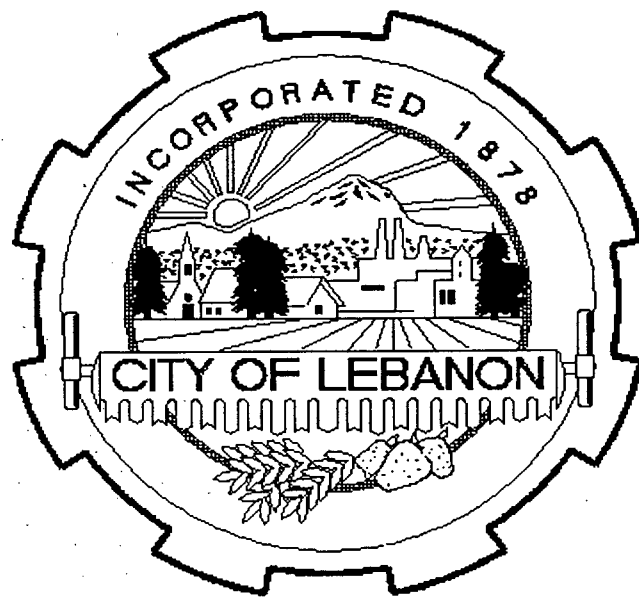


# Council Agenda



March 12, 2003  
7:30 p.m.

**LEBANON CITY COUNCIL MEETING**  
**March 12, 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 – March 12, 2003

CITY OF LEBANON MEETING MINUTES:

- City Council Meeting Minutes – February 19, 2003
- City Council Meeting Minutes – February 26, 2003
- City Council Work Session – February 26, 2003
- Library Advisory Board Meeting Minutes – February 12, 2003
- Lebanon Tourism Commission – February 3, 2003

ARBOR WEEK CELEBRATION – April 6 – 12, 2003

BUDGET COMMITTEE APPOINTMENTS/CONFIRMATIONS (Fiscal Year 2003/04)

**PRESENTATION**

LEBANON COMMUNITY FOUNDATION PACKET UPDATE, Presented by Mr. Warren Beeson

**PROCLAMATIONS**

- CHILD ABUSE PREVENTION MONTH (APRIL)
- ARBOR DAY CELEBRATION

**PUBLIC HEARINGS**

1) SCHWINDT ANNEXATION – Highway 20

Presented by: Mr. Doug Parker, City Planner

Approval/Denial by ORDINANCE

- 2) SIMONIAN ANNEXATION – South Main Road  
Presented by: Mr. Doug Parker, City Planner  
Approval/Denial by ORDINANCE
- 3) LIQUOR LICENSE APPLICATION – Shari's of Lebanon  
Presented by: Mr. Mike Healy, Police Chief  
Approval/Denial by MOTION
- 4) REVIEW CITY FEES  
Presented by: Mr. John Hitt, City Administrator  
Approval/Denial by MOTION

### **LEGISLATIVE SESSION**

- 5) AUDIT REPORT  
Presented by: Casey Cole, Finance Director  
Approval/Denial by MOTION
- 6) SURPLUS PROPERTY – Library / Public Works  
Presented by: Mr. John Hitt, City Administrator  
Approval/Denial by RESOLUTION
- 7) PERS – Filing of an appeal coordinated by League of Oregon Cities  
Presented by: Mr. John Hitt, City Administrator  
Approval/Denial by RESOLUTION
- 8) 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**

**ADJOURNMENT**

*State required annual jail inspection – Councilors will meet at the Police Department (must have a quorum).*

# Consent Calendar

CITY COUNCIL AGENDA – March 12, 2003

CITY OF LEBANON MEETING MINUTES:

- City Council Meeting Minutes – February 19, 2003
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- Lebanon Tourism Commission – February 3, 2003

ARBOR WEEK CELEBRATION – April 6 – 12, 2003

BUDGET COMMITTEE APPOINTMENTS/CONFIRMATIONS (Fiscal Year 2003/04)

**MINUTES**  
**LEBANON CITY COUNCIL MEETING**  
**FEBRUARY 19, 2003**

**Council Present:** Mayor Ken Toombs, Councilors Dan Thackaberry, Scott Simpson, Ron Miller, and Mel Harrington

**Staff Present:** City Administrator John Hitt and City Attorney Tom McHill

**CALL TO ORDER**

Mayor Toombs called the special meeting to order at 5:00 pm.

**PETITION RECEIVED FOR MAY 20th BALLOT**

City Administrator John Hitt noted that this special City Council meeting was being convened at the request of Councilors Thackaberry, Simpson, and Harrington in order to receive the initiative petition entitled: "Amends Lebanon City Charter to Require Voter Approval of Annexations."

Mr. Hitt, as city elections official, reported that the Linn County Clerk certified 959 valid signatures. Nine hundred and twenty-eight are required in order to bring the matter before the voters.

City Attorney McHill advised the City Council that since the subject of the initiative requires a charter amendment it cannot, by City Charter, be approved by the City Council but must be referred to the voters.

Mr. Hitt indicated that an election would occur on May 20th.

*Council Thackaberry moved, and Councilor Simpson seconded a motion to approve the certification of signatures as submitted by the Linn County Clerk and seek a vote of the people on May 20, 2003. Motion passed on a unanimous vote.*

There being no further business the meeting adjourned at 5:18 pm.

Meeting minutes submitted by City Administrator John Hitt.

Attested by:

\_\_\_\_\_  
Kenneth I. Toombs, Mayor

\_\_\_\_\_  
John E. Hitt, City Recorder

RECEIVED

OCT 04 2002

## BALLOT TITLE FOR INITIATIVE

The City Attorney for the City of Lebanon, upon receipt of a proposed initiative petition, submits to the Elections Official for the City the following proposed ballot title.

**CAPTION:** Amends Lebanon City Charter to Require Voter Approval of Annexations

**QUESTION:** Shall voter approval be required of all annexations of land into the City of Lebanon, unless state law otherwise applies?

**SUMMARY:** This measure would amend the Lebanon City Charter to require voter approval for all annexations, including delayed annexations, unless an annexation of land is mandated by Oregon state law or required for health hazards or failing septic systems. Currently, the Charter allows annexations which may bring property or land which is outside the city limits but within Lebanon's Urban Growth Boundary into the city limits without a vote of the people when the property owners and not less than 50 per cent of the electors residing in the area to be annexed consent in writing. Annexations currently must be approved by the city council. Otherwise, in cases without the consent of the property owner and more than 50 per cent of the electors residing within the territory to be annexed, state law requires voter approval of annexations.

Approval of this measure would impact the City financially to the extent that the City might be required to pay for special elections when annexations are requested.

Submitted this 4<sup>th</sup> day of October, 2002.



Thomas McHill OSB #81312  
Lebanon City Attorney

**MINUTES  
LEBANON CITY COUNCIL MEETING**

**February 26, 2003**

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

**Staff Present:** City Administrator John Hitt, City Attorney Tom McHill, Public Works Director Jim Ruef, Police Chief Mike Healy, Finance Director Casey Cole, City Planner Doug Parker, City Engineer Allen Dannen and Admin. Assistant Linda Kaser

**CALL TO ORDER/FLAG SALUTE/ROLL CALL**

Mayor Toombs 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. 5<sup>th</sup> Street. All Councilors were present.

**CONSENT CALENDAR**

CITY COUNCIL AGENDA – February 26, 2003

CITY OF LEBANON MEETING MINUTES:

- City Council Work Session – January 22, 2003
- City Council Meeting Minutes – January 22, 2003
- CIP Committee Meeting Minutes – October 14, 2003
- CIP Committee Meeting Minutes – November 18, 2003
- CIP Committee Meeting Minutes – December 9, 2003
- Library Advisory Board Meeting Minutes – January 8, 2003
- Senior Advisory Board Meeting Minutes – January 15, 2003

Mayor Toombs amended the agenda by taking Item #9 CERTIFICATION OF PETITION (Referral to Voters of Proposed Charter Amendment) off of the agenda because it was discussed at a special Council Meeting last week.

*A motion was made by Councilor Elliott, seconded by Councilor Thackaberry, and passed unanimously that the consent calendar be approved as amended.*

**PUBLIC HEARINGS**

1) GILBERT LIMITED TRUST – Oak Street Annexation

City Attorney McHill briefed Council on the January 22, 2003 public hearing and that it is being continued tonight with the purpose of deliberation only. The applicant was granted seven days to respond to the opponents. The Friends of Linn County (FOLC) responded to the applicant's submittal



indicating that they felt that the applicant's response injected new evidence into the case beyond the scope allowed.

