

A BILL FOR AN ORDINANCE ANNEXING AND ZONING PROPERTY FOLLOWING CONSENT FILED WITH THE CITY COUNCIL BY LANDOWNERS IN SAID AREA PURSUANT TO ORS 222.120 AND ORS 222.170 (File A-05-05, SIMONIAN–Airport Rd./Strawberry Lane PROPERTY)

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ORDINANCE BILL NO. 1 for 2006
ORDINANCE NO. 2392

WHEREAS, the City of Lebanon has received a submission by written request for annexation of real property to the City of Lebanon, signed by more than one-half of the landowners who also own more than one-half of the land in the contiguous territory described in Exhibit “A”, which real property represents more than one-half of the assessed value of all real property in the contiguous territory to be annexed; and

WHEREAS, the Lebanon City Council has elected to dispense with submitting the question of the proposed annexation to the electors of the City, initiating the annexation of the territory pursuant to ORS 222.120, calling a hearing and directing that notice be given as required by ORS 222.120(3); and

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

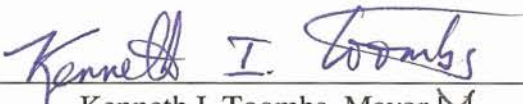
NOW, THEREFORE, the City of Lebanon ordains as follows:

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

Section 2. Annexation Area. Based upon the findings contained above and in Exhibit “B”, the contiguous territory described in Exhibit “A” and incorporated herein by this reference as if fully set forth at this point is hereby proclaimed to be annexed to the City of Lebanon, and zoned as indicated in accordance with the Lebanon Zoning Ordinance No. 1773, and assigned the zoning of Residential Mixed Density (Z-RM).

Section 3 Record. The City Recorder shall submit to the Oregon Secretary of State a copy of this Ordinance. The City Recorder is further ordered to send a description by metes and bounds, or legal subdivision, and a map depicting the new boundaries of the City of Lebanon within ten (10) days of the effective date of this annexation ordinance to the Linn County Assessor, Linn County Clerk and the Oregon State Department of Revenue.

Passed by the Lebanon City Council by a vote of 5 for and 0 against and approved by the Mayor this 26 day of January, 2006.



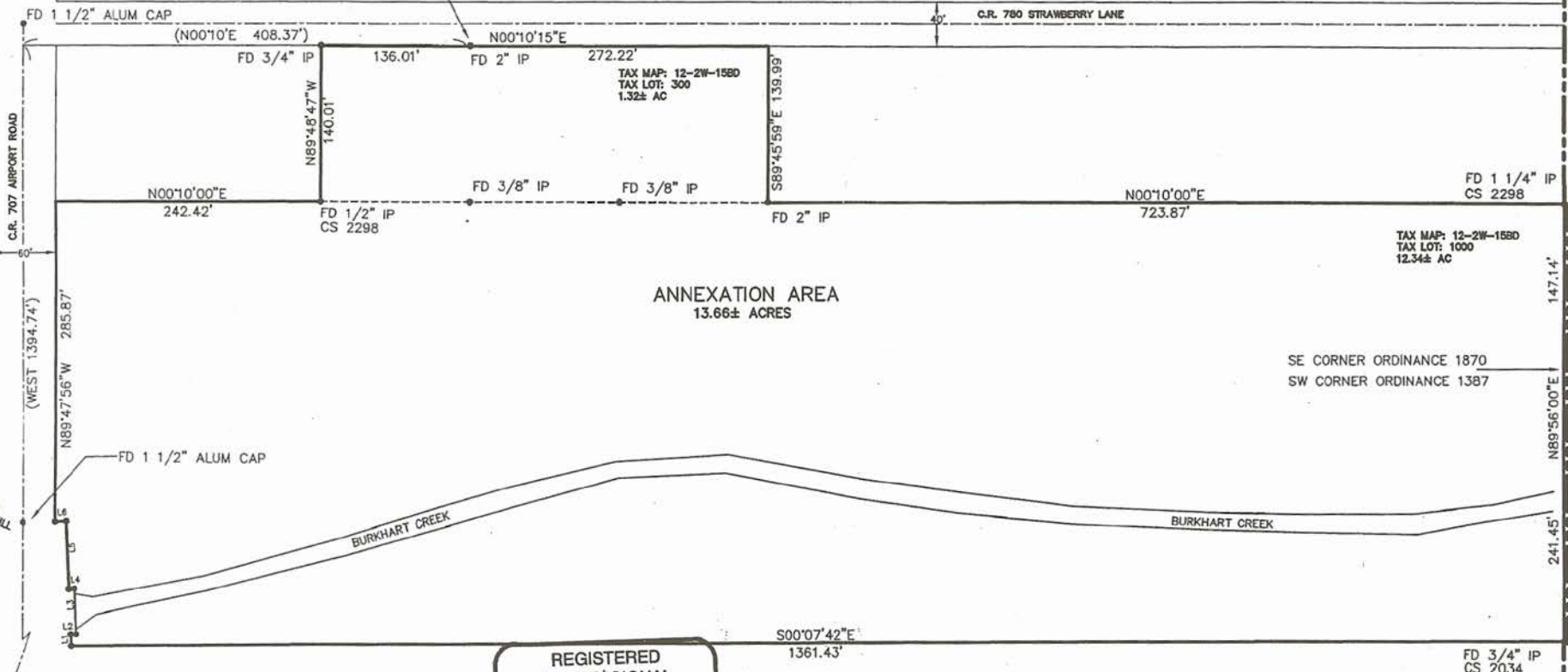
Kenneth I. Toombs, Mayor
Scott Simpson, Council President []

