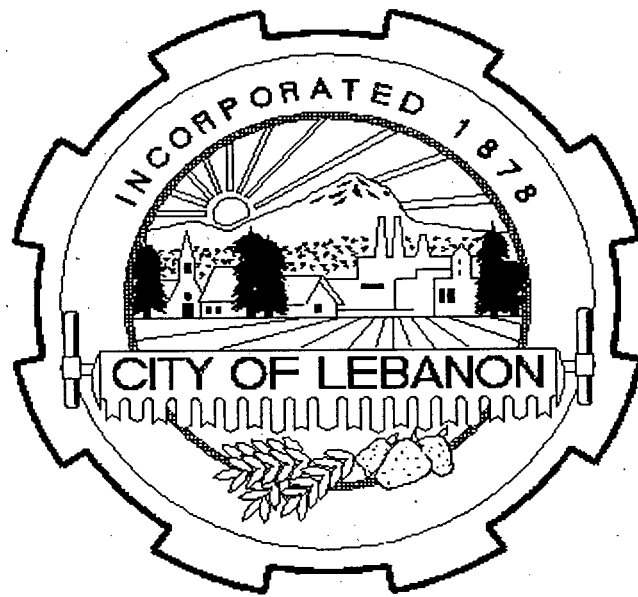


Council Agenda



January 22, 2003
7:30 p.m.

LEBANON CITY COUNCIL MEETING
January 22, 2003
7:30 p.m.

School District Board Room
485 S. 5th Street

AGENDA

CALL TO ORDER/FLAG SALUTE

ROLL CALL

CONSENT CALENDAR

CITY COUNCIL AGENDA – January 22, 2003

CITY OF LEBANON MEETING MINUTES:

- City Council Work Session – January 8, 2003
- City Council Meeting Minutes – January 8, 2003
- Lebanon Planning Commission – December 18, 2002
- Library Advisory Board Meeting Minutes – December 11, 2002
- Senior and Disabled Advisory Board Meeting Minutes – December 18, 2002

EASEMENT FOR PUBLIC ACCESS AND UTILITIES – Waterline Easement

APPOINTMENTS

SENIOR CENTER ADVISORY BOARD APPOINTMENTS

PUBLIC HEARINGS

1) LIQUOR LICENSE CHANGE OF LOCATION – Planet Pizza

Presented by: Mr. Mike Healy, Police Chief

Approval/Denial by MOTION

2) GILBERT LIMITED TRUST – Oak Street Annexation

Presented by: Mr. Doug Parker, City Planner

Approval/Denial by ORDINANCE

3) CORNELL FAMILY TRUST – 5th Street Annexation

Presented by: Mr. Doug Parker, City Planner

Approval/Denial by ORDINANCE

LEGISLATIVE SESSION

4) MOVING COSTS TO THE NEW SENIOR CENTER SITE

Presented by: Ms. Susan Tipton, Senior Center Manager

Approval/Denial by MOTION

5) RESCISSION OF ORDINANCE NO 2273 (Measure 7)

Presented by: Mr. John Hitt, City Administrator

Approval/Denial by ORDINANCE

6) CITY ADMINISTRATOR'S REPORT

Presented by: Mr. John Hitt, City Administrator

Discussion Only

CITIZEN COMMENTS - *Those citizens with comments concerning public matters may do so at this time.*

ITEMS FROM COUNCIL MEMBERS

EXECUTIVE SESSION - *Executive Sessions are closed to the public due to the highly confidential nature of the subject.*

8) Per ORS 192.660(1)(i) To review & evaluate, pursuant to standards, criteria & policy directives adopted by the Council; the employment related performance of an employee.

ADJOURNMENT

Consent Calendar

CITY COUNCIL AGENDA – January 22, 2003

CITY OF LEBANON MEETING MINUTES:

- City Council Work Session – January 8, 2003
- City Council Meeting Minutes – January 8, 2003
- Lebanon Planning Commission – December 18, 2002
- Library Advisory Board Meeting Minutes – December 11, 2002
- Senior and Disabled Advisory Board Meeting Minutes – December 18, 2002

EASEMENT FOR PUBLIC ACCESS AND UTILITIES – Waterline Easement

**MINUTES
LEBANON CITY COUNCIL
EMERGENCY MANAGEMENT WORK SESSION**

January 8, 2002

City Council Present: Mayor Ken Toombs, Councilors Bob Elliott, Mel Harrington, Roger Munk, Dan Thackaberry, and Scott Simpson

Staff Present: City Administrator John Hitt, Finance Director Casey Cole, Police Chief Mike Healy, City Engineer Allen Dannen, Maintenance Division Manager Rod Sell, P.D. Communications Supervisor Rob Poirier, and IS Manager Tom Oliver

Fire Department Rep: Duane Miller

School District Reps: Norman Hesseldahl

Presenters: Perry Palmer, Fire District; Jim Howell, Linn County; Public Works Director Ruef, and Terry Lewis, Assistant City Planner.

An overview was provided of the history and current status of emergency management planning for the City of Lebanon.

The meeting ended at 7:15 p.m.

**MINUTES
LEBANON CITY COUNCIL MEETING**

January 8, 2003

Members Present: Bob Elliott, Mel Harrington, Roger Munk, Dan Thackaberry, Scott Simpson, Ken Toombs and Stan Usinger

Staff Present: City Administrator John Hitt, City Attorney Tom McHill, Assistant Planner Terry Lewis, City Engineer Allen Dannen, Maintenance Division Manager Rod Sell and Administrative Assistant Linda Kaser

CALL TO ORDER/FLAG SALUTE/ROLL CALL

Mayor Simpson called the regular session of the Lebanon City Council to order at 7:30 p.m. in the Lebanon School District Board Room at 485 S. 5th Street. Councilor Ron Miller was absent.

CONSENT CALENDAR

a) CITY COUNCIL AGENDA – January 8, 2003

b) CITY OF LEBANON MEETING MINUTES:

- City Council Meeting Minutes – December 4, 2002
- City Council Meeting Minutes – December 11, 2002
- Historic Resources Commission Meeting Notes – December 10, 2002
- Library Advisory Board Meeting Minutes – November 13, 2002
- Senior and Disabled Advisory Board Meeting Minutes – November 20, 2002

c) LEBANON DIAL-A-BUS PROPOSED FEE STRUCTURE

Mayor Simpson stated that Agenda Item 2 would be postponed until February 26, 2003. A motion was made by Councilor Munk, seconded by Councilor Thackaberry and passed unanimously that the *Consent Calendar of January 8, 2003 be approved as amended.*

OATH OF OFFICE - Mayor and Council

City Attorney McHill administered the oath of office to Mayor Ken Toombs, Councilor Bob Elliott (Ward 3), Councilor Dan Thackaberry (Ward 2), and Councilor Scott Simpson (Ward 1).

PRESENTATIONS

Councilor Usinger was presented a service plaque in recognition for his dedication and commitment to the citizens of Lebanon for his time on City Council (Ward 1).

ELECTION OF COUNCIL PRESIDENT

Councilor Thackaberry nominated Councilor Simpson with Councilor Harrington supporting the nomination. Councilor Munk nominated Councilor Miller with Councilor Elliott supporting the nomination. Mayor Toombs broke the tie by voting for *Councilor Miller as Council President*.

APPOINTMENTS

Mayor Toombs appointed Mr. Stan Usinger (Citizen representative) and Councilor Elliott to serve on the CIP Committee.

PUBLIC HEARINGS

1) LIQUOR LICENSE CHANGE OF PRIVILEGE (Teri's Town Tavern)

Police Chief Healy explained the OLCC's process for changing the license classification from Limited-On-Premises Sales to Full-On-Premises Sales.

Councilor Thackaberry asked about previous problems with Teri's Town Tavern. Chief Healy explained that the owner met the goals from the previous Improvement Plan Agreement established and he did not feel another improvement plan was warranted.

Councilor Elliott asked for a definition of "Limited" versus "Full" on premises sales. Chief Healy stated that the OLCC has changed the licensing definitions and he would provide the exact definition in the read file. (John, I didn't review the Read File to see if this was in it or not.

Mayor Toombs opened the public hearing at 7:55 p.m., with no testimony presented the Public Hearing was closed at 7:56 p.m.

A motion was made by Councilor Thackaberry, seconded by Councilor Munk, and passed unanimously to recommend *approval of the liquor license change of privilege application for Teri's Town Tavern to Full-On-Premises Sales.*

2) REMAND OF HERB-COOK ANNEXATION - *Tabled until February 26, 2003*

LEGISLATIVE SESSION

3) REGIONAL ALL HAZARD MITIGATION MASTER PLAN FOR BENTON, LANE, LINCOLN AND LINN COUNTIES

Assistant City Planner Lewis presented the Mitigation Master Plan for Phases 1, 2 and 3 on behalf of the City and the Fire District. The phases of the plan deal with natural hazards ranging from floods and sever weather to dam failures, earthquakes, and hazardous materials. This plan satisfies approximately 75% of new FEMA requirements in order to qualify for pre-mitigation disaster funding.

Mr. Lewis stated that this Plan would become a foundation by which each community develops its own mitigation plan to prepare the community for a variety of disasters. This would be an ongoing plan that is required by FEMA to be updated every five years.

A motion was made by Councilor Simpson, seconded by Councilor Elliott, and passed unanimously to approve the REGIONAL ALL HAZARD MITIGATION MASTER PLAN FOR BENTON, LANE, LINCOLN, AND LINN COUNTIES for the City of Lebanon.

4) RECREATION PROGRAM REPORT

Finance Director Cole gave a financial summary of the Recreation Program. Total program expenses were \$534.75 and the net program income was \$330.25. Mr. Cole explained that the need for another volunteer or a staff member, as well as additional funds, would be necessary to continue this program.

Councilor Munk felt there were other agencies, e.g., LBCC and the Boys and Girls Club that are better equipped to have a recreation program at this time. Councilor Thackaberry agreed.

It was the consensus of the Council to discontinue the Recreation Program.

5) HIATT/ASH STREET INTERSECTION PEDESTRIAN DATA

Due to the nearby school bus stop at the intersection of Hiatt and Ash Street, Council directed staff at its December 4 meeting to perform a second traffic analysis to determine the need for a four-way stop. Mr. Dannen reviewed the results as outlined in the Council Agenda packet and recommended that the City maintain existing traffic control measures.

It was the consensus of the Council to maintain the existing traffic control measures.

Mayor Toombs adjourned the regular order of business of the Lebanon City Council and convened as the Lebanon Urban Renewal Agency.

6) CIP COMMITTEE RECOMMENDATIONS – for the Lebanon Urban Renewal District

City Engineer Dannen explained that after closing the last project completed in the Lebanon Urban Renewal District (LURD) Plan, approximately \$550,000 of unobligated funds is left over from the \$3.3 million bond issued in 1999. Staff presented the following options to the CIP Committee: 1) Pursue additional capital projects; or 2) Apply the remaining funds to pay back the bonds (current debt service is \$310,000 per year and final payment is due in 2019).

Mr. Dannen explained that few of the proposed projects lie entirely within the existing LURD's boundaries (presenting an overhead of the boundaries). In order to pursue projects outside the boundaries, an amendment to the LURD Plan is required to adjust the boundaries to incorporate new project areas. The City has retained a consultant to evaluate the feasibility of a boundary amendment. Preliminary work by the consultant has indicated that it is feasible to adjust the LURD boundaries.

After several meetings, the CIP Committee recommended using the remaining funds for the following projects: 1) Emergency water supply well at Weldwood Park; 2) Boundary amendment for 7th Street improvements between Airport Road and Kees Street including a possible traffic signal at 7th and Airport; and 3) Traffic signal at 5th and Airport.

Mr. Dannen confirmed that Project #3 (5th and Airport) is in the LURD. Councilor Harrington thought the matter should be tabled until the final report from the Consultant is received on whether or not it is feasible to make the boundary adjustments, unless the Council wanted to proceed with #3, which does not require an amendment to the boundary.

Mr. Dannen clarified that Project #2 is the only project that the CIP Committee has recommended that requires a boundary adjustment. Mr. Dannen stated that Council could always accept the CIP Committee's recommendations making the approval contingent on the boundary feasibility before moving ahead with Project #2. In the event it is not feasible to adjust the boundary, Project #2 can be dropped from the list.

Public Works Director Ruef explained the need to pursue this proposal so that staff can investigate the feasibility of drilling for a backup well.

Councilor Harrington clarified that he thought Council should table Project #2, and wait until the boundary feasibility results are in before moving forward. Councilor Elliott agreed to table Project #2, but continue with Projects #1 and #3.

Councilor Thackaberry disagreed stating that he felt that Project #2 was essential for the School District to get started on the Cascade School improvements and that Projects #1 and #3 could wait. Councilor Munk agreed. Councilor Thackaberry felt that a signal at 5th and Airport is too close to 2nd and Airport and that a signal should be put at 7th Street not 5th Street.

Councilor Harrington questioned how the land use approval and off-site improvements were handled in the past with the School District and stated he did not want the same thing (i.e., for the school district to postpone needed off-site improvements) to happen again. In his opinion, the required fees and development costs should not be waived for the School District.

City Administrator Hitt gave a brief history of the meetings held with the School District. The School District is not sure how large of a project will be done at Cascade. Therefore, the District is not comfortable giving a final number that they can contribute to improving 7th Street. They are willing to share in the effort, but the hard figures have not been established.

A motion was made by Councilor Harrington, seconded by Councilor Simpson, and passed with three yeas (Councilors Elliott, Harrington & Simpson) and two nays (Councilors Munk and Thackaberry) that *the issue would be tabled until the final urban renewal district boundary change feasibility study results are received.*

Mayor Toombs adjourned as the Lebanon Urban Renewal Agency and reconvened the regular order of business of the Lebanon City Council.

7) ADOPT-A-PARK POLICY

Maintenance Division Manager Sell briefed the Council on the Adopt-A-Park Policy that staff along with the Parks Committee developed. Mr. Sell noted that this policy was not intended to maintain the parks but to achieve a higher standard for the parks.

Mayor Toombs addressed concerns regarding the employee union contract. Mr. Sell stated that he talked to the Union President about the Policy and the Union requested that the sentence "The policy is not intended to replace the work of the maintenance personnel" be added to the Policy.

Mayor Toombs felt it is an excellent program that proved to work well in the past.

Mr. Sell listed the interested organizations that are willing to adopt a City park as outlined in the Council Agenda packet.

Councilor Simpson commended Mr. Sell on his work on this project and agreed it would benefit the whole City.

A motion was made by Councilor Simpson, seconded by Councilor Elliott, and passed unanimously to approve the Adopt-A-Park Policy.

EXECUTIVE SESSION - Executive Sessions are closed to the public due to the highly confidential nature of the subject.

Mayor Toombs convened the regular order of business to enter into an Executive Session.

8) Per ORS 192.660(1)(e) - To conduct deliberations with persons designated by the Council to negotiate real property transactions.

Mayor Toombs reconvened the regular order of business of the Lebanon City Council.

LEGISLATIVE SESSION

9) PARKS GRANT PROPOSAL

Maintenance Division Manager Rod Sell requested the authority to proceed with the grant application for the acquisition of park's property. The piece of property to be included with the grant application is the property located at 951 Park Street (corner of Oak and Park Street) encompassing the entire southwest section of the block that includes Ralston Park.

Negotiations for the sale of the property are currently underway and the agreement of the land price is contingent upon the city receiving grant and final City Council approval of the property purchase. There are three options for the area: 1) the feasibility of using the building, 2) using just the hard service for parking; or turn the entire area into a park with landscaping and trails.

City Attorney McHill read the amended title of the Resolution:

A RESOLUTION AUTHORIZING THE CITY OF LEBANON TO APPLY FOR A LOCAL GOVERNMENT GRANT FROM THE OREGON PARKS AND RECREATION DEPARTMENT FOR ACQUISITION OF PARK PROPERTY AT RALSTON PARK.

A motion was made by Councilor Simpson, seconded by Councilor Thackaberry, and passed unanimously to *Adopt A RESOLUTION AUTHORIZING THE CITY OF LEBANON TO APPLY FOR A LOCAL GOVERNMENT GRANT FROM THE OREGON PARKS AND RECREATION DEPARTMENT FOR ACQUISITION OF PARK PROPERTY AT RALSTON PARK.*

10) CITY ADMINISTRATOR'S REPORT

City Administrator Hitt provided updates on the following:

City Charter Update – A workshop was set for 6:00 p.m. February 26 to draft a new City Charter. February 26 will be the only Council meeting in February.

Council Goal Setting Session – A date will be decided at the February 26 Council meeting.

City Fees – A revised fee schedule (resolution) will be brought to Council on February 26.

City Council Agenda Packets – A 3-ring tabbed binder format will be used for the Council Agenda packets. The binders need to be left after each meeting to be used again for the following meeting or brought to the office in time to be used for the following meeting. Councilor Thackaberry asked about the cost of mailing the binders and was told that the agenda's would be delivered.

ITEMS FROM COUNCIL MEMBERS

Councilor Thackaberry stated that he was uncomfortable with turning in his City Administrator Evaluation Form at this time. He felt it should be taken very seriously and he would like to have more time to think about his answers and to evaluate employees objectively.

Mayor Toombs stated he didn't understand the problem with the form since Council had recently discussed and approved the form and no one had raised any objections or concerns at that time.

Councilor Simpson stated that he was not happy with the approved form and listed the reasons why on the back of the form. Councilor Simpson stated he would be happy to be on a committee to come up with a new evaluation form. He believes there are inconsistencies with the current form.

Mayor Toombs told Council that he would extend the deadline for turning in completed form to January 17.

CITIZEN COMMENTS

Mr. John Brown asked for a brief summary of what the Weldwood backup water supply well is for. Mr. Ruef explained that the City had been looking for a backup water supply for quite a few years. Money was set aside for a well, or a series of wells, to try to provide a minimum

amount of water in case the water system goes down; a backup source could be provided. So staff purposed to the CIP Committee to set aside enough money for investigation of backup wells.

Mr. Brown gave a brief history during his time on Planning Commission regarding Cascade School and the street improvements on 7th Street, south of Airport Road. Mr. Brown felt that the School District had several opportunities in the past to make those improvements and he felt that the City should not be as lenient with the School District this time. The School District, like any other entity, should pay their fair share of the street improvements.

ADJOURNMENT

Mayor Toombs adjourned the meeting at 9:25 p.m.

Kenneth I. Toombs, Mayor	[]
Ron Miller, Jr., Council President	[]

ATTEST:

John E. Hitt, City Recorder

**MINUTES
CITY OF LEBANON
PLANNING COMMISSION**

DECEMBER 18, 2002

MEMBERS PRESENT: Chairman Don Robertson, Vice Chairman Barry Scott, Commissioners Paul Aziz, John Brown, Jon Davis, Tom Owen, Peggy Snyder and Mike Wells.

STAFF PRESENT: City Planner Doug Parker, Counsel Natasha Zimmerman, City Engineer Allen Dannen, Assistant City Planner Terry Lewis, City Administrator John Hitt, and Administrative Assistant Linda Kaser.

1. CALL TO ORDER/ROLL CALL

Chairman Robertson called the meeting of the City of Lebanon Planning Commission to order at 7:02 p.m. on December 18, 2002, in the Lebanon School District Board Room, at 485 S. 5th Street. Roll call was taken with Commissioner Carson being absent. Commissioner Aziz arrived at 7:20 p.m.

2. APPROVAL OF MINUTES

The minutes were approved as presented.

3. CITIZEN COMMENTS

There were no citizen comments.

4. PUBLIC HEARINGS

Chairman Robertson explained the public hearing procedure for the following hearings and stated that the Planning Commission would be following the criteria posted on the wall. There being no questions of the Planning Commission, Chairman Robertson opened the public hearing for Annexation A-02-05.

1. Annexation A-02-05 (Gilbert Limited Partnership: Oak Street)

Counsel Zimmerman explained that ORS 197.763 requires that at the commencement of a public hearing, the applicable substantive criterion that has been identified should be listed as staff has done on pages 8 and 9 of the staff report. Counsel Zimmerman stated that all testimony, arguments, and evidence presented must be directed toward the criteria listed or other criteria specifically identified by the individual presenting the testimony. The criteria must be listed in the Comprehensive Plan or Land Use Regulations that applies to this decision. A failure to raise an issue with statements and evidence sufficient to allow the Commission and the parties to respond to the issue concludes any appeal on that issue.

Chairman Robertson asked the Commissioners to disclose any conflicts of interest or ex parte contacts. Commissioner Brown removed himself since he is the applicant. Chairman Robertson offered a blanket disclosure that all the commissioners know the applicant. Chairman Robertson added that he and Commissioner Brown had talked about the application, with no specifics being mentioned, and felt he could render an impartial decision. There were no additional comments or disclosures.

City Planner Parker briefed the Commission on the annexation request of the approximately 70-acre territory comprised of one vacant parcel and a portion of the abutting Oak Street right-of-way located on the south side of Oak Street and directly west of the Lebanon Airport (Assessor's Map 12-2W-16, Tax Lot 300). The applicant is Gilbert Limited Partnership. Mr. Parker showed overheads of the property and described the Zone Designation as Limited Industrial (upon annexation), with an Aircraft Control Subzone overlay on the east portion of the property. The Comp Plan Designation is Light Industrial.

Mr. Parker reviewed the applicant's preliminary development plan, the importance of this particular industrial site to support and expedite future industrial recruitments, and the site description as outlined in the staff report. Slides were shown of the subject property.

City Engineer Dannen stated that urban services are or can be made available to serve the proposed annexation area. Mr. Dannen reviewed the City's infrastructure and possible additional infrastructure improvements in regard to streets, water, drainage, and sanitary sewer as outlined in the staff report.

Mr. Dannen gave an update on the Westside Interceptor, which is nearing its full capacity and build-out. The City will eventually construct a new interceptor that will provide both additional capacity and service area that will be the eventual means of service to the proposed annexation. The construction timing is unknown, so in the interim a combination of pumps and gravity extensions may be required as discussed in the staff report.

After reading the Relevant Criteria provided in the staff report and acknowledging the need to update Resolution 11 (City Annexation Policy), Mr. Parker recommended approval of the annexation and offered the staff report for the record. Chairman Robertson accepted the report and asked Mr. Parker to read staff's proposed findings.

Chairman Robertson asked Commissioner Aziz if he had any ex parte contact [Commissioner Aziz was not present at the time of ex parte contact disclosure]. Commissioner Aziz stated he had none.

Mr. Dannen corrected an error on the last sentence (¶-1) under *Engineering Comments* that should read "Development," not "Redevelopment".

Commissioner Aziz asked why the word "some" in Finding #1 had been stricken. Mr. Parker clarified that he struck the word "some" because it would connote that "some" services could not be made available.

Mr. Dannen clarified for Chairman Robertson that Section D. *Sanitary Sewer*, pertained to both *on and off-site* improvements when describing the phrase, ". . . a combination of pumped and gravity sewer extensions may be required to convey sewer flows to the existing main on Oak Street." There would be some kind of extension required to the site.

Mr. Dannen also clarified that it was safe to say the system is near capacity. Mr. Dannen explained that warehousing, distribution and light industrial uses typically don't generate a heavy sewer load and shouldn't be a problem. If it were an industrial use with a heavier load to the system then it would need to be closely examined at the development stage. Mr. Parker added that there are various improvements currently being made to that system in minor increments that are enhancing the capacity of the system.

Mr. Dannen responded to several questions regarding the current leaky system, which are primarily due to the age of the system, high water ground tables, and storms. Mr. Dannen stated that an exact calculation of the sewer system's capacity level is difficult due to the various factors to consider, which would take a complex set of modeling. Staff would obtain estimates at the time of development.

Chairman Robertson opened the Public Hearing to the applicant.

Applicant John Brown, general partner of Gilbert Limited Partnership, explained that the property lies in a strategic area on the western boundary of the City, which could be developed without impacting the downtown transportation system or the truck route. He has had several inquiries about developing the property, but he was not in a position to develop the land at those times. He has since had a wetland study, level one environmental study, and a calculation done on running services to the property. It was suggested to put a pump station at the corner of the property at sufficient depth and gravity the whole 70 acres and pump into the City's system. Mr. Brown noted that it is difficult to calculate the exact system needed without knowing the use of the property.

Commissioner Aziz asked if there was a specific person interested or if the point was to be able to annex so the property would be more attractive to a developer. Mr. Brown stated he does not currently have a buyer.

Mr. Brown stated letters of support for the proposed annexation had been received from Lebanon City Administrator John Hitt, Keith Miller of Linn County Business Development Center, Greg Nervino of Consumers Power, Larry Walsh of Oregon Development Group and Daren Griffin of Oregon Department of Aviation (in staff report).

