

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 13-05-16; AND AMENDMENDING THE COMPREHENSIVE PLAN MAP AND ZONING MAP; WEYERHAEUSER REAL ESTATE DEVELOPMENT COMPANY)
ORDINANCE BILL NO. 2013-3)
ORDINANCE NO. 2844)

WHEREAS, the City of Lebanon received a submission by written request for annexation of real property to the City of Lebanon, herein described in Exhibit "A"; and,

WHEREAS, the annexation submission included a concurrent request to change the Comprehensive Plan designation to Mixed Use (C-MU) and establish the Mixed Use (Z-MU) zone on the property; and,

WHEREAS, on June 19, 2013, the Planning Commission for the City of Lebanon conducted a hearing on Planning File No. 13-05-16, making findings recommending annexation of the subject property and establishment of the Mixed Use Comprehensive Plan designation and the Mixed Use zone; and,



WHEREAS, after conducting the hearing and considering all objections or remonstrance with reference to the proposed annexation, and further considering the recommendation of the Lebanon Planning Commission, the City Council finds that this annexation, and concurrent amendments to the Comprehensive Plan map and Zoning map, is in the best interest of the City and of the contiguous territory.

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

Re-recorded at the request of:
City of Lebanon
to correct: Legal Description

After Recording, Return to:

City Clerk's Office
 City of Lebanon
 925 S. Main Street
 Lebanon, OR 97355

| | |
|--|---|
| LINN COUNTY, OREGON | 2013-13219 |
| ORD-ORD | 08/01/2013 03:06:15 PM |
| Cnt=1 Str=7 C. ACKER | |
| \$80.00 \$11.00 \$15.00 \$19.00 \$10.00 | \$135.00 |
|  | |
| 00209367201300132190160161 | |
| I, Steve Druckenmiller, County Clerk for Linn County, Oregon, certify that the instrument identified herein was recorded in the Clerk records. | |
| Steve Druckenmiller - County Clerk |  |

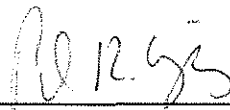
Section 1. Findings. In addition to the findings referred to above, the City Council further adopts and finds those matters contained in Exhibit "B" which is incorporated herein by this reference as if fully set forth at this point.

Section 2. Annexation Area. Based upon the findings contained above and in Exhibit "B", the contiguous territory described in Exhibit "A" and incorporated herein by this reference as if fully set forth at this point is hereby proclaimed to be annexed to the City of Lebanon.

Section 3. Comprehensive Plan Map and Zone Map Amendments. Based upon the findings contained above and in Exhibit "B", the contiguous territory described in Exhibit "A" and incorporated herein is hereby designated Mixed Use (C-MU) on the City of Lebanon Comprehensive Plan Map and zoned Mixed Use (Z-MU) on the City of Lebanon Zoning Map.

Section 4. 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 10th day of July, 2013.



Paul R. Aziz, Mayor
Bob Elliott, Council President

Attested:



Linda Kaser, City Clerk

EXHIBIT A

IN LINN COUNTY, OREGON

TOWNSHIP 12 SOUTH, RANGE 2 WEST, WJLLIAMETTE MERIDIAN PARCELI:

Beginning at a point on the north line of the Henry R. Greer Donation Land Claim No. 47 ("DLC No. 47") said point being 1222.09 feet east of the northwest corner of said D.L.C.;
thence South 11.37 chains;
thence West 21 links;
thence South 18° East 13.58 chains;
thence East 1.15 chains;
thence South 588 feet;
thence East 24.75 chains;
thence North 32.75 chains;
thence West 29.99 chains to the place of beginning.

LESS AND EXCEPT a 100-foot wide right of way conveyed to Southern Pacific Railroad Company, successor in interest to Oregon and California Railroad Company, recorded October 21, 1909 in Book 90, page 273;

AND LESS AND EXCEPT that portion being more particularly described as follows:

Beginning at a point 18.52-Yz chains east and 12 feet south of the northwest corner of the Henry R. Greer Donation Land Claim No. 47;
thence South along the east line of River Street as dedicated in Riverside Addition 129.63 feet;
thence North 83° 45' East 158.6 feet;
thence North 124.71 feet to a W' pipe on the north line of said Greer Donation Land Claim No. 47 and 413.76 feet West of the southeast corner of Donation Land Claim No. 49; thence West along claim line 95.6 feet; - thence South 78° 41' West 62.22 feet to the place of beginning.

AND LESS AND EXCEPT that portion being more particularly described as follows:

Beginning at a point 18.52-¹/₂ chains East and 141.63 feet south of the northwest corner of the Henry R. Greer Donation Land Claim No. 47;
thence North 83° 45' East 158.6 feet;
thence South 124.70 feet to a 12 inch pipe on the North right of way of the Southern Pacific Railroad;
thence Southwesterly along said Southern Pacific Railroad right of way, 2.41 chains to the east line of River Street as dedicated in Riverside Addition;
thence North along the east line of River Street, 129.63 feet to the place of beginning.

PARCEL2:

Beginning at the southeast corner of said Henry R. Greer, Donation Land Claim No. 47;
thence West 18.12 chains;
thence South 11.50 chains;
thence South 51° East 30.80 chains to South Santiam River;
thence North 10° East 7.50 chains;
thence North 22.80 chains;
thence West 7.90 chains to the place of beginning.

PARCEL3:

Beginning at the northeast corner of the Russell T. Hill Donation Land Claim No. 77;
thence South along said claim line 11.86 chains;
thence North 48° West 3.31 chains;
thence North 36° West 3.70 chains;

thence North 26° West 2.50 chains;
thence North 5° 5' West 1.50 chains;
thence North 20Y2° West 1.00 chain;
thence North 6° West 2.00 chains to claim line;
thence East 6.60 chains to the point of beginning.

PARCEL 4:

Beginning at a point on the north line of the Henry R. Greer Donation Land Claim No. 47 ("DLC No. 47") said point being 1454.74 feet east of the northwest corner of said D.L.C.;

thence North 7.41 chains;
thence South 86Y2o East 5.15 chains;
thence South 7.18 chains;
thence West 5.15 chains to beginning.