Councilor Thackaberry felt that the recent proponent's submittal injected new evidence beyond the scope allowed (letters from the Fire Chief and City Administrator). Therefore, he did not read the letters because he felt they were new evidence and should not be considered in rebuttal. City Attorney McHill explained that Council would need to decide on whether the letters and other materials submitted by the applicant after the close of the January 22 hearing constituted new evidence or was simply a response to evidence already heard.

Councilor Simpson felt that it was subjective on whether or not items were considered new evidence and listed several points of interest: The fact that the Comp Plan requires that the City then ensures adequate facility capability and that the capability exists, the unlikely probability of reoccurring flooding, adequate facilities to meet the need were presented from the Police, Library, and School District, the proposal would minimize the traffic on Oak Street, minimal impact on bicycles and pedestrians, and the fact that Mr. Walsh, OECDD, had discussed that there are very few properties like this in the area prove that the annexation request meets all requirements.

The consensus was that the applicants written response of January 29 meets all the requirements and the written testimony was merely answering some questions raised during the hearing of January 22, but should not be considered as new evidence.

*A motion was made by Councilor Munk, seconded by Councilor Miller and passed with 5 yeas (Councilor Elliott, Harrington, Miller, Munk, and Simpson) and 1 nay (Councilor Thackaberry) that the written rebuttal from Weatherford, Thompson, Cowgill, Black and Schultz of January 28, 2003 was within the allowed scope of rebuttal and did not present any new evidence.*

City Attorney McHill read the title of the Ordinance.

*Councilor Simpson, seconded by Councilor Elliott, made a motion to adopt the Ordinance.*

Councilor Thackaberry stated he did not support the motion and he felt that the annexation request should be accompanied by a development proposal to adequately assess public need and the way the zoning is established.

*The motion passed with 5 yeas (Councilor Elliott, Harrington, Miller, Munk, and Simpson) and 1 nay (Councilor Thackaberry) by roll call that A BILL FOR AN ORDINANCE ANNEXING AND ZONING PROPERTY FOLLOWING CONSENT FILED WITH THE CITY COUNCIL BY LANDOWNERS IN SAID AREA PURSUANT TO ORS 222.120 and ORS 222.170 (File A-02-05) be adopted.*

## **2) CORNELL FAMILY TRUST – 5<sup>th</sup> Street Annexation**

City Attorney McHill explained that this annexation request is the same procedurally as the last and it was first heard at a public hearing on January 22, 2003. [McHill noted that the material in the Council packet at the end of the report does not belong in the packets, starting with the letter by Mr. Schultz dated January 28, 2003.] McHill explained that Council would need to decide on whether the opponent's material injects new issues into the case beyond the scope allowed.

*Councilor Thackaberry made a motion, Councilor Munk seconded for sake of discussion, to accept that the scope of the applicant's written rebuttal of January 29, 2003 is new evidence and that Council should also consider the response from the FOLC.*

Councilor Munk asked what Councilor Thackaberry considered the new evidence to be. Councilor Thackaberry suggested that Exhibit "B" and the table of Land Annexed since August 1977 were new evidence. Councilor Munk felt it was addressing issues raised by the opposition. Councilor Munk stated that he felt that the table pertained to the opposition's question of the usable land already within the city limits.

Councilor Miller felt that all the relevant data had been presented and no new evidence is being presented.

*The motion failed with 1 yea (Councilor Thackaberry) and 5 nays (Councilor Elliott, Harrington, Miller, Munk, and Simpson) that the written rebuttal from the applicant not be accepted since it was new evidence.*

City Attorney McHill read the title of the Ordinance.

*Councilor Miller, seconded by Councilor Elliott, made a motion to adopt the Ordinance.*

Councilor Thackaberry stated he did not support the motion and he felt that the annexation request did not adequately address public need, public facilities, the zoning issues, and compact growth.

*After deliberation, the motion passed with 5 yeas (Councilor Elliott, Harrington, Miller, Munk, and Simpson) and 1 nay (Councilor Thackaberry) by roll call that A BILL FOR AN ORDINANCE ANNEXING AND ZONING PROPERTY FOLLOWING CONSENT FILED WITH THE CITY COUNCIL BY LANDOWNERS IN SAID AREA PURSUANT TO ORS 222.120 and ORS 222.170 (File A-02-06) be adopted.*

### **3) REMAND OF HERB-COOK ANNEXATION (A-02-03)**

City Attorney McHill briefed Council on the action of a previous hearing (Herb-Cook Annexation) that was appealed to LUBA and that it was remanded back to look at the findings and address issues raised by the petitioners (FOLC). McHill explained the public hearing procedure for this hearing and read the relevant criteria provided in the staff report. 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.

Mayor Toombs asked the Council if they had any ex parte contact or conflicts of interest. There were none.

City Planner Parker explained that the Planning Commission conducted a public hearing regarding the annexation on May 15, 2002 and recommended to City Council for approval, August 14, 2002 at which time Council took action to annex the property. That ordinance passed in August and is in effect today. The Council needs to review the evidence and make sure that the findings adequately reflect and consider all the testimony provided. Mr. Parker gave a brief history of the annexation requested by Thomas Herb and Norm and Nancy Cook. The request is for Residential Low Mixed Density (RM) zoning upon annexation for Tax Lot 1400 and Residential Low Density (RL) zoning upon annexation

for Tax Lot 2000. The proposed annexation is for a 2.61-acre territory comprised of Tax Lots 1400 and 2000, Assessor's Map 12-2W-23A as well as the adjacent Cascade Drive right-of-way. The property is located at 265 Cascade Drive and directly across Cascade Drive from this address.

City Engineer Dannen reviewed the city's infrastructure and made a correction to "2. Engineering, - Water, under Staff Comments, "The nearest water mains are a 16-inch ~~12-inch~~ main. . ."

City Planner Parker reviewed the proposed findings noting that staff had made an inquiry to the Department of Land Conservation and Development (DLCD) asking whether or not there are any problems or discrepancies with the current annexation procedure regarding the assignment of zoning. The procedure the City has implemented is considered valid and appropriate by the DLCD staff. Mr. Parker corrected Finding #3 of Exhibit "B", Page 1 of 4 of the proposed Ordinance to read, "The proposed annexation complies with City Annexation Policy, Section 3, in that public infrastructure, namely sanitary sewer, improvements ~~are currently under construction~~ have been constructed to comply. . . Staff recommends to the City Council that the annexation and Comp Plan Map determined zoning assignments of Residential Low Density for Tax Lot 2000 and Residential Mixed Density for Tax Lot 1400 be approved and offered the staff report for the record. Mayor Toombs accepted the report for the record.

City Administrator Hitt conducted an informal survey of twelve cities approximately the same size as Lebanon and found that ten cities have, upon annexation, the same zoning assignment procedures as the City of Lebanon. City Planner Parker noted that staff made inquiries to the Planning Directors Association with seven out of nine respondents stating that they do not conduct a separate zone change hearing.

***Mayor Toombs opened the public hearing up to the applicant at 8:28 p.m.***

Brian Vandetta, Licensed Land Surveyor and Civil Engineer, with Udell Engineering spoke on behalf of the applicants and concurred with the findings listed. Mr. Vandetta spoke to the FOLC's reference at the last hearing that the storm drainage was inadequate in this area. Mr. Vandetta noted that Section 7.4 of the City's Drainage Master Plan states that the roadside ditches are adequate in this area. Mr. Vandetta reiterated the need for more residential land within the City of Lebanon addressed in a 1997 study done by the City of Lebanon.

***Mayor Toombs opened the hearing up to anyone in favor of the application. Hearing none, Mayor Toombs opened the hearing up to opponents of the application.***

Jim Just, FOLC, PO Box 113, Lebanon spoke to the growth pattern, public need, existing infrastructure, urban services provided, and Goals 11, 12 and 14 as outlined in his written testimony dated February 26, 2003. Mr. Just felt it was not clear who owns the Cascade Drive right-of-way.

***Mayor Toombs opened the public hearing up to the applicant for rebuttal.***

Mr. Vandetta addressed the right-of-way issue. All deeds that existed prior to the road being dedicated as public right of way, most of the property is dedicated to the County or the public use indefinitely. In his experience annexations often include public right-of-ways to keep the growth orderly.

***Hearing no other comments, Mayor Toombs closed the public hearing at 8:40 p.m.***

Councilor Harrington asked if the property belonging to ODOT and/or Linn County could be annexed. Mr. Parker stated that prior Council actions did annex the property and ODOT and Linn County

received notice and have not stated that the city was encroaching on their property.