Chairman Robertson asked if anyone would like to speak in opposition of the proposal.

Mr. Jim Just, representing Friends of Linn County (FOLC), addressed Criteria 1 – 10 listed in the staff report as outlined and submitted in his written testimony.

After numerous questions for clarification of Mr. Just, it was the consensus of the Commissioners that Mr. Just did not provide any new evidence that would dispute the findings, but simply claimed the applicant and staff did not have sufficient evidence to support the approval of the proposed annexation.

Clarification for the record, Commissioner Scott asked Mr. Just if he resided in Lebanon stating that according to documents received by Mr. Just a Lebanon PO Box was given. Mr. Just stated that he lives 10 miles outside of Lebanon.

Chairman Robertson stated that Mr. Just commented several times that there was no evidence to support this annexation and asked Mr. Just, referring to Annexation Policy #5 Public Need, what he would consider to be evidence. Mr. Just stated there should be some

kind of quantifiable estimate of what the City needs in terms of industrial lands and reference^A the page in the Plan it can be locate.

Commissioner Owen asked Mr. Just if current unemployment figures would constitute a public need. Mr. Just stated that they have nothing to do with the need for industrial land. Commissioner Owen disagreed, stating the need to provide industry and jobs to the area. The City Administrator has established the need for more industrial land in his letter. Mr. Just responded, "You *may* be right. It could be that we already have a 1,000-acre parcel of industrial land ready to be developed, but we don't know that and it's the applicant's responsibility to put that evidence in the record. "

Commissioner Davis pointed out that the staff report includes several officially documented written testimonies that address public need. However, Mr. Just felt that they were unsubstantiated statements and to identify public need, evidence has to refer back to the Comp Plan and available inventory.

Commissioner Scott pointed out that the Commission has had several cases, this being one of them, where all the statistics conceivable had been received, but people will still claim it is not enough. The letters Commissioner Davis referred to, in your opinion may not be adequate evidence, but they are evidence. The Commission asked that the FOLC convey hard evidence with specific assertions to the hearings as oppose to saying "it's just not enough evidence".

Mr. Just stated it is not the Friends of Linn County's position that a need for this annexation *does not* exist but rather that it has not been established that a need *does* exist. The FOLC is not arguing against this application on the merits, we're just saying that the requirements of the Annexation Policy and Comp Plan have not been adequately addressed. "In this particular case, it is quite likely that those requirements regarding public need could be satisfied quite easily and we ask that the Commission pay attention to making sure that it be done."

In response to Chairman Robertson's question regarding Zoning Ordinance Criterion #10, Mr. Just clarified that in order for a Light Industrial zoning to be applied to this property, the applicant would need to make a request and then the City would need to go through a zone change hearing. Mr. Just clarified that the subject parcel currently carries a county zoning designation. Commissioner Snyder didn't understand how the City could make a zone change in a county designated area. Mr. Just stated the City would not be making a change to the county's zoning and that the City wouldn't apply a change until it was annexed. Mr. Just proceeded to quote a Benton county case, but wasn't sure what the intergovernmental agreement between Linn County and the City of Lebanon is.

Regarding Item #8, Urbanization Element, Chairman Robertson asked for Mr. Just's interpretation of the lead phrase "*unless otherwise approved by the City*". Mr. Just stated that it would probably need to be litigated to get an answer, but surmised that the answer would be that it is true that the City could provide otherwise, but in order to do so the City would have to announce some rationale and relate it to the purpose of that statement.

Chairman Robertson opened for Rebuttal.

Mr. Brown was unclear on how the City could ever achieve exact measurement capabilities due to environmental impacts (anywhere from a flood to a drought).

Mr. Brown referred to Criterion #10, Zoning Ordinance Section 3.050, in which the County Planner had told him that the proposed annexed area was covered under the City/County Urban Growth Management Agreement and that the City would carry out all land use actions on that property. Therefore, the City has the jurisdiction of the UGB.

Mr. Brown stated that Mr. Just seemed to want all the improvements put in place prior to annexation. From an owner's standpoint, putting all the utilities and streets in prior to annexation would be extremely costly. There is no way of calculating the capacity needs, unless we knew how the property would be used. This would be heard at a development hearing not an annexation hearing. At that stage, the City would tell us what should be accomplished prior to development.

Mr. Brown stated that by annexing this particular prime developable area the City could have a better competition factor when promoting industry and jobs. He is trying to create a parcel that can be developed to provide family wage jobs.

Chairman Robertson asked if Mr. Brown was aware of any other available properties. Mr. Brown stated that there are other properties, but none are for sale. His is for sale with all the due diligence studies already done; services are possible. He does not know of another parcel that is this close to the UGB.

Chairman Robertson closed the Public Hearing @ 8:40 p.m.

Commissioner Aziz asked Mr. Parker to clarify the City's position on Annexation Policy #3, specifically that there is no development proposal on the table. Mr. Parker stated that in this case, the applicant doesn't know how the property would be developed, but has evaluated the property's logistics, attributes, and how the property is intended to be developed. The City has never encouraged anyone to do any kind of final work until they have actual approval. It is problematic and very costly for someone to come up with specific site development plans all on a speculative basis. Staff felt this request had the best current available information without a specific development proposal. How the conceptual development proposal fits with the character of the area should be addressed.

Chairman Robertson pointed out the struggle that has occurred with the definition of public need. Commission Owen stated it changes from hearing to hearing and it is up to the Commission to decide. Commissioner Davis stated for him it was the marketplace that decides what the public need is. Commissioner Aziz stated that the specific details need to be addressed, e.g., this annexation request is very close to the airport and on a truck route. Another property would have to be compared to all the specifics. Commissioner Wells stated that it has been clearly demonstrated what happens when we don't have "ready to go" industrial land – the buyer/developer goes elsewhere!

Mr. Parker read the definition of *public need* from the "Land Use Planning in Oregon" book.

City Administrator Hitt stated that each industrial prospect he has talked to has wanted a little different type of land, e.g., rail access, quick I-5 access, and even a potential developer who wanted an isolated piece of property. This particular parcel offers what no other *available* parcel offers, such as immediate access to the airport, as well as highway access, without going through the downtown area.

A motion was made by Chairman Scott, seconded by Commissioner Owen, and passed unanimously to recommend to the City Council that annexation proposal A-02-05 be approved based upon testimony received and staff's proposed findings as amended.

Chairman Robertson called for a five-minute recess.

2. Conditional Use CU-02-01 (Lebanon Community High School)

Chairman Robertson opened the Public Hearing at 9:07 p.m.

Counsel Zimmerman explained that ORS 197.763 requires that at the commencement of a public hearing, the applicable substantive criterion that has been identified should be listed. The relevant criteria are available on the wall as well as listed in the staff report. Counsel Zimmerman stated that all testimony, arguments, and evidence presented must be directed toward the criteria listed or other criteria specifically identified by the individual presenting the testimony. The criteria must be listed in the Comprehensive Plan or Land Use Regulations that applies to this decision. A failure to raise an issue with statements and evidence sufficient to allow the Commission and the parties to respond to the issue concludes any appeal on that issue.

Chairman Robertson asked the Commissioners to disclose any conflicts of interest or ex parte contacts. Commissioner Davis stated he did not have any conflicts, but informed the Commissioners that he needed to leave at 10:30 p.m. Commissioner Synder reported that she is an employee of the School District, although retired she still substitutes, but it would have no bearing on her decision. There were no additional comments or disclosures.

Mr. Parker briefed the Commissioners on the proposed conditional use request to renovate the Lebanon High School located at 1700 S. Fifth Street with the applicant being the Lebanon Community School District. Mr. Parker briefed the Council on the renovation proposal to include overheads of the site description and slides of the subject property and landscape plan as outlined in the staff report. Mr. Parker stated that there would be no change to the zone designation of Mixed Density Residential.

Mr. Parker gave a summary of the relevant Zoning Ordinance Criteria from Section 4.020(4)(k), Section 6.010 and Section 6.020; the Comp Plan Criteria "Public Facilities and read Services Elements, Policies #2 and 3, and the Planning, Building and Fire Department Comments (a – j). Mr. Parker noted that he spoke to the School Resource Officer regarding the problem of many kids driving large vehicles they are unable to maneuver in the current parking situation, so a provision in was added in "d" to accommodate their parking needs. This is not a requirement, but an advisory note. Mr. Parker noted that the word "paved" should be stricken from "g".

City Engineer Dannen briefed the Commission on the requirements of the proposed conditional use request and possible additional improvements in regards to transportation, water, sanitary sewer, and drainage systems outlined in the staff report.

Mr. Parker recommended that the Commission grant approval of this conditional use request and offered the staff report for the record. Mr. Parker read staff's proposed findings.

Commissioner Synder asked if the emergency access road would be a one or two-way road. Mr. Parker stated it is proposed to be a 20-foot road (wide enough for two-way traffic).

Mr. Dannen defined a "civil site improvement", which refers to all the improvements happening to the site, not the building, e.g., infrastructure, sidewalks, etc.

Chairman Robertson opened the public hearing to the applicant.

Attorney Thomas J. Wettlaufer, representing the Lebanon School District's, 1011 Commercial St, NE, Suite 210, Salem, OR 97306-0749, request for the Lebanon High School's Conditional Use Application. Mr. Wettlaufer introduced members helping with the presentation, Architect Jon McGrew, Engineer Brian Vandetta, Contractor Eric Eckfield, and School Superintendent Jim Robinson.

Mr. McGrew briefed the Commissioners on the proposal's highlights (outlined in the staff report).

Mr. McGrew answered Commissioner Synder's question that along with the new wing the remodel will provide insulation and insulated windows to other parts of the building.

Commissioner Aziz questioned the distance between the parking and the building and Commissioner Brown asked if it was enough parking during a big event. Mr. McGrew stated that based on the studies there should be adequate parking.

Mr. Vandetta reiterated the drainage issues discussed earlier by City Engineer Dannen.

Mr. Wettlaufer stated they appreciated working with the City staff and the time they have spent in helping them to put their application together. As a school district, we have limited funds and would like to limit the costs of items that don't absolutely have to be done.

Mr. Wettlaufer addressed the following concerns:

Engineering Transportation, Comment #5. They have a concern with paving the pathway and don't believe they are required to do so.

They understand there is an existing traffic problem between 5th Street and Airport Road and have agreed to put in the left-hand turn lane, which brought the level of service for the intersection to level "D".

An item not considered in the traffic impact analysis because of a change made later on was moving the majority of parking to the same side of the street as the school. Therefore, there would not be as many pedestrians crossing at 5th Street. They don't believe the improvements being made are impacting the traffic configuration in such a way they should be required to make any infrastructure improvements.

The graveled access is to provide access to the Fire Department for an emergency. Paving the access way would encourage the students to use that access, rather than having all the activity at the front of the school. A lot of students cross that area to get to the practice fields and having vehicles turning onto that road would create further safety issues. (Also relates to Fire Dept Comment #3, regarding red curbs).

Engineering Transportation, Comment #1. The School District appreciates the City allowing the cutout and will try to limit to just one cut across 5th Street for pedestrian crossing. The School District requested to use some other material rather than asphalt in making the patch across 5th Street. If it meets engineering requirements, they'd like to use paver stones or concrete, to clearly indicate a crossing, rather than just painted lines.

Engineering Transportation, Comment #10. The School District appreciated the change in the paving requirement, per Mr. Parker, in that they would not have to pave the pedestrian pathway, but use another less expensive material. The School District requested that Comment #10 also be changed to be "unpaved" pathways. Commissioner Aziz asked how a wheelchair would get across the area. Mr. Wettlaufer explained the existing sidewalk access along 5th Street, adding that the School will provide ADA compliant access from the southern parking lot to the football stadium.

Engineering Transportation, Comment #9. The School District requested that there not be the 5-foot landscaped setback for the sidewalks so they could match the other side of the street and make it easier to step out of cars. Although the School District agrees with comment #12, it was requested to place the trees on the other side of the sidewalk.

Fire Department Comment #1. Review of the building and fire code led them to believe that there was no specific code requirement to relocate two of the hydrants asking where in the Code to locate the provision.

Clarification of Planning Comment "f". There will be ADA compliant access from the southern parking area to the football stadium, but asked that the last three words at the end of the sentence be stricken ("ADA seating area"). At this juncture, they had not planned on making changes to the stadium. The stadium currently has ADA access onto the track and a ramp to the seating area, but cannot afford to make changes to the stadium at this time.

Mr. Wettlaufer stated that with these changes the applicant meets all the relevant criterion and asked that the School District's conditional use application be approved with the changes indicated.

In regards to the emergency access, Commissioner Scott asked if the traffic study addressed the impact of having the access open as a traffic route. Mr. Wettlaufer replied that the topic was not addressed until after the study had been completed.

With cost being the primary issue for a walkway, the School District was willing to concede to a walkway, they didn't feel it needed to be a paved pathway since they felt there would not be much traffic in the area. Commissioner Snyder stated the students using the fields for athletics would probably not go around, but cut across.

In regard to signaling 5th Street and Airport Road, Mr. Wettlaufer explained that the traffic analysis showed the school is not increasing the number of students or changing the area, believing the school should not be responsible for it. Commissioner Wells questioned if the problem with the intersection could have been a result of increased enrollment over the years. Superintendent Robinson stated that there's a possibility enrollment is down off of traditional highs, but it may be that more students are driving. Mr. Robinson believes that converting Airport Road into a major arterial has created increased traffic and feels it is a full time problem at the intersection, not just during peak school hours.

Mr. Parker clarified, Planning Comment "f" regarding ADA compliant parking and access, that staff's intent was not to change the stadium's interior operation, it was presumed that some kind of accommodations already existed.

Another point of clarification Mr. Parker provided was the understanding that the Fire Department is a separate entity and discouraged the Commission from changing any of the conditions established by the Fire Marshal. After a discussion on the graveled lane and red curbing, Mr. Parker added for the record that when these comments were made there was no intention on the part of the City to require that lane be paved.

There being no more public comments, Chairman Robertson closed the public hearing at 10:48 p.m.

Mr. Dannen clarified the left-turn lane improvement proposed on 5th Street according to traffic study would get to level of service "E". Mr. Parker stated that staff has a little ambiguity seeing very important benefits as far as overall circulation and ability to direct traffic from a crowded condition from 5th to 7th Street, but aren't certain that the implementation would allow it to achieve its best-intended purpose.

Commissioner Scott suggested the applicant and staff work it out on whether to pave the lane to their mutual satisfaction as a condition of approval. Mr. Parker stated that since it is a financial and timing issue for the School District, the uncertainty of working it out with staff may require the District to have to default to an immediate appeal.

It was the consensus of the Commissioners to strike the condition of paving the alternate access over to 7th Street.

After discussion of the 5-foot sidewalk set back, Mr. Dannen explained that the City was trying to consistently require sidewalk setbacks to allow for street trees as part of the new policy for more attractive streets, as well as pedestrian safety for the sidewalk setbacks.

The Commission reached a consensus to leave that requirement as is, but to strike the "paved" pathway to the football field, and to have the School District work with staff on putting pavers instead of asphalt across the cut area on 5th Street.

A motion was made by Commissioner Owen, seconded by Commissioner Synder, and passed unanimously to grant an approval for a conditional use permit for CU-02-01 along with staff comments and amended recommendations and findings, and deferring any Fire Department comments to the Fire Marshal.

In light of the time, Commissioner Robertson asked if the Commissioners would like to stay for the next hearing. The consensus was to stay for the next hearing. Commissioner Robertson adjourned for a five minutes recess.

3. Annexation A-02-06 (Cornell Family Trust: South 5th Street)

Counsel Zimmerman explained that ORS 197.763 requires that at the commencement of a public hearing, the applicable substantive criterion that has been identified should be listed. The relevant criteria are available on the wall as well as listed in the staff report. Counsel Zimmerman stated that all testimony, arguments, and evidence presented must be directed

toward the criteria listed or other criteria specifically identified by the individual presenting the testimony. The criteria must be listed in the Comprehensive Plan or Land Use Regulations that applies to this decision. A failure to raise an issue with statements and evidence sufficient to allow the Commission and the parties to respond to the issue concludes any appeal on that issue.

Chairman Robertson asked the Commissioners to disclose any conflicts of interest or ex parte contacts. Commissioner Brown stated he was a neighbor to both Mr. Puma and Mr. Cornell. Mr. Wells disclosed he had done business with Mr. Cornell several years ago. Chairman Robertson and Commissioner Owen stated Mr. Cornell had been a client of theirs in the past. There were no additional comments or disclosures.

City Planner Parker briefed the Commission on the annexation request of the approximately 61.05 acre territory comprised of one vacant parcel, and the abutting South Fifth Street right-of-way located on the west side of South Fifth Street and approximately ¼ mile south of Vaughn Lane (Assessor's Map 12-2W-22D, Tax Lot 900). The applicant is Cornell Family Trust. Mr. Parker reviewed maps of the property and described the Zone Designation as Residential Mixed Density (upon annexation). The Comp Plan designation is Mixed Density Residential. Mr. Parker addressed the applicant's proposed residential development, the Site Description and the Planning and Zoning Considerations and Staff Comments as outlined in the staff report. (Overheads and slides were shown of the subject property).

City Engineer Dannen stated that urban services are or can be made available to serve the proposed annexation area. Mr. Dannen briefed the Commission on possible additional infrastructure improvements required to streets, water, drainage, and sanitary sewer as outlined in the staff report.

A substantial improvement would probably be required to pump the sewage across Oak Creek to get the on-site sewer flows to 10th Street, which would eventually connect to the existing Westside Interceptor. Emphasizing that farther down we get to the existing Westside interceptor we know there are areas that are more stressed in terms of capacity and would be looked at further at the time of development.

After outlining the Relevant Criteria listed in the staff report (Pg. 7 & 8), adding that he is not aware of any requirement in any jurisdiction that upon annexation a zone map amendment is needed of the county zoning map in order to assign city zoning, Mr. Parker recommended approval of the proposed annexation and offered the staff report for the record. Chairman Robertson accepted the report.

Mr. Dannen discussed the possible routes of the sewer lines and briefed the Commissioners on the water storage tank. Mr. Dannen explained that all the annexations are essentially competing for the same remainder of the capacity, but they have not yet had a development proposal.

Chairman Robertson opened the Public Hearing to the applicant.

Mr. Kevin Mayne, 1775 32nd Place, NE Salem OR 97306, representing the Cornell Family Trust, stated that they do not have a specific development plan but know that much of the northeast area of the property will be used for the parkway, trail system and riparian zone. Most of the residential development will take place in the southwest area of the property. Mr.

Mr. Mayne addressed that they have established Public Need described in the Comp Plan and the 1997 Study.

Mr. Mayne addressed public interest, pointing out the trail system that the City can include as part of its Parks Master Plan, the riparian zone the City can implement for Oak Creek, and the ability to run Reeves Parkway through the property.

Engineer Brian Vandetta, representing Tom Cornell, addressed the sewer issues, identifying the bottleneck that comes together at 6th Street and Walker Road. A portion of that sewer line can be upgraded (approximately 1800 feet total), with the development sites absorbing the cost to improve the sewer system, *if needed*, in order to develop the project. Mr. Vandetta clarified that in terms of the remainder of sewer capacity, first come first serve did not mean at the time of annexation, but at the time a platted subdivision is approved would lock you in. Currently, there is available sewer capacity to serve 70 acres. Mr. Vandetta stated the conceptual idea is to extend the conventional gravity sewer to the north side of Oak Creek, build a pump station on the south side of Oak Creek, pump up and across, then extend east down Vaughn Lane, which would allow other properties to have access.

Mr. Tom Cornell, 33263 Tennessee Road, explained that no letters objecting to the annexation had been received. Mr. Cornell spoke with the property owner to the north, Al Grove, and he had no objections and felt it would be quite good for the Christian Academy. Larry Hagemester lives in the 5-acre parcel that was partitioned off years ago and also welcomed the annexation.

Mr. Cornell stated that the right-of-way mentioned by Commissioner Owen was a good idea and he may pursue it. Mr. Cornell showed the area with a large section of trees on the overhead that he felt would be good for a park and established the wetland and development areas. Mr. Cornell confirmed that he would commission Mr. Vandetta to begin development plans as soon as the property is approved for annexation.

Chairman Robertson asked if anyone would like to speak in opposition of the proposal.

Mr. Jim Just, representing FOLC, addressed Criteria 1 – 10 listed in the staff report as outlined and submitted in his written testimony running parallel to his last testimony of this evening.

Chairman Robertson opened for Rebuttal.

Mr. Mayne addressed the feasibility issue, stating the Code doesn't require that we provide an economic cost analysis on whether it's economically feasible to run a sewer line in a certain location. Because of the costs involved in developing the infrastructure you need a larger area like this property where the costs can be allocated out to a number of lots.

In regards to Annexation Policy 3, it simply gives the City the discretion not to approve it.

Mr. Mayne stated that the applicant is not asking for the redesignation of RM land, but essentially asking the Commission to recognize that within the UGB this land has been designated for development and zoned accordingly.

Mr. Vandetta addressed the 1997 Study in which it asks "Does The UGB Contain Enough Buildable Land?" Mr. Vandetta clarified that the UGB is being discussed and the need back

then was for additional acres to be brought into the City. Mr. Vandetta added that 'all the' extensions will be done within public right-of-ways and no EFU lands will be crossed.

Chairman Robertson stated he had inadvertently turned the hearing back over to the applicant without asking Mr. Puma if he had any testimony to give. Mr. Puma had nothing to add, so Chairman Robertson closed the Public Hearing at 12:28 a.m.

Counsel Zimmerman clarified that the first come first serve rule had been discussed with the applicant and the applicant confirmed in their testimony that they understand that City services are not guaranteed at time of annexation.

A motion was made by Commissioner Scott, seconded by Commissioner Wells, and passed unanimously to recommend to the City Council that Annexation Proposal A-02-06 be approved based upon testimony and the Proposed Findings as submitted by staff.

COMMISSIONER COMMENTS (added to the agenda):

Chairman Robertson asked Mr. Just to approach the podium to help the Commission understand the position of FOLC opposing all of the recent land use applications. Mr. Just responded that their interest is of the proper application of the laws.

Chairman Robertson asked if the FOLC felt that the Planning Commission was incompetent to make those decisions. Mr. Just stated that the Commission has wrestled with concepts that are probably unfamiliar and abstruse, and it's not reasonable to expect people to grasp and handle these complex and difficult issues easily all at once. Mr. Just stated he appreciated the efforts, although he doesn't agree with their decisions, but has confidence that over the years they will come closer together.

Chairman Robertson asked Mr. Just if he understood his earlier statement correctly in that the FOLC was going to continue to appeal until the City gets it right. Mr. Just stated, "We think this historical practice of annexing the land and then giving it a designation is obviously wrong and should be corrected. Apparently, the only way the City will be convinced its wrong is to get a higher authority to point that out." Mr. Just added they may be wrong but a determination of that will be made in the near future.

Chairman Robertson stated that FOLC has been labeled a "no growth" organization, and asked if it was their intent to stop growth or development within the City. Mr. Just stated, "FOLC is not a no growth organization, in fact FOLC is a pro development organization. We think that the state of Oregon needs better communities, and it is our intent and objective to build those better communities and the tool to accomplish that is to work within the land use planning system." Commissioner Brown asked which developments FOLC has helped through the system. Mr. Just could not name any. Mr. Puma of FOLC spoke up and said they supported the Walden Pond Project.

Commissioner Scott asked what specifically constituted good growth. Mr. Just stated they think that growth that is automobile dependent (and on fossil fuels) is bad for many reasons.

5. OLD BUSINESS

A. Update of candidate open space development standards for multi-family residential developments. Staff will give examples of the application and bring back language for the Commissioners to review at a work session.

6. OTHER BUSINESS

- A. Meeting Schedule – January 15, 2003 will have two annexations.
- B. Russell Drive Are Mixed Use Study - January 15, 2003 joint briefing with City Council @ 5:30 p.m. to discuss annexation procedures and an update on Russell Drive.

After discussing the appeal process, a motion was made by Commissioner Brown, seconded by Commissioner Scott, and passed that a recommendation be made to City Council to set appeal fees equal to the amount paid by the applicant for any land use decisions (i.e., annexation or planned development).

- C. Comprehensive Plan Update – Staff is still working on the update.
- D. Annexation Policy Update – Needs to be revised.

7. COMMISSIONER COMMENTS

Commissioner Snyder appreciated that all material is double-sided.

Commissioner Brown asked what ever happened to closing the meeting by 11:00 p.m. Staff was directed to not have more than two annexations per meeting.