ATTEST:



John E. Hitt, City Recorder

POINT OF BEGINNING
 WEST 1394.74' AND N0°10'15"E 408.37'
 FROM THE SOUTHEAST CORNER OF THE
 S.A. NICKERSON DLC #68



ANNEXATION AREA
 13.66± ACRES

Page 1 of 2
 Exhibit A

LINE TABLE		
LINE	LENGTH	BEARING
L1	10.27	S87°34'54"W
L2	5.03	N02°18'53"W
L3	39.96	S87°44'48"W
L4	5.07	S01°48'03"E
L5	59.78	S87°43'13"W
L6	10.01	S01°06'57"E

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

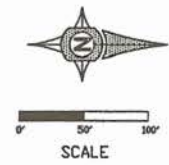
Jim Udell

OREGON
 SEPTEMBER 23, 1977
JIM UDELL
 1366

Exp. 6-30-06

LEGEND

- FOUND 5/8" IR WITH YPC UNLESS NOTED OTHERWISE
- FD FOUND
- IR IRON ROD
- IP IRON PIPE
- () RECORD DATA PER DEED VOL 1518 PAGE 788



CORNER D.L.C. 68


CURRENT CITY LIMITS BOUNDARY PER ORDINANCE NO. 1870
 147.14'
 N89°56'00"E
 241.45'
 CURRENT CITY LIMITS BOUNDARY PER ORDINANCE NO. 1387

Richard Sam Simonian
Annexation Legal

A portion of land located in Section 15, Township 12 South, Range 2 West, of the Willamette Meridian, Linn County, Oregon more particularly described as;

Beginning at a 2" iron pipe marking the East right-of-way of Strawberry Lane (C.R. 780) which is West 1394.74 feet and North 0°10' East 408.37 feet from the Southeast corner of the S. A. Nickerson Donation Land Claim No. 68, in Section 15, Township 12 South, Range 2 West of the Willamette Meridian, Linn County, Oregon; Thence along said right-of-way North 0°10'15" East 272.22 feet to a point; Thence leaving said right-of-way South 89°45'59" East 139.99 feet to a 2" iron pipe; Thence North 0°10'00" East 723.87 to a 1 1/4" iron pipe marking the South line of the city limits boundary per Ordinance No. 1870; Thence along said boundary North 89°56'00" East 147.14 feet to a point marking the Southwest corner of the city limits boundary per Ordinance No. 1387; Thence continuing along said boundary North 89°56'00" East 241.45 feet to a 3/4" iron pipe; Thence leaving said boundary South 0°07'42" East 1361.43 feet to a 5/8" iron rod marking the North right-of-way of Airport Road (C.R. 707); Thence along said right-of-way South 87°34'54" West 10.27 feet to a 5/8" iron rod; Thence continuing along said right-of-way North 02°18'53" West 5.03 feet to a 5/8" iron rod; Thence continuing along said right-of-way South 87°44'48" West 39.96 feet to a 5/8" iron rod; Thence continuing along said right-of-way South 01°48'03" East 5.07 feet to a 5/8" iron rod; Thence continuing along said right-of-way South 87°43'13" West 59.78 feet to a 5/8" iron rod; Thence continuing along said right-of-way South 01°06'57" East 10.01 feet to a 5/8" iron rod; Thence continuing along said right-of-way North 89°47'56" West 285.87 feet to a point; Thence leaving said right-of-way North 0°10'00" East 242.42 feet to a 1/2" iron pipe; Thence North 89°48'47" West 140.01 feet to a 3/4" iron pipe marking the East right-of-way of Strawberry Lane; Thence along said right-of-way North 0°10'15" East 136.01 feet to the Point of Beginning.