LESS AND EXCEPT that portion conveyed to Jack O. Lemons and Joyce Lemons, husband and wife, recorded October 9, 1967, in Book 326, page 509, being more particularly described as follows:

Beginning at a ½ inch pipe which bears North 7° 38' East 160 feet from the southeast corner of the James Ralston Donation Land Claim No. 49;

thence North 89° 58' West 420.48 feet to a ½ inch pipe;
thence North 26° 10' East 100.47 feet to a ½ inch pipe;
thence North 15° West 227.04 feet to a ½ inch pipe on the south line of Grant Street;
thence easterly following the south line of Grant Street 476.2 feet, more or less to a point which bears North 8° 31' East from the place of beginning;
thence South 8° 31' West 271.15 feet, more or less to the place of beginning.

PARCELS:

Beginning at the southeast corner of the Jeremiah Ralston Donation Land Claim No. 49;

thence North 7.30 chains;
thence South 80° East 350 feet;
thence South 10° West 419.7 feet;
thence West 278.3 feet to place of beginning.

LESS AND EXCEPT a 100-foot wide right of way conveyed to Southern Pacific Railroad Company, successor in interest to Oregon and California Railroad Company, recorded October 21, 1909 in Book 90, page 273;

AND LESS AND EXCEPT any portion of the above described property lying within the boundaries of Grant Street.

AND LESS AND EXCEPT any portion lying within the following described tracts of land:

Tract A:

That portion conveyed to Jack O. Lemons and Joyce Lemons, husband and wife, recorded October 9, 1967, in Book 326, page 509, being more particularly described as follows:

Beginning at a ½ inch pipe which bears North 7° 38' East 160 feet from the southeast corner of the James Ralston Donation Land Claim No. 49;

thence North 89° 58' West 420.4g feet to a ½ inch pipe;
thence North 26° 10' East 100.47 feet to a ½ inch pipe;
thence North 15° West 227.04 feet to a ½ inch pipe on the south line of Grant Street;
thence easterly following the south line of Grant Street 476.2 feet, more or less to a point which bears North 8° 31' East from the place of beginning;
thence South 8° 31' West 271.15 feet, more or less to the place of beginning.

Tract 8:

That portion conveyed to Ralph H. Myler and Mildred R. Myler, husband and wife, recorded May 12, 1966, in Book 316, page 811, being more particularly described as

follows:

Beginning at a inch iron pipe which is North 7° 38' East 160.0 feet and North go 31' East 255.15 feet from the southwest corner of the J. Ridgeway Donation Land Claim #46; thence South go 31' West 100.0 feet to a 5/8 inch road;
thence South go 29' East 50.0 feet to a 5/8 inch rod;
thence North 8° 31' East 100.0 feet to a 5/8 inch rod;
thence prolonging North go 31' East 16.0 feet more or less to southerly right of way line of county road;
thence westerly along the south right of way line of said county road 50.0 feet more or less to a point 16.0 feet more or less North go 31' East from point of beginning;
thence South go 31' East 16.0 feet more or less to point of beginning.

Tract C:

That portion conveyed to Ralph H. Myler and Mildred R. Myler, husband and wife, recorded April 9, 1968, in Book 330, page 134, being more particularly described as follows:

Beginning at a 5/8 inch iron rod which is North 7° 38' East 160 feet from the southwest corner of the J. Ridgeway Donation Land Claim No. 46;
thence South 81° 21' East 109 feet to a 5/8 inch iron rod;
thence North 7° 38' East 255.4 feet to a 5/8 inch iron rod;
thence continuing North 7° 38' East 16 feet, more or less, to the southerly line of the county road;
thence westerly along the southerly line of said road 55 feet more or less to the northeast corner of that property conveyed to Ralph H. and Mildred R. Myler by deed recorded on page 811 of Volume 316 Linn County Deed Records;
thence South go 31' West 16 feet, more or less, to a 5/8 inch iron rod on the east line of said Myler property;
thence South 8° 31' West 100 feet to a 5/8 inch iron rod;
thence North 81° 29' West 50 feet to a 5/8 inch iron rod;
thence South go 31' West 155.15 feet to the place of beginning.

Tract D:

That portion conveyed to the Morse Brothers, a partnership, recorded November 11, 1956, in Book 268, page 296, being more particularly described as follows:

A portion of James Ridgeway Donation Land Claim No. 46:

Beginning at a 1 1/4 inch x 3 1/2 inch car axle which lies North 89° 40' East 273.3 feet and North 10° East 51.96 feet of the southeast corner of the Jeremiah Ralston D.L.C. No. 49 and which axle is further described as being on the northerly right of way line of that strip of land conveyed to the Oregon and California Railroad Company by deed recorded in Book 90, page 273, Deed records;
thence North 10° East 367.74 feet to a point in the center of a county road also known as Grant Street which is South 60° East 360 feet from the intersection of the center of said road and the east line of said Claim #49;
thence Westerly along the center of said County Road to a point which is South 80° East 201.4 feet from the intersection of the center line of said road and the east line of said Claim #49;
thence South 4° 13' West 270.6 feet to a 1/2 inch x 42 inch iron pipe;
thence South 22° 40' East 165.5 feet to a 1/4 inch x 42 inch iron pipe set on the aforesaid Oregon and California Railroad right of way line;
thence along said right of way line on a 2° 50' curve to the left the chord of which bears North 55° 45' East 58.62 feet to the point of beginning.

PARCEL 6:

Beginning at the southeast corner of the Jeremiah Ralston Donation Land Claim 49;
thence North 7.20 chains;
thence North 86° West 13.18 chains;
thence South 8 chains to the south line of said claim;

thence East 13.18 chains to the place of beginning.

AND LESS AND EXCEPT any portion lying within the following described tracts of land:

Tract A:

That portion conveyed to P. M. Scroggin and Seymour Washburn, recorded October 9, 1908, in Book 84, page 286, being more particularly described as follows:

Beginning at a point on the north line of the Henry R. Greer Donation Land Claim No. 47 ("DLC No. 47") said point being 1454.74 feet east of the northwest corner of said D.L.C.; thence running North 7.41 chains to the center of the County Road;
thence South 861.10 East 5.16 chains to the east boundary line of the Donation Land Claim No. 47;
thence South 7.18 chains to the southeast corner of said Claim No. 49;
thence West 5.15 chains to the place of beginning.

Tract B:

That portion lying Westerly of the following described line:

Beginning at the southeast corner of the James Ralston Donation Land Claim No. 49;
thence East 413.76 feet to a set 1 1/2 inch pipe to the point of beginning;
thence North 0° 11' East 130.75 feet to a found 1 1/2 inch pipe; thence North 26° 04' East 134.00 feet to a found 1 inch pipe; thence North 15° 06' West 39.04 feet to a set 1/2 inch pipe;
thence continuing North 15° 06' West 188.00 feet to the southerly boundary line of Grant Street to the end of this line description.