8. ADJOURNMENT

Chairman Robertson adjourned the meeting at 1:22 a.m.

Meeting recorded and transcribed by Administrative Assistant Linda Kaser.



LEBANON PUBLIC LIBRARY
626 SECOND ST.
LEBANON, OREGON 97355
(541) 451-7461

LIBRARY ADVISORY BOARD Meeting Minutes December 11, 2002

The Library Advisory Board meeting was called to order at 5:35 p.m. Attending: Glenda Claborn, Nancy Eaton, Carol Hiebert, Jane Hutchings, and Library Director Denice Lee.

Minutes of the November 13, 2002 meeting were approved as written.

DIRECTOR'S REPORT:

CIRCULATION: There are no circulation statistics available due to problems with the automated system migration.

AMEND INTERNET POLICIES: The Library Director presented the Internet/Computer policy revisions recommended by the board at the November meeting. The board approved the revisions.

AUTOMATED SYSTEM MIGRATION: There continue to be problems with the Sirsi Unicorn automated system. The library still doesn't have overdues running, and there are other glitches in the system. Albany Public Library is working with Sirsi to overcome these problems.

SEDER REPORT: Mark Seder presented his latest revisions of the old LMS site to the City Council. The library is now back in the main building on the bottom floor of the future City Hall building.

CHRISTMAS PARTY: The Volunteer Christmas Party was held December 6 at the Mennonite Church. The food was wonderful and the entertainment by a ladies string ensemble was especially nice.

LSTA: The Scio group has met and developed a Request For Proposal for a consultant to study areas of support in Linn County for improved library services. They plan to review proposals by subcommittee mid-January.

COMPUTER TABLE: The computer table for 2 Gates Foundation computers in the adult reference area has arrived and been installed. It provides more room for

patrons and a better use of the space. The Friends of the Library funded the majority of the purchase.

HIGH SCHOOL LIBRARY: The Library Director reported meeting the Lebanon High School librarian and principle to coordinate efforts to supply library services to high school students when the high school library closes for remodeling in the spring of 2003. There will be more meetings to facilitate this effort.

YA READING GROUP: The Young Adult Reading Group is scheduled to take place on Tuesday evenings in January and February. The group will be made up of up to 15 5th, 6th, and 7th graders, and will meet at the library from 7 p.m.-8:30 p.m. after library hours. Sheri Miller is coordinating the program and has recruited two area teachers to lead the groups in book discussion and activities relating to the book. The two books are Cages by Kehret, and Stargirl by Spinelli. Julie Campbell will be the leader for January, and Susan Kirk-Davalt will lead in February.

FRIENDS OF THE LIBRARY REPORT

There was no report from the Friends.

NEW BUSINESS:

The board heard the Library Director's recommendation that the old reader/printer be declared "Surplus" and then donated to Sweet Home Public Library along with all of the accessories. The board approved the recommendation. The old reader/printer becomes available because the Lebanon Public Library purchased a new reader/printer with grant funding from Trust Management.

ADJOURNMENT: The meeting was adjourned at 6:23 p.m.

NEXT MEETING: January 8, 2003

853 Main Street

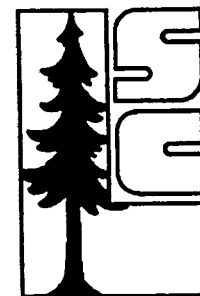
5:30 p.m. – 6:30 p.m.



SENIOR AND DISABLED SERVICES

LEBANON SENIOR CENTER
585 PARK STREET
LEBANON, OREGON 97355

(541) 451-7481 Fax (541) 258-7386



ADVISORY BOARD MEETING December 18th 2002

MINUTES

Members present: Bob Johnson, Lori McNulty, Jackie Pendleton, Bonnie Prince, Remona Simpson, Jim Toftner, Stan Usinger, Frances West, Kathy Grinnell, Susan Tipton, Cheryl Wagner

Members absent: Heather Loveall, Jackie Pendleton

MINUTES:

Minutes for the November 20th meeting were reviewed and there were no additions or corrections. Minutes were approved as written.

CHAIRPERSON'S REPORT:

Since Jackie Pendleton was absent, Susan Tipton chaired the meeting. She shared a letter from Sandra Mallette who expressed her regret but necessity to resign. Since her husband and business partner Jerry died, Sandra has been finding it increasingly difficult to be away from her foster home business; she must hire help and it was just too expensive and difficult. Susan noted that Stan Usinger had applied for a position on the board as Rotating Community Business Member, but since there was a regular board vacancy, he indicated interest in that position. Jim Toftner moved that Stan be appointed a regular board member, Remona seconded that motion and it passed. Remona also nominated Jim Toftner as board chairman since Jackie's term ends this month. Bonnie Prince seconded the motion and Jim was unanimously nominated chairman for 2003. There were other terms expiring, Remona's term expired in December, and she indicated willingness to serve another term. Lori moved to accept her as a second term board member, Bonnie seconded that motion and it passed. Lori McNulty's term also expires this month, and she too expressed interest in remaining on the board. Remona moved to retain Lori for a second term, Jim seconded that motion and it passed.

REPORTS:

- Senior Meals Program- Cheryl reported the news that Cy Miller had a stroke and was recovering, but unable to return to his volunteering at the Senior Meal site. Cy is sorely missed. Cheryl reported that the meal count is up for meals on wheels. The Senior Meals program has a donation drive that began the day after Thanksgiving.
- Senior Outreach Program- Kathy told us that the Senior Companion Program has filled. And she said that the Energy Assistance Program has ended. This program is a victim of the cuts in human service programs.
- Senior Center- Susan commented on the wonderful holiday designs painted on our windows by our neighbors Rainbow Tattoo Parlor. She also commented on the slide shows that we promote. Collette Tours presents these and they are an entertainment event for

anyone who would like to take an armchair tour. We provide refreshments and a representative from Collette is here to answer questions about their program.

- Our Christmas dessert was well attended and very nice. Several retirement homes and assisted living facilities in the area provided desserts, as did members of our advisory board. We also have our Christmas dinner tomorrow; the 19th and we will serve ham, sweet potatoes, rolls and pie for dessert.

CONTINUING BUSINESS:

- Remona distributed a copy of the letter sent out by the Lebanon Public Library Senior Center Trust board to request donations. The letter will be sent to a mailing list of 500 and the board hopes to kick off their fundraising campaign.
- Susan thanked Bob Johnson for his donation of two air pots for coffee. These will be very useful for events and groups as well as in the new site where we will be far from the kitchen. Lori had some prices on additional air pots from Allan Brothers. Jim Toftner had an idea for a cart on which to hold the pots, creamer and sugars and cups too. He will investigate sources.
- Susan shared that she will be taking to City Council the estimated costs to relocate to the Middle School site on January 22nd. Once City Council has this information it will be up to them to approve moving forward with the plan to relocate.

NEW BUSINESS:

No new business was brought up.

ITEMS FROM THE FLOOR:

Nothing brought up.

ADJOURNMENT:

Meeting adjourned.

Next Meeting: Wednesday, January 15th 2003

EASEMENT FOR PUBLIC ACCESS AND UTILITIES

THIS AGREEMENT, made and entered into this 2 day of January, 2002³ by and between Karin S. Stauder and Mary J. Gentle, herein called Grantors, and the CITY OF LEBANON, a Municipal corporation, herein called "City."

WITNESSETH:

That for and in consideration of the total compensation to be paid by the City, the Grantor does bargain, sell, convey and transfer unto the City of Lebanon, a perpetual and permanent easement, including the right to enter upon the real property hereinafter described, and to maintain and repair public water utilities for the purpose of conveying public water utilities services over, across, through and under the lands hereinafter described, together with the right to excavate and refill ditches and/or trenches for the location of the said public water utilities and the further right to remove trees, bushes, under-growth and other obstructions interfering with the location and maintenance of the said public water utilities.

This agreement is subject to the following terms and conditions:

1. The permanent easement hereby granted is described as follows:

SEE ATTACHED "EXHIBIT A"

2. The permanent easement described herein grants to the City and to its successors, assigns, authorized agents or contractors, the perpetual right to enter upon said easement at any time that it may see fit for construction, maintenance, evaluation and/or repair purposes.

3. The easement granted is in consideration of \$ 1.00, the receipt of which is hereby acknowledged, and in further consideration of the public improvements to be placed upon said property and the benefits Grantor may obtain therefrom. Nothing herein shall reduce or limit grantor's obligation to pay any costs or assessments which may result from the improvements.

4. The Grantor does hereby covenant with the City that Grantor is lawfully seized and possessed of the real property above described, has a good and lawful right to convey it or any part thereof, and will forever warrant and defend the title thereto against the lawful claims of all persons whomsoever.

5. Upon performing any maintenance, the City will make reasonable efforts to return the site to its original condition.

6. No permanent structure shall be constructed on this easement.

7. No appurtenances (fire hydrant) shall be installed on this easement.

IN WITNESS WHEREOF, we have set our hands hereto this 2ND day of JANUARY, 2002³

STATE OF OREGON)
County of Linn)ss.
City of Lebanon)

Karin A. Stauder
Karin A. Stauder

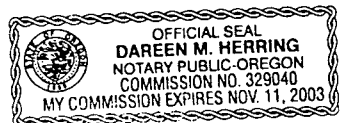
GRANTOR (S)

On the 2 day of January, 2002³, personally appeared the within named Karin A. Stauder who acknowledged the foregoing instrument to be a voluntary act and deed.

BEFORE ME:

Darren M. Herring
NOTARY PUBLIC FOR OREGON

My commission expires: 11/11/03



IN WITNESS WHEREOF, we have set our hands hereto this 2nd day of JANUARY, 2002³

STATE OF OREGON)
County of Linn)ss.
City of Lebanon)

Mary J. Gentle
Mary J. Gentle

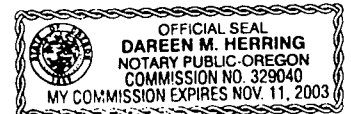
GRANTOR (S)

On the 2 day of January, 2002³, personally appeared the within named Mary J. Gentle who acknowledged the foregoing instrument to be a voluntary act and deed.

BEFORE ME:

Darren M. Herring
NOTARY PUBLIC FOR OREGON

My commission expires: 11/11/03



IN WITNESS WHEREOF, we have set our hands hereto this _____ day of _____, 2003.

STATE OF OREGON)
County of Linn)ss.
City of Lebanon)

Kenneth L. Toombs, Mayor []
Council President []

John E. Hitt, Recorder

GRANTEES

On the _____ day of _____, 2003, personally appeared _____ and JOHN E. HITT, who each being duly sworn, did say that the former is the _____ and the latter is the Recorder for the City of Lebanon, a Municipal Corporation, and that the seal affixed to the foregoing instrument was signed and sealed in behalf of said corporation by authority of its City Council, which accepted this easement on the _____ day of _____, 2003; and each of them acknowledged said instrument to be its voluntary act and deed.

BEFORE ME: _____
NOTARY PUBLIC FOR OREGON

My commission expires: _____

EXHIBIT "A"
WATER LINE EASEMENT

An easement in a parcel of land lying in the Northwest Quarter of Section 11, Township 12 South, Range 2 West of the Willamette Meridian, City of Lebanon, County of Linn, State of Oregon, being an 18.50' wide strip of land, more particularly described as:

Commencing at a point on the Southeast corner of Lot 1, Block 6, PARK ADDITION to the City of Lebanon, in Section 11, Township 12 South, Range 2 West of the Willamette Meridian, Linn County, Oregon; thence South $0^{\circ}15.7'$ East 3.5 feet to the true Point of Beginning, thence North $89^{\circ}46.93'$ East 97.5 feet; thence South $0^{\circ}15.7'$ East 18.5 feet; thence South $89^{\circ}46.93'$ West 97.5 feet; thence North $0^{\circ}15.7'$ West 18.5' feet to the Point of Beginning, containing 1803.75 square feet.

LOT 1
BLOCK 6
PARK ADDITION



S0°15.7'E 3.50 ft

N89°46.93'E 97.50 ft

TRUE POINT OF BEGINNING

N0°15.7'W 18.50 ft

S0°15.7'E 18.50 ft

S89°46.93'W 97.50 ft

ROSE STREET

EXHIBIT "A" - HYDRANT EASEMENT

SCALE 1"=20'

Appointment(s)

Memorandum

Date: January 3, 2003

To: Ken Toombs, Mayor

From: Susan Tipton, Senior Center Manager

Re: Senior Center Advisory Appointments

The Senior Center advisory board has one vacant regular board position to fill and two board members seeking re-appointment to a second term. Stan Usinger has been a member of our board in the position of council appointee and he has applied for regular board membership. Lori McNulty and Remona Simpson have been board members with terms expiring December 2002. Both have applied for second terms. All of these applicants are familiar with the Center and its programs and have been active members of the board.

Our application process has been completed and our board is recommending the appointment of Stan Usinger to a regular board position and re-appointment of Lori and Remona to second terms. Stan's appointment will continue until December 2006, the appointment of Lori and Remona will also continue until December 2006.

The board requests that these appointments be made at the January 22nd 2003 city council meeting.

Please call me at 451-7444 if you wish additional information.

Attachments

C: John Hitt, City Administrator

Agenda Item 1



LEBANON POLICE DEPARTMENT MEMORANDUM

TO: John Hitt, City Administrator
FROM: Michael Healy, Police chief
DATE: 17 January 2003
RE: LIQUOR LICENSE APPLICATIONS
CC:

The following Lebanon, Oregon establishment is requesting consideration of change of LOCATION application for OLCC liquor license:

<u>Business Name</u>	<u>Address</u>	<u>Classification</u>
Planet Pizza	From: 1765 S. Main To: 1188 Main Lebanon, OR 97355	Limited On Premises Sales
Owner: Planet Pizza, LLC		

The Police Department does not possess any documented evidence to support the denial of this request.

"Integrity, Professionalism and Teamwork"

LIQUOR LICENSE APPLICATION APPROVAL/DENIAL FORM
FINANCE DEPARTMENT
CITY OF LEBANON

APPLICANT NAME: Planet Pizza
 DATE: 31 December 2002
 LOCATION: Change from 1765 S. Main to 1188 Main, Lebanon, OR 97355
 PARTICIPANT: Planet Pizza LLC
 LICENSE TYPE: Limited-on-Premises Sales

RECOMMENDATION:	APPROVAL	DENIAL	DATE
FIRE DISTRICT <u>Mark Wilby</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	01-16-03
POLICE DEPT <u>Mark Huley</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1/10/03
HEALTH DEPT _____	<input type="checkbox"/>	<input type="checkbox"/>	
PLANNING DEPT <u>Sparker</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1/16/03
BUILDING DEPT <u>Sparker</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1/16/03
CITY ADMINISTRATOR _____	<input type="checkbox"/>	<input type="checkbox"/>	

NOTE: Recommendation for denial must be accompanied by supporting documentation.

INSURANCE COMPANY:

LIQUOR LICENSE APPLICATION APPROVAL/DENIAL FORM
FINANCE DEPARTMENT
CITY OF LEBANON

APPLICANT NAME: Planet Pizza
DATE: 31 December 2002
LOCATION: Change from 1765 S. Main to 1188 Main, Lebanon, OR 97355
PARTICIPANT: Planet Pizza LLC
LICENSE TYPE: Limited-on-Premises Sales

RECOMMENDATION:	APPROVAL	DENIAL	DATE
FIRE DISTRICT _____	_____	_____	_____
POLICE DEPT _____	_____	_____	_____
HEALTH DEPT _____	<i>OK</i>	_____	<i>12/31/02</i>
PLANNING DEPT _____	_____	_____	_____
BUILDING DEPT _____	_____	_____	_____
CITY ADMINISTRATOR _____	_____	_____	_____

NOTE: Recommendation for denial must be accompanied by supporting documentation.

INSURANCE COMPANY:

Agenda Item 2



CITY OF LEBANON
PUBLIC WORKS DEPARTMENT
MEMORANDUM

TO: Jim Ruef, Public Works Director **DATE:** January 16, 2003
FROM: Doug Parker, City Planner *DP*
SUBJECT: Annexation and Zoning of Property

On December 18, 2002 the Planning Commission conducted a public hearing regarding a proposed annexation, initiated per property owner's request and requesting Limited Industrial (ML) zoning upon annexation for a 70.02 annexation territory comprised of Tax Lot 300, Assessor's Map 12-2W- 16 and a portion of the abutting Oak Street right-of-way. This vacant property is located on the south side of Oak Street directly west of the Lebanon State Airport and the Consumer's Power office. File # A-02-05.

The Planning Commission staff report is included for review including the legal description and an annexation map. Upon conclusion of the public hearing, the Planning Commission unanimously voted to recommend that the City Council that the annexation proposal and requested zoning be approved.

At this time it is appropriate for the City Council to conduct a public hearing regarding the proposed annexation and, if approved, adopt a bill for an ordinance annexing and zoning the property.

A BILL FOR AN ORDINANCE ANNEXING AND)	
ZONING PROPERTY FOLLOWING HEARING AND)	ORDINANCE BILL NO. ____
UPON THE WRITTEN CONSENT FILED WITH)	for 2003
THE CITY COUNCIL BY LANDOWNERS IN)	
SAID AREA PURSUANT TO ORS 222.120 AND)	ORDINANCE NO. _____
ORS 222.170		

WHEREAS, there has been submitted to the City of Lebanon written requests for annexation to the City 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, 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, 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. Annexation Area. The following contiguous territory described in Exhibit "A" and incorporated herein by this reference 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 given the zoning of Limited Industrial (ML).

Section 2. Record. The City Recorder shall submit to the Oregon Secretary of State a copy of this Ordinance. The City Recorder shall also send a description by metes and bounds or legal subdivision, and a map depicting the new boundaries of the City within ten

(10) days of the effective date of this annexation to the Linn County Assessor, Linn County Clerk, and the State Department of Revenue.

Passed by the Council by a vote of _____ for and _____ against and approved by the Mayor this _____ of January, 2003.

Ken Toombs, Mayor []
Ron Miller, Council President []

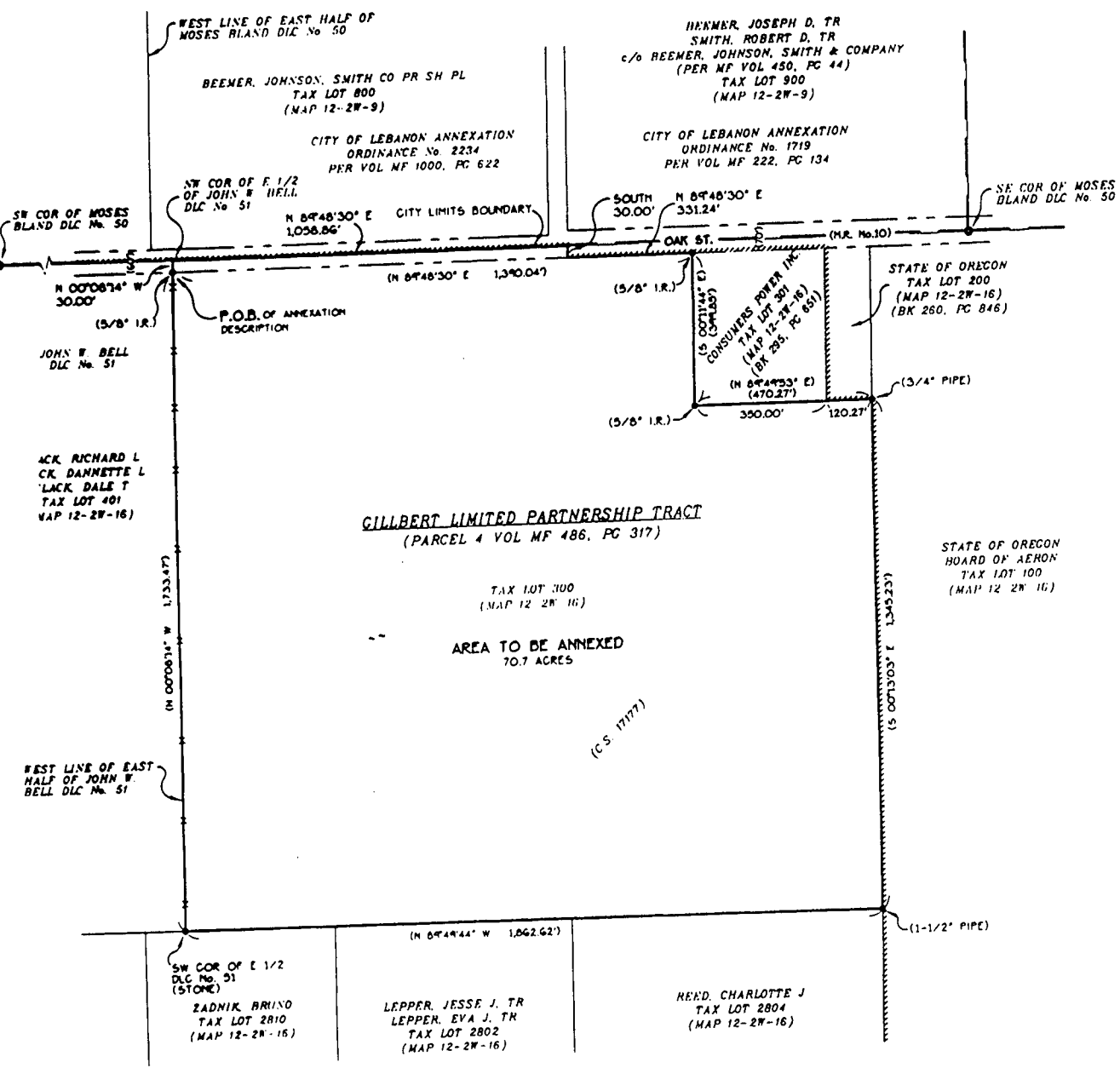
ATTEST:

John E. Hitt, City Recorder

ANNEXATION MAP
 FOR
GILBERT LIMITED PARTNERSHIP
 LOCATED IN
 SOUTH 1/2 OF SEC. 9, AND NORTH 1/2 OF SEC. 16
 T. 12 S., R. 2 W., W.M.
 CITY OF LEBANON, LINN COUNTY, OREGON
 NOVEMBER 1, 2002

ANNEXATION MAP - FILE # A-02-05
 T12S-R2W-16, TAX LOT 300

EXHIBIT "A"



SCALE: 1" = 200'

LEGEND

- RECORD MONUMENT PER CS 17177
- DLC CORNER
- () RECORD DATA PER CS 17177
- P.O.B. POINT OF BEGINNING
- I.R. IRON ROD
- CITY LIMITS BOUNDARY

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

Jack R. Buzell
 J. R. Buzell
 JACK R. Buzell

RENEWAL DATE 12/31/03

NOV 15/2002 11:43 AM
 K&D
 K & D ENGINEERING, Inc.
 270 S.W. Military Street, P.O. Box 728
 Albany, Oregon 97301
 (503) 882-2262

ANNEXATION DESCRIPTION

(For Tax Lot 300 [Map 12-2W-16] and a portion of Oak Street)

A portion of Oak Street AND all that Gilbert Limited Partnership Tract identified as Parcel 4 in deed recorded in Volume MF 486, Page 317 of the Linn County Deed Records on November 15, 1988 and being located in Sections 9 and 16, Township 12 South, Range 2 West, Willamette Meridian, Linn County, Oregon, said property being more particularly described as follows:

Beginning at a 5/8 inch iron rod at the intersection of the west line of said Gilbert Limited Partnership Tract with the south right-of-way line of Oak Street, said intersection point bearing South 00°08'14" East 30.00 feet from the northwest corner of the East Half of the John W. Bell Donation Land Claim No. 51 in said township and range; thence North 00°08'14" West 30.00 feet to said northwest corner of the East Half of Bell Claim; thence North 89°48'30" East, along the said north line of said claim, 1058.86 feet, more or less, to the west line of that City of Lebanon Annexation by Ordinance No. 1719 recorded in Volume MF 222, Page 134 of the Linn County Deed Records on January 3, 1979, which point being the southwest corner of that Beemer, Johnson and Smith Company Tract described by deed recorded in Volume MF 450, Page 44 of said deed records on August 3, 1987; thence SOUTH, along the southerly extension of last west line, 30.00 feet to the said south right-of-way line of Oak Street; thence North 89°48'30" East, along said south right-of-way line, a distance of 331.24 feet to the northwest corner of that Consumers Power, Inc. Tract described by deed recorded in Book 295, Page 651 of the Linn County Deed Records on July 11, 1963; thence South 00°11'44" East 399.85 feet to the southwest corner of said Consumers Power, Inc. Tract; thence North 89°49'53" East 350.00 feet to the southeast corner of said Consumers Power Tract, which point being the southwest corner of that State of Oregon Tract described by deed recorded in Book 260, Page 846 of said Linn County Deed Records on August 18, 1958; thence North 89°49'53" East 120.27 feet to the southeast corner of said State of Oregon Tract, which point being on the east line of said Gilbert Limited Partnership Tract; thence South 00°13'03" East 1345.23 feet to the southeast corner of said Gilbert Limited Partnership Tract; thence North 89°49'44" West 1862.62 feet to the southwest corner of said Gilbert Limited Partnership Tract; thence North 00°08'14" West 1733.47 feet to the Point of Beginning. Containing 70.7 acres of land, more or less.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Jack R. Bussell
JACK R. BUSSELL
1999

RENEWAL DATE 12/31/03

November 1, 2002
Gilbert Limited Partnership
ANNEXATION DESCRIPTION
(97-120-B) JRB:ls

**CITY OF LEBANON
PLANNING COMMISSION STAFF REPORT
ANNEXATION REQUEST**

NATURE OF REQUEST: Annexation of an approximately 70-acre territory comprised of one vacant parcel, and a portion of the abutting Oak Street right-of-way.