I, Jim Udell, being a Registered Land Surveyor in the State of Oregon, certify this legal description closes and complies with ORS.



Jim Udell, PLS 1366

FINDINGS

A-05-05 Simonian (Airport Road and Strawberry Lane)

PART ONE – FINDINGS THAT ADDRESS BASIC RELEVANT ANNEXATION CRITERIA

Criteria 1.1 and 2.1

Annexation Ordinance Section 2: All Annexations shall conform to the requirements of the Lebanon Municipal Code, Annexation Ordinance, Lebanon Land Development Ordinance, City of Lebanon/Linn County Urban Growth Management Agreement, and shall be consistent with applicable State law.

2004 LCP Chapter 3 (Urbanization) – Annexation Policy #P-191: [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.

Finding # 1:

The proposed annexation complies with Annexation Ordinance Section 2 and LCP Annexation Policy #1 in that this proposal is in compliance with the requirements set forth by these provisions. The findings below detail this compliance.

Criteria 1.2 and 2.2

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

2004 LCP Chapter 3 (Urbanization) – 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.

Finding # 2:

The proposed annexation complies with Annexation Ordinance Section 3 and LCP Annexation Policy #2 in that this proposal is consistent with the goals and policies of the Lebanon Comprehensive Plan. The findings below detail this compliance.

Criteria 1.3 and 2.3,

Annexation Ordinance Section 4: All lands included within the Urban Growth Boundary are eligible for annexation and urban development. Areas within the Urban Growth Boundary with designated environmental constraints may be annexed and utilized as functional wetlands, parks, open space and related uses.

LCP Chapter 3 (Urbanization) – 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 (UGB) with designated environmental constraints may be annexed and utilized as functional wetlands, parks, open space and related uses.)

Finding # 3:

The proposed annexation complies with the above noted criteria in that the annexation territory is within the City's Urban Growth Boundary, and is therefore eligible for annexation and urban development. This annexation territory has been identified as land needed by the City for nearly a quarter of a century.

Criteria 1.4 and 2.4

Annexation Ordinance Section 5: The City shall only annex land that is contiguous to the existing City limits and is within the City's Urban Growth Boundary (UGB).

2004 LCP Chapter 3 (Urbanization) – 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).

Finding # 4:

The proposed annexation complies with Annexation Ordinance Section 5 and LCP Annexation Policy #P-22 in that the annexation territory is both contiguous to the existing City limits and within the City's Urban Growth Boundary, and is therefore eligible for annexation and urban development. The annexation territory is contiguous to the existing City Limits on the south.