Tract C:

That portion conveyed to Jack O. Lemons and Joyce Lemons, husband and wife, recorded October 9, 1967, in Book 326, page 509, being more particularly described as follows:

Beginning at a 7/8 inch pipe which bears North 7° 38' East 160 feet from the southeast corner of the James Ralston Donation Land Claim No. 49;
thence North 89° 58' West 420.48 feet to a 1 1/2 inch pipe;
thence North 26° 10' East 100.47 feet to a 1 inch pipe;
thence North 15° West 227.04 feet to a 1 inch pipe on the south line of Grant Street;
thence easterly following the south line of Grant Street 476.2 feet, more or less to a point which bears North 31° East from the place of beginning;
thence South 8° 31' West 271.15 feet, more or less to the place of beginning.

--- End of Exhibit A ---

EXHIBIT B
LEBANON CITY COUNCIL FINDINGS

I. NATURE OF THE APPLICATION

This matter comes before the Lebanon City Council on the application of the Weyerhaeuser Real Estate Development Company to annex property and amend the Comprehensive Plan and Zone Maps to establish the Mixed Use (Z-MU) zone on the newly annexed property.

II. BACKGROUND INFORMATION

A. Site Location

The subject property is located at the east end of Milton Street, to the south of the railroad right-of-way and Grant Street. The property address is 800 East Milton Street and the Linn County Assessor map locates the parcel within Township 12 South; Range 2 West; Section 11; Tax Lot 1000.

B. Site Development and Zoning

The 150.55 acre property contains a former Willamette Industries mill site. The vacant site contains a rail stub while public facilities can be extended to the property. The land is located within the Urban Growth Boundary, designated Industrial (Z-IND) in the Lebanon Comprehensive Plan and zoned Urban Growth Management by Linn County.

C. Adjacent Zoning and Land Uses

The South Santiam River borders the property along the east. To the north is Industrial zoned land containing a mixture of commercial uses, as well as Gill's Landing RV Park. Property to the west is zoned Residential Limited Density, while land to the south is zoned Residential Mixed Density. The dominant land use is single family homes located on subdivision-sized lots.

D. Proposal

The applicant is requesting approval of the following: (1) Annexation of the property into the City limits; and, (2) a change in the Comprehensive Plan Map designation from Industrial (C-IND) to Mixed Use (C-MU) with a corresponding establishment of the Mixed Use zone (Z-MU).

III. PUBLIC HEARING

A. Planning Commission Action

On June 19, 2013, the Lebanon Planning Commission held a public hearing on this application. At the hearing, Planning File 13-05-16 was made a part of the record. The City noticed the hearing pursuant to Chapter 16.20 of the Lebanon Development Code. Commissioner Cornell noted he was part of discussions regarding property access from Grant Street; however, the communication did not discuss the current application. Commission Chair Robertson noted he represented the property at one time but has no current interest in the site's development. Otherwise, no ex parte contacts were declared and no objection was raised as to jurisdiction, evidence or testimony presented at the hearing. At the conclusion of the hearing, the Planning Commission deliberated on the issue and voted to recommend the City Council approve the proposed Annexation and map amendments. The Commission found the proposed changes consistent with the applicable decision criteria.

B. City Council Action

On July 10, 2013, the Lebanon City Council held a public hearing on this application. At the hearing, Planning File 13-05-16 was made a part of the record. The City noticed the hearing pursuant to Chapter 16.20 of the Lebanon Development Code. Councilor Wayne Rieskamp noted he formerly worked for Weyerhaeuser. Otherwise, no ex parte contacts were declared and no objection was raised as to jurisdiction, evidence or testimony presented at the hearing. At the conclusion of the hearing, the City Council deliberated on the issue and voted to approve the proposed Annexation and map amendments. The Council found the proposed changes consistent with the applicable decision criteria.

IV. FINDINGS OF FACT-GENERAL

The Lebanon City Council, after careful consideration of the testimony and evidence in the record, adopts the following General Findings of Fact:

- A. The applicant is the Weyerhaeuser Real Estate Development Company.
- B. The subject property is located at the east end of Milton Street, to the south of the railroad right-of-way and Grant Street. The property address is 800 East Milton Street and the Linn County Assessor map locates the parcel within Township 12 South; Range 2 West; Section 11; Tax Lot 1000.
- C. The property contains 150.55 acres.
- D. The property contains a former Willamette Industries mill site. The vacant site contains a rail stub while public facilities can be extended to the property.
- E. The subject area is located within the City's Urban Growth Boundary, designated Industrial (C-IND) in the Lebanon Comprehensive Plan and zoned Urban Growth Management by Linn County.
- F. The South Santiam River borders the property along the east. To the north is Industrial zoned land containing a mixture of commercial uses, as well as Gill's Landing RV Park. Property to the west is zoned Residential Limited Density, while land to the south is zoned Residential Mixed Density. The dominant land use is single family homes located on subdivision-sized lots.
- G. The applicant is requesting approval of the following: (1) Annexation of the property into the City limits; and, (2) a change in the Comprehensive Plan Map designation from Industrial (C-IND) to Mixed Use (C-MU) with a corresponding establishment of the Mixed Use zone (Z-MU).
- H. The decision to approve or deny shall be based on criteria contained in the Lebanon Development Code, Chapter 16.26 – Annexations, and, Lebanon Development Code Chapter 16.27 – Plan and Zone Map Amendments.

V. APPLICATION SUMMARY

- A. The request would annex the private property into the City limits. Based on provisions in the Development Code, the Industrial zone (Z-IND) would automatically be assigned to the Industrial (C-IND) designated property. However, in addition to the annexation, the applicant wishes to change both the Comprehensive Plan Map designation and Zoning to Mixed Use. For the record, this request is limited solely to the proposed Annexation, Plan map amendment and Zone map amendment and does not include a development application.
- B. The Community Development Department requested comments from affected agencies and area property owners. The Department received the following comments:
 - 1. City Engineering Service – The following comments were submitted:
 - a. E. Elmore Street: The Street is located at the northwesterly corner of the site. The street is substandard in width and condition. Available facility improvements include an 8" sanitary sewer line and 8" water line.
 - b. Harmony Street: The Street is located along the northwesterly side of the site and contains 8" sanitary sewer line and 8" water line.
 - c. Milton Street: The Street is located along the west side of the site 8" shallow, sanitary sewer line and 6" water line. .
 - d. Mayfly Street: This Street is located along the southerly side of the site and contains an 8" sanitary sewer line and 8" water line.