APPLICANT: Gilbert Limited Partnership

PROPERTY LOCATION: Located on the south side of Oak Street and directly west of the Lebanon Airport. Assessor's Map 12-2W-16, Tax Lot 300.

ZONE DESIGNATION: Limited Industrial (upon annexation), with an Aircraft Control (AC) Subzone overlay on the east portion of property

COMP PLAN DESIGNATION: Light Industrial

STAFF REPORT TABLE OF CONTENTS

	Page
Nature of Request, Applicant, Property Location, Zone/Comp Plan Designations	1
Introduction	1-2
Site Description	2
Site Maps and Land Cover Map	3-6
Planning and Zoning Considerations	7
Staff Comments	7
Relevant Criteria	8-9
Recommendation	9
Proposed Findings	10-13
Annexation Map and Legal Description	14-15
Attachments	16-21

INTRODUCTION

The applicant proposes to annex this approximately 70-acre parcel into the City to avail the property for industrial and airport related development. The subject property is the fourth largest vacant industrial site within the community and one (the largest) of 5 vacant industrial sites adjacent to a designated truck route. The submitted preliminary development plan indicates proposed development activity to include airport related development on the east side adjacent to the, State Airport, a distribution center/warehouse on the west side and the future Reeves Parkway right-of-way extending through the middle of the property. Responding to the circumstances of the property location, the applicant aspires to develop the site in a manner that complements adjacent uses (especially the Lebanon State Airport), City transportation plans (site design accommodates future Reeves Parkway right-of-way extension) and existing road traffic patterns (locating a distribution center/warehouse on the west end of town closest to I-5 thereby minimizing local street system traffic impacts).

This property is one of the most important vacant industrial sites in the City's vacant lands inventory. Accordingly, this site has been the subject of previous industrial recruitment initiatives; consequently, annexing the property at this time will support and expedite future industrial recruitment/job creation efforts pertaining to this site. To this end, the applicant has provided letters of support (see Attachment A, 1 through 4) for this annexation from industrial development/recruitment professionals who actively work on and support industrial development activities in Lebanon. Additionally, a letter of support (see Attachment B-1) for this annexation has been submitted by the Oregon Department of Aviation who has expressed a need for additional land to permit expansion of airport related activities- an Oregon Department of Aviation articulated public need which the subject property can uniquely address upon annexation (see Attachment B-2). The preliminary development plan represents uses that are compatible with the property's Comprehensive Plan Light Industrial designation and pending (upon annexation) Limited Industrial (ML) zoning assignment as well as the constraints imposed by the Aircraft Control (AC) subzone on the east side of the property. This annexation includes the south half of the Oak Street right-of-way adjacent to the property thereby annexing all of Oak Street to the Urban Growth Boundary (UGB).

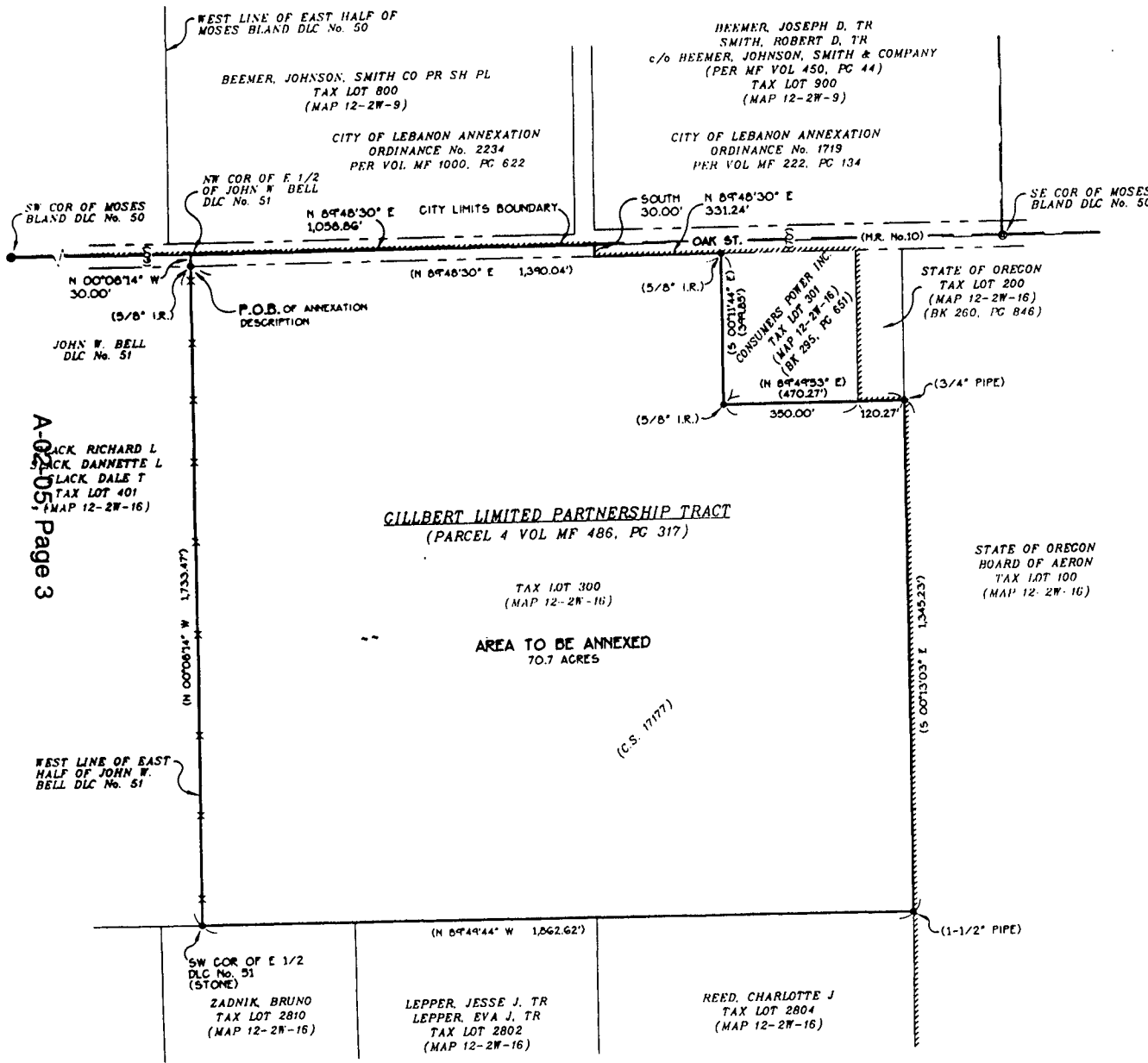
SITE DESCRIPTION

The subject property or annexation territory is a flat 70 acre parcel bounded by Oak Street on the north, the Lebanon State Airport on the east, the Lebanon UGB on the west, and large, unannexed industrial designated (and minimally developed) parcels to the south. Grass seed farming or hay crops occupy the subject property and those adjoining properties to the north, west and south. The Lebanon State Airport is to the east as are a National Guard maintenance facility and the power company office, both of which border Oak Street. Farmsteads are located on adjacent properties to the west, southwest and south. The vacant industrial properties on the north side of Oak Street are annexed to the City, as are the National Guard maintenance facility and airport to the east.

The subject property is a large (71 acre), flat actively farmed grass seed field that has a drainageway running through it originating at the airport. This hook-shaped drainageway is known as Little Oak Creek. This farmed site has been cleared of vegetation except for brambles, briars and shrubs located along perimeter fencerows.

Oak Street, a designated arterial and truck route, is, in part, included in this annexation. Oak Street is improved as an urban standard street (minus sidewalks) westward to the middle of the site or approximately where Oak Street will be intersected or crossed by the future Reeves Parkway. This east half section is improved with curbs, gutters, storm drainage and full lane widths and has a 10-minute truck parking restriction. West of the future Reeves Parkway intersection, Oak Street is improved to county standards with deep roadside ditches, narrower vehicle lanes and marked bicycle lanes.

ANNEXATION MAP
FOR
GILBERT LIMITED PARTNERSHIP
LOCATED IN
SOUTH 1/2 OF SEC. 9, AND NORTH 1/2 OF SEC. 16
T. 12 S., R. 2 W., W.M.
CITY OF LEBANON, LINN COUNTY, OREGON
NOVEMBER 1, 2002



SCALE: 1" = 200'

- LEGEND**
- RECORD MONUMENT PER CS 17177
 - DLC CORNER
 - () RECORD DATA PER CS 17177
 - P.O.B. POINT OF BEGINING
 - I.R. IRON ROD
 - CITY LIMITS BOUNDARY

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Jack R. Buell
JACK R. BUELL
1870

RENEWAL DATE 12/31/03

Date: 12/1/2002 Time: 12:43
Scale: 1"=200'
File: 02147-1201\971202a.dwg (AutoCAD)

K & D ENGINEERING, Inc.
274 N.W. Hickory Street, P.O. Box 720
Albany, Oregon 97321
(541) 926-2565

A-02-05 Page 3

SEE ' 12 2W 9

12 2W 16
LEBANON

SEC. 10, T. 12S, R. 2W, W.M.
LINN COUNTY, OREGON

1" = 400'

SUBJECT
PROPERTY

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSES ONLY

LEBANON STATE AIRPORT

SEE MAP 12 2W 16A

SEE MAP 12 2W 15CB

SEE MAP 12 2W 22B

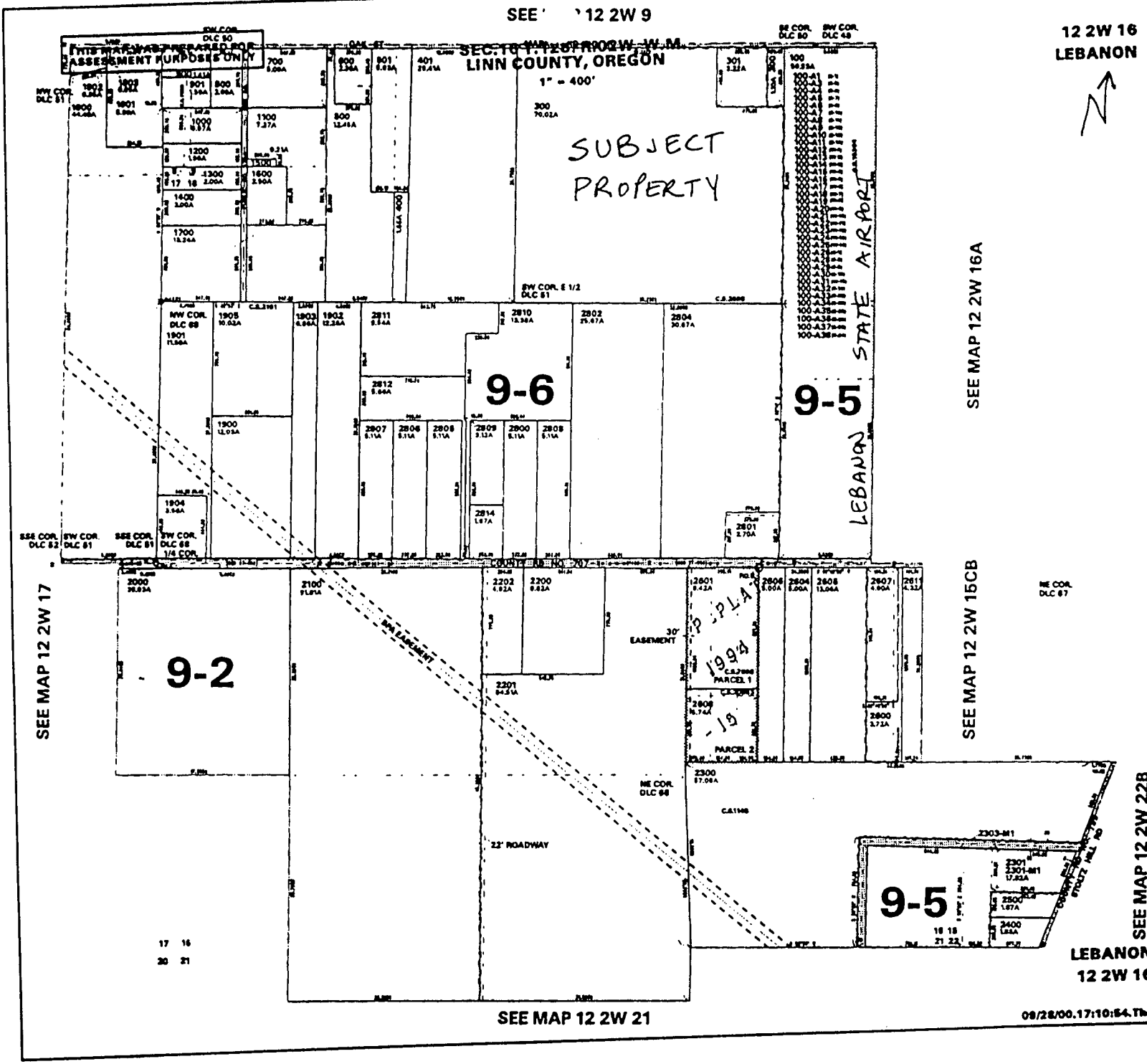
LEBANON
12 2W 16

SEE MAP 12 2W 21

08/28/00.17:10:54.Thu

ASSESSOR'S MAP
T12S - R2W - 16

FILE
A-02-05



17 16
20 21

LITTLE

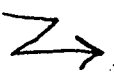
SIRET

OAK STREET

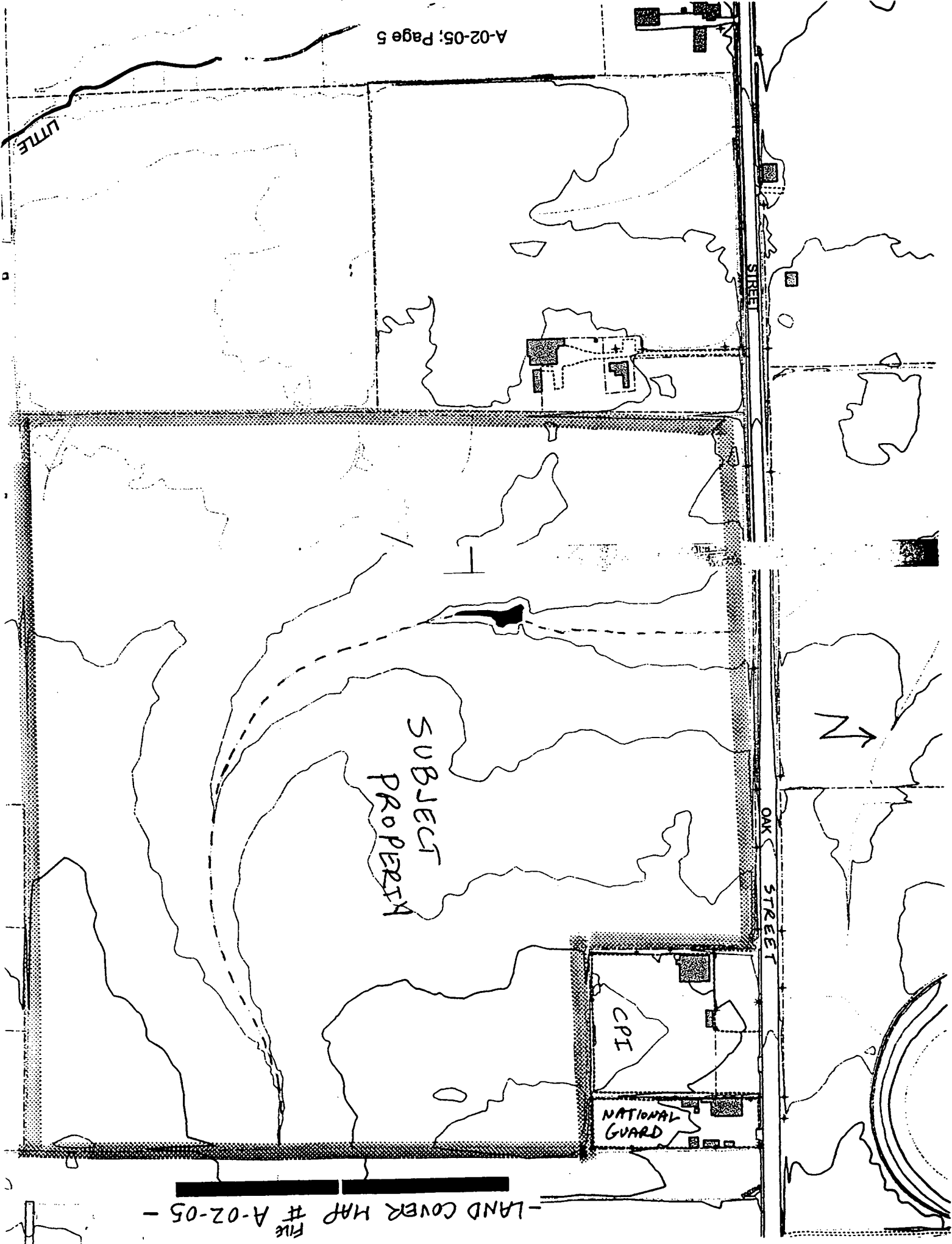
SUBJECT
PROPERTY

CPI

NATIONAL
GUARD



-LAND COVER MAP # A-02-05 -

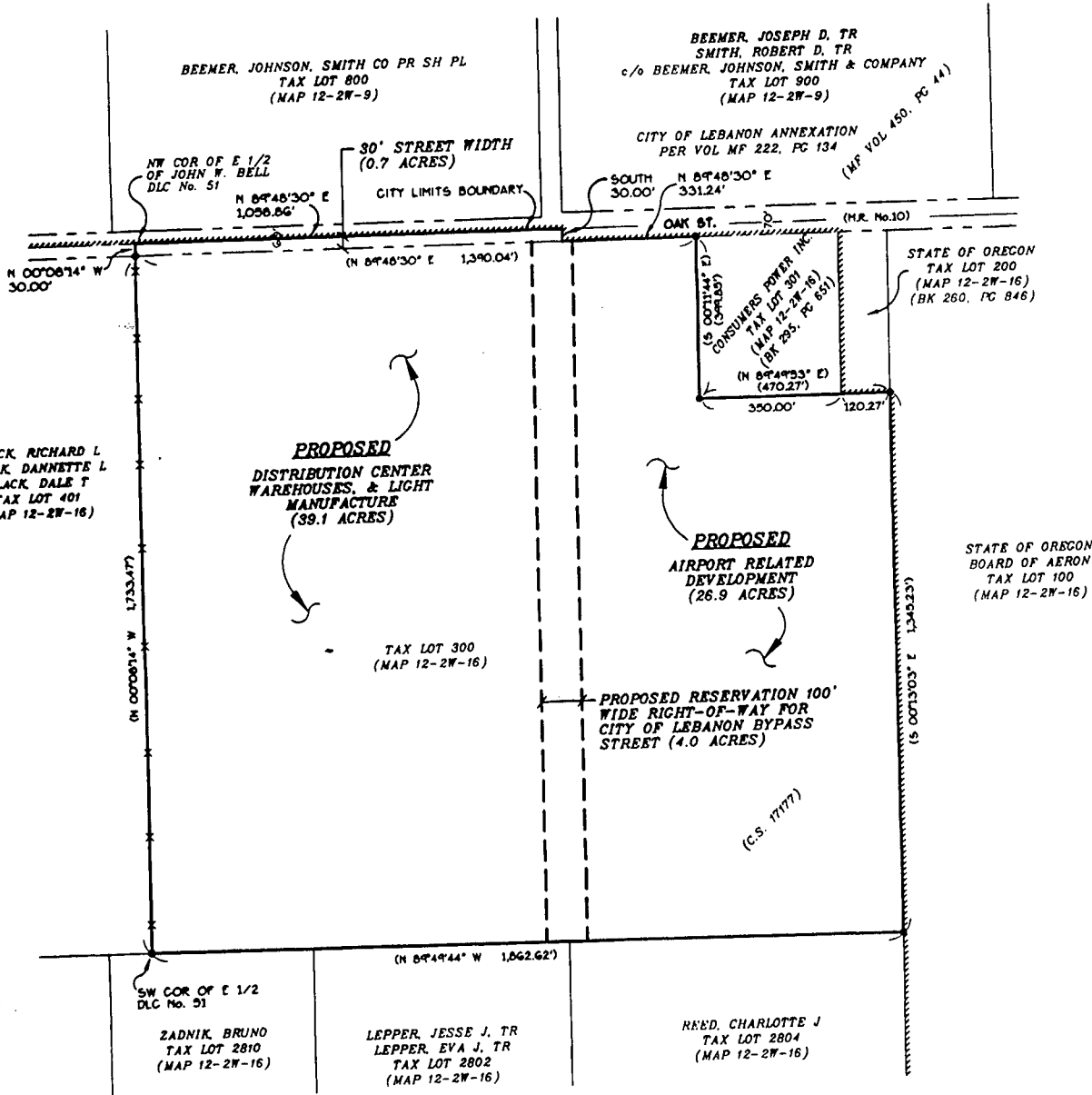


PROPOSED PRELIMINARY DEVELOPMENT PLAN
 FOR
GILBERT LIMITED PARTNERSHIP
 LOCATED IN
 SOUTH 1/2 OF SEC. 9, AND NORTH 1/2 OF SEC. 16
 T. 12 S., R. 2 W., W.M.
 CITY OF LEBANON, LINN COUNTY, OREGON
 OCTOBER 28, 2002



SCALE: 1" = 200'

A-02-05, Page 6



Date: 10/24/2002 Title: 13-41
 Scale: 1"=200'
 Plan: 02-05-17-120\17120.mxd (gortman)\
K & D ENGINEERING, Inc.
 278 N.W. Hickory Street, P.O. Box 725
 Albany, Oregon 97321
 (541) 925-2543

PLANNING AND ZONING CONSIDERATIONS

The Comprehensive Plan Map identifies the designation of the subject property as Light Industrial that assigns a Limited Industrial zoning upon annexation. City of Lebanon Resolution No. 11 for 1982, a Resolution Establishing an Annexation Policy, contains the factors and conditions that the City considers in evaluating an annexation request. Lebanon Zoning Ordinance Section 4.210 lists the development opportunities, standards and requirements for the Limited Industrial (ML) zone.

STAFF COMMENTS

1. Planning:

- A. The legal description and a map describing the entire annexation area have been submitted and are included in this report.

2. Engineering:

Urban services are or can be made available to serve the proposed annexation area. The following comments review the City's infrastructure. Redevelopment of this area may require additional infrastructure improvements.

- A. Streets – Oak Street, a designated arterial and truck route, is adjacent to the site. It is currently improved to full City standard (minus sidewalks) along approximately the east half of the site's frontage. The remainder is constructed to a county standard. The proposed alignment for Reeves Parkway identified in the City's draft Transportation System Plan bisects the site. Future development of the site will require a right-of-way dedication for the parkway. In addition, improvements to Oak Street and construction of the Reeves Parkway may also be required.
- B. Water - The nearest water main is a 12-inch main on Oak Street that terminates approximately 200 feet west of Airway Road. Water main extensions will likely be required along Oak Street and Reeves Parkway with future site development. Depending on the fire flow requirements for the development, additional water main extensions may also 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 City standard segment of Oak Street has a piped drainage system that discharges to the ditches along the county standard segment. The roadside ditches and existing natural drainage channels on the site eventually discharge to Little Oak Creek to the west. Piped and/or surface drainage improvements will be required with site development in order to convey site storm drainage and to prevent adverse drainage impacts to neighboring properties.

