

EXHIBIT A

**For
ANNEXATION REQUEST**

File #: A-02-04

Part One: Legal Description of Subject Property – Page 2

Part Two: Map of Subject Property – Page 3

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 J. Scott Simpson, 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

JAMES F. UDELL UDELL ENGINEERING & SURVEYING

63 EAST ASH STREET
LEBANON, OREGON 97355
PHONE (541) 451-5125
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EXHIBIT A

Annexation Legal Description

An area of land in Section 23 of Township 12 South of Range 2 West of the Willamette Meridian, Linn County, Oregon described as follows: - - -

Beginning at a 5/8" iron rod marking the Southwest corner of the land described in Linn County deed reference Microfilm Volume 109-Page 322 which bears South 1218.79 feet and East 445.73 feet from the Southwest corner of Lot 9 in Horn Subdivision, Linn County, Oregon; thence South 89°43'06" East 1128.10 feet to the West line of Cascade Drive right-of-way and also being on the East line of Oregon Department of Transportation right-of-way per Linn County deed reference Book 308- Page 595; thence North 29°46'25" West, along the West line of said Cascade Drive right-of-way, 336.37 feet to a point; thence North 47°43'56" West 159.46 feet to a point; thence South 42°16'04" West 100.95 feet to a point; thence North 44°16'11" West 248.95 feet to a 5/8" iron rod; thence North 89°43'06" West 599.06 feet to the Northwest corner of the land described in said Linn County deed reference Microfilm Volume 109- Page 322; thence South 0°16'06" West 500.18 feet to the point of beginning.

I hereby certify the above legal description closes within the tolerance outlined in O.R.S. and as recognized in the Surveying profession.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Brian Vandetta

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

EXPIRES

6-30-2002

EXHIBIT A

ANNEXATION AND ZONING MAP CHANGE AREA

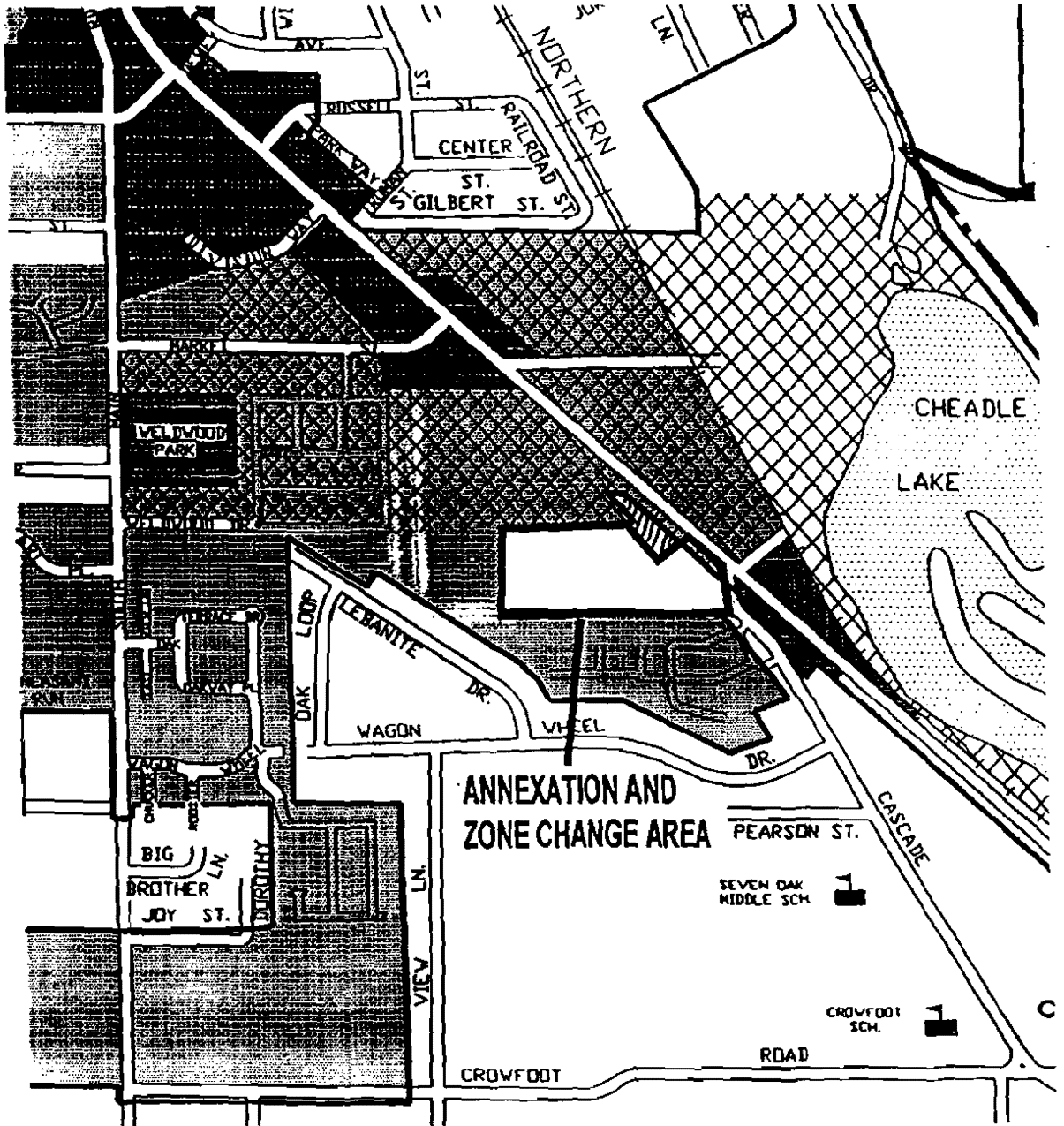


EXHIBIT B**FINDINGS WITH CRITERIA****For****ANNEXATION REQUEST****File #: A-02-04****ANNEXATION AND ZONE ESTABLISHMENT**

The Annexation and Zone Establishment Application proposes to annex the Motor Vu Property and assign it a MU zone consistent with the SPD Comprehensive Plan designation being proposed pursuant to the Comprehensive Plan Map Amendment. The City Council finds that the Annexation and Zone Establishment complies with all of the relevant approval criteria. Therefore, the City Council affirms the Planning Commission's recommendation to approve the Annexation and Zone Establishment Application subject to the City Staff's recommended conditions of approval.

As a preliminary matter, the Opposition asserts that the Annexation and Zone Establishment is inconsistent with a number of Comprehensive Plan goals and policies based on issues related specifically to the Project. The relevancy of the Project and/or the Planned Development is limited to the evaluation of the adequacy of the public facilities and services. The Applicant demonstrated that there are adequate public facilities and services based on the projected needs of the Project. All other aspects of the Project and/or the Planned Development are not being reviewed or approved under these proceedings. The Planning Commission reviewed and approved the Planned Development, in accordance with the applicable Comprehensive Plan and LZO provisions, in a separate proceeding. Therefore, the City Council's consideration of the Project in this proceeding is limited to the evaluation of the adequacy of the public facilities and services based on the projected needs of the Project.