City Attorney McHill read the Ordinance by Title.

*After deliberations, a motion was made by Councilor Elliot, seconded by Councilor Harrington, and approved by roll call vote with 5 yeas (Councilor Elliott, Harrington, Miller, Munk, and Simpson) and 1 nay (Councilor Thackaberry) that AN ORDINANCE AFFIRMING THE CITY OF LEBANON'S LAND USE DECISION IN ORDINANCE BILL NO. 34 FOR 2002, ORDINANCE 2321 (HERB/COOK), AND MAKING FURTHER FINDINGS IN SUPPORT OF SUCH DECISION including the amendment to Finding No. 3 (Exhibit "B").*

## **LEGISLATIVE SESSION**

### **4) 5<sup>TH</sup> STREET LID**

City Engineer Dannen briefed Council on the conclusion of the sidewalk construction on 5<sup>th</sup> Street and it being the time to assess the abutting property owners for the construction. The final cost for this LID is \$20,749.44.

City Attorney McHill read the Resolution by title.

*A motion was made by Councilor Thackaberry, seconded by Councilor Miller, and passed unanimously that A RESOLUTION APPROVING THE FINAL COST REPORT FOR THE 5<sup>TH</sup> STREET SIDEWALK LOCAL IMPROVEMENT DISTRICT (LID) PROJECT #00713 be adopted.*

City Attorney McHill read the Resolution by title.

*A motion was made by Councilor Munk, seconded by Councilor Thackaberry, and passed unanimously that A RESOLUTION APPROVING THE PROPOSED FINAL ASSESSMENT ROLL FOR THE 5<sup>TH</sup> STREET SIDEWALK LOCAL IMPROVEMENT DISTRICT (LID) PROJECT #00713 be adopted.*

### **5) MOTORCYCLE TRAFFIC ENFORCEMENT REPORT**

Police Chief Healy and Lieutenant Schulte gave a presentation on the motorcycle traffic enforcement program. A discussion followed regarding the collection rate on fines and the revenues lost to the county and state.

### **6) PRIVATE PARKING**

Police Chief Healy briefed Council on regulating parking on City-owned parking lots.

City Attorney McHill read the Resolution by title.

*A motion was made by Councilor Miller, seconded by Councilor Munk, and passed unanimously that A RESOLUTION REGULATING PARKING ON CITY-OWNED PARKING LOTS be adopted.*

### **7) CONSUMERS POWER FRANCHISE AGREEMENT**

Finance Director Cole briefed Council on the proposed 20-year franchise agreement, with the option to renegotiate after ten years upon proper notification. The estimated increase will provide an additional \$15,000 annually (from 3.5% to 5.94%).

City Attorney McHill read the Ordinance by Title.

*A motion was made by Councilor Munk, seconded by Councilor Thackaberry, and passed unanimously by roll call vote that A BILL FOR AN ORDINANCE GRANTING TO CONSUMERS POWER, INC., A NON-EXCLUSIVE FRANCHISE AND FIXING TERMS, CONDITIONS, AND COMPENSATION OF SUCH FRANCHISE be adopted.*

## **8) NW NATURAL GAS FRANCHISE AGREEMENT**

Finance Director Cole briefed Council on the modification Entek Incorporated made to interruptible tariff schedule for gas service, effective May 2002. The current agreement allows NW Natural Gas to exclude revenues received under this rate schedule from their franchise payment. The proposed agreement removes the exception from the agreement. NW Natural Gas has accepted this proposed change.

City Attorney McHill read the Ordinance by Title.

*A motion was made by Councilor Miller, seconded by Councilor Munk, and passed unanimously by roll call vote that A BILL FOR AN ORDINANCE AMENDING ORDINANCE BILL NO. 1 FOR 2001, ORDINANCE NO. 2274 CONCERNING TERMS, CONDITIONS, AND COMPENSATION FOR A NON-EXCLUSIVE GAS UTILITY FRANCHISE TO NORTHWEST NATURAL GAS COMPANY be adopted.*

## **9) CITY ADMINISTRATOR'S REPORT**

City Administrator Hitt discussed the following:

- City Council Goal Setting – April 2, 2003 – School District Board Room.
- Budget Committee Meetings – May 7 (7:30 p.m.), May 8, 9 and 10 (6:30 p.m.) – School District Board Room.
- Working on a new form to assist in getting public information and the costs involved.
- Staff has had a series of meeting regarding sharing vehicle maintenance with the School District and Fire District to reduce costs.
- The Senior Center has received insurance coverage for the LMS site. However, coverage for the gymnasiums has been difficult due to obtain due to the poor condition of the buildings.
- Inquiries have been received for profit and nonprofit gambling activities. An ordinance will be drafted and presented to Council.
- The new Council binder was reviewed. A page with phone numbers and emails for both Council and senior staff was requested by Councilors Elliott and Munk to insert in the new binders.
- The City will hold a Council meeting the week of Spring Break (March 26, 2003).

## **10) SALARY REVIEW – City Administrator**

Mayor Ken Toombs reminded Council that at their last meeting they came to a consensus that a 2% c of living pay be given to City Administrator Hitt to match the exempt staff's cost of living pay done ... July of 2002.

*A motion was made by Councilor Thackaberry, seconded by Councilor Munk, and passed unanimously to give City Administrator John Hitt a 2% cost of living increase effective as of July 1, 2002.*

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

Jim Just, Friends of Lebanon, presented a report prepared by John Puma and himself regarding taxpayers subsidizing growth. Review of SDC charges were reviewed and calculations were done on the city's data. Transportation Plan, Walden Project and inflation were not taken into account. Their conclusion was that the City is charging 20% of what is needed to recover costs of providing infrastructure. Councilor Munk asked if comparative cities were looked at to see what they were charging. Mr. Just stated, with the exception of Eugene, he had not.

John Brown, 33435 Tennessee Road, questioned whether Councilor Thackaberry had a conflict of interest since he was recently a board member of the FOLC.

Gloria Olson, representing the Friends of Lebanon and FOLC, 236 Airport Road, asked Council to look closely at the process in which land use decisions are made and that the organizations in which she belongs simply ask for higher standards and to work together for the good of the community.

John Brown, 33435 Tennessee Road, discussed the costs of developing a subdivision and how the developer is the one that incurs the costs through SDC charges; the citizens do not pay for the development.

### **ITEMS FROM COUNCIL MEMBERS**

Councilor Simpson informed the Council that there would be a Council Forum at 7:00 p.m. on March 5, 2003 at the Nazarene Church. Annexation issues will be the first item.

Councilor Thackaberry would like to be considered for both the SDC Committee and the Parks Committee.

Mayor Toombs asked Council to come up with a date for the City/County Dinner.

Councilor Thackaberry asked if the cut of money the County receives from the traffic citations goes into General Fund.

**ADJOURNMENT** - Mayor Toombs adjourned the meeting at 10:30 p.m.

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

ATTESTED BY:

\_\_\_\_\_  
John E. Hitt, City Recorder

**MINUTES  
LEBANON CITY COUNCIL  
PROPOSED CITY CHARTER AMENDMENTS**

**February 26, 2003**

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

**Staff Present:** City Administrator John Hitt, City Attorney Tom McHill, Public Works Director Jim Ruef and Administrative Assistant Linda Kaser

City Attorney McHill gave a brief overview of the proposed City Charter amendments, which included the proposed elimination of certain restrictive language, the benefits and drawbacks of retaining the Ward system, and issues of enhancing municipal functions.

The proposed charter does not incorporate the proposed ballot initiative on voter annexation. Therefore, if the proposed City Charter amendment and voter annexation were submitted to the County at the same time and the voters pass the annexation initiative it will need to be incorporated into the proposed Charter.

The principal changes to the proposed City Charter are:

1. The Mayor Has The Right To Vote On All Council Actions.

*Consensus was that the Mayor retains the same voting rights as in the current City Charter with the exception that the Mayor would be allowed to vote on **all issues** resulting in a tie vote, i.e., ordinances and resolutions.*

2. The Ward System Is Maintained With A Few Exceptions.

*Consensus was to not elect at large and to revise Section 7 to read, "six councilors nominated and elected by precinct". Section 32 would be stricken and would remain the same as the current charter.*

3. Immediate Family Members Of A City Staff Council Member Or Seated City Council Member May Serve On The City Council.

*Council agreed to the proposed change.*

4. Change The Requirement To One City Council Meeting Per Month, Instead Of Two.

*Clarification was given that this proposal eliminates the **requirement** to meet at least twice a month. Staff still proposes to have two Council meetings per month. Council agreed with the proposed change.*

5. City Administrator Would Be Required To Review All "Significant Revision Of The City's Organizational Structure Or Staffing . . ." With The Council.