D. Sanitary Sewer – The nearest sanitary sewer main is a 10-inch main on Oak Street that terminates at Airway Road. The new Westside Interceptor will eventually provide sanitary sewer service to this site. In the interim, a combination of pumped and gravity sewer extensions may be required to convey sewer flows to the existing main on Oak Street. The Oak Street main is served by the existing Westside Interceptor which currently overflows further downstream during heavy rainfall events. A review of available sewer capacity will be made at the time of a development proposal. Limitations in sewer discharge may be required at that time. Connection to City sanitary sewer will involve costs for service lines, plumbing permit fees, and a sanitary sewer system development charge.

Connection to a City utility or building permit issuance will also cause to be due all remaining street and drainage system development charges.

All of the above permits, fees, and processes are detailed in the City's Site Development Guide.

RELEVANT CRITERIA

City Annexation Policy (City Of Lebanon Resolution #11 For 1982) Criteria

1. Section 1, requires *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.*
2. City Annexation Policy, Section 2, states that *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.*
3. City Annexation Policy, Section 3, specifies that *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.*
4. City Annexation Policy, Section 4, states that *no annexation shall be considered that does not conform with the Lebanon Comprehensive Plan and its goals and policies.*
5. City Annexation Policy, Section 5, states that *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.*

Comprehensive Plan Criteria

6. Urbanization Element of the Comprehensive Plan, Phased Growth Program, Policy #1 (page 4-P-1) states that . . . *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.*
7. Urbanization Element of the Comprehensive Plan, Annexation Policy #1 (page 4-P-2) states that . . . *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.*
8. Urbanization Element of the Comprehensive Plan, Annexation Policy #3 (page 4-P-2) states that 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.
9. Public Facilities and Services Element of the Comprehensive Plan, General Policy #2 (page 8-P-1) states that the City shall consider impacts on community facilities before ... annexation requests are approved.

Zoning Ordinance Criteria

10. 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.*

City of Lebanon/Linn County – Urban Growth Management Agreement

11. Section 2: Delineation of Authority in the Urban Growth Area (UGA) , 2nd paragraph: *The Lebanon Comprehensive Plan designates the future city zoning UGA lands will receive upon annexation to the City.*
12. Section 5: Annexations
The UGA identifies land that may be subject to future City annexation. The City may annex land using its own procedures in accordance with state law. Only land within the UGA will be considered for annexation. The City will notify the County of any proposed annexations. Upon annexation, the City assumes all jurisdiction for land use actions.

RECOMMENDATION

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

PROPOSED FINDINGS

Criteria 1:

City Annexation Policy Section 1: Requires 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.

Finding # 1:

The proposed annexation complies with City Annexation Policy, Section 1, in that some services can be made available to serve the property. Water and sanitary service can be extended west to the subject property along Oak Street from the Airway/Oak Street intersection area. The land uses identified in the preliminary development plan represent minimal or limited demand on infrastructure capacity.

Criteria 2:

City Annexation Policy Section 2: States that *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.*

Finding # 2:

The proposed annexation complies with City Annexation Policy, Section 2, in that appropriate public right-of-way will be provided as the property actually develops. Recent case law dictates that public right-of-way shall be dedicated at the time or juncture when the nexus or need is established by an actual development proposal. The future public right-of-way that will be dedicated is for the proposed Reeve's Parkway that will eventually run north south near the center of this property, as per the City's Adopted Transportation Master Plan and draft Transportation System Plan (TSP).

Criteria 3:

City Annexation Policy, Section 3: Specifies that *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.*

Finding # 3:

The proposed annexation complies with City Annexation Policy, Section 3, in that public infrastructure improvements will be provided as the property actually develops. Recent case law dictates that such public infrastructure improvements shall be provided at the time or juncture when the nexus or need is established by an actual development proposal. Mitigation cannot be required until the impacts of an actual development proposal have been established.

Criteria 4:

City Annexation Policy, Section 4: States that *no annexation shall be considered that does not conform with the Lebanon Comprehensive Plan and its goals and policies.*

Finding # 4:

The proposed annexation complies with City Annexation Policy, Section 4, in that the property complies with Zoning Ordinance and Comprehensive Plan policies pertaining to the property and zoning. The east portion the subject property is proposed for airport related development as allowed by the state's Airport Planning Rule. Given the fact that this area is adjacent to the airport and is within a Transition area of the Aircraft Control Subzone (AC – Zoning Ordinance Section 4.510), these are uses that are appropriate. The western portion of the property is proposed for warehouse and freight related development and uses. This is an appropriate use

near an airport. These would be appropriate neighboring uses for an area that caters to airport related development. In addition, such a light industrial use would be suited to this site on a direct transportation route from the I-5 corridor. Furthermore, by being located on the perimeter of the City (and on the NW corner of the future parkway), much truck and freight related traffic would be diverted from the community's core areas. This would in turn minimize traffic impacts on both the current and future truck routes and the community's transportation system.

Criteria 5:

City Annexation Policy, Section 5: States that *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.*

Finding # 5:

The proposed annexation complies with City Annexation Policy, Section 5, in that a public need exists to expand the Lebanon State Airport and other airport-related development. As noted in a Lebanon Express article of September 4, 2002 (see Attachment B-2) and in a letter (see Attachment B-1), the Oregon Department of Aviation views the upgrading and expansion of the airport facility and related adjacent uses as essential to the long-term interests of this local transportation facility.

Criteria 6:

Urbanization Element of the Comprehensive Plan, Phased Growth Program, Policy #1 (page 4-P-1): States that . . . *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.*

Finding # 6:

The proposed annexation complies with Comprehensive Plan Urbanization Element, Phased Growth Program, Policy #1, (page 4-P-1) in that it would be an orderly and efficient expansion of City limits within City service capabilities. The areas immediately to the east, north and northwest of the subject property are within the City limits.

Criteria 7:

Urbanization Element of the Comprehensive Plan, Annexation Policy #1 (page 4-P-2): States that...*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.*

Finding # 7:

The proposed annexation complies with Urbanization Element of the Comprehensive Plan, Annexation Policy #1 (page 4-P-2) based on several facts:

- First, the proposed Annexation is within the City's Urban Growth Boundary.
- Second, the need for additional developable land is noted in a Lebanon Express article of September 4, 2002 (see Attachment B-2) and in a letter from Oregon Department of Aviation (see Attachment B-1). This article establishes that the Oregon Department of Aviation views the upgrading of the local airport facility as a very important move. With the shortage of FAA investment dollars, private development on this adjacent property can go a long way towards meeting the needs for the enhancement of this significant community and County transportation facility.
- Third, the proposed Annexation promotes an orderly, compact growth pattern in that the areas immediately to the east, north and northwest of the subject property are already within the City limits.
- Fourth, as noted in the comments of the City Engineer, this annexation and subsequent development of the subject property are well within the City's service capability.

Criteria 8:

Urbanization Element of the Comprehensive Plan, Annexation Policy #3 (page 4-P-2): States that 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.

Finding # 8:

The proposed annexation complies with Urbanization Element of the Comprehensive Plan, Annexation Policy #3 (page 4-P-2). The applicant has provided a specific conceptual development plan for the development of subject property. According to this conceptual development plan, the east portion the subject property is proposed for airport related development as per airport portions of State's Transportation Plan Requirements (TPR). Given the fact that this area is adjacent to the airport and lies under the Approach and Transition areas of the Aircraft Control Subzone (AC – Zoning Ordinance Section 4.510) these are uses that are appropriate. The western portion of the property is proposed for warehouse and freight related development and uses. These would be appropriate neighboring uses for an area that caters to airport related development. In' addition, such a light industrial use would be suited to this site on a direct transportation route from the I-5 corridor.

Criteria 9:

Public Facilities and Services Element of the Comprehensive Plan, General Policy #2 (page 8-P-1): States that the City shall consider impacts on community facilities before ... annexation requests are approved.

Finding # 9:

The proposed annexation complies with Comp. Plan Public Facilities and Services Element, General Policy #2, (page 8-P-1) in that the annexation will not result in an adverse impact on community facilities.

Criteria 10:

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 # 10:

This proposed Annexation is in compliance with 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 Light Industrial. The corresponding City zoning designation for a Comprehensive Plan designation of Light Industrial is Limited Industrial (ML). The applicant is requesting a Limited Industrial (ML) zoning designation for the subject property.

Criteria 11 and 12:

City of Lebanon/Linn County – Urban Growth Management Agreement

11. Section 2: Delineation of Authority in the Urban Growth Area (UGA) , 2nd paragraph: *The Lebanon Comprehensive Plan designates the future city zoning UGA lands will receive upon annexation to the City.*

12. Section 5: Annexations

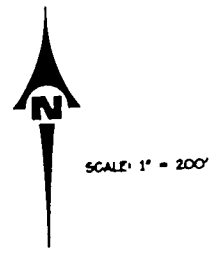
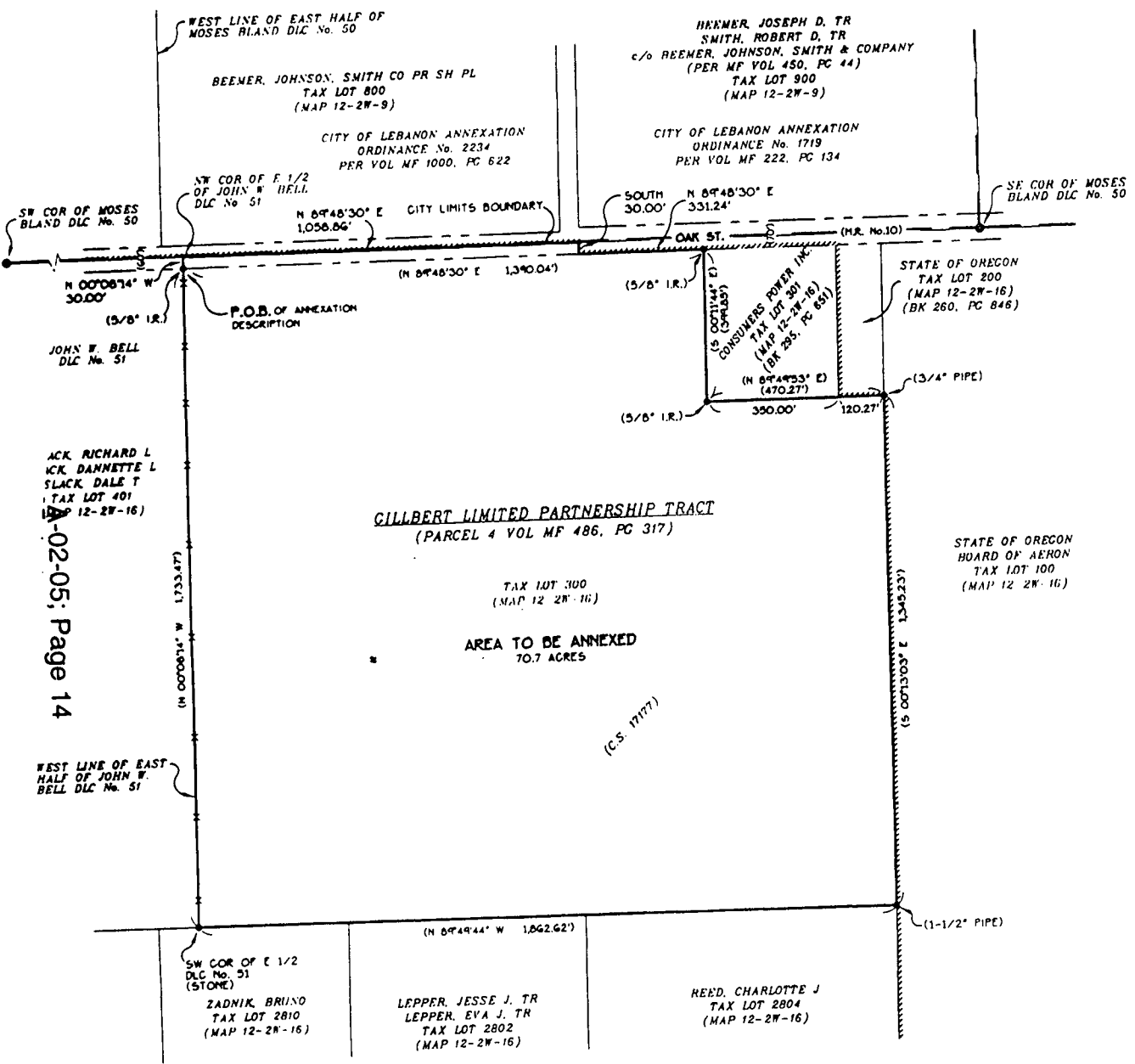
The UGA identifies land that may be subject to future City annexation. The City may annex land using its own procedures in accordance with state law. Only land within the UGA will be considered for annexation. The City will notify the County of any proposed annexations. Upon annexation, the City assumes all jurisdiction for land use actions.

Finding # 11:

The City's annexation review procedures on annexation request File # A-02-05 have complied with the City of Lebanon/Linn County Urban Growth Management Agreement, Sections 2 and 5 regarding city authority to annex lands within the urban growth area and assign city zoning in accordance with the Lebanon Comprehensive Plan Map.

NOTE: Finding #11 immediately above is a new proposed finding that was not reviewed or adopted by the Lebanon Planning Commission.

ANNEXATION MAP
 FOR
GILBERT LIMITED PARTNERSHIP
 LOCATED IN
 SOUTH 1/2 OF SEC. 9, AND NORTH 1/2 OF SEC. 16
 T. 12 S., R. 2 W., W.M.
 CITY OF LEBANON, LINN COUNTY, OREGON
 NOVEMBER 1, 2002



- LEGEND**
- RECORD MONUMENT PER GS 17177
 - DLC CORNER
 - () RECORD DATA PER GS 17177
 - P.O.B. POINT OF BEGINNING
 - I.R. IRON ROD
 - CITY LIMITS BOUNDARY

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

Jack R. Burrell
 J. R. BURRELL
 J. R. BURRELL

RENEWAL DATE 12/31/03

Date: 11/1/2002 File: 1215
 Scale: 1"=200'
 Plot: 049147-1507-0720-000-000 (continued)

K & D ENGINEERING, Inc.
 774 N.W. Highway Street, P.O. Box 728
 Albany, Oregon 97321
 (541) 928-2543

ANNEXATION MAP - FILE # A-02-05
 T12S-R2W-16, TAX LOT 300

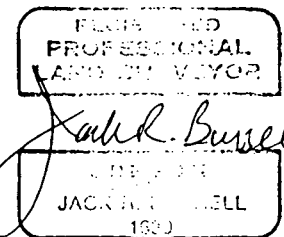
A-02-05; Page 14

ANNEXATION DESCRIPTION

(For Tax Lot 300 [Map 12-2W-16] and a portion of Oak Street)

A portion of Oak Street AND all that Gilbert Limited Partnership Tract identified as Parcel 4 in deed recorded in Volume MF 486, Page 317 of the Linn County Deed Records on November 15, 1988 and being located in Sections 9 and 16, Township 12 South, Range 2 West, Willamette Meridian, Linn County, Oregon, said property being more particularly described as follows:

Beginning at a 5/8 inch iron rod at the intersection of the west line of said Gilbert Limited Partnership Tract with the south right-of-way line of Oak Street, said intersection point bearing South 00°08'14" East 30.00 feet from the northwest corner of the East Half of the John W. Bell Donation Land Claim No. 51 in said township and range; thence North 00°08'14" West 30.00 feet to said northwest corner of the East Half of Bell Claim; thence North 89°48'30" East, along the said north line of said claim, 1058.86 feet, more or less, to the west line of that City of Lebanon Annexation by Ordinance No. 1719 recorded in Volume MF 222, Page 134 of the Linn County Deed Records on January 3, 1979, which point being the southwest corner of that Beemer, Johnson and Smith Company Tract described by deed recorded in Volume MF 450, Page 44 of said deed records on August 3, 1987; thence SOUTH, along the southerly extension of last west line, 30.00 feet to the said south right-of-way line of Oak Street; thence North 89°48'30" East, along said south right-of-way line, a distance of 331.24 feet to the northwest corner of that Consumers Power, Inc. Tract described by deed recorded in Book 295, Page 651 of the Linn County Deed Records on July 11, 1963; thence South 00°11'44" East 399.85 feet to the southwest corner of said Consumers Power, Inc. Tract; thence North 89°49'53" East 350.00 feet to the southeast corner of said Consumers Power Tract, which point being the southwest corner of that State of Oregon Tract described by deed recorded in Book 260, Page 846 of said Linn County Deed Records on August 18, 1958; thence North 89°49'53" East 120.27 feet to the southeast corner of said State of Oregon Tract, which point being on the east line of said Gilbert Limited Partnership Tract; thence South 00°13'03" East 1345.23 feet to the southeast corner of said Gilbert Limited Partnership Tract; thence North 89°49'44" West 1862.62 feet to the southwest corner of said Gilbert Limited Partnership Tract; thence North 00°08'14" West 1733.47 feet to the Point of Beginning. Containing 70.7 acres of land, more or less.



RENEWAL DATE 12/31/03

November 1, 2002
 Gilbert Limited Partnership
 ANNEXATION DESCRIPTION
 (97-120-B) JRB:ls



CITY OF LEBANON
925 MAIN STREET
LEBANON, OREGON 97355-3200
FAX: (541) 451-1260

December 6, 2002

Mr. Don Robertson,
Chairman
City of Lebanon Planning Commission
Lebanon, OR

RE: Gilbert Limited Partnership, 70 Acre Industrial Site

Dear Mr. Robinson:

This letter is to confirm the public need for large, industrially zoned parcels of land in the City of Lebanon.

Most recent economic development prospects, that have contacted the City of Lebanon, have had an interest in sites 50 acres or larger. These have been distribution facilities that need large, open parcels with easy access to state Hwy 34. The Gilbert Limited Partnership site meets these crucial criteria. In addition, this parcel also enjoys immediate access to Lebanon State Airport, a desirable feature to many developers.

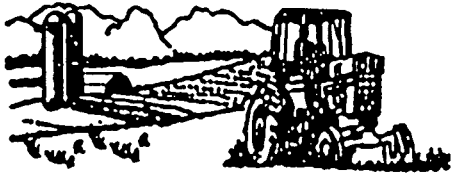
Most prospective developers are sensitive to land prices. Thus, it is essential to have several large parcels available in order to keep land prices on a competitive, free market basis. If one, or even a few landowners enjoy an informal "monopoly", then most developers will look to other communities in Western Oregon where they can find lower land prices.

This property has been openly marketed, thus making it more readily available for potential development. Many of the other large industrial properties in the city are not currently for sale and the owners have, at least in the past, been relatively disinterested in their sale.

In summary, the Gilbert property is large, has excellent access to State Hwy 34 and I-5, and is currently available for sale. All of these factors point to a clear public need in annexing this property in order to complete the process of making it readily available for industrial development.

Sincerely,

John E. Hitt
John E. Hitt
City Administrator



ATTACHMENT "A2"

LINN COUNTY BUSINESS DEVELOPMENT CENTER



Developing New Businesses in Linn County

December 9, 2002

Mr. John Brown
145 Bromil Street
Lebanon, OR 97355

RE: Gilbert Limited Partnership, 70 Acre Industrial Site

Dear Mr. Brown:

This letter is to verify the need for large, industrially zoned tracts of land in the City of Lebanon to encourage economic development in Lebanon and east Linn County.

The Oregon Economic and Community Development Department regularly announces companies looking to relocate or expand along the I-5 corridor. Often these companies are looking for large sites of 50 acres or more. They generally want to be within 15 minutes of I-5 and want good access. Sites meeting this criteria are becoming more difficult to find along I-5 in the Willamette Valley. The Gilbert site meets this criteria.

This site has the added advantage to the City of Lebanon in that the property is on the west side of the city giving it excellent access to I-5 without the additional traffic associated with a new business being forced to go through the downtown area to get to I-5.

For new businesses to consider locating in Lebanon, there needs to be a selection of competitively priced properties available for consideration. The fact this property is being actively marketed encourages new businesses to consider Lebanon when expanding or relocating.

The Gilbert property is large, has excellent access to I-5, and is available for sale. These factors make it clear that annexation would be beneficial to the growth of the City of Lebanon and east Linn County.

Respectfully,

Keith L. Miller
Linn County Business
Development Coordinator

C: Commissioner Cliff Wooten





December 9, 2002

Lebanon Planning Commission
C/O Mr. Doug Parker
925 Main St.
Lebanon OR, 97355

To Whom It May Concern:

Reference: Gilbert Limited Partnership Oak Street annexation a-02-05 and similar commercial property planned annexations.

Consumers Power Inc. is in support of the annexation of properties for consideration of annexation by the city planning commission. The city of Lebanon is in need of developable commercial and light industrial property for the financial well being of the community.

Consumers Power Inc. looks forward to the opportunity to assist the planned development of this and similar lands.

Thank you for your attention to this matter.

A handwritten signature in black ink, appearing to read "Greg Nervino", is written over the typed name and title.

Greg Nervino
District Manager

6990 West Hills Rd.

PO Box 1180

Philomath, OR 97370

(541) 929-3124

800-872-9036

FAX (541) 929-3138

www.consumerspower.org



ATTACHMENT "A4"

Doug Parker

From: Larry Walsh [lwalsh@wvi.com]
Sent: Tuesday, December 10, 2002 9:43
To: Doug Parker
Cc: James Ramseyer
Subject: Brown Annexation

December 10, 2002

Douglas Parker, City Planner
City of Lebanon
925 Main Street
Lebanon, Oregon 97355-3200

Dear Doug:

On behalf of ODG and its Board of Directors, I would like to strongly recommend the annexation of the 70-acre site owned by Gilbert Limited Partnership. This site on the western city boundary, close to the airport, has great potential for an industrial park needing good highway access. Today, a majority of prospects cannot locate near rail due to high vibration. Lebanon's other major industrial sites have rail.

This excellent site poses no traffic concerns for the downtown area and has water and sewer potential a short distance away.

Thank you for this consideration.

Regards,

Larry Walsh, President/CEO
Oregon Development Group, Inc.



Oregon

John A. Kitzhaber, M.D. Governor



Daren A. Griffin, A.A.E.
State Airports Manager

3040 - 25th Street, SE • Salem, OR 97302
Phone: (503) 378-4880, ext. 229
Toll Free: (800) 874-0102
FAX • (503) 373-1688

December 9, 2002

Douglas Parker
City Planner
City of Lebanon Planning Commission
Lebanon City Council
925 Main Street
Lebanon, OR 97335

VIA FAX @ 541-451-1260

Dear Doug:

Annexation A-02-05 is a request from the Gilbert Limited Partnership to for annexation of 70.02 acres into the City of Lebanon.

This property is currently designated Light Industrial and, upon annexation, would be given a zoning designation of Light Industrial. The subject property is located immediately west of the Lebanon State Airport. The Oregon Department of Aviation (ODA) supports this zoning designation for the subject property. Both the ODA and the Federal Aviation Administration consider Light Industrial a compatible land use around airports.

ODA supports this annexation request in the interest of seeing the subject property developed into light industrial activity that may have aviation uses, and serve as a compatible land use for property adjacent to the Lebanon State Airport.

Please contact me with any questions regarding these comments.

Sincerely,

Daren A. Griffin, A.A.E.
State Airports Manager

Study may lead to airport upgrades

BY A.K. DUGAN
Lebanon Express Writer

Demand for services at the Lebanon State Airport has increased in the past few years, said Darren Griffin, manager of state airports of the Oregon Aviation Department, but still can be better utilized. He spoke to members of the Lebanon Area Chamber of Commerce at the group's forum lunch on Friday.



DARREN
GRIFFIN

The department plans in 2003 to update an airport master plan conducted a decade ago. It will be the basis for decisions on what kind of improvements are needed.

Existing conditions, the projected 20-year need, and the longterm ability of the airport to support aviation in Lebanon will be examined.

Upgrades to the runway and taxiways, security and perimeter fence may be possible, if funding can be obtained from the Federal Aviation Administration (FAA). If demand becomes great enough, expansion may be considered. Griffin would like to see land acquisition, especially on the west side of the airport, for more hangars.

Positives for the local airport include a local chapter of the Oregon Pilots Association and good communication with the city, Griffin said.

Many communities don't recognize small airports as a transportation asset, he said. They are becoming more important as a way to move people around as commercial flights become more difficult. The state is keeping a close eye on positioning all of its 30 airports to accommodate that trend.

Airport services are a factor in decisions by businesses to locate here. Currently, fuel is available at the airport 24 hours a day and maintenance service occasionally, he said.

Airports can be used to create jobs and attract businesses. Parcels adjacent to an airport are a good location for businesses, because they don't often complain about noise, he said.