None of the above noted streets includes storm water facilities.
 - 2. Oregon Department of Land Conservation and Development (DLCD) - The DLCD noted the City must demonstrate the proposed amendment is consistent with its most recent economic opportunities analysis as well as applicable provisions in the local comprehensive plan. Otherwise, the DLCD did not oppose the change, and in discussions with the agency's Field Representative, the logic of the zone change is apparent.
 - 3. Oregon Department of Transportation (ODOT) – ODOT requested findings to address the Transportation Planning Rule (OAR 660-012-0060) indicating the map amendments will not significantly affect the transportation system.

- D. The application includes both an Annexation, and, a change in the Comprehensive Plan designation and corresponding Zoning. Both are quasi-judicial decisions subject to a recommendation by the Planning Commission with a final decision by the City Council.

VI. CRITERIA AND FINDINGS - ANNEXATION

- A. The subject area is located within the City's Urban Growth Boundary (UGB) and is eligible for annexation into the City limits. Annexation application and review requirements are contained in Chapter 16.26 of the Lebanon Development Code. Annexations require a hearing before the Planning Commission and City Council.
- B. Chapter 16.26 establishes the Annexation review criteria. Sections 16.26.010 and 16.26.020 establish the purpose of an annexation and the first assignment of zoning. The annexation transfers jurisdiction from Linn County to the City and establishes the appropriate zoning on the property consistent with the Plan Map designation. Section 16.26.030 notes an annexation is necessary to establish the appropriate zone, consistent with the zoning matrix (Table 16.26-1). Plan map amendments are only required if there is a corresponding change in the Plan map. Further, proposed amendments to the Plan map (and corresponding zone map) must conform to provisions in Chapter 16.27. For the record, the application includes a request to change the Plan and zone maps.
- C. Section 16.26.040 identifies the relationship between annexation and City facility plans. It notes anticipated densities and levels of development are factored into the City's facility plans, including the Transportation System Plan. Therefore, additional inquiry into the sufficiency of these services is not required.
- D. Section 16.26.050 stipulates all annexations be processed as legislative actions requiring hearings before both the Planning and City Council. This Section also lists application requirements. For the record, the application and process are consistent with the provisions in this Section.
- E. Section 16.26.060 contains the decision criteria for an annexation with specific requirements in Section 16.26.060.A. This Section requires compliance with provisions in the City Annexation Ordinance and Lebanon Comprehensive Plan, Chapter 3 – Urbanization. Essentially, the Annexation Ordinance and Comprehensive Plan decision criteria are the same. To avoid duplication, and where applicable, the findings are combined:

1. Annexation Ordinance Section 1. – This Section identifies the document as the Annexation Ordinance for the City of Lebanon and does not contain decision criteria.
2. Annexation Ordinance Section 2. - All Annexations shall conform to the requirements of the Lebanon Municipal Code, Annexation Ordinance, Lebanon Land Development Ordinance (i.e., Development Code), City of Lebanon/Linn County Urban Growth Management Agreement, and shall be consistent with applicable State law.

Comprehensive Plan Annexation Policy #P-19: [The City shall] recognize and act on the basis that 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 (UGMA), and shall be consistent with applicable State law.

FINDINGS: For the purpose of this criterion, the annexation application and process conform to the requirements of the Annexation Ordinance.

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

Comprehensive Plan Annexation Policy #P-20: [The City shall] recognize and act on the basis that all annexations shall be consistent with the goals and policies of the Lebanon Comprehensive Plan.

FINDINGS: The Annexation Ordinance policies are consistent with, and often mirror, the Comprehensive Plan Annexation Policies. The State acknowledges that the City's Comprehensive Plan complies with all applicable Statewide Planning Goals and statutes, recognizing the consistency of the Plan goals and policies. Therefore, compliance with the applicable Comprehensive Plan policies ensures compliance with the Annexation Ordinance. Findings in the following Sections detail this proposal's compliance with all applicable policies.

4. 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.

Comprehensive Plan Annexation Policy #P-21: [The City shall] recognize and act on the basis that 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.)

FINDINGS: The proposed annexation complies as the subject area is within the City's UGB. Further, being within the UGB, the City identified the subject property as land needed by the City for future urban development.

5. 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.

Comprehensive Plan Annexation Policy #P-22: [The City shall] only annex land that is contiguous to the existing City limits and is within the City's Urban Growth Boundary (UGB).

FINDINGS: City limits effectively surround the property; therefore, the area is eligible for annexation.

6. 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.

Comprehensive Plan Annexation Policy #P-23: [The City shall] deem an annexation orderly if the annexation territory is contiguous to the existing City Limits, and deem an annexation 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).

FINDINGS: The proposed annexation complies with the above noted criteria as follows:

- (a) Since the area is contiguous to existing City limits, the annexation is considered orderly.
- (b) The parcel size (150.55 acres) provides a significant number of development options.
- (c) Based on preliminary information it appears the approximate southern half of the site may contain wetlands. Their existence does not prohibit or otherwise restrict the development of the remainder of the site.

7. Annexation Ordinance Section 7. - Development proposals are not required for annexation requests.

Comprehensive Plan Annexation Policy #P-24: [The City shall] recognize and act on the basis that development proposals are not required for annexation requests.

FINDINGS: This application does not include a concurrent development or redevelopment proposal.

8. 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.

Comprehensive Plan Annexation Policy #P-25: [The City shall] consider as part of the annexation process of developed property or properties, 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.

FINDINGS: Per Engineering Services, City services are available to the west of the site and can be extended to serve the property.

9. 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.

Comprehensive Plan Annexation Policy # P-26: [The City shall] Consider as part of the annexation process of developed property or properties, the impacts on the capacities of key City-provided urban utility services needed to satisfy the anticipated demands of the properties discussed in P-25 above.

FINDINGS: As noted, public services are available and can be extended to serve the subject area.

10. 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.

FINDINGS: Additional right-of-way dedication and street improvements are unnecessary as part of the annexation.

11. 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.