A. ZONING ORDINANCE**1. LZO 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.

Findings: Pursuant to Section 3.050, the zoning for property that is being annexed into the City is established as part of the annexation process itself. The Applicants are requesting that the Motor Vu Property be zoned MU as part of the Annexation and Zone Establishment assuming that the Comprehensive Plan Map Amendment is approved.

The MU zone is the appropriate zone to establish on the Motor Vu Property for two reasons. First, the MU zone is the zone that typically implements the Comprehensive Plan designation of SPD. The City has historically administered the Comprehensive Plan and LZO by placing the MU Zone on properties with a SPD designation since the Comprehensive Plan was adopted. For example, the Champion Property was designated SPD and zoned MU by the City in 1980. Additionally, those properties that were redesignated SPD pursuant to the 1995 Commercial Lands Study were also rezoned MU. Additionally, other lands have been designated SPD since the adoption of the Comprehensive Plan and include the Wal-Mart facility and the Santiam Village North Manufactured Home Park.

Second, the Motor Vu Property can be more effectively developed in conjunction with the adjacent Champion Property under the MU zone. The Champion Property is currently vacant and idle awaiting redevelopment. The Champion Property is designated SPD and zoned MU. The Properties will be one of the largest available and vacant land areas in the south part of the City suitable for commercial development and the last parcel that would be eligible for such development with direct access to the Highway south of Market Street. The Annexation and Zone Establishment will provide consistent zoning for the Properties so that they can be developed together under the same development standards.

The Opposition asserts that the Applicant was required to file a Zone Change Application and demonstrate compliance with the zone change criteria. This assertion is contrary to the express language of Section 3.050, which clearly states that the zoning for property that is being annexed into the City is established as part of the annexation process itself. The City cannot change a City zone until the City first establishes a zone for the property pursuant to Section 3.050. Moreover, the Opposition fails to explain what different or additional Comprehensive Plan and LZO provisions are applicable that have not already been considered as part of the Annexation and Zone Establishment and Comprehensive Plan Map Amendment review.

The Opposition also asserts that the MU zone is inappropriate because the Project constitutes a highway commercial use and does not cater to foot traffic, as purportedly required under the MU zone. As previously stated, the relevancy of the Project and/or the Planned Development to the Annexation and Zone Establishment is limited to the evaluation of the adequacy of the public facilities and services. The issue of whether or not the Project is permitted in the MU zone must be addressed in the Planned Development proceedings, not the Annexation and Zone Establishment. The City Council is basing its zoning designation decision based on the Motor Vu Property, not the Project.

B. COMPREHENSIVE PLAN – APPROVAL CRITERIA**1. The City Annexation Policy**

Section 1 – The City of Lebanon shall require proof that urban services are available or can be made available to serve the property considered for annexation and that the additional demands that would be placed on those services will not overburden their present capacities.

Findings: The Annexation and Zone Establishment complies with this policy because the Applicant demonstrated that urban services (water, sanitary sewer, storm drainage facilities, streets, etc.) are available or will be made available by the Applicant, at the Applicant's sole expense, to serve the Motor Vu Property and that the City has the capacity to serve these needs. The Applicant worked in coordination with the City Engineer and Planning Staff to verify that the City has the capacity to serve the Motor Vu Property based on the demands of the Project. The Applicant provided information to the City regarding its public infrastructure needs so that the City could verify, through its own system models and utility master plans, that the systems have the available capacity. Both the Applicant and the City performed independent TIA of the commercial development of both the Motor Vu Property and the Champion Property. The Applicant's and the City's TIA confirm that the commercial development of the Properties will not adversely impact the safe and efficient movement of traffic. The City's TIA demonstrates that the existing street system, upgraded by the Applicant's transportation improvements, will have the capacity to carry the projected traffic loads. The City's TIA studied the traffic impacts on the surrounding roadways, including Market Street to the north, Highway 20 and Cascade Drive to the east, Crowfoot Road to the south and South Main Road to the west, and concluded that it will not adversely impact the safe and efficient movement of traffic. As stated at the City Council Hearings, the City Engineer and Planning Staff determined, based upon the information provided, that the City's urban services have sufficient capacity to serve the Motor Vu Property subject to the public infrastructure and urban services improvements that the Applicant agreed to perform at the Applicant's sole expense. The Applicant's performance of these improvements is a condition of approval for the Annexation and Zone Establishment.

Although it is not required by the applicable Comprehensive Plan and LZO provisions, since the Opposition questioned this analysis the Applicant prepared a letter to the City Engineer, dated September 17, 2002 (the "Applicant's September 17th Letter"), requesting verification that the City's facilities have the capacity to meet the demands. Pursuant to the letter from the City Engineer to the Applicant's representative, dated September 18, 2002 (the "City Engineer's September 18th Letter"), the City verified that the City's facilities currently have the capacity or will have the capacity with the Applicant's improvements to serve the Motor Vu Property based on the Project's needs. The Applicant also provided a letter to the City Engineer, dated November 21, 2002 (the "Applicant's November 21st Letter"), in response to the Opposition's assertion that the Applicant's figures regarding the demands of the Project were incomplete, demonstrating that the City's facilities

have the capacity to serve the proposed development of the Motor Vu Property. Other utility services, such as telephone, electricity, natural gas and cable TV, are adjacent to the Motor Vu Property and the Applicant's discussions with the purveyors of these services has identified that they all have the capacity to serve the Motor Vu Property. The Applicant has also provided evidence that the public services such as fire protection, life and safety emergency services and police protection are available. The annexation of the Motor Vu Property will not impact the capabilities of these services or restrict their ability to serve the site and the City of Lebanon.

The Opposition asserts that the Applicant fails to adequately demonstrate that the storm drainage and transportation facilities are adequate. The City Council disagrees with the Opposition's assertions for the following reasons:

1) The Applicant demonstrated that adequate storm water drainage will be provided based upon the Applicant's proposed upgrades to the existing system. The Applicant worked in coordination with ODOT and the City regarding the capacity of their existing systems. The City identified three locations where the historic 10-year flow is constricted. The approval of the Annexation and Zone Establishment is conditioned upon the Applicant upgrading the culverts and pipes so that the historic flow can be accommodated. These upgrades will improve the existing system and ensure that the City's system has the capacity to transport this historic flow without impacts to the area residents. Contrary to the Opposition's suggestion, the Applicant is only required to demonstrate that there is sufficient capacity for the historic 10-year flow, not the historic 100-year flow.