*Council agreed to the proposed change.*

6. No Elected Official May Attempt To Influence The City Administrator In The Appointment Or Removal Of Any Employee.

*The consensus is to work on new language defining the word "influence" better. The consensus was that Council should still have the opportunity to discuss employee issues with the City Administrator. The last sentence in paragraph (f) should be dropped from the proposal.*

7. There Is No Explicit Residency Requirement On The Part Of The City Administrator.

*The consensus is that the City Administrator be required to reside within the City limits.*

The revisions will be brought back to the next City Council meeting on March 12, 2003.

The meeting was adjourned at 7:18 p.m.

Recorded and transcribed by: Admin. Asst. Linda Kaser





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

## LIBRARY ADVISORY BOARD Meeting Minutes February 12, 2003

The Library Advisory Board meeting was called to order at 5:31 p.m. Attending: Glenda Claborn, Nancy Eaton, Shirley Foulds, Jane Hutchings, Carolyn Misa, Tom Stewart, and Library Director Denice Lee.

Meeting was called to order by Vice Chairperson Carolyn Misa.

Minutes of the January 8, 2003 meeting were approved with a correction. Glenda Claborn was not at the meeting as recorded.

### **DIRECTOR'S REPORT:**

**CIRCULATION:** The new automated system is now generating statistics. Circulation for this December was 6,759 compared to 6,366 in December 2001. Our current year-to-date circulation is 46,818 compared to 41,560 for 2001. This is a 12% increase year- to-date.

**VOLUNTEER APPRECIATION:** The library will host the annual Volunteer Appreciation Luncheon at the library on Friday, April 11.

**AUTOMATED SYSTEM MIGRATION:** One of the problems with the new automated system has been resolved. The system is now generating statistics. There continue to be other problems. Albany Public Library is working with Sirsi to overcome these problems. This will be an ongoing process for the near future.

**YA READING PROGRAM:** The YA Reading group is now into the second and final month. They are reading "Stargirl" by Jerry Spinelli. The leader for February is Susan Kirk-Davalt. The group selected a name during their January meetings. They are now "Legendary Literature Young Adult Reading Group".

**ADULT READING PROGRAM:** The winner for the month of January was Frances West. She won a tapestry pillow with a book design in the fabric. Adult patrons read and fill out review slips with a form clipped from the bottom that enters them into a monthly drawing. At the end of the month a winner is drawn. All entries are eligible for the Grand Prize Drawing July 1. Patrons use the written reviews to find good books and to find new authors.

**MISCELLANEOUS:**

The city is starting into the budget process. It looks like a challenging year regarding budget issues.

The library fee structure has been reviewed by the board and staff. The only change for the library is the fee for copies, either photocopies or copies from the printer. The fee is a flat 10 cents per page, with no free copies. This will start February 18.

The old reader printer is still at the library and will be until the issue of a possible trade with the school district for HVACs is decided. If it isn't desirable to the school district, the reader/printer will go to Sweet Home Public Library as planned.

The Scio group, now officially named Library Services for Linn, will be meeting at the Harrisburg Public Library Tuesday, March 4, for the first meeting with the consultants from Matrix Associates. This is the study to determine areas of support for improved library services in Linn County.

The architect for the development of the former LMS site will present his final conceptual drawings to Lebanon City Council, Wednesday, March 26.

**FRIENDS OF THE LIBRARY REPORT**

The Friends reported \$201.30 from the January book sale. Susan Tipton and Denice took the Friends of the Library on a tour of the new Adult Community Center site. Susan showed them the book shelves in the library area and a room they could use for storage. The purpose was to give the Friends a look at the facility as a possible site for Friends book sales. Shirley reported the Friends reaction to the tour was positive, and they felt like the facility would function well as a site for the Friends Book Sale.

**NEW BUSINESS:**

**PARENTAL SUPERVISION:** The Library Director brought sample parental supervision policies from several libraries for the board to read and review for our next meeting.

**ADJOURNMENT:** The meeting was adjourned at 6:17 p.m.

**NEXT MEETING: March 12, 2003**  
**853 Main Street**  
**5:30 p.m. – 6:30 p.m.**

Lebanon Tourism Commission  
February 3, 2003  
Regular Monthly Meeting  
12 Noon at Santiam Travel Station

Members Present: Peggy Christopherson, Mel Harrington, Ray Watts,  
and Virginia Franklin

Visitors Present: Sally Skaggs, Carol Sedlacek, and John Hitt

After Chairperson Peggy Christopherson called the meeting to order, the minutes of the previous meeting, January 6th, were read and accepted.

Sally Skaggs, co-ordinator for the benefit, Art in the Park, which is sponsored by Habitat for Humanity, made a presentation. She announced the event would be July 25 and 26, 2003 in River Park. Because this is the first year for the art sale, Sally's goal is to have 40 booths set-up in the park. Each booth can sell juried art from at least one artist but not more than three artists. Booth fees are \$100 for the two-day event. Local churches that support Habitat for Humanity will sell food in the park during the event. In addition, children's art will be on display in the park. Sally requested help in planning the benefit - by volunteering and by assisting her with names of artists and entertainers. She, also, gave each LTC member an application to give to an artist that he/she knows.

Peggy announced that the Quilt Show is tentatively planned for July 25 and 26, 2003 at Saint Martin's.

Under old business, she reported that she is updating the list of Lebanon eateries before it is to be printed.

Ray Watts showed the Restaurant Recommendation Post Card model that he created. He is going to ask restaurant owners where the post cards are going to be available if they will supply the postage. Ray is still waiting to learn what the lodging requirements are in order for motels to be listed in AAA publications.

Carol Sedlacek is going to invite people involved in tourism in Astoria to come and speak at the April meeting. In addition, she suggested as a fundraiser to sell calendars with historic pictures of Lebanon on it.

Because Carol is interested in being a member of the Lebanon Tourism Commission, she will be writing a letter of application to Mayor Ken Toombs.

Virginia Franklin provided each in attendance articles about tourism - "Dial Langley for Murder" and "Tax would sell Oregon to world." A brief discussion about them followed.

Mel Harrington informed all that work is beginning on the Santiam Travel Station. Porta-potties will be available to the workers so they will not need to be in the lobby of the station.

Before adjourning the meeting at 1:10 p.m., Peggy reminded the members of the special meeting, February 10th.

Virginia Franklin  
Recording Secretary




## CITY OF LEBANON

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# MEMORANDUM

**TO:** Jim Ruef, Public Works Director      **DATE:** 3/5/2003

**FROM:** Rodney Sell,   
Maintenance Services  
Division Manager

**SUBJECT:** Arbor Week Celebrations, April 6<sup>th</sup> to the 11<sup>th</sup>, 2003

---

### ARBOR WEEK CELEBRATION APRIL 6-12, 2003

Preparations continue for the City of Lebanon's, 2<sup>nd</sup> Annual Arbor Day Celebration. The Parks Committee/Tree Board has expanded the celebration to include several events that will occur throughout Arbor Week, April 6 – 12, 2003.

Several local businesses and organizations are volunteering labor, materials, or services to the week long event. These groups include; Green Thumb Garden Center, Lebanon Rotary Club, Lebanon Shop-N-Cart, The Oregon Department of Forestry, Pacific Power and Light, Roll'n Donuts, St Edwards Catholic Church, Vogt's Nursery, and Wiggins Tree Service.

Lebanon Rotary Club continues to meet with the Parks Committee/Tree Board and actively participate in the pre-planning of the Arbor Day Celebration. They have recruited the services of a Landscape Architect to begin the development of a Landscape Plan for the former Middle School property with a goal of presenting the plan for Council approval within the next few months. A professional landscape plan will aid in developing the area into a safe, beautiful and inviting public park for current and future generations to enjoy.

Preliminary plans include a kick-off event in Century Park on Tuesday, April 8<sup>th</sup> from 3:00-5:00 p.m. The Lebanon Boys and Girls Club is sponsoring the event with plans of over 150 boys and girls from the club participating in the planting of five to ten trees. Paul Ries, the Program Manager for the Oregon Department of Forestry's, Forestry Assistance Program is the guest speaker. Paul will present information that relates to the young audience and to our Urban Forest. After the trees are planted, refreshments will be provided at the Century Park picnic shelter.