Criteria 1.5, 1.13, 1.14, and 2.5

Annexation Ordinance Section 6: *An annexation shall be deemed orderly if the annexation territory is contiguous to the existing City limits. An annexation is efficient if the annexation territory can be developed or redeveloped to an urban use. Urban uses may include functional wetlands, parks, open space and related uses.*

Annexation Ordinance Section 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.*

Annexation Ordinance Section 14: *An "urban use" is hereby defined as any land use that is authorized under the terms and provisions of the land use regulations, Zoning Ordinance, Subdivision Ordinance, Comprehensive Plan, and other related documents of the City of Lebanon.*

2004 LCP Chapter 3 (Urbanization) – 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).*

Finding # 5:

The proposed annexation complies with the above noted criteria. (1) Since the annexation territory is contiguous to the existing City limits the annexation of this territory is deemed orderly. (2) The annexation is efficient since the annexation territory can be developed to an urban use. This territory is identified as the future site of a storm water detention pond and a City park. These designations cited in various City Council adopted Facility Plans and Management documents including: the 1992 Storm Drainage Master Plan (e.g., see Sections 7.6, and 11.2, as well as the Figures 7.6, 8.1, and 11.2c), the 2003-2007 Capital Improvement Program (e.g., see pages 4-4 and 4-5), the 1999 Comprehensive Parks Plan (e.g., see maps), and the City of Lebanon 2004 Comprehensive Plan (e.g., see Chapter 4, page 14). Annexation of this territory will promote fulfillment of the above-cited plans.

Criteria 1.6 and 2.6

Annexation Ordinance Section 7: *Development proposals are NOT REQUIRED for annexation requests.*

2004 LCP Chapter 3 (Urbanization) – Annexation Policy #P-24: *[The City shall] Recognize and act on the basis that development proposals are NOT REQUIRED for annexation requests.*

Finding # 6:

The proposed annexation complies with the above noted criteria in that no development proposal was required to be submitted at this time, although the intended public uses cited in Finding #5 above are duly noted.

Criteria 1.7 and 2.7

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.*

2004 LCP Chapter 3 (Urbanization) – 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.*

Finding # 7:

The proposed annexation complies with the above noted criteria in that the annexation territory includes three dwellings with adequate services from both an on-site septic system and well. Access to City-provided services is not sought at this time, and therefore there are no anticipated needs at this time on the key City-provided urban utility services (i.e., are water, storm drainage, sanitary sewerage, and streets). However, all City services can be made available to the territory.

- **Sanitary Sewer:** The property has a City trunk Sanitary Sewer running north located on the east side of the property. At time of a development proposal it will be determined what the peak demand on the sanitary conveyance system will be and how that demand will best be served.
- **Water:** An existing 12 inch water main is located Airport Road bordering the south side of the property. This main could potentially be extended to provide domestic water and fire protection for future development.
- **Storm Drainage:** The *1992 Storm Drainage Master Plan* identifies this site as the location for project 7.6C the 'F' Street Detention facility as an immediate need project.
- **Streets:** Airport Road is a city arterial borders the property on the south and has been previously constructed to City standard. At time of a development proposal it will be determined what the traffic demands are and how those demands can best be served.

Criteria 1.8 and 2.8

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.*

2004 LCP Chapter 3 (Urbanization) – 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.*

Finding #8:

The proposed annexation complies with the above noted criteria in that this annexation territory included three dwellings with adequate services from both an on-site septic system and well. Access to City-provided services is not sought at this time, and therefore there are no anticipated needs at this time on the key City-provided urban utility services (i.e., are water, storm drainage, sanitary sewerage, and streets). However, all City services can be made available to the territory. (See **Finding # 7** for further details). Additionally, annexation of this territory will help enable the fulfillment of facility plans improvements thereby actually expanding the delivery of city provided urban utility services to the neighborhood, vicinity and overall city.

Criterion 2.9

2004 LCP Chapter 3 (Urbanization) – 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).

Finding #9:

Annexation of this territory will help to preserve and further enhance the Storm Water Detention functions and services currently provided by the subject property.

Criterion 1.9

Annexation Ordinance Section 10: *Needed Public rights-of-way, as identified in adopted transportation plans as necessary for the safe and efficient movement of traffic, bicycles and pedestrians, shall be dedicated to the City either with annexation or when the property develops and/or redevelops and thus creates an increased demand for the benefits and utility provided by additional rights-of-way dedication.*

Finding # 10:

The proposed annexation complies with Annexation Ordinance Section 10 in that any additional necessary right-of-way issues will be addressed when this property develops.