2) The Opposition raised a number of assertions regarding transportation issues, including: (1) the TIAs do not evaluate the impacts on local/collector streets, (2) the TIAs do not account for middle school traffic impacts, (3) the realignment of Cascade/Hwy 20 is a problem because tax lot 1900 is not being annexed; and (4) the Opposition's traffic engineer discredited the Applicant's and the City's TIA. The City Council disagrees with these assertions for the following reasons:

a) The City's TIA studied all of the necessary roadways surrounding the site that will be impacted by the commercial development of the Properties, including Market Street to the north, Highway 20 and Cascade Drive to the east, Crowfoot Road to the south and South Main Road to the west. The TIA considered impacts on Market Street, which is identified as a local street. The reason that the City's TIA did not include other local streets in the study area is that they will not be impacted by the commercial development of the Properties because no other local or collector streets run north/south from Crowfoot to Market Street or east/west from Highway 20 or Cascade Drive to South Main. The traffic will stay on these main routes of travel, unless the motorists live inside the study area in which case their traffic counts were included in the TIA.

b) The City's traffic engineer explained at the City Council Hearings, the City's TIA did not account for the traffic generated by the middle school because the evening (PM) peak traffic volume for the study area is greater than the morning (AM) peak traffic volume. Because the PM peak is greater than the AM peak, the PM peak is used to develop the TIA. The school's afternoon traffic rush occurs at the end of the school day. There is an approximate 15 to 20 minute period after school where the buses, parents and teachers depart. The students and staff remaining for after school activities are a fraction of the school population and, from a traffic standpoint, do not add a significant volume to the PM peak traffic. The PM peak occurs between 4:00 pm and 6:00 pm. By the time of the PM peak the school afternoon rush has ended and that traffic is elsewhere on the local road system and not impacting the study area.

c) The fact that tax lot 1900 is not being annexed at this time will not affect the ability of the City and ODOT to realign the Highway 20 and Cascade Drive intersection. The City, Linn County and ODOT all support the proposed realignment of Cascade Drive. The Applicant worked in coordination with Linn County, the City, and ODOT staff to determine the location of the realignment of Cascade Drive. The City requested that ODOT surplus tax lot 1900 to the City upon approval of the Applications. Surplussing of this property could not occur until ODOT was provided direction on how to protect the Santiam Wagon Road, which crosses that property. ODOT received that direction in letters from the Oregon State Historic Preservation Office, dated August 5 and September 3, 2002. Since ODOT will be surplussing this property to the City, the City can annex that parcel at anytime once they gain control of the property. The fact that tax lot 1900 is not being annexed at this time in no way affects the ability of the City and ODOT to have the Cascade Drive intersection realigned.

d) The Opposition's traffic engineer did not discredit the Applicant's and the City's TIA because the traffic analysis performed by the Applicant's and the City's traffic engineers is more credible. The Opposition's traffic engineer, Robert Bernstein, questioned the results of the Applicant's and the City's TIA. The Opposition's traffic engineer did not perform an independent traffic analysis, but merely reviewed the Applicant's and the City's TIA. At the City Council Hearings and in a rebuttal statement by the City's traffic engineer, the Applicant's and the City's traffic engineers provided adequate responses to each of the issues raised by the Opposition's traffic engineer. Based on this evidence, the City Council concludes that the Applicant's and the City's traffic engineers, and the traffic analysis they performed, are more credible than the analysis performed by the Opposition's traffic engineer.

Based on the testimony at the Planning Commission Hearings, the City Council Hearings, the Applicant's September 17th and November 21st Letters and the City Engineer's September 18th Letter, there is substantial evidence in the record to demonstrate that urban services are available or will be made available by the Applicant, at the Applicant's sole expense, to serve the Motor Vu Property. Therefore, the Annexation and Zone Establishment complies with City Annexation Policy, Section 1.

Section 2 - Public rights of way necessary for the safe and efficient movement of traffic, bicycles and pedestrians shall be provided with the annexation and without obligation to the City of Lebanon.

Findings: The Annexation and Zone Establishment complies with this policy because it includes substantial transportation improvements, at the Applicant's expense, including additional needed right-of-way dedications, thereby providing enhanced safety and efficiency for vehicles, bicycles and pedestrians. The Applicant will realign the Cascade Drive intersection, which is currently a safety hazard, and add a new traffic signal that will allow for the efficient movement of the site traffic generated and the local traffic onto and off of Highway 20. The transportation improvements also include the construction of Weldwood Drive. Right-of-way dedication and proposed improvements will be accomplished at the Applicants' sole expense. The Applicant's performance of these transportation improvements is a condition of approval for the Annexation and Zone Establishment.

The Opposition questioned whether the necessary public rights-of-way have been provided given that tax lot 1900 is not part of the Annexation and Zone Establishment proposal. It is not necessary to annex tax lot 1900 to provide the necessary rights-of-way for three reasons:

- 1) The annexation process is not the process used to dedicate rights-of-way to the City. It is done through a platting process. The Applicant provided the proposed location of the necessary rights-of-way and the proposed pedestrian and bicycle facilities pursuant to the City's request. These proposed rights-of-way provide for the safe and efficient movement of traffic, bicycles and pedestrians. All the rights-of-ways required by the City will be dedicated to the City.
- 2) It is not necessary to annex tax lot 1900 to provide the necessary rights-of-way because ODOT will surplus tax lot 1900 to the City upon completion of the Santiam Wagon Road protection measures. Tax lot 1900 was not included in the Annexation and Zone Establishment request because that property is owned by ODOT, not the Applicant. Once ODOT surpluses this property to the City, the City can annex that parcel at anytime. It is not necessary for the Applicant to demonstrate compliance with Linn County's Comprehensive Plan. Additionally, Linn County has determined that the subject Cascade Drive rights-of-way is not within the County's jurisdiction.
- 3) The fact that tax lot 1900 is not included in the Annexation and Zone Establishment request will not affect the ability of the City and ODOT to realign the Highway 20 and Cascade Drive intersection. The Opposition's claim is based primarily on the inaccurate assertion that the Applicant failed to coordinate with Linn County regarding the realignment. There is substantial evidence in the record that the Applicant worked in coordination with the City, Linn County and ODOT and that all three support the proposed realignment of Cascade Drive. Moreover, Linn County has determined that the subject right-of-way is not within the County's jurisdiction.

Section 3 - Parties involved in seeking the annexation or who may be included in the annexation shall initiate a program to upgrade any urban services and/or public facilities within the area considered for annexation that do not meet standards as may be established by the City of Lebanon.

Findings: The Annexation and Zone Establishment complies with this policy because the Applicant demonstrated that it will provide the necessary upgrades to the urban services and/or public facilities at the Applicant's expense. These upgrades and/or improvements include extension of City water mains through the property, upgrading of portions of the Burkhart Creek drainage system, public rights-of-way dedication for and construction of Cascade Drive and Weldwood Drive, and installation of a traffic signal at Highway 20 and the new Weldwood Drive intersection. As stated in response to City Annexation Policy, Section 1, the Applicant demonstrated that urban services and/or public facilities are available or will be made available by the Applicant, at the Applicant's expense, to serve the Motor Vu Property based on the proposed needs of the Project.

Section 4 - No annexation shall be considered that does not conform with the Lebanon Comprehensive Plan and its goals and policies.