FINDINGS: This City Comprehensive Plan designates the subject property as "Industrial". While the Industrial (Z-IND) zone is the only corresponding zone, the applicant is requesting a concurrent change to the Plan designation and zone which is reviewed in Section VII of this Exhibit.

12. 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.

FINDINGS: This application includes an annexation as well as a proposed change to the Plan designation and corresponding zone. As noted, the map amendments are reviewed in Section VII of this Exhibit.

13. 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.

FINDINGS: While the site contains wetlands, these are concentrated on the southern half of the property (approximately) and do not preclude development on the remainder of the site.

14. 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 (i.e., Development Code), Subdivision Ordinance, Comprehensive Plan, and other related documents of the City of Lebanon.

FINDINGS: This Section does not apply as the provisions in this Section provide a definition and not a decision criterion.

15. 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.

FINDINGS: The application does not include a development or redevelopment proposal specific to the property.

16. Comprehensive Plan Annexation Policy # P-27: Expand the City Limits as necessary to accommodate development, including housing, commercial, industrial, and services (that will in turn accommodate population growth).

FINDINGS: This Policy does not directly apply as the proposal incorporates a former industrial site into the City limits.

- G. Section 16.26.060.B allows the City to require the abatement of non-conforming uses and/or structures prior to hearing an annexation request. Other provisions of this Code and the Lebanon Municipal Code may require abatement of certain kinds of situations before an annexation request can be approved. This Section does not apply as the site is effectively vacant.
- H. Section 16.26.060.C, allows the City to identify additional site-specific evaluation criteria based on the Lebanon Comprehensive Plan, the provisions of this Code, and the Lebanon Municipal Code. Site-specific criteria could include, but not be limited to, the following: steep slopes, natural hazards, riparian zones, wetlands water bodies, overlay zones, infrastructure development, existing conditions and failing on-site services. Such site-specific criteria do not affect the eligibility of properties for annexation, but serve as an advisory to applicants of factors that may affect future development. There are no site-specific, evaluation criteria that apply to the subject area.
- I. Upon annexation, Section 16.26.020 requires the subject property to be placed in the appropriate zone. Upon annexation, the territory will automatically be assigned a City zone in accordance with the adopted Comprehensive Plan Map, and Annexation Zoning Matrix (Development Code Table 16.26-1). The *only decision criterion* in this process is that the Zone Classification shall be consistent with the adopted Comprehensive Plan Map (Section 16.26.020.D).

FINDINGS: The subject property is designated Industrial (C-IND) by the City's Comprehensive Plan. While the Industrial (Z-IND) zone is the only applicable zone which applies to this designation, the applicant submitted a request to change the Plan and zone maps to Mixed Use. This is reviewed in Section VII.

VII. CRITERIA AND FINDINGS – COMPREHENSIVE PLAN AND ZONE MAP AMENDMENT

- A. This request involves both a Comprehensive Plan Map Amendment and a Zone Map Amendment. The decision criteria in Chapter 16.27 do not distinguish between the two types of applications. Therefore, since the proposed Mixed Use zone will be consistent with the proposed Mixed Use Plan designation, findings in this report apply to both requests.
- B. Chapter 16.27 contains requirements for map amendments, including both the Comprehensive Plan map and Zoning map. Section 16.27.010 addresses the Chapter's purpose while Section 16.27.020 establishes the authority to request map amendments. The Plan and Zoning maps may be amended over time and an individual has the authority to request change in a property's Plan and Zoning map. This proposal conforms to these two Sections. Consistent with provisions in Section 16.27.030, the City Clerk maintains the official Plan and Zoning maps, as well as subsequent amendments.
- C. The Planning Commission cannot consider a Plan or Zone map amendment within the one-year period immediately following a previous denial (section 16.27.040). For the record, this is the first Plan and Zone map application regarding this property.
- D. Section 16.27.050 establishes the decision criteria for reviewing a Plan map or Zone map amendment. This material is covered under provisions in Section 16.27.080 and reviewed later in this report.
- E. Section 16.27.060 describes the application process and submittal requirements. Subsection "A." states the request requires hearings before the Planning Commission and City Council. The Commission provides a recommendation to the Council and the Council makes the final decision. Subsection "B." establishes the application requirements. For the record, this application and process conform to provisions in Section 16.27.060.A. Further, the applicant submitted the required information pursuant to provisions in Section 16.27.060.B.

(Note: Chapter 16.27 does not include a Section 16.27.070.)
- F. Section 16.28.080 establishes the decision criteria for Plan map and Zone map amendments. This Section states the City may approve a Comprehensive Plan Map or Zoning Map Amendment request if it satisfies all of the relevant Decision Criteria cited above in Section 16.27.050. Subsection "A." contains the relevant criteria, which are reviewed in the following Sections.
- G. Section 16.27.080.A.1 - All proposed amendments to the Comprehensive Plan Map or to the Zoning Map shall be consistent with the City of Lebanon's adopted Comprehensive Plan and Facility Plans. The City's Facility plans, including the 2007 Transportation System Plan (TSP), are based on the future site service demands according to

the Comprehensive Plan Map designation and associated zoning. The proposal was reviewed against the City's Comprehensive Plan. The Plan consists of ten Chapters with each Chapter addressing specific land use issues such as housing or natural resources. The *applicable* policies in each Chapter are reviewed below:

1. Chapter 1: Introduction - This introductory Chapter describes the Comprehensive Plan, its relationship to the Statewide Land Use Goals, the Citizen Involvement program and key terminology. Goals and policies relate to the organization of the Plan, the continued need for citizen involvement and the relationship of the Plan to State law and implementing codes. In general, these goals and policies are maintained through the Development Code criteria for determining the appropriateness of a Plan and/or zone change and the public hearing process that encourage public participation.
2. Chapter 2: Natural Environment – The Chapter address goals and policies related to the City's natural environment.

FINDINGS: This Chapter applies as the subject property is located within a Special Area identified in Chapter 2 of the Comprehensive Plan. The applicable Section 3.2 or Chapter 2 states the following:

3.2 Santiam Special Planning Area

The Santiam Special Planning Area is an overlay zone that straddles the South Santiam River southeast of Lebanon's Downtown District. The area on the west side of the Santiam River is the former Willamette Industries Plywood Mill site that stretches from Grant Street on the north to Riverview School on the south, and west from the Harmony Street/Post Street neighborhoods to the Santiam River. On the east side of the River, this Planning Area includes the territory along the River west of Berlin Road at the foot of Ridgeway Butte from Grant Street/Brewster Road in the north to the City Limits and UGB Boundary on the South.