Possibly our largest Arbor Day celebration will take place on Friday, April 11<sup>th</sup> at the former Lebanon Middle School property. An announcement heralding the City of Lebanon's recognition as a "Tree City USA" is tentatively scheduled to highlight the celebration. The Lebanon Pioneer School's Choir will begin the event by singing "Trees for America" followed by our guest speaker Paul Ries and Kristen Ramstad from the Oregon Department of Forestry.

During the weeks preceding Arbor Week several activities will take place to prepare event areas for scheduled celebrations.

Pacific Power and Light has donated one tree trimming crew with a high lift bucket truck for one day to improve the health of existing trees at the former middle school site. The Oregon Department of Forestry and Wiggins Tree Service have investigated the health of each of the 39 trees at the site and have made recommendations for PP&L's tree trimming crews to follow. This includes saving two trees that were scheduled for removal by turning them into wildlife habitat trees. As a precaution existing benches will be removed from this area and permanently reinstalled a safe distance away from the trees.

Areas where trees are to be planted at Century Park and Booth Park will be prepared prior to the official day of planting.

The time and location for the next Parks Committee/Tree Board meeting is Tuesday, March 18<sup>th</sup> at 5:15 p.m. at the Community Development Center conference room. The main agenda item will be further planning of the Arbor Week Celebrations.

# *Appointment(s)*

BUDGET COMMITTEE APPOINTMENTS/  
CONFIRMATIONS (Fiscal Year 2003/04)



CITY OF LEBANON

MEMORANDUM

TO: City Councilors

DATE: March 7, 2003

FROM: Mayor Toombs

SUBJECT: Re: Budget Committee Appointments/Confirmations

Please find attached the proposed Budget Committee appointments and re-appointments for FY 2003-2004.

I have opted to present the entire Budget Committee slate for your review due to the uncertainty in the last several years caused by:

1. Some appointees designated to fill the unexpired terms of others were assigned the incorrect term expiration dates.
2. One or more Wards have had unfilled Citizen Representative vacancies.
3. One Ward was over-represented and hence there were no clear unexpired or new terms for those Citizen Representatives to fill.
4. One former Citizen Representative has been elected to the City Council.
5. The former Chairman is now a Councilor and a former Councilor is now a Chairman.
6. Some Citizen Representatives in the past had not been assigned to 3-year terms as required by ORS 294.

In light of the above, it seemed an appropriate time to accomplish the following:

1. Give all Wards equal Citizen Representation.
2. Give all Wards equivalent term expiration dates so that the Mayor, every two years, has the opportunity to appoint or re-appoint at least three Citizen Representatives.

I solicit your understanding and support in my desire to clarify the appropriate Ward positions and terms for all Budget Committee members.

KIT/tat



# BUDGET COMMITTEE

<u>Citizen</u>	<u>Term Expires</u>	<u>Councilor</u>	<u>Term Expires</u>
----------------	---------------------	------------------	---------------------

## WARD I

Carl Schlegelmann 2796 S. Main Road Sp # 77 259-3609 (home)	12/31/04	Roger Munk 325 W. Cedar Drive 259-2617 (home) 451-1144 (work)	12/31/04
Stan Usinger 890 Sunflower 451-4975 (home)	12/31/05	Scott Simpson 745 West D Street 258-2466 (Home)	12/31/06

## WARD II

Ella Garboden 412 Park Street 259-1394 (home)	12/31/04	Mel Harrington 481 Main Street 259-1065 (home)	12/31/04
Floyd Fisher 170 S. 2nd Street 259-1617 (home)	12/31/05	Dan Thackaberry 471 Hiatt Street 259-2341 (home)	12/31/06

## WARD III

Barry Scott 1620 Airway Rd. 258-5675 (home)	12/31/04	Ron Miller 1115 Franklin Street 451-3257 (home) 451-8818 (work)	12/31/04
Mike Lee 1140 Franklin St. 451-4190 (home)	12/31/05	Bob Elliott 795 Binshadler Street 258-5593 (home)	12/31/06

## MAYOR/CHAIRMAN

Ken Toombs 1299 Franklin Street 258-7825 (home) 451-1477 (work)	12/31/04
--	----------

Revised and approved: March 12, 2003

# *Presentation*

LEBANON COMMUNITY FOUNDATION  
PACKET UPDATE

Presented by: Warren Beeson

# *Proclamation(s)*

CHILD ABUSE PREVENTION MONTH (APRIL)

- ARBOR DAY CELEBRATION

# CHILD ABUSE PREVENTION MONTH PROCLAMATION

*Whereas, child abuse is a community problem and effective prevention programs succeed through partnerships of community groups that help support parents to provide a safe and nurturing environment; and*

*Whereas, approximately 3 million children are reported abused and neglected in this country each year. In Oregon, there were 8,232 victims of child abuse/neglect in 2001; and*

*Whereas, over 3 children die each day in our nation as a result of child abuse/neglect. In Oregon 8 children died as a result of child abuse or neglect in 2001; and*

*Whereas, the effects of child abuse are felt by whole communities and need to be addressed by the whole community.*

*By this proclamation we urge spiritual leaders to create an opportunity in April to raise awareness in your spiritual community about child abuse prevention; and look for ways to increase support of families in your congregation. We urge community organizations to take the lead in organizing a project to help prevent child abuse in your community; donate money or time to projects that will help prevent child abuse. We urge the citizens of our community to give parents you know a break. Offer to care for their children for a little while so the parents can rest and report suspected abuse or neglect to police or social services.*

*Now, Therefore, I, Kenneth I. Toombs on this 12<sup>th</sup> day of March, 2003, do hereby proclaim April as "Child Abuse Prevention Month" and April 2<sup>nd</sup> as the "Day of Hope" in our community. We call upon all citizens, community agencies, religious organizations, medical facilities, and businesses to increase their participation in our efforts to prevent child abuse, thereby strengthening the communities in which we live.*



---

Kenneth I. Toombs, Mayor of Lebanon



*Whereas,* In 1872 J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and  
*Whereas,* this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and  
*Whereas,* 2003 is the 131<sup>th</sup> anniversary of the holiday and Arbor Day is now observed throughout the nation and the world, and  
*Whereas,* trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and provide habitat for wildlife, and  
*Whereas,* trees are a renewable resource giving us paper, wood for our homes, fuel for our fires, and beautify our community, and  
*Whereas,* trees, wherever they are planted, are a source of joy and spiritual renewal.

*Now, Therefore,* I, **Kenneth Toombs**, Mayor of the

City of Lebanon, do hereby proclaim

**April 11, 2003**, as the 131th anniversary celebration of



## **Arbor Day**

in the **City of Lebanon**, and I urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, and

*Further,* I urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

**Dated this** \_\_\_\_\_ **day of** \_\_\_\_\_ **2003**

Mayor \_\_\_\_\_

# Agenda Item 1



CAX

**CITY OF LEBANON**  
**PUBLIC WORKS DEPARTMENT**  
**MEMORANDUM**

---

**TO:** Jim Ruef, Public Works Director

**DATE:** March 3, 2003

**FROM:** Doug Parker, City Planner *DP*

**SUBJECT:** Annexation and Zoning of Property

On January 15, 2003 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 3.50 acre annexation territory comprised of Tax Lot 1700, Assessor's Map 12-2W- 23D. This property, developed with a single family dwelling, is located on the west side of Highway 20 (north of Crowfoot Road) at 3980 South Santiam Highway. File # A-02-07.

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 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 March, 2003.

