) the city annexation procedures dictate the method of annexation; (3) the Comprehensive Plan identifies the future zoning designation the subject land will receive; and (4) upon annexation the city assumes all jurisdiction for land use actions for the subject land.

As previously stated, the subject property is within the city UGB, and is eligible for annexation and will receive a zoning designation of RM pursuant to the annexation zoning matrix. Therefore, this application is in compliance with the UGMA.

D. Statewide Planning Goals

The City of Lebanon approved an annexation ordinance on November 12, 2003. However, this ordinance is currently being appealed. In the event the new annexation ordinance is remanded to the city, the petitioner will apply the Statewide Planning Goals as alternative relevant criteria.

Goal 1 - Citizen Involvement

Goal 1 calls for “the opportunity for citizens to be involved in all phases of the planning process.” A petition for annexation is a land use decision subject to the notice and hearing requirements of ORS chapter 197. Pursuant to those requirements consideration of this petition will be conducted by public hearing, and affected citizens and property owners will receive prior notice and an opportunity to be heard.

Goal 2 - Land Use Planning

Goal 2 states land use decisions are to be made in accordance with local land use regulations. If the local Comprehensive Plan and Zoning Ordinance do not control the annexation, OAR 660-014-0060 and OAR 660-014-0070 require the annexation to comply with Statewide Planning Goals. In this case, the city has adopted an annexation ordinance, however that ordinance is on appeal to DLCD. If the annexation ordinance is remanded to the city, relevant Statewide Planning Goals may be directly applicable.

Goal 3 - Agricultural Lands/Goal 4 - Forest Lands

The subject property is zoned Mixed Density Residential use not Agricultural or Forest lands. Therefore, these goals are not applicable.

Goal 5 - Open Spaces, Scenic and Historic Areas, and Natural Resources

Goal 5 requires local governments to consider significant natural resources in land use planning decisions. Oak Creek and its associated floodplain occupy approximately 10 acres of the 60 acre subject property. As no development plan is being submitted with this annexation petition, the annexation decision will not affect any natural resources. In accordance with Goal 5, lands subject to Goal 5 are eligible for annexation and urban uses such as functional wetlands, parks, open space and related uses. To the extent any of the subject property is limited by natural resource issues, it may still be annexed subject to use restrictions.

Goal 6 - Air Water and Land Resources

Goal 6 states "All waste and process discharges from future development, when combined with such discharges from existing developments shall not threaten to violate, or violate applicable state or federal environmental quality statutes, rules and standards."

Goal 6 is not applicable to this annexation. Future development plans will be required to comply with all state and federal regulations regarding air, water, and land resources.

Goal 7 - Areas Subject to Natural Disasters and Hazards

A portion of the Oak Creek floodplain is within the subject property. Future development plans will be required to comply with applicable floodplain restrictions.

Goal 8 - Recreation Needs

Future development of the site will include the establishment of a pedestrian trail/open space corridor along Oak Creek as per the Adopted Parks Master Plan.

Goal 9 - Economic Development

This Goal is not applicable as the subject property is zoned Mixed Density Residential, not Commercial or Industrial.

Goal 10 - Housing

The subject property is zoned Mixed Density Residential and is already within the city UGB. As such, it is included in the city buildable lands inventory and will provide for needed housing in the city.

Goal 11 - Public Facilities and Services & Goal 12 - Transportation

The subject property is vacant and undeveloped. As such, there is no immediate impact on public facilities. Upon development with residential dwelling, the resulting subdivision will create a demand and impact on public facilities, such as water, sewerage and storm drainage. See Exhibit G-Utility Analysis, and Exhibit H-TIA.

Goal 13 - Energy Conservation

This Goal is not applicable to the annexation decision.

Goal 14 -- Urbanization

The subject property is within the city UGB and zoned for residential development. It is considered urbanizable from a land use standpoint. Goal 14 lists four factors to consider when deciding whether to convert urbanizable land to urban uses. However, this petition is for annexation only, not an application for a specific use. Once a development plan proposes specific uses, consideration of the Goal 14 factors may be appropriate.

Goal 15 - 19 - Not applicable

VII. CONCLUSION

This petition for annexation complies with the City of Lebanon Comprehensive Plan, Annexation Ordinance, and Statewide Planning Goals. Annexation of the subject property will give the city jurisdiction over this portion of Oak Creek and the proposed Reeves Parkway, allowing the city to make future development consistent with the open space and transportation elements of the city's Plan.

On behalf of petitioner, I urge approval of this annexation.

RESPECTFULLY SUBMITTED this 10th day of May 2005, at Salem, Marion County, Oregon.