This area is of special importance to Lebanon because of its central location and its unique natural features and their juxtaposition with one another. The area is a focal point for many community interests and goals including those related to transportation, recreation, riparian zone protection, habitat management (threatened and endangered species), water quality, scenic views, and commercial and residential development that is not detrimental to these other concerns. Identification as a Special Planning Area will help assure that the City is able to successfully integrate these key values during the development review process for this area. Approval of development proposals in this Special Planning Area will require demonstration that plans are able to successfully coordinate with the City's special studies that pertain to this area relating to such things as transportation, recreation, riparian protection, and habitat management.

It has been determined that a future Comprehensive Plan Map designation of Mixed Use will enable the creation of development and redevelopment strategies that can maximize the potentials of the multitude of amenities associated with the natural features of this area and simultaneously protect them. While the former Willamette Industries Plywood Mill site has historically been designated as General Industrial on the Comprehensive Plan Map, the City has now identified Mixed Use Development that includes recreational and commercial components as appropriate future Comprehensive Plan Map redesignation for this important redevelopment area. This future redesignation will enable the realization of the highest and best benefits for the community that this site has to offer. This future redesignation would lead to "up-zoning" upon annexation.

This Chapter recognizes the unique quality of the area and recommends that establishing the Mixed Use zone upon annexation is wholly appropriate and necessary to maintain the benefits of the site.

3. Chapter 3: Urbanization – This Chapter provides the basic framework for future urban development within the City. The Council finds the following policies apply:

Public Facilities Capability Policies

- P-3: Support a flexible phased program for the orderly extension of water, wastewater, storm drainage and transportation services in response to land development proposals.
- P-4: Maintain directives and technical standards for the extension of services as identified in the various original or updated infrastructure master plans and studies, such as the Wastewater Facility Study Master Plan, the Water Facility Study, Storm Drainage Master Plan, and the Transportation System Plan (TSP).

- P-5: Maintain and routinely update Capital Improvements plans. Often the plans are revised, updated, and implemented according to a five year plan beginning with the current budget year. The regularly updated plans may include Transportation, Water, Wastewater, Storm Drainage, and Facilities & Parks projects.
- P-10: Review all development proposals to ensure that public facilities are available and have adequate capacity to accommodate the proposed development, or that such facilities and their capacities can be made available through appropriate extensions and/or enhancements concurrent with or prior to proposed developments.
- P-11: Require that new developments are either served by existing and/or proposed public infrastructure improvements, and/or are served by privately funded infrastructure extensions and improvements.

FINDINGS: Based on information supplied by Engineering Services, services can be extended to the site. The site development will dictate the actual type and level of improvements; however, this will not alter the City's ability to provide necessary public services. Therefore, the proposal is consistent with the noted policies.

Additional Considerations for Conversion of Urbanizable Land to Urban Uses

- P-30: Manage its Urban Growth Boundary and the lands within so as to make available sufficient land for the various uses to ensure choices in the market place, through implementation of land use regulations and land use policies.
- P-31: Manage its Urban Growth Boundary and the lands within so as to encourage development within urban areas before conversion of urbanizable areas, through implementation of land use regulations and land use policies.

FINDINGS: Based on data contained in Table 3-2 of this Chapter, there is a projected surplus of 580.8 to 762.8 acres of industrial-zoned property as well as a surplus of mixed-use properties of 188.5 to 267.9 acres. The loss of this site will reduce the amount of industrial designated land. However, the City retains a significant surplus and the Comprehensive Plan specifically encourages the creation of a Mixed Use zone to address the unique features of the property (P-30 and P-31).

4. Chapter 4: Land Use – This Chapter details the goals and policies to assure the City provides different types of land within City limits that are suitable for a variety of uses. The Council finds the following policies apply:

General Policies for Land Use

- P-1: Recognize that the Comprehensive Plan land use designations or categories shall determine zoning.
- P-6: Require that changes to the Comprehensive Plan Map be consistent with the policies of the Comprehensive Plan, State law, and any adopted intergovernmental agreements.
- P-12: Ensure that the Zoning Map reflects and implements the Comprehensive Plan Map.

FINDINGS: The proposal calls for a Mixed Use Plan designation and Mixed Use zone, thereby ensuring consistency between the Plan and Zone maps (P-1 and P-12). This review addresses compliance with Comprehensive Plan policies (P-6). The State effectively acknowledged the Comprehensive Plan, therefore, conformance with these policies assures conformance with state law. Compliance with Statewide Goals will be reviewed in Chapter 10 heading.

In addition, Chapter 4, Section 5.2.1 notes the following:

Changing socio-economic dynamics as well as a shift in community values indicate that the time for redesignating two areas of Lebanon is rapidly approaching. As noted in other sections of this Comprehensive Plan, the wood products industry was once the backbone of the community's economy. A number of heavy industrial sites devoted to this sector of the economy once dominated major stretches of the community along the South Santiam River – the water way was a key transportation component of the logging industry and wood processing industries. However, these uses and their supporting infrastructure along the River have long been in decline and for the most part these industries have shut their doors. Sites which once provided the mainstay of the local and area economy now lie idle and even vacant in many cases.

These same areas along the South Santiam River are gaining new importance as community and social values also change. These areas are becoming increasingly valued for their aesthetic and intrinsic natural values. They provide critical habitat for many species of flora and fauna, some of which are threatened. Trees along the riparian corridor of the River and Cheadle Lake provide critical habitat components for a variety of fish, including summer Steelhead, spring Chinook, and fall Chinook in the Santiam. Such areas also increase value as potential sites for a mix of recreational, commercial, and residential developments.

Two key areas that fit the above description are: (1) the Lebanite – River Road Industrial Block, and (2) the Santiam River Mixed Use Opportunity Area.

(1) Lebanite – River Road Industrial Block: *(Note: language omitted for brevity.)*

(2) Santiam River Mixed Use Opportunity Area: *This former Willamette Industries Plywood Mill site has access to a variety of City streets including a proposed new north-south arterial that would connect Grant Street and Mountain River Drive. This area has profound redevelopment opportunities that could include any critical riparian management zone along the South Santiam River as well as recreation and special natural resource amenities. This area is currently outside the City Limits, but inside Lebanon's Urban Growth Area.*

For the above noted reasons, the community may well desire to change the Comprehensive Plan Map designation on these two areas in the relatively near future. Currently both of these areas are primarily designated Industrial on the Comprehensive Plan Map. It is likely that the best redesignation would be to Mixed Use.