Findings: The Annexation and Zone Establishment complies with this policy because the Applicant demonstrated, as explained in this section, that the Annexation and Zone Establishment complies with the applicable Comprehensive Plan goals and policies.

Section 5 - It shall be the burden of proof of the applicant that a public need exists for the proposed annexation and that the annexation is in the public's interest.

Findings: The Annexation and Zone Establishment complies with this policy because the Applicant demonstrated that there is a public need and interest for the Annexation and Zone Establishment for the following reasons:

1) The Annexation and Zone Establishment will in-fill this area which is currently an island of County jurisdiction surrounded by the City of Lebanon. The Motor Vu Property is surrounded by the City of Lebanon on three sides and is currently not in the City and zoned appropriately because the present property owner asked to opt out during the last annexation process. The property owner now wants to annex into the City and be zoned appropriately. Annexing this property provides in-fill opportunities within the City's corporate boundaries and provides for efficient and managed growth within the City and discourages sprawl. This is true regardless of whether or not the Herb/Cook annexation, currently on remand from LUBA so that the City can supplement its findings, is ultimately approved.

2) The Annexation and Zone Establishment will enable the Motor Vu Property to be developed in conjunction with the Champion Property. The closing and removal of the Champion Forest Products commercial nursery facility has left the Champion Property vacant and idle awaiting redevelopment. The Properties will be one of the largest available and vacant land areas in the south part of the City suitable for commercial development, and is the last parcel that would be eligible for such development with direct access to the Highway south of Market Street.

3) The Annexation and Zone Establishment will allow for a commercial development that can more likely provide the necessary funding for the realignment and signalization of the Highway 20 and Cascade Drive intersection. As outlined in the 1995 Commercial Lands Study, the existing Highway 20 and Cascade Drive intersection was determined to be unsafe. Since that time there has been an increase of traffic volumes along Highway 20. ODOT, the City and Linn County have expressed their desire to realign the Highway 20 and Cascade Drive intersection to create a safer intersection. Without the Annexation and Zone establishment, there is no guarantee that subsequent piecemeal development would create the necessary rational nexus sufficient for funding the reconfiguring of this intersection. The Annexation and Zone Establishment will help accomplish this goal.

4) The Annexation and Zone Establishment and subsequent development will reduce the number of currently allowed direct access points to Highway 20. The Champion Property currently has five direct access points to Highway 20. The Annexation and Zone establishment will reduce the access points to Highway 20 by 4 locations as proposed by the Applicant, through the combined development of both sites.

5) The area being annexed is located in the City's designated High Priority for Future Use area, as shown on the Phased Growth Map on page 4-26 of the Comprehensive Plan.

The Opposition asserts that the Applicant failed to demonstrate sufficient public need and interest because the Applicant failed to adequately demonstrate that there is a need for the Project and/or additional commercial lands. The Opposition is incorrect for several reasons:

1) As previously stated, the relevancy of the Project and/or the Planned Development to the Annexation and Zone Establishment is limited to the evaluation of the adequacy of the public facilities and services. All other aspects of the Project and/or the Planned Development are not being reviewed or approved under these proceedings. The Planning Commission reviewed and approved the Planned Development, in accordance with the applicable Comprehensive Plan and LZO provisions, in a separate proceeding. Therefore, it is not necessary for the Applicant to demonstrate that there is a need for the Project as part of the City's consideration of the Annexation and Zone Establishment.

2) The Applicant is not required to demonstrate that there is a need for more commercial lands. Although Goal 9 and the Comprehensive Plan goals and policies implementing Goal 9 require the City to maintain a minimum amount of commercial lands sufficient to meet the City's commercial needs, they do not prohibit or restrict the City from providing more commercial lands than is necessary to satisfy the commercial needs. Therefore, even if the Opposition were correct that the City has a surplus of commercial lands the Annexation and Zone Establishment would still be permissible.

3) The Opposition incorrectly assumes that the City can reconsider and reevaluate the 1995 Commercial Lands Study as part of this proceeding. The City cannot ignore or reevaluate the 1995 Commercial Lands Study as part of this proceeding. The City already adopted the 1995 Commercial Lands Study for purposes of demonstrating compliance with Goal 9 and evaluated the City's commercial needs over the required 20 year planning period. The 1995 Commercial Lands Study is part of the City's acknowledged Comprehensive Plan. Neither the Opposition's economic information nor the 1999 Cascade West Council of Governments Study that the Opposition relies upon have been adopted by the City and neither are part of the acknowledged Comprehensive Plan. Therefore, the City Council must rely upon the 1995 Commercial Lands Study for purposes of its decision regarding the Annexation and Zone Establishment.

4) The Opposition incorrectly asserts that the City's implementation of the 1995 Commercial Lands Study provided a surplus of commercial lands. As noted above, the 1995 Commercial Lands Study itself recognizes that the City's redesignation and rezoning of the various properties does not guarantee that the sites will be developed commercially because the SPD Comprehensive Plan designation and MU zoning allow for noncommercial uses. Therefore, the 1995 Commercial Lands Study recognizes that the City may need to provide additional commercial lands to satisfy its commercial needs depending on how those properties, redesignated and rezoned under the 1995 Commercial Lands Study are developed in the future.

For the reasons stated above, the Annexation and Zone Establishment complies with City Annexation Policy, Section 5, because it serves a number of public needs and is in the best interest of the public.

2. Urbanization Policies – Chapter 4.0

a. Phased Growth Program

Policy 1 - The city shall maintain a compact growth pattern that expands the city limits incrementally in an orderly and efficient manner within the service capabilities of the city.

Findings: The Annexation and Zone Establishment complies with this policy because it will result in an orderly and efficient connection or in-fill of City limits within the City service capabilities. The Annexation and Zone Establishment will in-fill this area, which is currently an island of County jurisdiction surrounded by the City of Lebanon. The Motor Vu Property is surrounded by the City of Lebanon on three sides and is currently not in the City only because the present property owner asked to opt out during the last annexation process. As an in-fill property, City services already “leap frog” over the Motor Vu Property. Annexing the Motor Vu Property provides for efficient and managed growth within the City. This is true regardless of whether or not the Herb/Cook annexation, currently on remand from LUBA so that the City can supplement its findings, is ultimately approved. As stated in response to City Annexation Policy, Section 1, the Motor Vu Property is within the service capabilities of the City.

b. Annexation

Policy 1 -The city shall annex land only within the Urban Growth Boundary on the basis of findings that support the need for additional developable land in order to maintain an orderly, compact growth pattern within the city's service capability.

Findings: The Annexation and Zone Establishment complies with this policy because the Motor Vu Property is within the Urban Growth Boundary and will satisfy the City's need for additional developable land in order to maintain an orderly, compact growth pattern within the City's service capability. As stated in response to Comprehensive Plan Urbanization Element, Phased Growth Program Policy #1 above, the Annexation and Zone Establishment will in-fill this area, which is currently an island of County jurisdiction surrounded by the City of Lebanon, thereby completing the City's service requirements and capabilities in this area. As stated in response to City Annexation Policy, Section 5, the Annexation and Zone Establishment will support the need for additional developable land and related public interest needs.