The Lebanon facility has been owned by the state since 1970. Starting about 20 years before that, the state saw a need for a network of airports and recognized that no other entity could create it.

One of the departments' roles is to attract commercial air service to small airports. In addition, it handles aircraft and pilot registration; licenses airports, both public and private; and addresses land use issues regarding airport compatibility with communities.

The department is entirely funded by user fees, Griffin said, so it is not affected by the state budget crunch. The money comes from sources such as fuel revenues and pilot licenses.

In 1974, there was a significant expansion to the Lebanon airport, Griffin said. The master plan to be updated next year was conducted between 1990 to 1994.

In 1996, the state looked at the possibility of a regional airport to serve both Lebanon and Albany. The feasibility study didn't result in a plan.

A few years ago, the state briefly considered moving the airport, due to limitations at the current facility, but dropped the idea after September 11, 2001. The ability to get federal grant money for building new small airports diminished after that date, Griffin said, because funding is going to large airports with commercial service.

Agenda Item 3



CITY OF LEBANON
PUBLIC WORKS DEPARTMENT
MEMORANDUM

TO: Jim Ruef, Public Works Director

DATE: January 16, 2003

FROM: Doug Parker, City Planner *DP*

SUBJECT: Annexation and Zoning of Property

On December 18, 2002 the Planning Commission conducted a public hearing regarding a proposed annexation, initiated per property owner's request and requesting Residential Mixed Density (RM) zoning upon annexation for a 61 acre annexation territory comprised of Tax Lot 900, Assessor's Map 12-2W- 22D as well as the adjacent South Fifth Street right-of-way (ROW). Located on the west side of South Fifth Street approximately 1/4 mile south of Vaughn Lane. File # A-02-06.

The Planning Commission staff report is included for review including the legal description and an annexation map. Upon conclusion of the public hearing, the Planning Commission unanimously voted to recommend to the City Council that the annexation proposal and requested zoning be approved.

At this time it is appropriate for the City Council to conduct a public hearing regarding the proposed annexation and, if approved, adopt a bill for an ordinance annexing and zoning the property.

A BILL FOR AN ORDINANCE ANNEXING AND)	
ZONING PROPERTY FOLLOWING HEARING AND)	ORDINANCE BILL NO. ____
UPON THE WRITTEN CONSENT FILED WITH)	for 2003
THE CITY COUNCIL BY LANDOWNERS IN)	
SAID AREA PURSUANT TO ORS 222.120 AND)	ORDINANCE NO. _____
ORS 222.170)	

WHEREAS, there has been submitted to the City of Lebanon written requests for annexation to the City 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, 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, 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. Annexation Area. The following contiguous territory described in Exhibit "A" and incorporated herein by this reference 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 given the zoning of Residential Mixed Density (RM).

Section 2. Record. The City Recorder shall submit to the Oregon Secretary of State a copy of this Ordinance. The City Recorder shall also send a description by metes and bounds or legal subdivision, and a map depicting the new boundaries of the City within ten

(10) days of the effective date of this annexation to the Linn County Assessor, Linn County Clerk, and the State Department of Revenue.

Passed by the Council by a vote of _____ for and _____ against and approved by the Mayor this _____ of January, 2003.

Ken Toombs, Mayor []
Ron Miller, Council President []

ATTEST:

John E. Hitt, City Recorder

ANNEXATION MAP
T125-R2W-22D, T.L. 900

LEBANON FILE # A-02-06

EXHIBIT "A"

PROPOSED ANNEXATION

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

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

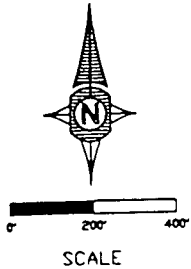
OCTOBER 31, 2002

LEGAL DESCRIPTION:

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

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

Beginning at the most Westerly Southwest corner of said Parcel 1 thence North 0°33'32" East 802.74 feet; thence South 89°33'12" East 639.69 feet; thence North 1°03'13" East 20.00 feet; 268.60 feet; thence South 89°37' East 794.64 feet; thence North 1°03'13" East 20.00 feet; thence North 89°37' East 43.36 feet; thence South 1°03'13" West 20.00 feet; thence North 89°37' West 23.36 feet; thence South 1°03' West 268.60 feet; thence South 89°37' East 768.75 feet to the West boundary of the Richmond Cheate D.L.C. No. 69; thence South 1°03' West 133.25 feet to the South Southwest corner of the Richmond Cheate D.L.C. No. 69 also being the Northeast corner of the S. Carroll D.L.C. No. 64; thence South 18°00'00" West 1060.41 feet to the Northeast corner of the Henry J. Peterson D.L.C. No. 59; thence South 89°32'08" West 1273.85 feet to the Southeast corner of Parcel 2 of Linn County Partition Plat No. 1998-04; thence North 0°33'32" East 346.00 feet to the Northeast corner of said Parcel 2; thence South 89°32'08" West 669.00 feet to the point of beginning.



LEGEND

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

PROPERTY:

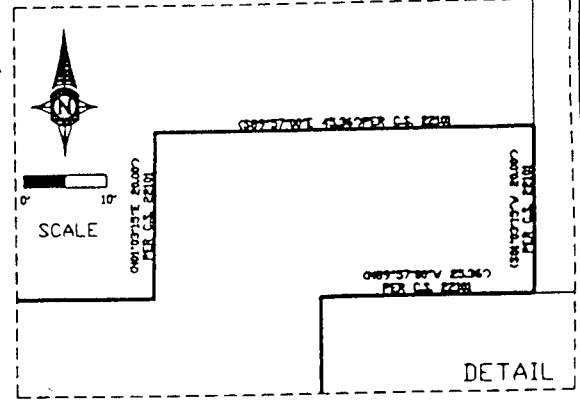
125-EV-620
TAXLOT 900

OWNERS:

THOMAS H. CORNELL, TRUSTEE
RHONDA L. CORNELL, TRUSTEE
CORNELL FAMILY TRUST
33563 TENNESSEE RD.
LEBANON, OREGON 97355

PARCEL 1
LINN COUNTY
PARTITION PLAT 1998-04
61.05 AC TOTAL
00.83 AC IN PUBLIC STREET

PARCEL 2
LINN COUNTY
PARTITION PLAT 1998-04



REGISTERED
PROFESSIONAL
LAND SURVEYOR

James F. Uedell

OREGON
September 21, 1977
JIM UDELL
1366
EXPIRES 06-30-2004

DOB: 0072
1366

JAMES F. UDELL
ENGINEERING & SURVEYING
63 EAST ASH ST.
LEBANON, OREGON
97355
PH. (541) 451-5125
FAX (541) 451-1366
FILE: CORNELL-ANNEXING

CS89°57'00"E 794.65' PER C.S. 22101

SEE DETAIL

CS89°57'15"E 568.67' PER C.S. 22101

CS00°03'00"N 568.60' PER C.S. 22101

CS89°53'12"E 659.69' PER C.S. 22101

CS89°57'00"E 768.45'
CS89°57'00"E 768.46' PER C.S. 22101

CS00°03'00"N 128.51'
CS00°03'00"N 128.52'
PER C.S. 22101

CS00°03'00"N 133.25'

CURRENT CITY LIMITS

S. S.V. CORNER
OF THE RICHMOND
CHEADLE DLC NO. 69
N.V. CORNER OF THE
S. CARROLL
DLC NO. 64

CURRENT CITY LIMITS

CS00°53'32"E 802.74' PER C.S. 22101

PARCEL 1
LINN COUNTY
PARTITION PLAT 1998-04
61.05 AC TOTAL
00.83 AC IN PUBLIC STREET

CS89°52'08"N 669.00' PER C.S. 22101

PARCEL 2
LINN COUNTY
PARTITION PLAT 1998-04

CS00°53'32"E 346.00'
PER C.S. 22101

CS18°00'00"N 1065.49' PER C.S. 22101
SOUTH FIFTH STREET
CS18°00'00"N 1060.41' PER C.S. 22101

ANNEXATION MAP
T125-R2W-22D, TAX LOT 900
FIVE # A-02-06

EXHIBIT "A1"

N LINE OF THE HENRY J. PETERSON DLC NO. 59

CS89°52'08"N 1273.85' PER C.S. 22101

N.E. CORNER OF
H.J. PETERSON
DLC NO. 59

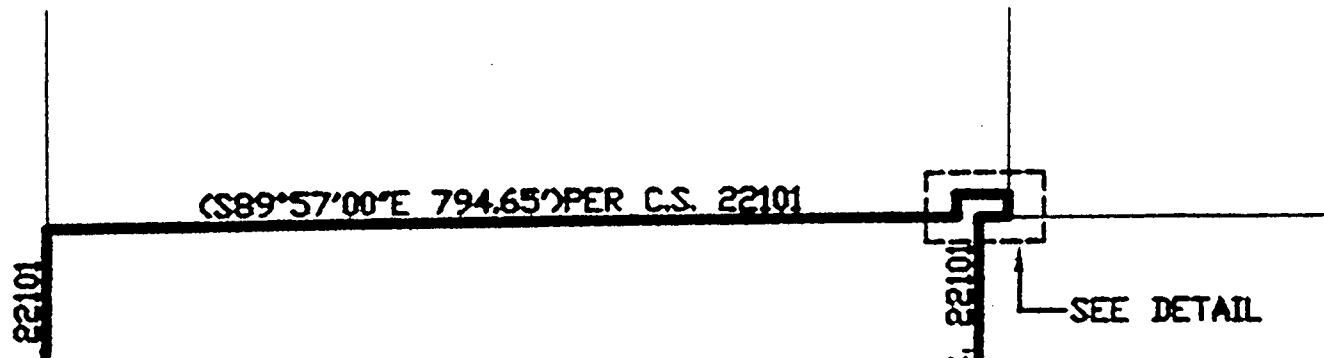
FILE # A-02-06

LEGAL DESCRIPTION:

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

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

Beginning at the most Westerly Southwest corner of said Parcel 1; thence North $0^{\circ}53'32''$ East 802.74 feet; thence South $89^{\circ}55'12''$ East 659.69 feet; thence North $1^{\circ}03'15''$ East 568.60 feet; thence South $89^{\circ}57'$ East 794.64 feet; thence North $1^{\circ}03'15''$ East 20.00 feet; thence South $89^{\circ}57'$ East 45.36 feet; thence South $1^{\circ}03'15''$ West 20.00 feet; thence North $89^{\circ}57'$ West 25.36 feet; thence South $0^{\circ}03'$ West 568.60 feet; thence South $89^{\circ}57'$ East 768.45 feet to the West boundary of the Richmond Cheadle D.L.C. No. 69; thence South $0^{\circ}03'$ West 133.25 feet to the South Southwest corner of the Richmond Cheadle D.L.C. No. 69 also being the Northwest corner of the S. Carroll D.L.C. no. 64; thence South $18^{\circ}00'00''$ West 1060.41 feet to the Northeast corner of the Henry J. Peterson D.L.C. No. 59; thence South $89^{\circ}52'08''$ West 1273.85 feet to the Southeast corner of Parcel 2 of Linn County Partition Plat No. 1998-04; thence North $0^{\circ}53'32''$ East 346.00 feet to the Northeast corner of said Parcel 2; thence South $89^{\circ}52'08''$ West 669.00 feet to the point of beginning.



LEGAL DESCRIPTION

EXHIBIT "A"

**CITY OF LEBANON
PLANNING COMMISSION STAFF REPORT
ANNEXATION REQUEST**

NATURE OF REQUEST: Annexation of approximately a 61.05 acre territory comprised of one vacant parcel, and the abutting South Fifth Street right-of-way.

APPLICANT: Cornell Family Trust

PROPERTY LOCATION: Located on the west side of South Fifth Street and approximately ¼ mile south of Vaughn Lane. Assessor's Map 12-2W-22D, Tax Lot 900.

ZONE DESIGNATION: Residential Mixed Density (RM) - upon annexation

COMP PLAN DESIGNATION: Mixed Density Residential

STAFF REPORT TABLE OF CONTENTS

	Page
Nature of Request, Applicant, Property Location, Zone/Comp Plan Designations	1
Introduction	1& 4
Land Cover Maps	2-3
Site Description	4
Planning and Zoning Considerations	4
Staff Comments	4 & 7
Site Maps	5-6
Relevant Criteria	7-8
Recommendation	9
Proposed Findings	9-14
Annexation Map and Legal Description	16-17
Attachment A	18-19

INTRODUCTION

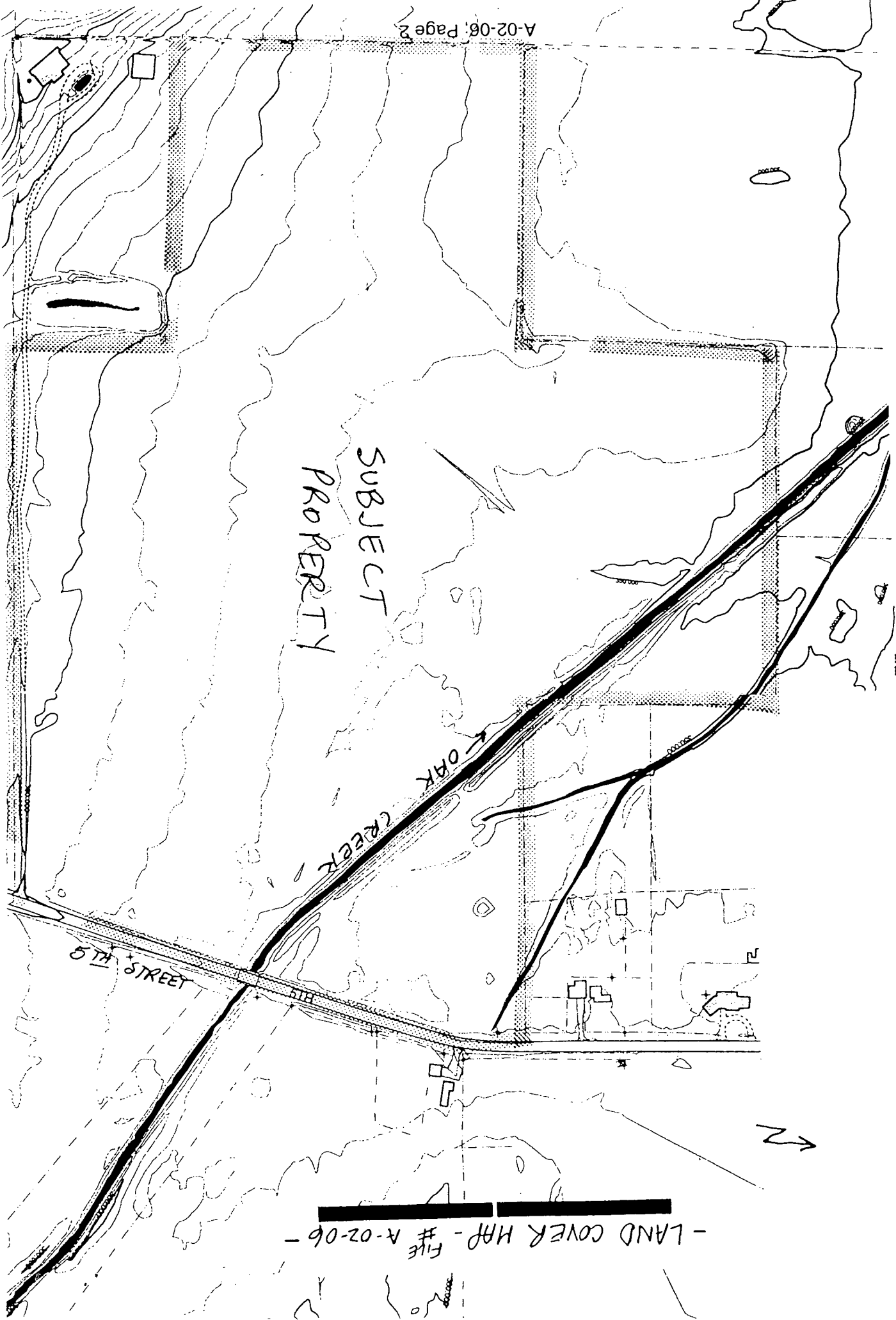
The applicant proposes to annex this 60-acre site in support of future residential development. The applicant has stated in their narrative (Attachment "A") that they assume that only 50 of the 60 acres are fully developable due to the constraints imposed by Oak Creek which is within the annexation territory. Oak Creek is within the Riparian Protection (RP) Subzone; these City adopted, state mandated protection requirements for fish bearing streams are a City designation and are not implemented by the County in its administration of the urban growth area. Consequently, annexation of this property would avail City implemented creek protection measures not currently required by the County. The Lebanon Parks Master Plan identifies an open space area and a recreational pedestrian trail along Oak Creek- annexation of this property will aid in the acquisition and development of this future trail system. Additionally, the future Reeves Parkway is identified as being routed through this property and therefore annexation and subsequent development of this site will promote the establishment of the right-of-way and road

SUBJECT
PROPERTY

OAK CREEK

5TH STREET

- LAND COVER MAP -
File # A-02-06 -



PROPOSED ANNEXATION

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

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

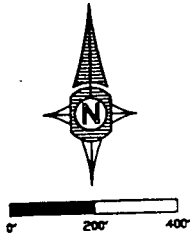
OCTOBER 31, 2002

LEGAL DESCRIPTION:

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

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

Beginning at the most Westerly Southwest corner of said Parcel 1; thence North 0°33'32" East 802.74 feet; thence South 89°35'12" East 659.69 feet; thence North 1°03'15" East 20.00 feet; thence South 89°37' East 794.64 feet; thence North 1°03'15" East 20.00 feet; thence South 89°37' East 43.36 feet; thence South 1°03'15" West 20.00 feet; thence North 89°37' West 23.36 feet; thence South 0°03' West 368.60 feet; thence South 89°37' East 768.45 feet to the West boundary of the Richmond Cheadle D.L.C. No. 69; thence South 0°03' West 133.25 feet to the South Southwest corner of the Richmond Cheadle D.L.C. No. 69 also being the Northeast corner of the S. Carroll D.L.C. No. 64; thence South 18°00'00" West 1060.41 feet to the Northeast corner of the Henry J. Peterson D.L.C. No. 59; thence South 89°32'08" West 1273.85 feet to the Southeast corner of Parcel 2 of Linn County Partition Plat No. 1998-04; thence North 0°33'32" East 346.00 feet to the Northeast corner of said Parcel 2; thence South 89°32'08" West 6659.00 feet to the point of beginning.



SCALE

LEGEND

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

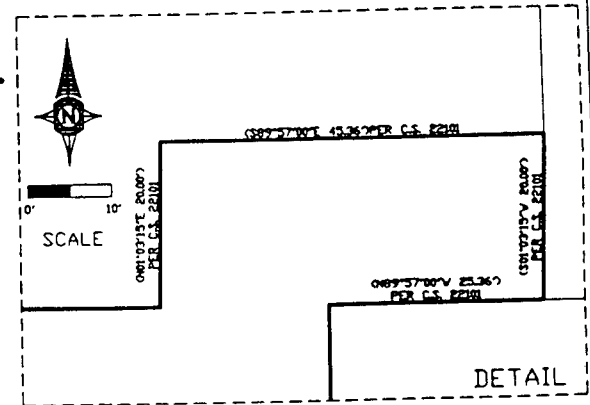
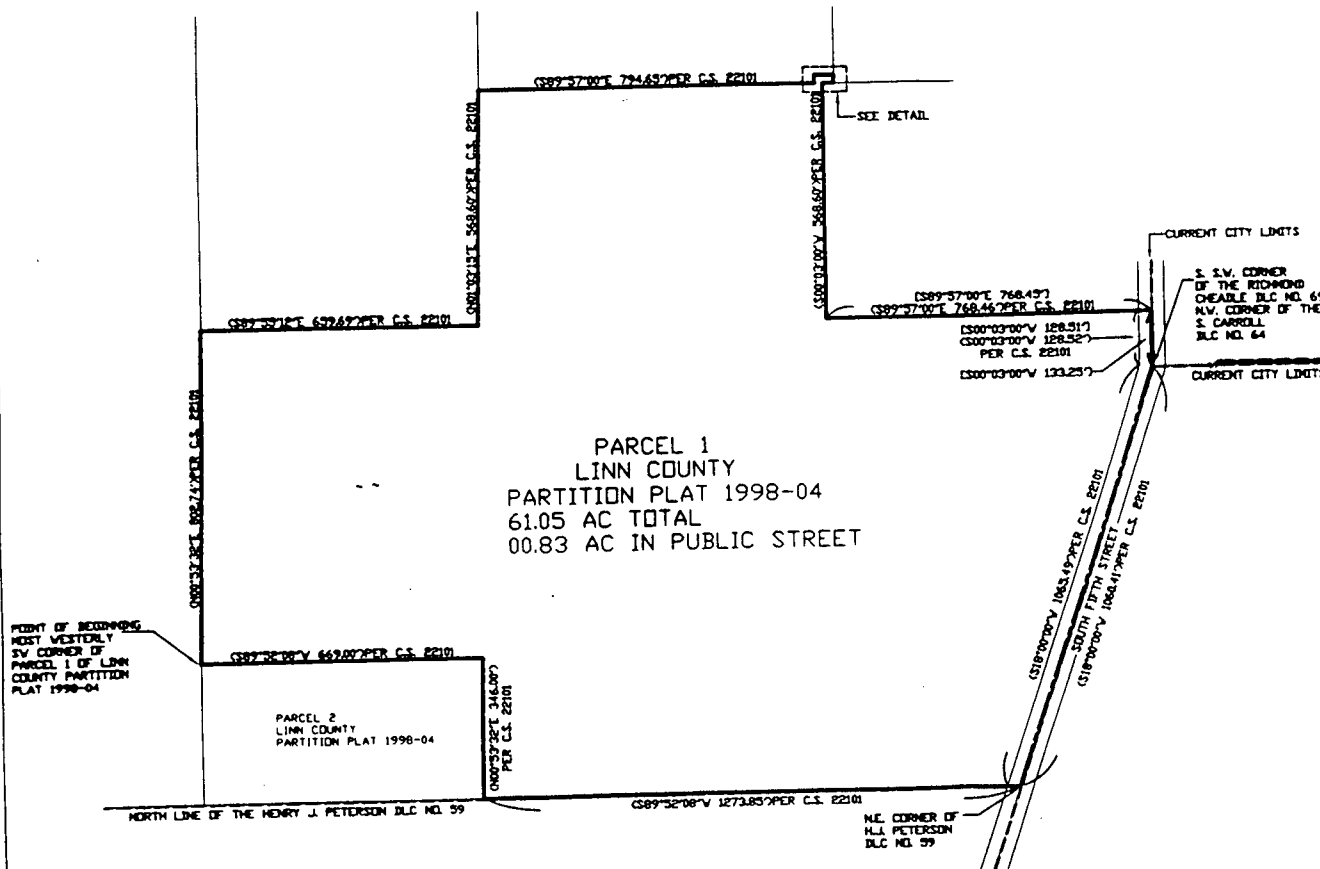
PROPERTY:

125-EV-222
TAXLOT 900

OWNERS:

THOMAS H. CORNELL, TRUSTEE
RHONDA L. CORNELL, TRUSTEE
CORNELL FAMILY TRUST
30263 TENNESSEE RD.
LEBANON, OREGON 97355

A-02-06; Page 3



REGISTERED
PROFESSIONAL
LAND SURVEYOR
James F. Udell
OREGON
September 23, 1977
JIM UDELL
1366
EXPIRES 06-30-2004

OWNER
8072
JAMES F. UDELL
ENGINEERING & SURVEYING
63 EAST ASH ST.
LEBANON, OREGON
97355
PH. (541) 451-5125
FAX (541) 451-1366
FILE: CORNELL-ANNEXING

improvements for this critical element of the city's transportation network and plan. Finally, this site is adjacent to the East Linn Christian Academy (ELCA), a private school located just outside the Lebanon Urban Growth Boundary (UGB). The residential development of the subject property will avail housing opportunities in immediate proximity to this popular private educational facility.

The applicant has submitted a narrative addressing the annexation criteria that is included as Attachment "A".

SITE DESCRIPTION

The subject property consists of a large grass seed field and Oak Creek and its abutting floodplain. The portion of the subject property between Oak Creek and 5th Street (a designated collector improved to county standards) is not actively farmed and this natural area is dominated by shrubs, grasses and brambles. This similar condition exists immediately across or south and west of Oak Creek from the natural area described above. It is reasonable to assume that both of these non-farmed natural areas are impacted by Oak Creek flooding and are part of the 10 acres that the applicant identified as having development limitations. It is also reasonable to assume that jurisdictional wetlands are located in immediate proximity to Oak Creek which is mapped as a linear wetland (on the subject property) according to the National Wetland Inventory (NWI) map. Oak Creek is mapped on the FEMA Flood Insurance Rate Map as containing a limited flood plain within the subject property although the adjacent upstream property across (on the east side of) 5th Street has a substantial flood plain/water detention area as do down stream areas abutting road crossings or other flow constraints.