Criteria 1.10, 1.11, and 3.0

Annexation Ordinance Section 11: *Upon annexation, the annexation territory shall be assigned zoning classifications in accordance with the adopted Comprehensive Plan Map, as shown in the City's Annexation Zoning Matrix. Such zoning assignments in and of themselves are not a zoning map change and shall not require approval of a zoning map amendment, or a separate proceeding.*

Annexation Ordinance Section 12: *If a zoning designation other than one in accordance with the Comprehensive Plan Map (shown in the Annexation Zoning Matrix) is requested by an applicant, the zoning requested shall not be granted until the Comprehensive Plan Map is appropriately amended to reflect concurrence. Such an amendment shall require a separate application, hearing and decision, which may be held concurrently with an annexation hearing and will not become effective until the annexation is complete.*

Zoning Ordinance Section 3.050 – Zoning of Annexed Areas: *All areas annexed to the City shall be placed in a zoning classification in accordance with the adopted Comprehensive Plan. If a zoning designation other than one in accordance with the Comprehensive Plan is requested by an applicant, the zoning requested shall not be granted until the plan is amended to reflect concurrence.*

Finding # 11:

This proposed Annexation is in compliance with Annexation Ordinance Sections 11 and 12, and Zoning Ordinance Section 3.050. Currently the subject property does not have a City zoning designation because it is not within the City limits. However, since the property is within the City's Urban Growth Boundary, the current Comprehensive Plan designation on the subject property is Residential Mixed Density Residential (C-RM). The corresponding City zoning designation for a Comprehensive Plan designation of Residential Mixed Density Residential (RM) is Residential Mixed Density Residential (Z-RM). The applicant is requesting a Residential Mixed Density Residential (Z-RM) zoning designation for the subject property. Therefore, a City zoning designation of Residential Mixed Density Residential (Z-RM) can automatically be assigned at this time, without a separate hearing. This action is NOT a zoning map amendment.

Criterion 1.14

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.*

Finding # 12:

The proposed annexation complies with Annexation Ordinance Section 15 Annexation in that no development proposal has been submitted at this time.

PART TWO – FINDINGS THAT ADDRESS SITE SPECIFIC RELEVANT ANNEXATION CRITERIA

Criteria 4.1

2004 Lebanon Comprehensive Plan (LCP) Criteria – Chapter 2 – Natural Environment

4.1 Natural Resource Policies 8, 10, 12

Finding # 13:

The proposed annexation complies with the above noted criteria in that the annexation of this property brings it under the jurisdiction and protection of the City, and thus any subsequent development must conform to polices and goals of the Comprehensive Plan and development codes, including the following:

- Restriction of development near Burkhart Creek so that it will not require channelization, excessive removal of stream side vegetation, or alteration of stream banks and the filling of the stream channel along this section of Burkhart Creek.
- Protect natural ponds, sloughs, wetlands, rivers, and streams (including intermittent ones) to maintain existing surface water drainage patterns and to maintain the water quality benefits derived from such natural water bodies.
- Require, where practical, the use of open, naturally vegetated drainage ways to reduce stormwater runoff and improve water quality.
- Implementing the requested annexation will help to fulfill and realize the goals and polices of the Comprehensive Plan, Storm Drainage Master Plan, and Parks Master Plan as they pertain to the annexation territory.

Criteria 4.2 and 4.3

2004 Lebanon Comprehensive Plan (LCP) Criteria – Chapter 2 – Natural Environment

4.3 Natural Hazard Goal G-2

4.3 Natural Hazard Policies 8, 10, 11, 12

Finding # 14:

The proposed annexation complies with the above noted criteria in that the annexation of this property brings it under the jurisdiction and protection of the City, and thus any subsequent development must conform to polices and goals of the Comprehensive Plan and development codes, including the following:

- Encouraging projects that will protect, maintain, enhance, and restore the natural functions and values of stream corridors. This includes maintenance of water quality, storm runoff and flood water conveyance, wildlife habitat, open space, recreation, and aesthetic values.
- Continue acquiring open space areas and access easements along the Santiam River and on Oak and Burkhart Creek drainage ways as both a part of the City's flood mitigation efforts and Open Space program.
- Regulate development in flood-prone areas of the community to mitigate the problem of flooding and to prevent an increased flood hazard in other areas.
- Facilitate solutions to flooding problems in existing neighborhoods.