Policy 3 - Unless otherwise approved by the city, specific development proposals shall be required for annexation requests on vacant land adjacent to the city to insure completion within a reasonable time limit in conformance with a plan approved by the city.

Findings: This policy is not applicable to this Annexation and Zone Establishment because the Motor Vu Property is not vacant. This policy only requires a specific development proposal if the property is vacant. The Motor Vu Property is not vacant because it currently is developed with the Motor Vu Drive-In Theatre. Even if this policy was applicable, the Annexation and Zone Establishment complies with this policy because the Applicant filed the Planned Development proposing a specific development proposal concurrently with the Annexation and Zone Establishment. The Planning Commission reviewed and approved the Planned Development, in accordance with the applicable Comprehensive Plan and LZO provisions, in a separate proceeding. Therefore, the redevelopment of the Motor Vu Property will be ensured within a reasonable time limit.

c. Public Facilities and Services

General Policy 2 - The city shall consider impacts on community facilities before ... annexation requests are approved.

Findings: The Annexation and Zone Establishment complies with this policy because it will not result in an adverse impact on community services and facilities as stated in response to City Annexation Policy, Section 1. The Annexation and Zone Establishment will in fact result in enhanced local community facilities, in particular the relocated and signalized Cascade Drive intersection with Highway 20, bike/pedestrian pathway improvements along Highway 20, west to South Main and throughout the Properties, the storm drainage system upgrades to the Burkhart Creek Drainage and the water system extensions through the Properties south to Cascade Drive.

d. Energy

Policy 1 - The City shall support and enforce energy conservation and efficiency programs including:

Energy impact statements for all major developments.

Findings: The Annexation and Zone Establishment is consistent with this policy because it is not contrary to the City's energy conservation and efficiency programs. The Annexation and Zone Establishment will in fact result in enhanced local community facilities, in particular the relocated and signalized Cascade Drive intersection with Highway 20, bike/pedestrian pathway improvements along Highway 20, west to South Main and throughout the Properties, the storm drainage system upgrades to the Burkhart Creek Drainage and the water system extensions through the Properties south to Cascade Drive, which will further the City's energy conservation and efficiency efforts. An energy impact statement is not required because the Annexation and Zone Establishment does not constitute a major development because neither the Planned Development nor any specific type of development is being reviewed or considered under these proceedings.

3. Land Use – Chapter 5.0

a. Commercial Land Use

Policy 6 - Existing commercial businesses should be allowed to continue but no new developments of a strip nature should occur. (5-P-3)

Findings: The Annexation and Zone Establishment is consistent with this policy because it will not create strip development. The Annexation and Zone Establishment will not create new commercial development in this area, but allow for the commercial redevelopment of this area. The 1995 Commercial Lands Study relied upon the Motor Vu Property and the Champion Property as part of the City's existing commercial inventory because both properties were being used for commercial purposes. The Motor Vu Property has been used for commercial purposes for the past 50 years. The Annexation and Zone Establishment will merely accommodate the joint redevelopment of the Motor Vu Property and the Champion Property. Moreover, the Motor Vu Property is surrounded by properties to the north, east, and south that are either currently in commercial use or are commercially designated and zoned to allow for commercial uses in the future. Additionally, the MU zone allows for a variety of uses, including commercial, residential and industrial. As previously stated, neither the Planned Development nor any specific type of development is being reviewed or considered under these proceedings.

Policy 7 - Existing commercial centers should be reinforced and expanded prior to development of new outlying centers. (5-P-3)

Findings: The Annexation and Zone Establishment is consistent with this policy because it will not create new commercial centers. The Annexation and Zone Establishment will not create new commercial development in this area, but allow for the commercial redevelopment of this area. The 1995 Commercial Lands Study relied upon the Motor Vu Property and the Champion Property as part of the City's existing commercial inventory because both properties were being used for commercial purposes. The Motor Vu Property has been used for commercial purposes for the past 50 years. The Annexation and Zone Establishment will merely accommodate the joint redevelopment of the Motor Vu Property and the Champion Property. Moreover, the Motor Vu Property is surrounded by properties to the north, east, and south that are either currently in commercial use or are commercially designated and zoned to allow for commercial uses in the future. Additionally, the MU zone allows for a variety of uses, including commercial, residential and industrial. As previously stated, neither the Planned Development nor any specific type of commercial development is being reviewed or considered under these proceedings.

Policy 10 - Commercial developments shall be constructed as compact centers rather than scattered along roadways or mixed in with noncommercial land uses that would conflict. (5-P-3)

Findings: The Annexation and Zone Establishment is consistent with this policy because it will not result in scattered commercial development or commercial development mixed in with conflicting noncommercial land uses. The MU zone allows for a variety of uses, including commercial, residential and industrial. As previously stated, neither the Planned Development nor any specific type of commercial development is being reviewed or considered under these proceedings. Moreover, the Motor Vu Property is surrounded by properties to the north, east and south that are either in commercial use or are commercially zoned.

b. Commercial Locational Standards

The Opposition asserts that the Annexation and Zone Establishment is not consistent with the locational and development standards set forth at Comprehensive Plan 5-15. The commercial locational and development standards apply to commercial center development. The Annexation and Zone Establishment does not include a proposal for a commercial center development. The Opposition's assertion that the Project is not consistent with the commercial locational and development standards is irrelevant because the relevancy of the Project and/or the Planned Development in this proceeding is limited to the evaluation of the adequacy of the public facilities and services.

4. Transportation – Chapter 7.0

The Annexation and Zone Establishment is consistent with the Transportation goals and policies because it includes substantial transportation improvements, at the Applicant's expense, that will improve the safety of motorists and the efficient movement of traffic in the area. The Applicant's performance of these transportation improvements is a condition of approval for the Annexation and Zone Establishment.

The Annexation and Zone Establishment includes substantial transportation improvements, at the Applicant's expense, that will improve the safety of motorists and the efficient movement of traffic in the area. The Applicant will also realign the Cascade Drive intersection, which is currently a safety hazard, and add a new traffic signal that will allow for the efficient movement of the site traffic generated and the local traffic onto and off of Highway 20. The transportation improvements also include the construction of Weldwood Drive. The Applicant's performance of these transportation improvements is a condition of approval for the Annexation and Zone Establishment.

Both the Applicant and the City performed independent TIAs. The Applicant's and the City's TIA confirm that the commercial development of the Properties will not adversely impact the safe and efficient movement of traffic. The City's TIA demonstrates that the existing street system, upgraded by the Applicants' transportation improvements, will have the capacity to carry the projected traffic loads. The City's TIA studied the traffic impacts on the surrounding roadways, including Market Street to the north, Highway 20 and Cascade Drive to the east, Crowfoot Road to the south and South Main Road to the west, and concluded that it will not adversely impact the safe and efficient movement of traffic.