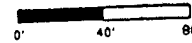
\_\_\_\_\_  
Ken Toombs, Mayor [   ]  
Ron Miller, Council President [   ]

ATTEST:

\_\_\_\_\_  
John E. Hitt, City Recorder

# PROPOSED ANNEXATION FC SCHWINDT AND SHARON R. BORMANN

SE 1/4 SEC. 23, T. 12 S., R. 2 W., W.M.  
LINN COUNTY, OREGON  
DECEMBER 3, 2002



### LEGEND

- MONUMENT OF RECORD AS NOTED
- FD FOUND
- C.S. COUNTY SURVEY
- ( ) DATA OF RECORD
- ( ) REFERENCE SURVEY: C.S. 1634, C.S. 3021, C.S. 9005, C.S. 22848
- [ ] CALCULATED DATA
- IR IRON ROD
- IP IRON PIPE

### PROPERTY:

125-2W-23D  
TAXLOT 1700  
3980 S. SANTIAM HWY  
LEBANON, OR 97355

### OWNERS:

F C SCHWINDT  
SHARON R BORMANN  
774 E OAK ST  
LEBANON, OREGON 97355

### LEGAL DESCRIPTION:

AN AREA OF LAND IN SECTION 23 OF TOWNSHIP 12 SOUTH OF RANGE 2 WEST OF THE WILLAMETTE MERIDIAN, LINN COUNTY, OREGON DESCRIBED AS FOLLOWS:

THE LAND DESCRIBED IN LINN COUNTY DEED REFERENCE MICROFILM VOLUME 1021- PAGE 300 MORE PARTICULARLY DESCRIBES AS FOLLOWS:

BEGINNING AT A 5/8" IRON ROD WHICH BEARS NORTH 0°34' EAST 366.63 FEET AND SOUTH 89°04' EAST 241.5 FEET FROM THE SOUTHEAST CORNER OF THE WEST 1/2 OF THE DONATION LAND CLAIM OF RICHMOND CHEADLE NO. 69 IN TOWNSHIP 12 SOUTH OF RANGE 2 WEST (MP 1021-300); THENCE NORTH 1°00'00" EAST 219.48 FEET TO A 3/4" IRON PIPE; THENCE NORTH 42°18'00" EAST 315.14 FEET TO A 1/2" IRON PIPE ON THE SOUTHWEST RIGHT-OF-WAY OF U.S. HIGHWAY NO. 20; THENCE SOUTH 47°42'00" EAST 373.17 FEET ALONG SAID RIGHT-OF-WAY TO A POINT; THENCE SOUTH 27°48'05" WEST 234.72 FEET TO A POINT; THENCE NORTH 89°04'00" WEST 382.51 FEET TO THE POINT OF BEGINNING.



OWNED BY  
8072 1368  
**JAMES F. UDELL**  
ENGINEERING & SURVEYING  
63 EAST ASH ST.  
LEBANON, OREGON  
97355  
PH. (541) 451-5125  
FAX (541) 451-1366

STURTEVANT  
SUBDIVISION

POINT OF BEGINNING  
CITY OF LEBANON ANNEXATION  
ORDINANCE No. 1456

CURRENT CITY LIMITS PER  
CITY OF LEBANON  
ORDINANCE No. 1456

(1/2" I.P.)  
C.S. 1634

{22.08'}

{80'  
C.S. 9005

{100'  
R.R. R/W

CURRENT CITY LIMITS PER CITY OF LEBANON ORDINANCE No. 2260

U.S. HIGHWAY 20

(547°42'00"E 690.0') C.S. 1634

{687.92' PER C.S. 22888

ANNEXATION AREA

3.50 acres

N42°18'00"E 315.14'

S47°42'00"E 373.17'

(1/2" I.P.)  
C.S. 1634

(MON 00'00"E 219.48') C.S. 1634

POINT OF BEGINNING  
N 0°34' E 366.63' AND  
S 89°04' E 241.5' FROM  
THE SE CORNER OF THE  
WEST 1/2 RICHMOND  
CHEADLE DLC No. 69

N89°04'00"W 382.51'

(S89°04'00"E 726.36')  
C.S. 1634

N89°04'00"W 343.65'

S27°48'05"W 234.72'

S47°42'00"E 315.82'

(1/2" I.P.)  
C.S. 1634

T125-R2W-23D,  
TAX LOT 1700

ANNEXATION MAP AND LEGAL DESCRIPTION

EXHIBIT "A"

FILE # A-02-017

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

**NATURE OF REQUEST:** Annexation of a 3.50-acre territory comprised of a single parcel containing a single-family dwelling.

**APPLICANT:** F.C. Schwindt and Sharon R. Borman

**PROPERTY LOCATION:** Located on the west side of Highway 20 (north of Crowfoot Road) at 3980 South Santiam Highway. Assessor's Map 12-2W-23D, Tax Lot 1700.

**ZONE DESIGNATION:** Residential Mixed Density (upon annexation)

**COMP PLAN DESIGNATION:** Mixed-Density Residential

**STAFF REPORT TABLE OF CONTENTS**

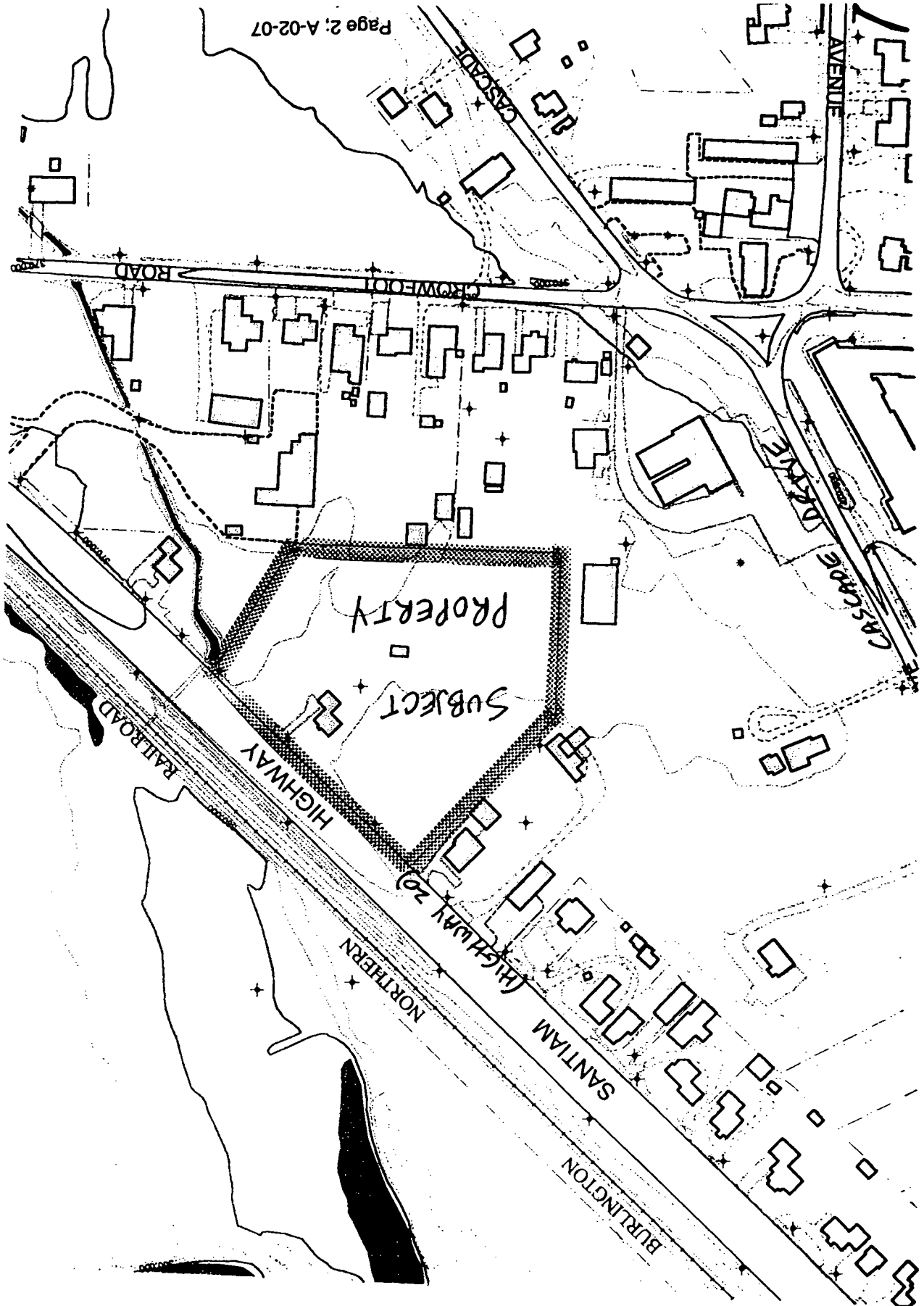
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**INTRODUCTION**

The applicant proposes to annex this property into the city in support of future residential development. The applicant has submitted a conceptual development plan that indicates the property could be developed with 12 duplex lots. Although no city services are currently available to serve this property, a 12-inch sewer line is currently being designed (and will be constructed this summer to serve the Cheadle Lake properties on the east side of Highway 20) that will cross this property from Cascade Drive while being extended to the east side of Highway 20. Consequently, sewer service to this site is scheduled to be available this summer. Additional plans are underway to extend water service down Highway 20 to the Cheadle Lake site which could be extended westward across Highway 20 to serve this site- unlike the sewer line extension, the water line extension does not have a definitive timeline. Storm drainage is available at the drainageway abutting the south property line which flows under Highway 20 on its way to Cheadle Lake.