BEFORE THE CITY OF LEBANON
PLANNING DEPARTMENT

In the Matter of the Petition of: THE

CORNELL FAMILY TRUST

Case No. A-05-04

for annexation of 61 acres of property within the
Lebanon Urban Growth Boundary

Addendum to Petition for Annexation

COMES NOW the applicant, Cornell Family Trust, by and through its attorney, Daniel B. Atchison, of Wallace W. Lien, P.C., and hereby submits this Addendum to Petition for Annexation in support of the above referenced Petition for Annexation, Case No. A-05-04. This addendum addresses the criteria for annexations as identified in the City of Lebanon 2003 Annexation Ordinance, Ordinance No. 17.

A. City of Lebanon 2003 Annexation Ordinance

Section 1. - Not Applicable.

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."

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

Addressed by initial Petition for Annexation.

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."

Addressed by initial Petition for Annexation.

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)."

Addressed by initial Petition for Annexation.

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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."

Addressed by initial Petition for Annexation.

Section 7. "Development proposals are NOT REQUIRED for annexation requests."

Petitioner requests annexation only and is not submitting a development proposal at this time.

Section 8. Not Applicable.

Section 9. Not Applicable.

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."

Addressed by initial Petition for Annexation.

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."

Addressed by initial Petition for Annexation.

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 approximately 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."

The Comprehensive Plan designation for the subject territory is Mixed-Density Residential. Petition requests the property be assigned a City Zoning designation of Residential Mixed Density (RM). These designations are in conformance with the Annexation Zoning Matrix and, therefore, no Comprehensive Plan Map amendment is required.

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."

A portion of the subject property includes Oak Creek and its flood plain. These environmental features of the property may be utilized as described in section 13 of the Annexation Ordinance and, therefore, these development constraints do not prohibit annexation.

Section 14. Not Applicable.

Section 15. Not Applicable.

Section 16. Not Applicable.

B. City of Lebanon Comprehensive Plan Criteria 1.

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."

A portion of the subject property includes Oak Creek and its flood plain. These environmental features of the property may be utilized as described in section 13 of the Annexation Ordinance and, therefore, these development constraints do not prohibit annexation.

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."

As described in the City's Annexation Ordinance, "[a]n 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." The subject territory is contiguous to the City limits. Further, as explained throughout this annexation petition, the subject territory is vacant and undeveloped and may be developed for urban uses, such as residential development. To the extent the subject territory is constrained by environmental features, such features may be utilized as functional wetlands, open space or parks.

2. Chapter 4: Urbanization - Annexations

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."

This petition addresses and complies with the criteria and policies found in the above-referenced authorities.

Policy #2: "All Annexations shall be consistent with the goals and policies of the Lebanon Comprehensive Plan."

As addressed by the petition and this addendum, this annexation is consistent with the goals and policies of the Plan.

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."

As addressed previously, the subject territory is within the UGB and is eligible for urban development. Additionally, the environmental features within the subject territory are suitable to be used as functional wetlands, parks, and/or open space.

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)."

The subject territory is contiguous to existing City limits and within the UGB.

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."

The subject territory is contiguous to the existing City limits and therefore this annexation is deemed orderly. The subject territory is vacant, and as shown by the petition's attached engineering analysis of public facilities, is eligible for development for urban uses. Therefore, the annexation is efficient.

Policy #6: "Development proposals are NOT REQUIRED for annexation requests."

This is a request for annexation only.

Policy #7. Not Applicable.

Policy #8. Not Applicable.

5. 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."

The subject territory is undeveloped and no development proposals are being made at this time. Therefore, annexation of the subject territory will have no impact on key City-provided urban utility services. However, to the extent that annexation will facilitate future development, petitioner has submitted a transportation study conducted by Associated Transportation Engineering & Planning, and an analysis of potential impact of water, storm drain and sanitary sewerage facilities by Udell Engineering. These studies and analysis show that this annexation will not impact urban utility services beyond acceptable levels.

4. Chapter 8: Public Facilities and Services Policies and Recommendations - Sewerage Facilities.

Petitioner has submitted an analysis of potential impact of water, storm drain and sanitary sewerage facilities by Udell Engineering. As discussed above, this analysis shows that this annexation will not impact sewerage facilities beyond acceptable levels.

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

Section 2: Delineation of Authority in the Urban Growth Area (UGA), 2^d paragraph:

"The Lebanon Comprehensive Plan designates the future city zoning UGA lands will receive upon annexation to the City."

As previously discussed, the Comprehensive Plan designation and City Zoning designation for the subject territory are in accordance with the City of Lebanon Zoning Matrix.

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."

As discussed in this annexation petition, the subject territory is within the UGA, and this annexation petition is in compliance with the City of Lebanon Annexation Ordinance and Comprehensive Plan. In addition, this annexation is in compliance with the applicable statewide planning goals and state law.q~J

RESPECTFULLY SUBMITTED this 27 day of June 2005, at Salem, Marion County, Oregon.

Daniel B. Atchison, 0 SB No. 0404 - of
Wallace W. Lien, P.C. Attorneys for
Petitioner