The Opposition raised a number of assertions regarding transportation issues, including: (1) the TIAs do not evaluate the impacts on local/collector streets, (2) the TIAs do not account for middle school traffic impacts, (3) the realignment of Cascade/Hwy 20 is a problem because tax lot 1900 is not being annexed; and (4) the Opposition's traffic engineer discredited the Applicant's and the City's TIA. The City Council disagrees with these assertions for the following reasons:

1) The City's TIA studied all of the necessary roadways surrounding the site that will be impacted by the commercial development of the Properties, including Market Street to the north, Highway 20 and Cascade Drive to the east, Crowfoot Road to the south and South Main Road to the west. The TIA considered impacts on Market Street, which is identified as a local street. The reason that the City's TIA did not include other local streets in the study area is that they will not be impacted by the commercial development of the Properties because no other local or collector streets run north/south from Crowfoot to Market Street or east/west from Highway 20 or Cascade Drive to South Main. The traffic will stay on these main routes of travel, unless the motorists live inside the study area in which case their traffic counts were included in the TIA.

2) As the City's traffic engineer explained at the City Council Hearings, the City's TIA did not account for the traffic generated by the middle school because the evening (PM) peak traffic volume for the study area is greater than the morning (AM) peak traffic volume. Because the PM peak is greater than the AM peak, the PM peak is used to develop the TIA. The school's afternoon traffic rush occurs at the end of the school day. There is an approximate 15 to 20 minute period after school where the buses, parents and teachers depart. The students and staff remaining for after school activities are a fraction of the school population and, from a traffic standpoint, do not add a significant volume to the PM peak traffic. The PM peak occurs between 4:00 pm and 6:00 pm. By the time of the PM peak the school afternoon rush has ended and that traffic is elsewhere on the local road system and not impacting the study area.

3) The fact that tax lot 1900 is not being annexed at this time will not affect the ability of the City and ODOT to realign the Highway 20 and Cascade Drive intersection. The City, Linn County and ODOT all support the proposed realignment of Cascade Drive. The Applicant worked in coordination with Linn County, the City, and ODOT to determine the location of the realignment of Cascade Drive. The City requested that ODOT surplus tax lot 1900 to the City

upon approval of the Applications. Surplussing of this property could not occur until ODOT was provided direction on how to protect the Santiam Wagon Road, which crosses that property. ODOT received that direction in letters from the Oregon State Historic Preservation Office, dated August 5 and September 3, 2002. Since ODOT will be surplussing this property to the City, the City can annex that parcel at anytime once they gain control of the property. The fact that tax lot 1900 is not being annexed at this time in no way affects the ability of the City and ODOT to have the Cascade Drive intersection realigned.

4) The Opposition's traffic engineer did not discredited the Applicant's and the City's TIA because the traffic analysis performed by the Applicant's and the City's traffic engineers is more credible. The Opposition's traffic engineer, Robert Bernstein, questioned the results of the Applicant's and the City's TIA. The Opposition's traffic engineer did not perform an independent traffic analysis, but merely reviewed the Applicant's and the City's TIA. At the City Council Hearings and in a rebuttal statement by the City's traffic engineer, the Applicant's and the City's traffic engineers provided adequate responses to each of the issues raised by the Opposition's traffic engineer. Based on this evidence, the City Council concludes that the Applicant's and the City's traffic engineers, and the traffic analysis they performed, are more credible than the analysis performed by the Opposition's traffic engineer.

a. *General Policies*

Policy 1 - The City shall seek to develop a balanced transportation system which includes all transportation modes appropriate to the City's needs.

Findings: The Annexation and Zone Establishment is consistent with this policy because it will contribute to a balanced transportation system and will accommodate all transportation modes by providing adequate vehicular transit, bicycle and pedestrian use. The Annexation and Zone Establishment will provide substantial transportation improvements that will significantly improve the safety and efficiency of the transportation system within this area. The Annexation and Zone Establishment will also provide a bicycle and pedestrian pathway along Highway 20 from Market Street south to the existing Cascade Drive. Pedestrian sidewalks will be provided along the realigned Cascade Drive and the new Weldwood Drive. Bike lanes will be provided in the travel lanes of Cascade Drive and Weldwood Drive. A bike/pedestrian path will be constructed from the west end of Weldwood Drive west to South Main. The Comprehensive Plan Map Amendment will provide for on-site pedestrian access from Highway 20 and Weldwood Drive. Bicycle routes of travel will also be provided on-site. The Applicant's performance of these transportation improvements is a condition of approval for the Annexation and Zone Establishment.

Policy 2 - Transportation proposals shall be reviewed to minimize adverse social, economic, energy and environmental impacts and costs.

Findings: The Annexation and Zone Establishment is consistent with this policy because it will minimize adverse social, economic, energy and environmental impacts and costs. Annexation and Zone Establishment includes substantial transportation improvements that will result in positive social, economic, energy and environmental impacts. The City and ODOT have identified the Cascade Drive/Highway 20 intersection to be a nonfunctional intersection. The existing Level of Service for this intersection is F, which means that it has failed and that users will tend to take risks to move through this intersection. The Annexation and Zone Establishment will improve this intersection by realigning the intersection and signaling the intersection. These improvements will improve the efficiency and safety of this intersection and increase the movement of traffic.

b. Streets and Highways

Policy 9 - The use of land adjacent to arterials shall not be allowed to conflict with the safe and efficient movement of traffic. (7-P-2)

Findings: The Annexation and Zone Establishment is consistent with this policy because it will not conflict with the safe and efficient movement of traffic. The Annexation and Zone Establishment includes substantial transportation improvements that will improve the safety of motorists and the efficient movement of traffic in the area. The Applicant will realign the Cascade Drive intersection, which is currently a safety hazard, and add a new traffic signal that will allow for the efficient movement of the site generated traffic and the local traffic onto and off of Highway 20. The Annexation and Zone Establishment also includes the construction of Weldwood Drive.

Policy 10 - Collector streets shall provide for movement within the City's neighborhoods and collect and distribute traffic from arterial streets and highways.

Findings: This policy does not apply to the Annexation and Zone Establishment because it does not involve improvements to or the construction of collector streets. The Annexation and Zone Establishment includes improvements to Cascade Drive, a minor arterial, and construction of a new roadway, Weldwood Drive, that is to be designated as a minor arterial.

Policy 11 - Local residential streets shall be designed and constructed to discourage through traffic within residential neighborhoods.