Attachment "A" is a narrative addressing the annexation criteria submitted by the applicant. Attachment "B" is a letter from the Lebanon Community Foundation (the group developing the Strawberry Festival Site in the Cheadle Lake properties on the east side of Highway 20) indicating their plans to extend the sewer line through the subject property this

24C



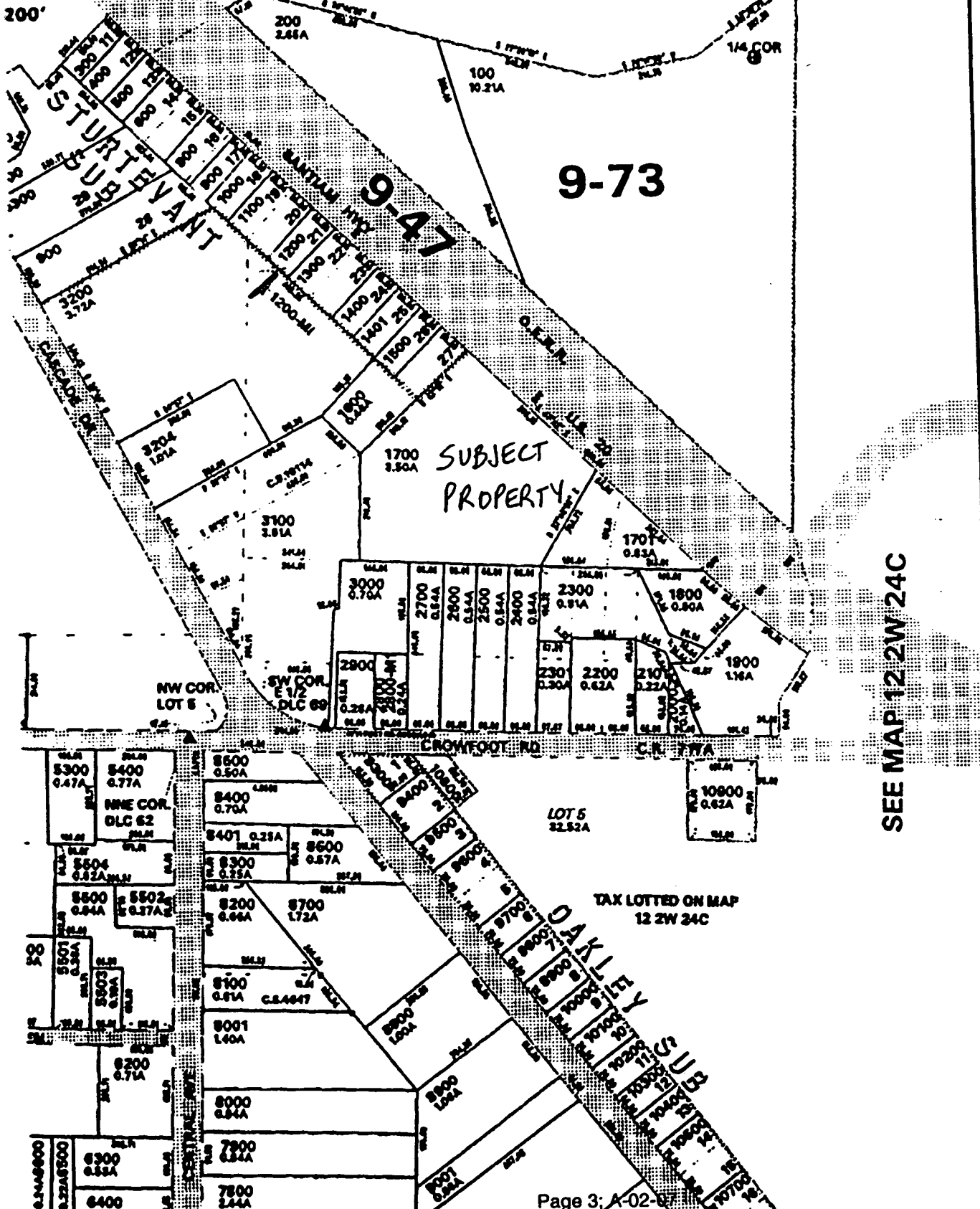
# ASSESSOR'S MAP

T12S-R2W-23D

28. R. 02W. W.M.  
Y. OREGON

SEE MAP 12 2W 23A

12 2W 23D  
LEBANON



SEE MAP 12 2W 24C

construction season (2003) and their intent to extend a waterline to their site (which could be extended across Highway 20 to serve the subject property).

### **SITE DESCRIPTION**

The subject property or annexation territory consists of a single parcel, 3.5 acres in size, that is developed with a single family dwelling and a shed. The site is a flat, open field with low cut grass, a few scattered trees and a pile of tree stumps near the shed. The area immediately surrounding the house is landscaped and there is a fenced children's play area behind the house. Access for this property is from Highway 20 which abuts the front property line. A drainageway from the south crosses under the highway at the southeast corner of the property. The site is contiguous to city limits at the northeast corner of the property.

Surrounding land uses include the Cheadle Lake abutting properties on the east side of Highway 20, single family dwellings to the northwest, west, south and southeast, a church to the southwest abutting Cascade Drive, and a shop building to the south. None of the surrounding properties on the west side of Highway 20 are within city limits.

### **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:**

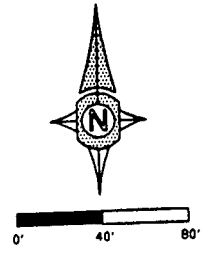
- A. The legal description and a map describing the entire annexation area have been submitted and are included in this report.

#### **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** – Highway 20 is adjacent to the northeast boundary of the site. Existing highway features include four travel lanes, a center turn lane, and curbs. Future development of the site will be subject to ODOT access management requirements. In addition, a local street connection to Cascade Drive may be required.
- B. **Water** - The nearest water mains are a 16-inch main on Highway 20 southeast of Truman Street and an 8-inch main on Market Street. An extension of the 16-inch main on the highway will likely be required for future site development. Connection to a new city water main will also involve costs for service lines, meters, plumbing permit fees, and a water system development charge.

PROPOSED ANNEXATION  
**FC SCHWINDT AND  
 SHARON R. BORMANN**  
 SE 1/4 SEC. 23, T. 12 S., R. 2 W., W.M.  
 LINN COUNTY, OREGON  
 DECEMBER 3, 2002



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  - IR IRON ROD
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**PROPERTY:**  
 125-2W-230  
 TAXLOT 1700  
 3980 S. SANTIAM HWY  
 LEBANON, OR 97355

**OWNERS:**  
 F C SCHWINDT  
 SHARON R BORMANN  
 774 E OAK ST  
 LEBANON, OREGON 97355

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REGISTERED  
 PROFESSIONAL  
 LAND SURVEYOR  
*Jim Udell*  
 OREGON  
 September 23, 1977  
**JIM UDELL**  
 1366  
 EXPIRES 08-30-2004

ORDER  
 8072 SURVEY  
 1386  
**JAMES F. UDELL**  
 ENGINEERING & SURVEYING  
 63 EAST ASH ST.  
 LEBANON, OREGON  
 97355  
 PH. (541) 451-5125  
 FAX (541) 451-1366