As with Chapter 2, this Chapter envisions non-industrial development of this site, specifically mentioning application of the Mixed Use zone. Further, as the City's acknowledged Plan includes the appropriate economic opportunities analysis, this finding addresses the sole issue raised by the DLCD.

Policies for Industrial Uses

P-38: Maintain a supply of diverse, serviceable industrial lands that provide choices in the marketplace to attract desirable industries, particularly light manufacturing and nonpolluting industries, in support of the City's economic development program.

FINDINGS: As noted, this action will reduce the amount of available industrial land, although the City still retains a significant surplus within the UGB. In addition, the Mixed Use zone does allow limited industrial development, thereby maintaining employment options for the site. On balance, the change to a Mixed Use zone therefore does not affect the ability for the City to provide industrial land (P-38).

Policies for a Mixed Use

P-40: Encourage a mix of commercial and residential uses within individual buildings, lots, and neighborhoods, in order to promote a compact, pedestrian friendly environment. Industrial uses should be allowed to mix with residential and commercial uses where there are limited potentials for nuisance or jeopardy to the public health, safety, and welfare.

FINDINGS: This policy is keeping entirely with previously stated provisions in Chapters 2 and 4 concerning the anticipated long-term use of the site and is likely far more keeping with the adjacent residential development.

5. Chapter 5: Population & Economy – This Chapter addresses population growth and economic development as well as those trends affecting both. The Council finds the following policies apply:

Policies

P-5: Designate enough land in a variety of parcel sizes and locations to meet future employment and commercial needs.

P-8: Support diversity in type, scale, and location of professional, industrial, and commercial activities to maintain a high level of employment and to promote diversification of the local economy.

FINDINGS: Rezoning of the property to Mixed Use allows a greater variety of uses on the site than the

current Industrial zoning would allow, thereby increasing its chance of development and providing employment opportunities (P-5 and P-8).

6. Chapter 6: Housing – This Chapter establishes the City's Goals and Policies related to Housing. The Chapter does not directly apply, as it does not involve residential zoning. However, the proposal does not diminish the ability of the City to provide housing and in fact provides additional housing opportunities through the Mixed Use zoning.
7. Chapter 7: Community Friendly Development & Preservation of Historic Resources - This Chapter focuses on policies creating a built environment suitable for the needs of a diverse population through a variety of uses scaled for the pedestrian, and capable of accommodating the automobile and mass transit. The Council finds the following policies apply:

Community Friendly Development Policies

- P-9: Encourage mixed uses within individual buildings, neighborhoods, and zoning districts where allowed by planning and building codes, and where there is no or only limited potential for incompatibility or conflict with public health, safety, and welfare.
- P-10: Allow limited and appropriately scaled neighborhood commercial services in residential zones with appropriate standards to ensure compatibility.

FINDINGS: The proposed Mixed Use zone would allow mixed uses – including appropriate commercial services – on the property, thereby serving the neighborhood (P-9, P-10). Further, this type of development effectively creates a neighborhood environment that is beneficial to pedestrians.

8. Chapter 8: Transportation – This Chapter addresses the transportation needs of the City with an emphasis of creating a variety of transportation options for pedestrians, bicyclists, vehicles and mass transit. The Council finds the following policies apply:

Transportation System Planning Policies

- P-12: The transportation system shall be managed to reduce existing traffic congestion and facilitate the safe, efficient movement of people and commodities within the community.

FINDINGS: Street improvements are likely as part of any future development. However, three streets provide access to the site (Grant, Milton and Mayfly) and it may be possible to extend two additional streets at some point in the future.

ODOT requested the City address the Transportation Planning Rule (OAR 660-012-0060) to determine whether the map amendments would significantly affect planned transportation facilities. The applicable language:

660-012-0060

Plan and Land Use Regulation Amendments

(1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:

- (a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);*
- (b) Change standards implementing a functional classification system; or*
- (c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.*
 - (A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;*
 - (B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or*

(C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.

The Council notes the adopted Transportation System Plan contains three existing and planned collector streets serving this property (Grant, Milton and Mayfly). In addition, the TSP calls for a collector street to effectively connect Grant and Mayfly Streets. Per the TSP, collectors are designed to connect residential neighborhoods with smaller community centers as well as access the arterial system. The three collector streets eventually connect to an identified arterial, thereby serving this purpose. The Council also notes that consistent with the Comprehensive Plan, the adopted TSP assumed a "mixed use (residential and commercial) development" at the site (page 3-2) and planned accordingly with the creation of the proposed collector streets. Therefore, as the TSP is consistent with - and effectively implements - the adopted Comprehensive Plan, the proposed map amendments do not significantly affect existing and planned for transportation facilities, thereby complying with the TPR.

9. Chapter 9: Public Facilities and Service - The City is required by State law to plan and develop a timely, orderly, and efficient arrangement of public facilities and services to serve as a framework for urban development. Goals and policies in this Chapter address those requirements. The Council finds the following policies apply:

General Policies

- P-8: Review all development proposals to ensure that public facilities are available and have adequate capacity to accommodate the proposed development, or that such facilities and their capacities can be made available through appropriate extensions and/or enhancements concurrent with or prior to proposed developments. *(Duplicated in Chapter 3, Urbanization)*
- P-9: Require that new developments are either served by existing and/or proposed public infrastructure improvements, and/or are served by privately funded infrastructure extensions and improvements. *(Duplicated in Chapter 3, Urbanization)*
- P-10: Consider impacts on key City-provided urban utility services (water, storm drainage, wastewater, 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.

FINDINGS: As previously noted, based on information supplied by Engineering Services, services can be extended to the site and do not require system-wide improvements to existing public facilities. Therefore, the proposal is consistent with the noted policies.