Findings: This policy does not apply to the Annexation and Zone Establishment because it does not involve improvements to or the construction of residential streets. The Annexation and Zone Establishment includes improvements to Cascade Drive, a minor arterial, and construction of a new roadway, Weldwood Drive, that is to be designated as a minor arterial.

c. Bicycle and Pedestrian Ways

Policy 5 - The Planning Commission shall include consideration of bicycle and pedestrian needs as part of the project review procedure. (7-P-3)

Findings: The Annexation and Zone Establishment is consistent with this policy because it takes into consideration bicycle and pedestrian needs. The Annexation and Zone Establishment will provide a bicycle and pedestrian pathway along Highway 20 from Market Street south to the existing Cascade Drive. Pedestrian sidewalks will be provided along the realigned Cascade Drive and the new Weldwood Drive. Bike lanes will be provided in the travel lanes of Cascade Drive and Weldwood Drive. A bike/pedestrian path will be constructed from the west end of Weldwood Drive west to South Main. The Annexation and Zone Establishment will provide for on-site pedestrian access from Highway 20 and Weldwood Drive. Bicycle routes of travel will also be provided on-site. The Applicant's performance of these improvements is a condition of approval for the Annexation and Zone Establishment.

Policy 6 - The City shall continue to provide and improve sidewalks and pedestrian ways as part of its continuing street improvement program. (7-P-3)

Findings: The Annexation and Zone Establishment is consistent with this policy because it will provide the necessary sidewalks and pedestrian ways. The Annexation and Zone Establishment will provide a bicycle and pedestrian pathway along Highway 20 from Market Street south to the existing Cascade Drive. Pedestrian sidewalks will be provided along the realigned Cascade Drive and the new Weldwood Drive. Bike lanes will be provided in the travel lanes of Cascade Drive and Weldwood Drive. The Annexation and Zone Establishment will provide for on-site pedestrian access from Highway 20 and Weldwood Drive. Bicycle routes of travel will also be provided on-site. Therefore, the Annexation and Zone Establishment is consistent with this policy.

5. Population and Economy – Chapter 3.0

Policy 2 - The City shall encourage a diversified economic base for the community which broadens and improves long-term employment opportunities and is compatible with the environmental resources of the community. (3-P-1)

Findings: The Annexation and Zone Establishment is consistent with this policy because it will further the City's policy of providing a diversified economic base for the community and long-term employment opportunities. The Annexation and Zone Establishment will enable the Motor Vu Property to be developed in conjunction with the Champion Property. The Properties will be one of the largest available and vacant land areas in the south part of the City suitable for commercial development, and is the last parcel that would be eligible for such development with direct access to the Highway south of Market Street. The development of such a parcel will further the City's economic goal of providing a diversified economic base.

The Annexation and Zone Establishment is also compatible with the environmental resources of the community. The Motor Vu Property is currently used for commercial purposes and does not contain significant environmental resources.

The Opposition asserts that the Annexation and Zone Establishment is not consistent with this policy because Wal-Mart is not unionized and does not pay union wages. This assertion is irrelevant because the relevancy of the Project and/or the Planned Development to the Annexation and Zone Establishment is limited to the evaluation of the adequacy of the public facilities and services. The economic impacts of the Project itself is outside the limited scope of relevancy.

Policy 3 - The City shall continue to actively encourage industrial and business developments that improve the economy of the community and the state and shall maintain an up-to-date information file on the community including an inventory of available industrial sites for potential developers, utilizing the resources of the Oregon State Economic Development Division. (3-P-1)

Findings: The Annexation and Zone Establishment is consistent with this policy because it will improve the economy of the community through the addition of property that can be redeveloped. The Annexation and Zone Establishment will enable the Motor Vu Property to be developed in conjunction with the Champion Property. The Properties will be one of the largest available and vacant land areas in the south part of the City suitable for commercial development, and is the last parcel that would be eligible for such development with direct access to the Highway south of Market Street. The development of such a parcel will further the City's economic goal of providing a diversified economic base.

C. STATEWIDE PLANNING GOALS & REGULATIONS

The Opposition asserts that the Annexation and Zone Establishment fails to comply with a number of Statewide Planning Goals. The Opposition fails to explain why the Applicant is required to demonstrate compliance with the Goals or address the Goals directly. The City's acknowledged Comprehensive Plan and LZO control the annexation process. The City Council determined that the Annexation and Zone Establishment is consistent with the acknowledged Comprehensive Plan and LZO. Therefore, the City Council concludes that the Annexation and Zone Establishment complies with the Goals because it complies with the acknowledged Comprehensive Plan and LZO.

Nonetheless, the Opposition asserts that the Applicant must demonstrate compliance directly with Goal 12 because the City's Transportation System Plan ("TSP") has not yet been acknowledged. As previously stated, the City Council concludes that the Annexation and Zone Establishment complies with Goal 12 because it complies with the acknowledged Comprehensive Plan and LZO, in particular the Transportation goals and policies. Regardless, the City Council concludes that the Annexation and Zone Establishment is consistent with Goal 12 for the following reasons:

1) The Annexation and Zone Establishment is consistent with Goal 12 because the Applicant demonstrated that it will not adversely impact the surrounding transportation system because it includes substantial transportation improvements, at the Applicant's expense, that will improve the safety of motorists and the efficient movement of traffic in the area. The Applicant's performance of these transportation improvements is a condition of approval for the Annexation and Zone Establishment.

2) The Applicant demonstrated that the Annexation and Zone Establishment will not adversely impact the surrounding transportation system because it includes substantial transportation improvements, at the Applicant's expense, that will improve the safety of motorists and the efficient movement of traffic in the area. The Applicant's and the City's TIA confirm that the Annexation and Zone Establishment will not adversely impact the safe and efficient movement of traffic on the surrounding transportation system. The City's TIA demonstrates that the existing street system, upgraded by the Applicants' transportation improvements, will have the capacity to carry the projected traffic loads. The City's TIA studied the traffic impacts on all of the applicable surrounding roadways and pedestrian/bicycle routes, including Market Street to the north, Highway 20 and Cascade Drive to the east, Crowfoot Road to the south and South Main Road to the west, and concluded that it will not adversely impact the safe and efficient movement of traffic because it includes substantial transportation improvements, at the Applicant's expense, that will improve the safety of motorists and the efficient movement of traffic in the area. The substantial transportation improvements include improving site ingress and egress from Highway 20, including realigning the Cascade Drive intersection, which is currently a safety hazard, and adding a new traffic signal that will allow for the efficient movement of the site traffic generated and the local traffic onto and off of Highway 20, and the construction of Weldwood Drive. The Applicant's performance of these transportation improvements is a condition of approval for the Annexation and Zone Establishment.

- 3) As noted in the response to the Comprehensive Plan Transportation goals and policies, which the City Council hereby incorporates for purposes of its response to Goal 12, the Applicant's and the City's TIAs sufficiently studied the impacts on the surrounding transportation systems and are more credible than the Opposition's analysis.