Criteria 5.1 and 5.2

2004 LCP Criteria – Chapter 4 – Land Use: Narrative Text [5.2, 5.2.2(5)], and Polices P-7, and 45

Finding # 15:

The proposed annexation complies with the above noted criteria in that the annexation of this property brings it under the jurisdiction and protection of the City, and thus any subsequent development must conform to polices and goals of the Comprehensive Plan and development codes, including the following considerations:

- Requiring that land development proposals be consistent with the City's Comprehensive Plan, Development Code, Municipal Code, Facility Plans, and all adopted standards and enforcement codes of the City. The burden of proof regarding demonstration of compliance with the applicable standards, plans and codes lies with the applicant.
- Supporting and encouraging the management of the City's waterways and drainage courses as community greenways preserving and enhancing their vegetation and drainage function while creating a system of natural corridors throughout the community.
- The Special Redevelopment and Infill Opportunity Areas section of the Comprehensive Plan [Chapter 4 Sections 5.2, 5.2.2(5)], identifies the priority uses of this annexation territory as addressing the public need for storm water detention and a City park.
- All future development proposals for this annexation territory shall demonstrate consistency and compliance with the Comprehensive Plan and Storm Drainage Master Plan (Chapters 7, 8, and 11 – also see Exhibit B of this Staff Report).
- The Comprehensive Plan Policies cited above as well as the Storm Water Facility Plan sections also noted in this Staff Report, fulfill Policy P-45 of Chapter 4 of the Comprehensive Plan regarding the annexation territory.

Criteria 6.1, 6.2, 6.3, and 6.4

2004 Lebanon Comprehensive Plan (LCP) Criteria – Chapter 9 – Public Facilities and Services

- 6.1 General Goals G-1, 2, and 4**
- 6.2 General Policies 2, 3, 7, 8, 9, 10, 11**
- 6.3 Storm Drainage Policy #60**
- 6.4 Narrative Text (LCP Ch. 9, page 2 – Sections 1.2 and 1.2.1)**

Finding # 16:

The proposed annexation complies with the above noted criteria in that the annexation of this property brings it under the jurisdiction and protection of the City, and thus any subsequent development must conform to polices and goals of the Comprehensive Plan and development codes, including the following policies and goals:

- Locating and developing future community facilities and utilities consistent with long-range community needs.
- Planning and developing a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban development for both existing and planned land uses.
- Ensuring that essential public facilities and service capabilities (transportation, storm drainage, sewer and water service) are either in place before new development occurs and/or are constructed concurrently with such development.
- 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).
- 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.
- Maintain a long-range financial Capital Improvement Program to provide for the systematic expansion of needed community facilities, utilities, infrastructure, and services in an efficient and timely manner. Maintain a long-range financial Capital Improvement Program to provide for the systematic expansion of needed community facilities, utilities, infrastructure, and services in an efficient and timely manner.
- Requiring that wherever possible, open drainage courses that can function as linear greenways be preserved as open space in order to maximize drainage capacity.
- Narrative Text (LCP Ch. 9, page 2 – Sections 1.2 and 1.2.1): Prior to consideration of approval of any development plans for this annexation territory that propose development that is not consistent with the current adopted storm water master plan, there must first be an approved amendment of that master plan.

Criterion 7.0

1992 CITY OF LEBANON STORM DRAINAGE MASTER PLAN -- EXCERPTS VIS-À-VIS BURKHART AKA "COX" CREEK (FROM CHAPTERS 7, 8, AND 11) – SEE EXHIBIT B FOR FURTHER DETAILS

Finding # 17:

The City's long standing need to develop the annexation territory at 911 Airport Road as a storm water detention facility is reiterated in detail in the 1992 CITY OF LEBANON STORM DRAINAGE MASTER PLAN. Any proposed development of this site that does not conform to the guidelines and plans of this Master Facility Plan, must first amend this Master Facility Plan before it can be considered for approval. In fact, any proposal that does not conform to the Comprehensive Plan and adopted Master Facility Plans cannot even be accepted and considered until the relevant plans have been amended. Since the Master Facility Plans are addenda to the Comprehensive Plan, this would essentially entail the same procedure as an amendment of the 2004 Comprehensive Plan. Such a proposed amendment would be heard by the Planning Commission (with appropriate notifications) for its recommendation to the City Council for a separate and subsequent hearing by the City Council (with appropriate notifications).