This property abuts the Lebanon UGB along its south property line. Surrounding land uses include the forested ELCA campus to the immediate south, large agricultural fields to the east (across 5th Street), northwest and west (up a sloping hillside), rural residences to the north, northeast and southeast, and a farmstead near the southwest corner of the property. One of two City water reservoirs is located to the south, up 5th Street and therefore there is a major City water line currently adjacent to the property.

PLANNING AND ZONING CONSIDERATIONS

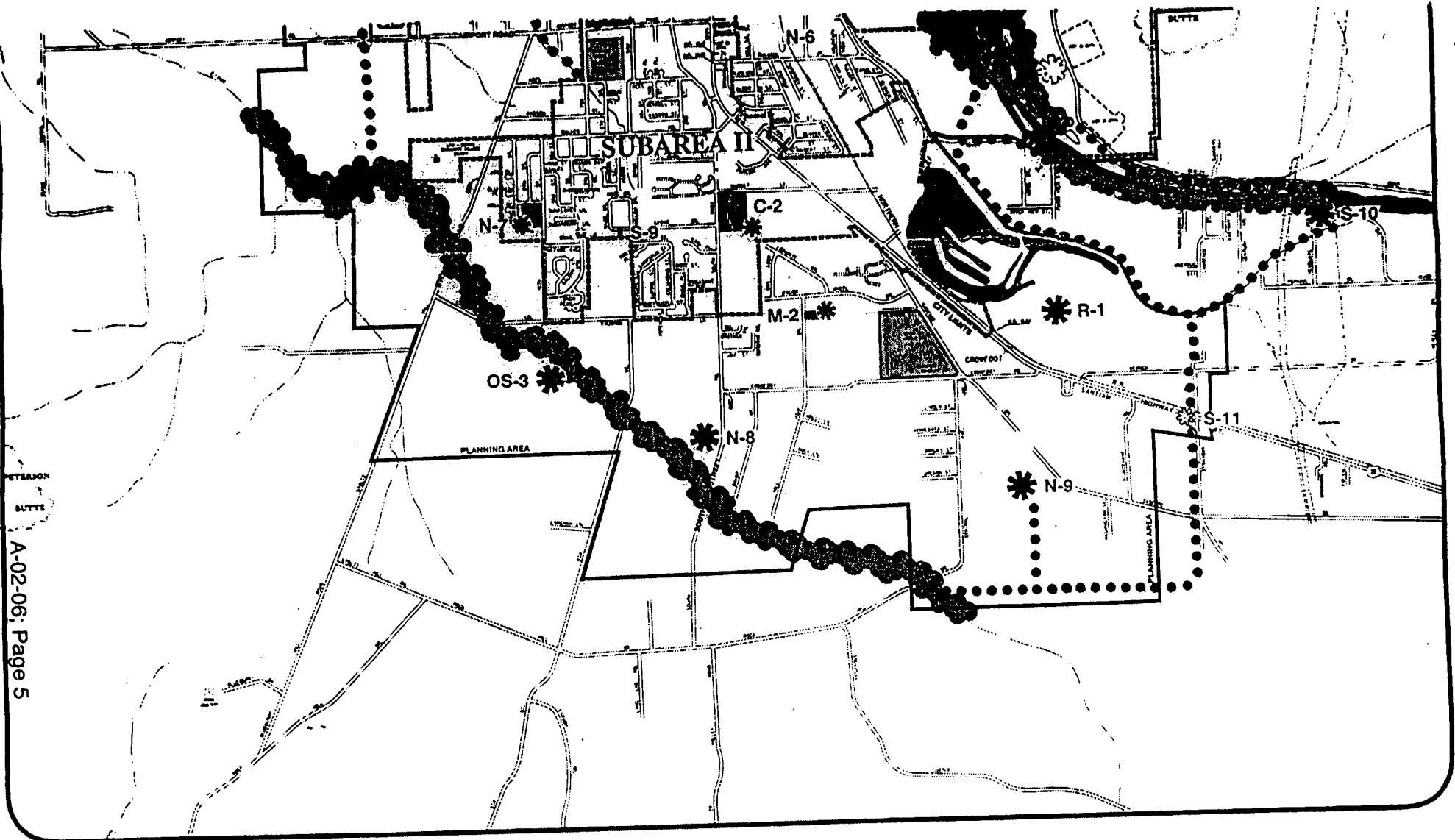
The Comprehensive Plan Map identifies the designation of the subject property as Mixed Density Residential that assigns a Residential Mixed Density zoning upon annexation. City of Lebanon Resolution No. 11 for 1982, a Resolution Establishing an Annexation Policy, contains the factors and conditions that the City considers in evaluating an annexation request. Lebanon Zoning Ordinance Section 4.020 lists the development opportunities, standards and requirements for the Residential Mixed Density (RM) zone.

STAFF COMMENTS

1. Planning:

- A. The legal description and a map describing the entire annexation area have been submitted and are included in this report.
- B. Future development of the site will include the establishment of a pedestrian trail/open space corridor along Oak Creek as per the Adopted Parks Master Plan.

2. Engineering:




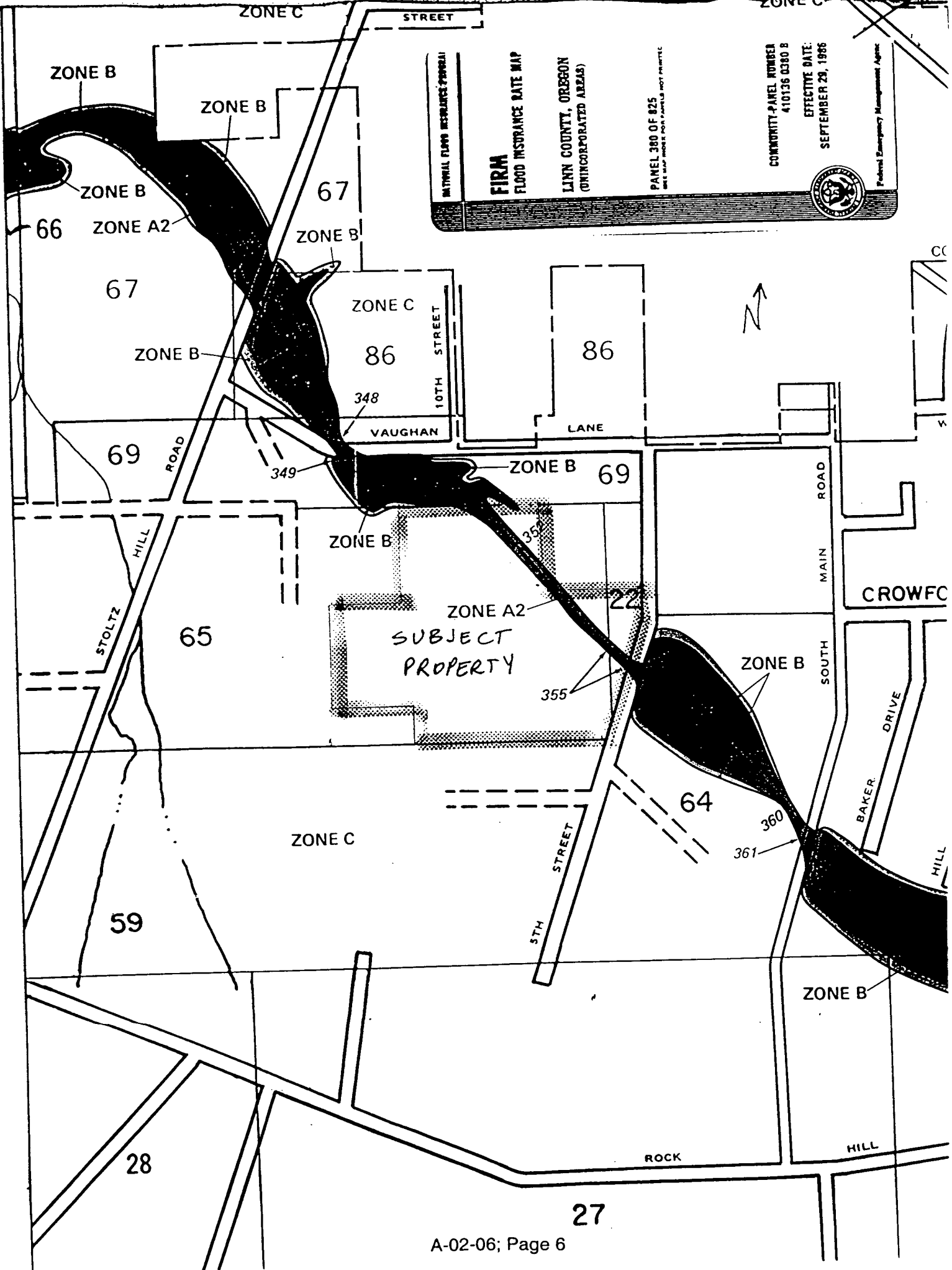
PETERSON
BUTTE
A-02-06: Page 5

LEGEND

- EXISTING PARK AND RECREATION AREAS
- EXISTING SCHOOLS
- * NEW PARK ACQUISITION / DEVELOPMENT
- * EXISTING PARK DEVELOPMENT / EXPANSION
- * ENTRANCE / GATEWAY FEATURES
- * SALE / TRANSFER OF SITE
- NATURAL OPEN SPACE AREAS
- LEBANON LOOP TRAIL

CITY OF LEBANON
**COMPREHENSIVE PARKS
MASTER PLAN**

NATIONAL FLOOD INSURANCE PROGRAM
FIRM
 FLOOD INSURANCE RATE MAP
 Linn County, Oregon
 (UNINCORPORATED AREAS)
 PANEL 380 OF 825
 SEE MAP PANELS FOR PANELS NOT PRINTED
 COMMUNITY PANEL NUMBER
 410136 0380 B
 EFFECTIVE DATE:
 SEPTEMBER 29, 1986

 Federal Emergency Management Agency



Urban services are or can be made available to serve the proposed annexation area. The following comments review the city's infrastructure. Redevelopment of this area may require additional infrastructure improvements.

- A. Streets – South 5th Street, currently a county standard road, borders the site on the east. The proposed alignment for Reeves Parkway identified in the city's draft Transportation System Plan runs through the site. Future development of the site will require a right-of-way dedication for the parkway. In addition, improvements to 5th Street, construction of Reeves Parkway, and local street extensions may also be required.
- B. Water - A 16-inch water main runs the length of South 5th Street and is available to serve the site. Water main extensions will likely be required future site development. Connection to a new City water main will also involve costs for service lines, meters, plumbing permit fees, and a water system development charge.
- C. Drainage – Surface drainage from the subject property flows to Oak Creek that runs through the site. A right-of-way dedication along Oak Creek will be required with future site development in order to facilitate City maintenance of the drainage way. Piped and/or surface drainage improvements will be required with site development in order to convey site storm drainage and to prevent adverse drainage impacts to neighboring properties.
- D. Sanitary Sewer – The nearest sanitary sewer main is a 10-inch main on 10th Street that terminates at Vaughan Lane. The new Westside Interceptor will eventually provide sanitary sewer service to this site. In the interim, a substantial combination of pumped and gravity sewer extensions may be required to convey sewer flows to the existing collection system. The area is currently served by the existing Westside Interceptor, which currently overflows further downstream during heavy rainfall events. A review of available sewer capacity will be made at the time of a development proposal. Limitations in sewer discharge and/or downstream improvements to the collection system may be required at that time. Connection to City sanitary sewer will involve costs for service lines, plumbing permit fees, and a sanitary sewer system development charge.

Connection to a City utility or building permit issuance will also cause to be due all remaining street and drainage system development charges.

All of the above permits, fees, and processes are detailed in the City's Site Development Guide.

RELEVANT CRITERIA

City Annexation Policy (City Of Lebanon Resolution #11 For 1982) Criteria

1. Section 1, requires *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.*
2. City Annexation Policy, Section 2, states that *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.*
3. City Annexation Policy, Section 3, specifies that *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.

4. City Annexation Policy, Section 4, states that *no annexation shall be considered that does not conform with the Lebanon Comprehensive Plan and its goals and policies.*
5. City Annexation Policy, Section 5, states that *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.*

Comprehensive Plan Criteria

6. Urbanization Element of the Comprehensive Plan, Phased Growth Program, Policy #1 (page 4-P-1) states that . . . *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.*
7. Urbanization Element of the Comprehensive Plan, Annexation Policy #1 (page 4-P-2) states that . . . *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.*
8. Urbanization Element of the Comprehensive Plan, Annexation Policy #3 (page 4-P-2) states that *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.*
9. Public Facilities and Services Element of the Comprehensive Plan, General Policy #2 (page 8-P-1) states that the City shall consider impacts on community facilities before ... *annexation requests are approved.*

Zoning Ordinance Criteria

10. 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.*

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

11. Section 2: Delineation of Authority in the Urban Growth Area (UGA) , 2nd paragraph:
The Lebanon Comprehensive Plan designates the future city zoning UGA lands will receive upon annexation to the City.
12. Section 5: Annexations
The UGA identifies land that may be subject to future City annexation. The City may annex land using its own procedures in accordance with state law. Only land within the UGA will be considered for annexation. The City will notify the County of any proposed annexations. Upon annexation, the City assumes all jurisdiction for land use actions.

RECOMMENDATION

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

PROPOSED FINDINGS

Criteria 1:

City Annexation Policy Section 1: Requires 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.

Finding # 1:

The proposed annexation complies with City Annexation Policy, Section 1, in that urban services can be made available to serve the property. A 16-inch water main on runs the length of South 5th Street and is available to serve the site. Piped and/or surface drainage improvements will be required with site development in order to convey site storm drainage and to prevent adverse drainage impacts to neighboring properties. The nearest sanitary sewer main is a 10-inch main on 10th Street that terminates at Vaughan Lane. The new Westside Interceptor will eventually provide sanitary sewer service to this site. In the interim, a substantial combination of pumped and gravity sewer extensions may be required to convey sewer flows to the existing collection system.

Criteria 2:

City Annexation Policy Section 2: States that *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.*

Finding # 2:

The proposed annexation complies with City Annexation Policy, Section 2, in that appropriate public right-of-ways will be provided as the property actually develops. Recent case law dictates that public right-of-way shall be dedicated at the time or juncture when the nexus or need is established by an actual development proposal. Future public right-of-way that will be dedicated is for the proposed Reeve's Parkway that will eventually run northwest to southeast in the northeast quadrant of the property, as per the City's Adopted Transportation Master Plan and draft Transportation System Plan (TSP). In addition, right-of-ways may need to be secured for improvements to 5th Street and local street extensions, as well as a right-of-way dedication along Oak Creek will be required with future site development in order to facilitate City maintenance of the drainage way. Furthermore, future development of the site will require securing City access along Oak Creek for an Open Space area and Trail as per the Adopted Parks Master Plan.

Criteria 3:

City Annexation Policy, Section 3: Specifies that *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.*

Finding # 3:

The proposed annexation complies with City Annexation Policy, Section 3, in that public infrastructure improvements will be provided as the property actually develops. Recent case law dictates that such public infrastructure improvements shall be provided at the time or juncture when the nexus or need is established by an actual development proposal. Mitigation cannot be required until the impacts of an actual development proposal have been established.

Criteria 4:

City Annexation Policy, Section 4: States that *no annexation shall be considered that does not conform with the Lebanon Comprehensive Plan and its goals and policies.*

Finding # 4:

The proposed annexation complies with City Annexation Policy, Section 4, in that the property complies with Zoning Ordinance and Comprehensive Plan policies pertaining to the property and zoning.

- The City's Comprehensive Plan designation is Mixed Density Residential for the subject property. The requested zoning upon annexation is Residential Mixed Density (RM), which is consistent with both the goals and policies of the Comprehensive Plan and Zoning Ordinance.
- Oak Creek is within the Riparian Protection (RP) Subzone; these City adopted, state mandated protection requirements for fish bearing streams are a City designation and are not implemented by the County in its administration of the urban growth area. Consequently, annexation of this property would avail City implemented creek protection measures not currently required by the County.
- The Lebanon Parks Master Plan identifies an open space area and a recreational pedestrian trail along Oak Creek- annexation of this property will aid in the acquisition and development of this future trail system.
- Additionally, the future Reeves Parkway is identified as being routed through this property and therefore annexation and subsequent development of this site will promote the establishment of the right-of-way and road improvements for this critical element of the City's transportation network and plan.
- Finally, this site is adjacent to the East Linn Christian Academy (ELCA), a private school located just outside the Lebanon Urban Growth Boundary (UGB). The residential development of the subject property will avail housing opportunities in immediate proximity to this popular private educational facility.

Criteria 5:

City Annexation Policy, Section 5: States that *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.*

Finding # 5:

The proposed annexation complies with City Annexation Policy, Section 5, in that a public need exists regarding a variety of issues:

- Based on current and projected rates of population growth, the City has a need to incorporate more residential land to accommodate such projected growth. If the land is not incorporated to provide areas of higher densities of residential development, then the rural areas will be under increased pressure to urbanize thus threatening to create sprawl conditions and encroachment on farmland.
- Oak Creek is within the Riparian Protection (RP) Subzone; these City adopted, state mandated protection requirements for fish bearing streams are a City designation and are not implemented by the County in its administration of the urban growth area. Consequently, annexation of this property would avail City implemented creek protection measures not currently required by the County.
- The Lebanon Parks Master Plan identifies an open space area and a recreational pedestrian trail along Oak Creek- annexation of this property will aid in the acquisition and development of this future trail system.
- Additionally, the future Reeves Parkway is identified as being routed through this property and therefore annexation and subsequent development of this site will promote the establishment of the right-of-way and road improvements for this critical element of the City's transportation network and plan.
- Finally, this site is adjacent to the East Linn Christian Academy (ELCA), a private school located just outside the Lebanon Urban Growth Boundary (UGB). The residential development of the subject property will avail housing opportunities in immediate proximity to this popular private educational facility.

Criteria 6:

Urbanization Element of the Comprehensive Plan, Phased Growth Program, Policy #1 (page 4-P-1): States that . . . *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.*

Finding # 6:

The proposed annexation complies with Comprehensive Plan Urbanization Element, Phased Growth Program, Policy #1, (page 4-P-1) in that it would be an orderly and efficient expansion of City limits within City service capabilities. The areas immediately to the east of the subject property are within the City limits, as are the properties further to the northwest across Vaughn Street.

Criteria 7:

Urbanization Element of the Comprehensive Plan, Annexation Policy #1 (page 4-P-2): States that...*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.*

Finding # 7:

The proposed annexation complies with Urbanization Element of the Comprehensive Plan, Annexation Policy #1 (page 4-P-2) based on several facts:

- First, the proposed Annexation is within the City's Urban Growth Boundary.
- Second, the need for additional developable land has been noted:
 - Based on current and projected rates of population growth, the City has a need to incorporate more residential land to accommodate such projected growth. If the land is not incorporated to provide areas of higher densities of residential development, then the rural areas will be under increased pressure to urbanize thus threatening to create sprawl conditions and encroachment on farmland.
 - Oak Creek is within the Riparian Protection (RP) Subzone; these City adopted, state mandated protection requirements for fish bearing streams are a City designation and are not implemented by the County in its administration of the urban growth area. Consequently, annexation of this property would avail City implemented creek protection measures not currently required by the County.
 - The Lebanon Parks Master Plan identifies an open space area and a recreational pedestrian trail along Oak Creek- annexation of this property will aid in the acquisition and development of this future trail system.
 - Additionally, the future Reeves Parkway is identified as being routed through this property and therefore annexation and subsequent development of this site will promote the establishment of the right-of-way and road improvements for this critical element of the City's transportation network and plan.
 - Finally, this site is adjacent to the East Linn Christian Academy (ELCA), a private school located just outside the Lebanon Urban Growth Boundary (UGB). The residential development of the subject property will avail housing opportunities in immediate proximity to this popular private educational facility.
- Third, the proposed Annexation promotes an orderly, compact growth pattern in that the areas immediately east of the subject property are within the City limits, as are the properties further to the northwest across Vaughan Street.
- Fourth, as noted in the comments of the City Engineer, this annexation and subsequent development of the subject property, are within the City's service capabilities.

Criteria 8:

Urbanization Element of the Comprehensive Plan, Annexation Policy #3 (page 4-P-2): States that ... 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.

Finding # 8:

The proposed annexation complies with Urbanization Element of the Comprehensive Plan, Annexation Policy #3 (page 4-P-2). The applicant has not provided a specific conceptual development plan for the development of subject property. However, the applicant suggests that only 50 of the 60 acres are fully developable due to the constraints imposed by Oak Creek.

Criteria 9:

Public Facilities and Services Element of the Comprehensive Plan, General Policy #2 (page 8-P-1): States that the City shall consider impacts on community facilities before ... annexation requests are approved.

Finding # 9:

The proposed annexation complies with Comp. Plan Public Facilities and Services Element, General Policy #2, (page 8-P-1) in that the annexation will not result in an adverse impact on community facilities.

Criteria 10:

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 # 10:

This proposed Annexation is in compliance with Zoning Ordinance Section 3.050. Currently the subject property does not have a City zoning designation because it is not within the City limits. However, since the property is within the City's Urban Growth Boundary, the current Comprehensive Plan designation on the subject property is Mixed Density Residential. The corresponding City zoning designation for a Comprehensive Plan designation of Mixed Density Residential is Residential Mixed Density (RM). The applicant is requesting a Residential Mixed Density (RM) zoning designation for the subject property, which is consistent with the Zoning Ordinance.

Criteria 11 and 12:

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

11. Section 2: Delineation of Authority in the Urban Growth Area (UGA) , 2nd paragraph: *The Lebanon Comprehensive Plan designates the future city zoning UGA lands will receive upon annexation to the City.*

12. Section 5: Annexations

The UGA identifies land that may be subject to future City annexation. The City may annex land using its own procedures in accordance with state law. Only land within the UGA will be considered for annexation. The City will notify the County of any proposed annexations. Upon annexation, the City assumes all jurisdiction for land use actions.

Finding # 11:

The City's annexation review procedures on annexation request File # A-02-06 have complied with the City of Lebanon/Linn County Urban Growth Management Agreement, Sections 2 and 5 regarding city authority to annex lands within the urban growth area and assign city zoning in accordance with the Lebanon Comprehensive Plan Map

NOTE: Finding #11 immediately above is a new proposed finding that was not reviewed or adopted by the Lebanon Planning Commission.

Criteria 8:

Urbanization Element of the Comprehensive Plan, Annexation Policy #3 (page 4-P-2): States that 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.

Finding # 12:

The proposed annexation complies with Urbanization Element of the Comprehensive Plan, Annexation Policy #3 (page 4-P-2). Although the applicant has not provided a specific conceptual development plan for the development of subject property, the applicant has provided sufficient information through his Engineer to determine what city services will be required to serve the subdivision development of the site which in turn permits an evaluation of potential impacts on community facilities. The applicant has indicated that he will submit a subdivision proposal for the site once the annexation is completed therefore a reasonable time limit for the development of the property will be achieved.

NOTE: Finding #12 immediately above is a new proposed finding that was not reviewed or adopted by the Lebanon Planning Commission.

PROPOSED ANNEXATION
THOMAS H. CORNELL, TRUSTEE
RHONDA L. CORNELL, TRUSTEE
CORNELL FAMILY TRUST
 SE 1/4 OF SECTION 22, T. 12 S., R. 2 W., W.M.
 LINN COUNTY, OREGON

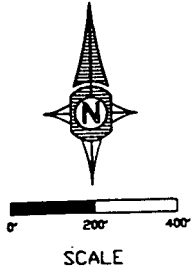
OCTOBER 31, 2002

LEGAL DESCRIPTION:

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

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

Beginning at the most Westerly Southeast corner of said Parcel 1; thence North 0°53'32" East 802.74 feet; thence South 89°57'12" East 659.69 feet; thence North 1°03'15" East 368.60 feet; thence South 89°57' East 794.64 feet; thence North 1°03'15" East 20.00 feet; thence South 89°57' East 45.36 feet; thence South 1°03'15" West 20.00 feet; thence North 89°57' West 25.36 feet; thence South 0°03' West 368.60 feet; thence South 89°57' East 768.45 feet to the West boundary of the Richmond Chesdale D.L.C. No. 69; thence South 0°03' West 123.25 feet to the South Southwest corner of the Richmond Chesdale D.L.C. No. 69 also being the Northwest corner of the S. Carroll D.L.C. No. 64; thence South 18°00'00" West 1066.41 feet to the Northeast corner of the Henry J. Peterson D.L.C. No. 59; thence South 89°52'08" West 1273.85 feet to the Southwest corner of Parcel 2 of Linn County Partition Plat No. 1998-04; thence North 0°53'32" East 346.00 feet to the Northeast corner of said Parcel 2; thence South 89°52'08" West 669.00 feet to the point of beginning.