CONCLUSION

Based on the substantial evidence in the record, the City Council concludes that the Application complies with the applicable Comprehensive Plan and LZO provisions, as well as the applicable state law. Accordingly, the City Council hereby approves the Annexation and Zone Establishment Application subject to the City Staff's recommended conditions of approval:

STAFF RECOMMENDED CONDITIONS OF APPROVAL

The following are the Staff recommended conditions of approval for the Comprehensive Plan Map Amendment and the Annexation and Zone Establishment request:

1. Planning.

- A. The legal description and a map describing the entire annexation area has been submitted and are included in this report.
- B. If CPMA-02-01 is not approved, this property will annex with a Zoning assignment of Residential Mixed Density (RM).
- C. Santiam Wagon Road – The protective measures set forth in the letter from the Oregon State Historic Preservation Office to ODOT, dated August 5, 2002, are hereby imposed as a condition of approval. Applicant shall provide in favor of the City a historic resource conservation easement for the full length of the Santiam Wagon Road that is under control or ownership of the developer. The maintenance of this conservation easement is the responsibility of the property owners.

2. Engineering.

- A. Streets – The Santiam Highway is adjacent to the site allowing access subject to ODOT regulations. Cascade Drive, a county standard road, also abuts a small portion of the southeast part of the site. Local road extensions constructed to City standards will be required with this development.
- B. Water - The nearest water mains are a 16-inch main on Santiam Highway southeast of Truman Street and an 8-inch main on Market Street. Depending on the fire flow requirements for the development, extension of both mains may be required. Connection to a new City water main will also involve costs for service lines, meters, plumbing permit fees, and a water system development charge.

- C. Drainage – The Santiam Highway contains an ODOT-maintained piped drainage system that is available to serve the site subject to ODOT regulations. A combined surface/piped public drainage system that eventually discharges to Burkhart Creek is also available from the neighboring property to the east of the site.
- D. Sanitary Sewer - A 12-inch sanitary sewer main has been constructed through the site and down Cascade Drive to Seven Oak School. Upon acceptance, this sewer will be available to serve the annexation. A 12-inch sanitary sewer main from Market Street is also available near the north property line of the site. Connection to City sanitary sewer will involve costs for service lines, plumbing permit fees, and a sanitary sewer system development charge. In addition, upon connection to the new sanitary sewer main there may be a cost recovery assessment due to reimburse the Lebanon Community School District for extending the sanitary sewer.
- E. This proposal requires installation of new public improvements. All public improvements shall:
 - a. Conform to the latest "City of Lebanon Standards for Public Improvements.
 - b. Require completion of a Drawing Review Application and a Public Improvements permit prior to beginning construction.
 - c. Be designed by a professional engineer registered in the State of Oregon.
 - d. Extend through the entire site providing continuity of service to neighboring properties.
- F. City funding for public improvements may be available for "oversize" components of the work only if those components are identified in the Systems Development Charge (SDC) plan and sufficient SDC funds exist. The developer is responsible for submitting a detailed cost report for oversized infrastructure within 60 days of public acceptance of the improvement.

3. Transportation System.

- A. Coordinate with, and obtain a permit from, ODOT for the proposed Highway 20 accesses and traffic signal.
- B. City staff has received written correspondence regarding the proposed Comprehensive Plan text and map amendments from DLCD and ODOT citing the applicability of the Transportation Planning Rule (TPR – OAR 660-12) to the proposed development. Specifically, the TPR requires vehicular, pedestrian, and bicycle connectivity to the local transportation system. The developer is required to cooperate with neighboring property owners and City staff to establish pedestrian and bicycle connections to Weldwood Drive as well as to establish a mechanism for an extension of Weldwood Drive to the site.
- C. Extend a public street from the realigned Cascade Drive to the west property line of the existing drive-in theater property for connection to Weldwood Drive. This street shall be constructed to a collector level City standard including a center turn lane, bike lanes, and setback sidewalks.

- D. Work with City staff to reconfigure the alignment of Cascade Drive, the future connection to Weldwood Drive, and the site accesses. The revised configuration shall include:
1. A second access to the retail store parking lot from Cascade Drive;
 2. Separation of the access for trucks from the primary access for passenger vehicles;
 3. An intersection of Cascade Drive and the connection to Weldwood Drive that establishes traffic accessing or leaving the development as the major traffic movement and traffic traveling north or south along Cascade Drive as the minor traffic movement; and,
 4. Appropriate traffic control devices as necessary.
- E. Provide a 12-foot wide multi-use path set back from the curb for pedestrian and bike travel along the entire frontage of Highway 20. Where constrained by the historic resource conservation easement for the Santiam Wagon Road, a narrower path (recommended minimum width of 10 feet) will be acceptable. The multi-use path shall:
1. Connect to existing facilities at Market Street;
 2. Provide sufficient connections to on-site pedestrian ways and covered bike parking;
 3. Connect to pedestrian crossing facilities at Highway 20 and Cascade Drive;
 4. Connect to bike lanes on Cascade Drive;
 5. Provide opportunity for the future extension of pedestrian facilities down Cascade Drive.
- F. Provide setback sidewalks and on-street bike lanes on Cascade Drive connecting to the multi-use path.
- G. A wetlands delineation shall be performed for all public rights-of-way. Mitigation is required for any identified wetlands.
- H. Linn County approval is required to connect the realigned Cascade Drive to the existing county road.
- I. All public and private improvements must comply with ADA accessibility requirements.
4. *Water System.*
- A. Not enough information has been provided about the proposed building construction to determine the minimum required on-site fire flow. An extension of the 16-inch water main on Highway 20 may be required along the site's highway frontage to meet fire flow requirements.
- B. Provide minimum 15-foot wide public utility easements for the entire public water system located outside of the right-of-way. Additional access easements will be required.

- C. Extend the water main to the west property line along the street connection to Weldwood Drive and to the east property line along Cascade Drive.

5. Sewer System.

- A. Indicate all existing public utility easements for sanitary sewer mains on the plans.
- B. All on-site septic systems shall be abandoned according to state, county, and city regulations prior to connection to the public sewer system.

6. Drainage System.

- A. The drainage system and grading plan shall be designed so as not to adversely impact drainage to or from adjacent properties. With the engineered site plan, provide a grading plan for the site that indicates existing and proposed elevations along property boundaries. Drainage improvements (ditches and or piping) may be required at these locations. The engineered site plan shall clearly identify public and private drainage improvements.
- B. Storm water runoff must be maintained at historic levels. Provide storm drainage and detention calculations with the engineered site plans.
- C. Two drainage systems are available to drain the site. ODOT's piped system along Highway 20 and a city combined piped/surface drainage system that discharges to the upper end of Burkhart Creek.
 - 1. Coordinate with, and obtain a permit from, ODOT for any connection to the Highway 20 drainage system.
 - 2. Portions of the system draining to Burkhart Creek are inadequately sized for even historic flows. Drainage improvements will be required to ensure that 10-year storm runoff volumes do not cause flooding to neighboring properties at the existing 18-inch pipe north of Santiam Village, the 24-inch culvert north of Weldwood Park, and the 24-inch culvert through the southwest corner of Twin Cedars Mobile Home Park.

STATE OF OREGON
County of Linn

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

STEVE DRUCKENMILLER
Linn County Clerk

By [Signature] Deputy PAGE 661

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