10. Chapter 10: Plan Implementation, Amendment, and Land Use Planning Coordination – This Chapter establishes procedures for amending the Comprehensive Plan Map and Zoning Map. Specific applicable policies include:

- P-1: The City Council may amend the Comprehensive Plan and/or Map after referral to the Planning Commission public hearing, for action, review, revisions, and recommendations.
- P-2: Changes to the Plan and/or Map shall be made by ordinance after public hearings as prescribed by state law and local ordinances.
- P-3: Changes in the Plan and/or Map shall be incorporated directly into the document at the appropriate place. A list of all amendments with date of passage shall then become part of the document until the next comprehensive update of the entire Comprehensive Plan.
- P-4: An amendment to the Comprehensive Plan and/or Map may be considered when one or more of the following conditions exist:
- a. Updated data demonstrates significantly different trends than previous data;
 - b. New data reflects new or previously undisclosed public needs;
 - c. New community attitudes represent a significant departure from previous attitudes as reflected by the Planning Commission or City Council;
 - d. Statutory changes significantly affect the applicability or appropriateness of existing plan policies.
- P-5: Residents, property owners, their authorized agents, the Planning Commission, the City Council, or City staff may initiate a Comprehensive Plan amendment. In order to obtain a Comprehensive Plan and/or Map amendment, the applicants shall have the burden of proof that all of the following conditions exist:
- a. There is a need for the proposed change;
 - b. The identified need can best be served by granting the change requested;

- c. The proposed change complies with the Statewide Planning Goals; and,
- d. The proposed change is consistent with all other provisions of the City's Comprehensive Plan.

FINDING: Policies P-1, P-2 and P-3 relate the processing of a Plan text or map amendment. The City is obligated to follow these requirements.

Comprehensive Plan Chapters 2 and 4 recognize continued use of this site for industrial purposes is inconsistent with the unique features of the site as well as adjacent residential development. As such, the proposed Plan and zone map amendments are consistent with the preferred use of the property (P-4.a). The change will allow alternative uses for the property and establishes a zone that conforms to the Comprehensive Plan expectations outlined in Chapter 2 and 4 (P-5.a and P-5.b). Further, the established of the Mixed Use zone does not preclude development of the site with industrial-type uses.

Compliance with the Statewide Goals (P-5.c) is noted as follows:

Goal 1, Citizen Involvement: Public hearings will be held before both the Planning Commission and City Council. This is consistent with City procedures and the intent of the Goal.

Goal 2, Land Use Planning: The proposal does not involve exceptions to the Statewide Goals. Adoption actions are consistent with the acknowledged Comprehensive Plan and Development Code.

Goal 3, Agricultural Lands: This Goal does not apply, as the land is not designated farmland.

Goal 4, Forest Lands: This Goal does not apply, as the land is not designated forestland.

Goal 5, Open Spaces, Scenic and Historic Areas, and Natural Resources: The Comprehensive Plan (Chapter 2) indicates the site contains important natural resources which will need to be addressed as part of any site development. However, the map changes, by themselves, do not affect these resources.

Goal 6, Air, Water and Land Resource Quality: Its potential use for non-industrial purposes is likely to reduce potential adverse impacts on air, water or resource quality.

Goal 7, Natural Hazards: Areas adjacent to the South Santiam River are located within the 100-year flood plain, and potentially floodway. Development is subject to provisions in Development Code Chapter 16.11 regarding activities within the flood plain. Conformance is addressed when development plans are submitted.

Goal 8, Recreational Needs: The proposed map amendments do not create uses which would adversely impact recreational opportunities. However, the change from Industrial to Mixed Use does create at least the potential for new recreational opportunities.

Goal 9, Economic Development: The map amendments will allow a greater variety of uses thereby increasing development potential. Further, the proposed Mixed Use zone does not preclude employment-type activities on the site.

Goal 10, Housing: This Goal does not directly apply, as the map amendments do not directly involve the supply or location of needed housing, or the ability to provide housing.

Goal 11, Public Facilities and Services: Previous findings indicate services can be extended to the site and the map amendments will not affect the City's ability to provide necessary public facilities.

Goal 12, Transportation: Previous findings indicate the map amendments will not significantly affect planned transportation improvements.

Goal 13, Energy Conservation: The map amendments are neutral with regard to energy conservation.

Goal 14, Urbanization: Previous findings indicate the City retains a surplus in both industrial and mixed use properties so that the amendments will not impact the City's ability to meet demand for land in either zone. Further, the map amendments allow development of urban uses within an urban area.

Goals 15 to 19, Willamette River Greenway, Estuarine Resources, Coastal Shores, Beaches and Dunes,

Ocean Resources: The proposals do not involve land within the Willamette Greenway or coastal areas.

Finally, all previous findings indicate the proposal complies with the applicable policies of the City's Comprehensive Plan (P-5.d).

- H. Facility plans need to be consistent with the Comprehensive Plan Map as well as the text, and changes to the Map may necessitate changes to a facility plan. For example, changing a Comprehensive Plan Map designation to a higher intensity use may require an amendment to the TSP, sanitary sewer or potable water master plans.

FINDINGS: The current property is designated for Industrial uses. However, the Comprehensive Plan prefers a mixed-use type of development for the site. As such adopted facility plans are consistent with the development expectations of the site. This also includes the City's adopted TSP.

- I. Applicants proposing amendments to the Zoning Map must request a City Zoning Classification that is consistent with the Comprehensive Plan Map designation for a subject property. If an applicant requests a City Zoning Classification that is not consistent with the Comprehensive Plan Map, the zoning requested shall not be granted until the Comprehensive Plan Map is first appropriately amended to reflect concurrence. (See the Annexation Zoning Matrix, Table 16.26-1.) Such an amendment requires a separate application, hearing and decision; this process may occur concurrently with the Zoning Map Amendment hearing.

FINDINGS: Table 16.26-1 of Development Code Section 16.26.040 identifies the various Comprehensive Plan designations and the zones consistent with these Plan designations. The proposal calls for the "Mixed Use" Plan map designation, and pursuant to this Table, the only allowable zone is Mixed Use (Z-MU). Therefore, the proposed MU zone is entirely consistent with the anticipated designation. No other amendments are required.

- J. Section 16.27.080.B states that if proposed amendments to the Comprehensive Plan Map or Zoning Map do not comply with the Comprehensive Plan, the Comprehensive Plan must first be amended so that the proposed Map amendment will be consistent with and accurately implement the Comprehensive Plan.

FINDINGS: Previous findings indicate the proposal complies with the applicable Comprehensive Plan policies and does not require amendments to the Plan text. Therefore, this provision does not apply.

- K. Section 16.27.090 establishes requirements for Urban Growth Boundary (UGB) Amendments. This Section does not apply as the property lies entirely within the UGB.

VIII. CONCLUSION

The City Council concludes the proposal complies with the decision criteria for an Annexation, and, establishment of the Mixed Use Plan designation and the Mixed Use zone.

--- End of Exhibit B ---