In fact, any proposal that does not conform to the Comprehensive Plan and adopted Master Facility Plans cannot even be accepted for consideration until the relevant plans have first been amended.

Criterion 8.0

CAPITAL IMPROVEMENT PROGRAM 2003-2007 (EXCERPTS VIS-À-VIS "AIRPORT ROAD PARK" AND "F STREET DETENTION")

Finding # 18:

The City's long standing need and intention to develop the annexation territory at 911 Airport Road as both a City Park and a Storm Water Detention Facility is reiterated in detail in the CAPITAL IMPROVEMENT PROGRAM 2003-2007. Any proposed development of this site that does not conform to the guidelines and plans of the Capital Improvement Program (CIP), and must first amend the applicable sections of the CIP before it can be considered for approval. In fact, any proposal that does not conform to the adopted CIP cannot even be accepted and considered until the relevant plans have been amended. Since the CIP are addenda to the Comprehensive Plan, this would essentially entail the same procedure as an amendment of the 2004 Comprehensive Plan. Such a proposed amendment would be heard by the Planning Commission (with appropriate notifications) for its recommendation to the City Council for a separate and subsequent hearing by the City Council (with appropriate notifications).

In fact, any proposal that does not conform to the Comprehensive Plan and adopted Master Facility Plans (including the CIP) cannot even be accepted for consideration until the relevant plans have first been amended.

Criterion 9.0

CITY OF LEBANON 1999 COMPREHENSIVE PARKS PLAN (PAGES VII-8 & 9, AND MAPS)

Finding # 19:

The City's long standing need to develop the annexation territory at 911 Airport road as a storm water detention facility is reiterated in detail in the CITY OF LEBANON 1999 COMPREHENSIVE PARKS PLAN. Any proposed development of this site that does not conform to the guidelines and plans of this Master Facility Plan, must first amend this Master Facility Plan before it can be considered for approval. (See further details in Findings 17 and 18 above.)

Criterion 10.0

LEBANON MUNICIPAL CODE CHAPTER 18 – Flood Damage Prevention (See Exhibit E for full text)

Finding # 20:

THE LEBANON MUNICIPAL CODE CHAPTER 18 (Flood Damage Prevention) sets forth the regulations that the City must follow regarding the development of property in flood plains in order to be in compliance with federal law regarding flood plains. The annexation territory is encumbered by a flood plain designation in the City's Storm Drainage Master Plan. In conjunction with the Comprehensive Plan, the Storm Water and parks Master Plans, and the current CIP, the annexation territory at 911 Airport Road must be developed as a City park and Storm Water detention Facility in order to be in conformity with this section of the Municipal code, and with federal law regarding flood plains.

Criterion 11.0

Statewide Planning Goal # 11: PUBLIC FACILITIES AND SERVICES [OAR 660-015-0000(11)] -- Relevant Excerpts (See Exhibit F for full Text):

Finding # 21:

The annexation of this property brings it under the jurisdiction and protection of the City, and thus any subsequent development must conform to guidelines and plans in the **City's Master Facility Plans** as they relate to this site. As noted in Statewide Planning Goal 11 (SWPG 11), a City's Master Facility Plans or Plan ". . . is a support document or documents to a comprehensive plan. The facility plan describes the water, sewer and transportation facilities which are to support the land uses designated in the appropriate acknowledged comprehensive plan or plans within an urban growth boundary containing a population greater than 2,500." SWPG 11 further states that "Urban . . . development shall be guided and supported by types and levels of urban . . . public facilities and services appropriate for, but limited to, the needs and requirements of the urban . . . areas to be served." SWPG 11 establishes the reason why every City including Lebanon has Master Facility Plans: "To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban . . . development." **Accordingly, subsequent development of the annexation territory must be in conformity with the city's Master facility Plans in order to be in conformity with statewide planning Goal #11.**