LEGEND

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

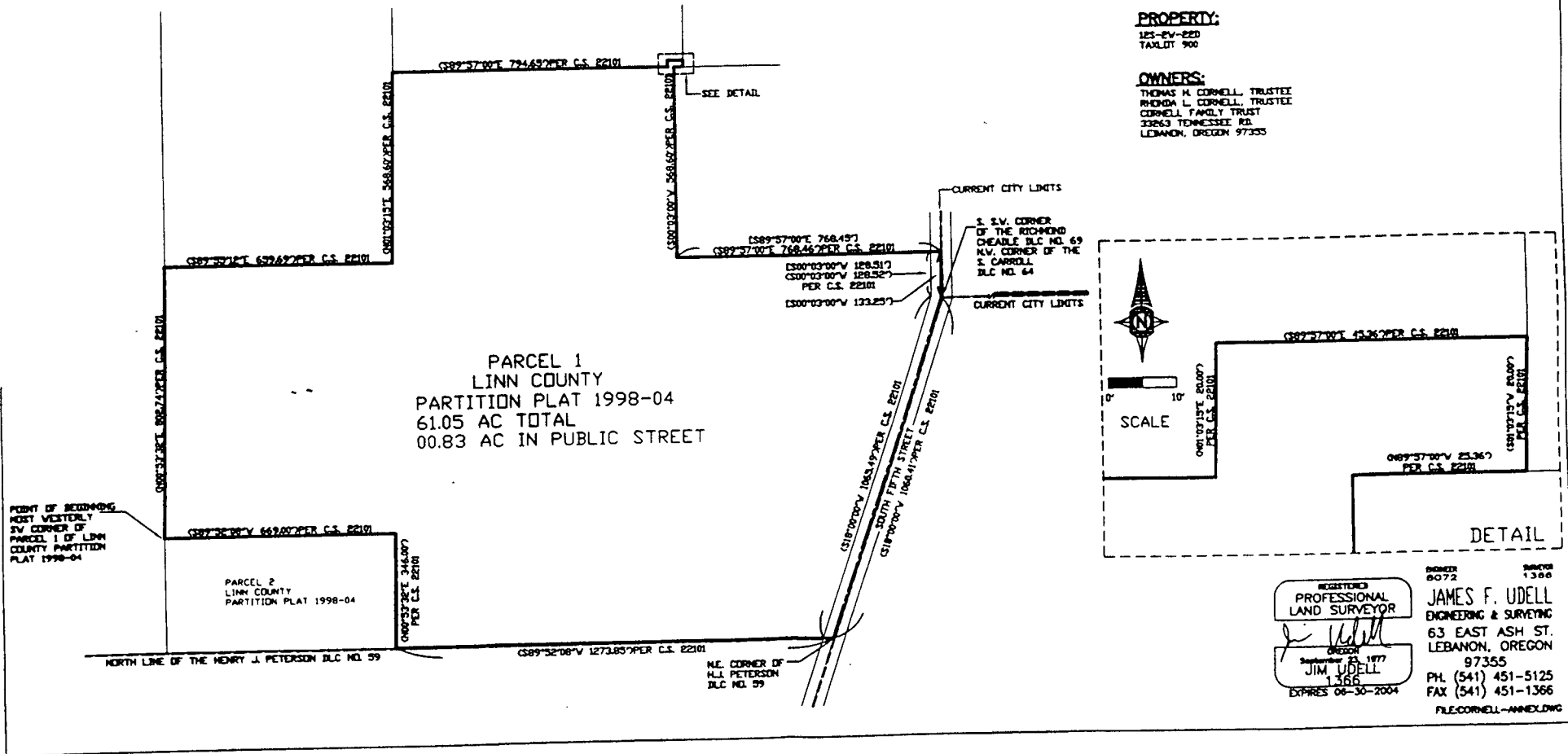
PROPERTY:

12-54-220
 TAXLOT 900

OWNERS:

THOMAS H. CORNELL, TRUSTEE
 RHONDA L. CORNELL, TRUSTEE
 CORNELL FAMILY TRUST
 33663 TENNESSEE RD.
 LEBANON, OREGON 97355

A-02-06; Page 15



S89°57'00"E 794.65' PER C.S. 22101

SEE DETAIL

N01°03'15"E 569.60' PER C.S. 22101

S00°03'00"W 569.60' PER C.S. 22101

S89°53'12"E 659.69' PER C.S. 22101

[S89°57'00"E 768.45']
[S89°57'00"E 768.46'] PER C.S. 22101

[S00°03'00"W 128.51']
[S00°03'00"W 128.52']
PER C.S. 22101

[S00°03'00"W 133.25']

CURRENT CITY LIMITS

S. S.W. CORNER
OF THE RICHMOND
CHEADLE DLC NO. 69
N.W. CORNER OF THE
S. CARROLL
DLC NO. 64

CURRENT CITY LIMITS

PARCEL 1
LINN COUNTY
PARTITION PLAT 1998-04
61.05 AC TOTAL
00.83 AC IN PUBLIC STREET

S89°52'08"W 669.00' PER C.S. 22101

N00°53'32"E 346.00'
PER C.S. 22101

PARCEL 2
LINN COUNTY
PARTITION PLAT 1998-04

S89°52'08"W 1273.85' PER C.S. 22101

N.E. CORNER OF
H.J. PETERSON
DLC NO. 59

101' SOUTH FIFTH STREET
S18°00'00"W 1065.49' PER C.S. 22101
101' S00°00'00"W 1060.41' PER C.S. 22101

ANNEXATION MAP
T125-R2W-22D, TAX LOT 900
FIVE # A-02-06

TH LINE OF THE HENRY J. PETERSON DLC NO. 59

A-02-06; Page 16

N00°53'32"E 346.00' PER C.S. 22101

LEGAL DESCRIPTION:

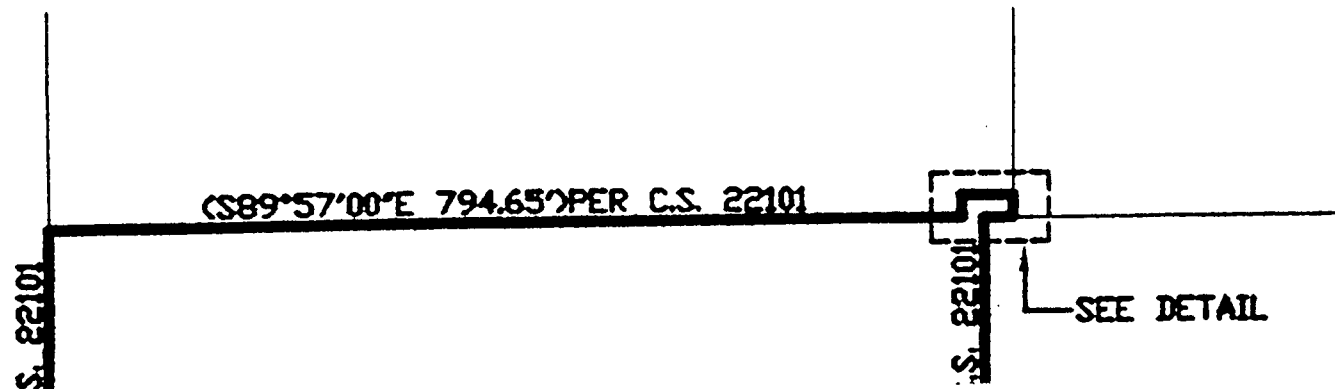
An area of land in the Southeast ¼ of Section 22 in Township 12 South of Range 2 West of the Willanette Meridian, Linn County, Oregon described as follows:

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

Beginning at the most Westerly Southwest corner of said Parcel 1; thence North 0°53'32" East 802.74 feet; thence South 89°55'12" East 659.69 feet; thence North 1°03'15" East 368.60 feet; thence South 89°57' East 794.64 feet; thence North 1°03'15" East 20.00 feet; thence South 89°57' East 45.36 feet; thence South 1°03'15" West 20.00 feet; thence North 89°57' West 25.36 feet; thence South 0°03' West 568.60 feet; thence South 89°57' East 768.45 feet to the West boundary of the Richmond Cheadle D.L.C. No. 69; thence South 0°03' West 133.25 feet to the South Southwest corner of the Richmond Cheadle D.L.C. No. 69 also being the Northwest corner of the S. Carroll DLC no. 64; thence South 18°00'00" West 1060.41 feet to the Northeast corner of the Henry J. Peterson D.L.C. No. 59; thence South 89°52'08" West 1273.85 feet to the Southeast corner of Parcel 2 of Linn County Partition Plat No. 1998-04; thence North 0°53'32" East 346.00 feet to the Northeast corner of said Parcel 2; thence South 89°52'08" West 669.00 feet to the point of beginning.

LEGAL DESCRIPTION

A-02-06; Page 17



JAMES F. UDELL UDELL ENGINEERING & SURVEYING

**63 EAST ASH STREET
LEBANON, OREGON 97355
PHONE (541) 451-5125
FAX (541) 451-1366**

ANNEXATION POLICY

CITY OF LEBANON RESOLUTION NO. 11

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 over burden their present capacities.

Urban services are available or can be available as follows:

- Water:** Public water is available in 5th Street all the way across the frontage of the subject property.
- Storm Drainage:** The subject property has a very large open channel (Oak Creek) which drains across it. This will allow for adequate drainage of the site for future developments.
- Sanitary Sewer:** The subject property is estimated to produce approximately 310,000 gallons of septic waste per day based on the assumption that only 50 acres are fully developable due to Oak Creek. The 310,000 gallons per day is based on the City of Lebanon's Land-Use sewer generation rates for Mixed-Density of 3200 GPAD and 3000 GPAD. I will be our request that the City Engineer determine if the current system can handle the additional flow.

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

South 5th Street is currently a 60 foot right-of-way which is adequate to provide safe and efficient government of traffic, bicycles, and pedestrians travel.

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.

No urban services exist within the boundary of the annexation area. Future development proposals will require urban services within the boundary. These future services will be installed to meet standards established by the City of Lebanon.

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

The City of Lebanon's Comprehensive Plan Designation is Mixed -Density Residential for the subject property. The requested zoning upon annexation is RM, which is consistent with the goals and policies of the Comp. Plan.

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.

Based on current rates of population expansion and projected rates of future population expansion the City of Lebanon has a need to incorporate more land to allow comfortable living areas, which provide for the growth. If the land is not incorporated to provide areas for a higher densified living area then the rural areas will be called on to provide for the population expansion which will not be the most efficient use of the land. And therefore it is in the public's best interest to provide areas in the Urban Growth Boundary with higher unit density to accommodate our population growth rates.

Agenda Item 4

January 16, 2003

To: City Councilors

From: Susan Tipton

Attached is a breakdown of costs to prepare the LMS site for occupation by the Senior Center. We hope to make this move in March or early April. As you know the building we currently occupy is owned by the Elks and they have generously allowed us to use it at no charge however, we are responsible for upkeep which over the years has amounted to a large sum. We are also hampered by the lack of space and limitations in programming due to a physical setting that is not conducive to the kind of program we would like to develop. We also envision a center available to the community for performances, meetings and other gatherings. Our new Adult Center would be primarily for the use of people over 50 from 8 am to 4 pm during the week, but we plan to encourage and facilitate use by members of the community at other times.

The Senior Center Trust account contains \$51,000 and we expect to use a good share of this money for the necessary work. There is some money from the sale of property in addition to that which may be used for some of the outside work that is necessary. The Senior Meals program will assist with a portion of the moving costs since we have estimated that about 35% of the move will involve their equipment. The city will also assist in the cost since we have city documents in our attic that will have to be moved. The contribution from General Fund has yet to be determined.

You will notice that the majority of the items on the list are necessary to meet various fire, building and ADA codes. We plan to ask for donations for furniture and other items that we will need to create a comfortable atmosphere. The Lebanon Public Library Senior Center Trust is also in the midst of fundraising to support both projects. Their contributions will be future benefits.

I ask your support of this move for the betterment of Lebanon.

CITY OF LEBANON SENIOR CENTER
Preliminary Estimate
Relocation of LSC to Lebanon Middle School Site

Item Number	Item	Units	Number of Units	Unit Price	Total Price
1	Fire Extinguisher Installation	L.S.	1	338.00	338.00
2	Network Connections and Wiring for Access to City's Network for Computers and Telephones	L.S.	1	17,662.00	17,662.00
3	Fire Alarm System Upgrades	L.S.	1	7,584.00	7,584.00
4	Fire Sprinkler System Repairs/Upgrades	L.S.	1	1,500.00	1,500.00
5	Security System Installation	L.S.	1	2,490.00	2,490.00
6	Heating System Upgrades	L.S.	1	2,200.00	2,200.00
7	Building Interior Upgrades for ADA Compliance	L.S.	1	5,300.00	5,300.00
8	Emergency Call Cord for Bathrooms	L.S.	1	500.00	500.00
9	ADA Power Door Operator	L.S.	1	2,481.00	2,481.00
10	Asphalt Path Connecting South Parking Lot to Cafetorium	L.S.	1	1,100.00	1,100.00
11	Initial Cleaning, Interior	L.S.	1	1,260.00	1,260.00
12	Power Wash Building Exterior	L.S.	1	875.00	875.00
13	Carpet Replacement	L.S.	1	0.00	0.00
14	Window Privacy Blinds for Interior Offices	L.S.	1	900.00	900.00
15	Painting, Interior	L.S.	1	0.00	0.00
16	Removal of Existing Senior Center Sign (Painting)	L.S.	1	0.00	0.00
17	Moving Costs - Supplies and Equipment	L.S.	1	3,500.00	3,500.00
18	Moving Costs - Pool Tables	L.S.	1	0.00	0.00
19	Landscaping Supplies	L.S.	1	400.00	400.00
Subtotal					<u>\$48,090.00</u>
Contingency (20%)					<u>\$9,618.00</u>
Total					\$57,708.00

KEY

E.A. = Each
L.S. = Lump Sum

EXPLANATION OF ESTIMATES

Fire Extinguishers:

Contractor, Valley Fire Control Inc.

Estimate: \$338 for 10 new fire extinguishers @ \$35 ea and one new cabinet @ \$25 with a 10% discount

Wireless link for computers and phones:

City of Lebanon IS department estimates cost at **\$17,662**. This will provide a facility designed to meet current telecommunications standards and allow for a seamless integration with the City's data and network services. This system will provide high speed connection to the City's network backbone with the use of VoIP technology to provide telephone services. This will result in an annual cost savings of approximately \$1,000 for the Senior Center by eliminating the need to lease additional copper lines from Century Tel. **Note:** This pricing is contingent on the completion of the planned water/wastewater wireless networking project.

Fire Alarm System:

Security Alarm Corporation

Estimate **\$7,584**. This is for a new monitored fire alarm control panel, one pull station, eight horn/strobes, two smoke detectors, two electromagnetic door holders and two strobes. There would be an audible sprinkler flow alarm on the exterior of the building that would be accomplished through the fire alarm system. The company would use the existing equipment and together with the new equipment the system would comply with the City's requirement for a manual fire alarm system. **There are only 4 existing smoke detectors in the building**, we may need to add more and if so these would be \$70 each. Even if we do not add more, if there is a problem with the existing smoke detectors they would need to be replaced. The smoke detector will trigger a closing device on the reception window. There would be ancillary costs incurred by other trades or vendors to get the fire alarm completed; this would involve coordination with the sprinkler company, an electrician, window provider, hi-lift rental provider and telecommunications provider.

Building retro work to meet ADA and building codes and modifications:

Walt Rebman provided the estimate: **\$5,300** This would repair tile ceiling at entry, repair sheetrock at entry, install handicap stalls in men's restroom, repair sheetrock in women's restroom, provide reception opening, paint all sheetrock repairs, repair ceramic tile in restrooms, provide railings at both stairs at stage, install curb at edge of stage, repair tile floor at entry. **Walt notes that this is based on a best guess estimate. When he has plans and specs he will submit an actual bid.**

Fire sprinkler system:

Contractor: Carter's Fire Sprinkler Maintenance and Pipeline Co.

Estimate **\$1,500**. This would be to install a small 3 device panel linked by phone to alarm company. The Fire Department connection will be checked and in approved condition. They would inspect and install two tamper switches and 1 flow switch and replace

supervisory devices. There are no back-flow devices for the sprinklers over the stove hoods and these will have to be done or if one goes off, all the sprinklers in the stage will also go off causing excess water damage. (Stage heads do have backflow devices already.) They would also provide signage so it is clear what system is what.

HVAC heating system:

Contractor, Honeywell

Estimate, range from \$1,600 to \$2,200. This would cover burning new chips to set time and holiday schedules, wire and hardware for holiday switch burn and install new firmware chips in controller and test operation. The higher priced system would be a hand-held portable operator interface to include the system and 4 hours basic operator training on-site.

Initial clean-up costs:

Contractor KJ's Building Maintenance.

Estimate: **\$1,100**. This would include complete cleaning of the building, washing walls, windows, carpets thoroughly cleaning kitchen areas and all parts of the building.

Power washing outside of the building:

Contractor: A-1 Pressure washing. Estimate: **\$875** to wash the entire exterior of the building cleaning. This may be postponed until warmer weather.

ADA Power door operator

Contractor: Advanced Entry Systems. Estimate **\$1,660**. This would be installed on only the front entrance. If we need to purchase new doors to accommodate this system the cost could be \$2,480.

Moving Costs:

Contractor: Cummings Movers, Albany. Estimate: **\$3,433**. This would include moving the entire center, carton charges, other materials, delivery and pick-up. The pool tables would have to be moved by The Cue Ball in Salem as a separate cost.

Window Coverings:

Contractor: The Blind Lady, Lebanon. Estimate **\$900**. This will include coverings for both exterior windows and the interior windows in offices, a total of 7 windows and 2 doors.

Intruder Alarm System:

Contractor: Professional Security Alarm co. Estimate **\$2,490**. This would include installation of control panel with backup battery, one digital keypad with panic, fire and medical buttons. Two interior sirens, 4 passive infra red motion detectors, 14 perimeter doors, one telephone jack and program to central station, warning stickers. **We would need to secure a limited energy electrical permit.**

Replacement of carpet in room used for pool players:

Estimate: The carpet in this room has a large portion that is unraveled and would be a trip hazard. The expense of moving the pool tables would cause us to consider doing this carpet work prior to initial moving in.

Painting the interior:

Estimate: The interior of the building shows hard usage. Items have been removed from the walls leaving holes, mismatched paint and other blemishes.

Repainting over existing Senior Center sign:

Estimate: To avoid confusion and because it is the right thing to do, we would pay for the cost to paint over the Senior Center designation on the current building

Landscaping supplies:

Some work is going to be needed to change mud and gravel into some attractive plantings and a border of railroad ties will need to be created to minimize the trip hazard on the blacktop trail from parking to building.

Signage:

Contingency:

20% is added in for all the unexpected issues that will need to be dealt with.

Agenda Item 5

OFFICE OF THE CITY ATTORNEY
CITY OF LEBANON
80 E. Maple St.
Lebanon, OR 97355
Telephone: (541) 451-7419
email: tmchill_mtmp@hotmail.com

To: John Hitt
City Administrator

November 21, 2002

From: Thomas McHill
City Attorney 

RE: Ballot Measure 7

As you know, the City of Lebanon was included with many other jurisdictions in a LUBA case concerning Ballot Measure 7. This measure was approved by the voters in November 2000 to provide for compensation to persons who could show that the enforcement or creation of regulations by the government had effected the value of the claimants' property.

In response to the passage of the measure, the City enacted an ordinance which created a chapter 17.70 to the municipal code which attempted to create a procedure for the processing of such anticipated claims by property owners.

After the enactment of our ordinance, the city was included in an appeal to LUBA over the enactment of the ordinance. The appeal included 28 jurisdictions as defendants, including the city of Lebanon. The matters were consolidated for appeal and have been held in abeyance while the Oregon Supreme Court decided the constitutionality of the Measure.

On October 4, 2002, the Oregon Supreme Court held that the ballot measure was constitutionally defective in its entirety. Thereafter, on November 8, 2002, 1000 Friends of Oregon, the appellant in the LUBA case, filed a motion to "deconsolidate" the appeals, which would apparently separate each case. In its motion, the plaintiffs allege that they will dismiss their appeals against those jurisdictions if the ordinances which were created to implement Measure 7, which were the subject of the appeals, were repealed.

I have prepared legislation which would effect the repeal of our ordinance. Since Measure 7 has been found to be unconstitutional, I see no harm in repealing the ordinance which would result in the dismissal of the appeal. In the event that a similar measure should be considered and passed by the voters, and upheld by the appellate court, this repeal would not barr later consideration of a similar procedure, should the council desire to do it at that time. Without an effective Measure 7, there is really no need for procedures to process any claims created by the measure. In the event that a property owner would have a claim against the city for a "taking", Chapter 30 of the ORS provides for a remedy.

A BILL FOR AN ORDINANCE)
REPEALING ORDINANCE NUMBER)
2273, BILL NUMBER 38 FOR 2000,)
CONCERNING PROCEDURES FOR)
COMPENSATION UNDER BALLOT)
MEASURE 7, ADOPTED NOVEMBER)
7, 2000)

Bill Number _____
for 2002

Ordinance Number _____

WHEREAS, the people of the State of Oregon adopted Ballot Measure 7 on November 7, 2000, which measure concerned the compensation to persons for exercise of regulatory actions of the enforcement of certain governmental laws or regulations; and

WHEREAS, the City of Lebanon, on the 6th day of December, 2000, did enact Bill Number 38 for 2000, Ordinance Number 2273, which created a Chapter 17.70 of the Lebanon Municipal Code which created a procedure for the submission and decision of claims brought under the color of said Ballot Measure 7; and

WHEREAS, the Supreme Court of the State of Oregon has, in cases known as *McCall, et al v. Kitzhaber* and *League of Oregon Cities, et al. v. Kitzhaber*, decided October 4, 2002, that Ballot Measure 7 made substantive amendments to both the takings and free expression provisions of the Oregon constitution and that those amendments were not closely related, and further that Ballot Measure 7 violated the separate-vote requirement of the Oregon Constitution and was, therefore, void in its entirety; and

WHEREAS, the necessity for the creation of procedures under Ballot Measure 7 are therefore not necessary or required.

NOW, THEREFORE, THE PEOPLE OF THE CITY OF LEBANON ORDAIN AS FOLLOWS:

Section 1. Bill Number 38 for 2000, Ordinance Number 2273, passed by the Lebanon City Council on December 6, 2000 is hereby repealed.

Passed by the Lebanon City Council this _____ day of January, 2003 by a vote of _____ for and _____ against.

Mayor

ATTEST:

City Recorder

Agenda Item 6

MEMO

To: Mayor and City Council

From: City Administrator

Re: City Administrator's Report

January 17, 2003

At the January 22nd City Council meeting I will provide a brief oral update on the following:

*Catena Library
Web Middle Sch Site*

- A. January 29th City Council Meeting *5:30 social, joint mtg w/Brd*
- B. City Administrator's Vacation *2/13-19?*
- C. Results of Peter DeFazio staff visit - *Project Walden*
- D. Status of purchase of Town Pump - *appraisal was far more than*
- E. Appointment to County Solid Waste Advisory Board and State Parks Board
- F. Industrial Land Inventory - *moving along, several agreements already signed*
- G. Set Date for City Council Goal Setting - *2/26/02 set date*
- H. Miscellaneous Matters - *IEMA March 19-22
org change + improve*

*Comp Zone Updates
CC consensus approval for Hoops
Harrington - LBCC
Local Artists*

*Council -
Co. Commissioner's Annual Dinner ?'s
Letter in the record - Abe Abraham
Condemn Scroggin's Bldg.
Elkin's Mill - eye sore - LBCC has plans for
the exterior of the mill.*

Executive Session(7)

Per ORS 192.660(1)(i) To review & evaluate, pursuant to standards, criteria & policy directives adopted by the Council; the employment related performance of an employee

Executive Sessions are closed to the public due to the highly confidential nature of the subject. Therefore, it is unlawful to discuss anything outside of the Executive Session.