T125-2W-230,  
 TAX LOT 1700

STURLEVANT  
 SUBDIVISION

POINT OF BEGINNING  
 CITY OF LEBANON ANNEXATION  
 ORDINANCE No. 1456

CURRENT CITY LIMITS PER  
 CITY OF LEBANON  
 ORDINANCE No. 1456

CURRENT CITY LIMITS PER CITY OF LEBANON ORDINANCE No. 2280  
 U.S. HIGHWAY 20

ANNEXATION AREA  
 3.50 acres

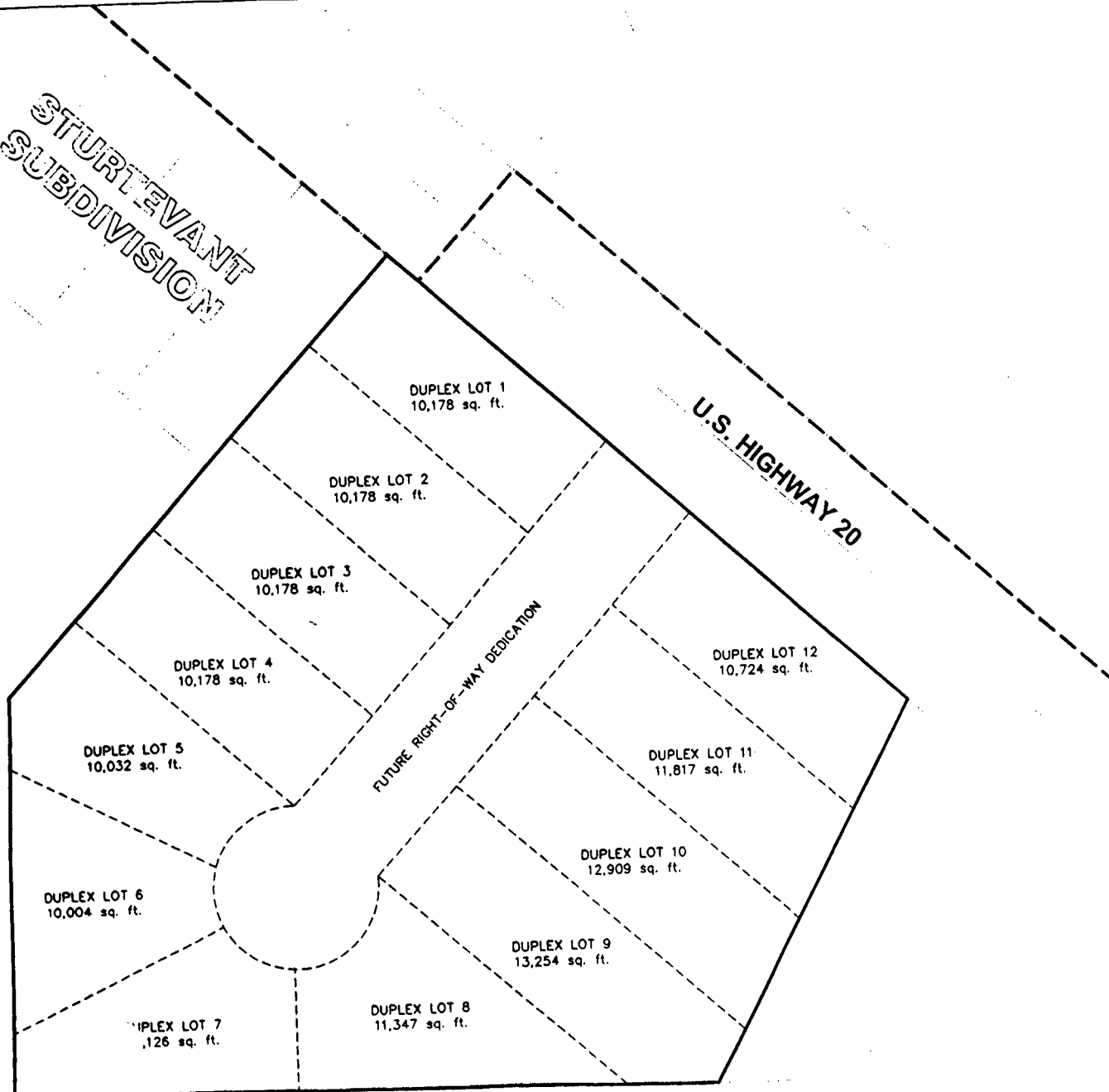
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 CHEADLE DLC No. 69

Page 5; A-02-07

ANNEXATION MAP AND LEGAL DESCRIPTION FILE # A-02-07

STURTEVANT  
SUBDIVISION

Page 6: A-02-07



DUPLEX LOT 1  
10,178 sq. ft.

DUPLEX LOT 2  
10,178 sq. ft.

DUPLEX LOT 3  
10,178 sq. ft.

DUPLEX LOT 4  
10,178 sq. ft.

DUPLEX LOT 5  
10,032 sq. ft.

DUPLEX LOT 6  
10,004 sq. ft.

DUPLEX LOT 7  
10,126 sq. ft.

DUPLEX LOT 8  
11,347 sq. ft.

DUPLEX LOT 9  
13,254 sq. ft.

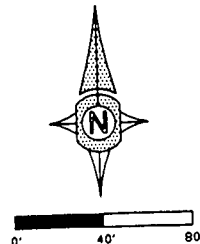
DUPLEX LOT 10  
12,909 sq. ft.

DUPLEX LOT 11  
11,817 sq. ft.

DUPLEX LOT 12  
10,724 sq. ft.

U.S. HIGHWAY 20

FUTURE RIGHT-OF-WAY DEDICATION



POSSIBLE FUTURE DEVELOPMENT PLAN  
**FC SCHWINDT AND  
 SHARON R. BORMANN**  
 SE 1/4 SEC. 23, T. 12 S., R. 2 W., W.M.  
 LINN COUNTY, OREGON  
 DECEMBER 3, 2002

PROPERTY:  
 125-2W-230  
 TAXLOT 1700  
 3980 S. SANTIAM HWY  
 LEBANON, OR 97355

OWNERS:  
 F C SCHWINDT  
 SHARON R BORMANN  
 774 E OAK ST  
 LEBANON, OREGON 97355

CONCEPTUAL DEVELOPMENT PLAN

DRAWN 8072  
 CHECKED 1366  
**JAMES F. UDELL**  
 ENGINEERING & SURVEYING  
 63 ASH ST.  
 LEE OREGON  
 97355  
 PH. (541) 451-5125



C. Drainage – Highway 20 has a 15-inch storm main which is available to serve the site subject to ODOT requirements. There is also an open ditch drainage channel near the southeast property line. 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 12-inch main on Cascade Drive that terminates at 7 Oak School. A new 12-inch main providing service to the Cheadle Lake Development site is planned to extend through the subject property to the main on Cascade Drive. The Cascade Drive sewer 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 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.*

### **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, the City Development Review Team (comprised of the City Administrator, Public Works Director, Community Development Manager, City Engineer, Special Projects Manager, Building Official (AIC) and Fire Marshal) 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 without over burdening such services. Design is currently underway to construct a new 12" public sewer line along the northwest property line for the Lebanon Community Foundation's Cheadle Lake Project across Highway 20 directly east of the subject property. This line is adequate to provide sewer service to the subject property. Water can be made available by extending an existing 16" line along the highway from near Market Street. This water extension is consistent with the City's Master Plan for the water system. Storm drainage is also available via the ODOT system in Highway 20 adjacent to the property. It is ODOT's policy to allow property fronting the Highway to drain into their system with onsite detention and water quality provided.

### **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 currently adequate existing right-of-way is provided by the Highway 20 right-of-way that runs along the eastern side of the property. The current ODOT Highway 20 right-of-way is adequate for safe and efficient movement of vehicular traffic, bicycles, and pedestrians adjacent to the subject property. Since the current proposal is an annexation proposal and not a proposal of development, additional public right-of-way may 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

**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 are currently being designed (new public sewer line that will be extended through the subject property to serve the Cheadle Lake properties to the east) and additional public improvements will be provided as the property actually develops. Recent case law dictates that such public infrastructure improvements cannot be required prior to 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 property currently has a Comprehensive Plan designation of 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 zoning designation for the subject property. Duplexes are an administrative review approved use in the RM zone.

**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 for lots that can be developed to support new housing creation, especially for the housing option that duplexes represent. It is in the public interest to use this land efficiently, as would be the case if allowable housing densities are increased on the subject property by annexation and city zoning options. Annexation of this property allows for infill and redevelopment potential. It is in the best interest of the public to annex such areas to allow for increased tax base revenue and consistent development of city services.

**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:

- The proposed Annexation is within the City's Urban Growth Boundary.
- A public need exists for lots that can be developed to support new housing creation, especially duplex rental opportunities.
- A public need exists to provide areas for housing of greater density that create less impact on the availability of land.
- Annexation of this property allows for infill and redevelopment potential.
- It is in the public interest to use this land efficiently, as would be the case if allowable housing densities are increased (through city zoning assignment) on the subject property.
- It is in the best interest of the public to annex such areas to allow for increased tax base revenue and consistent development of city services.
- Since potable water, sanitary sewer and storm drainage services (via extensions from existing services) are available and are adequately sized to provide for the subject property this annexation would be within City service capabilities.
- Furthermore, since the annexation area is very miniscule in comparison with the size of the City and its infrastructure capacities, this will have a minimal to negligible impact upon City services.
- Currently adequate existing right of way is provided by the Highway 20 right of way that runs along the eastern side of the property. This ODOT right of way provides for safe and efficient movement of vehicular traffic, bicycles, and pedestrians.

**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) in that the applicant has submitted a conceptual development plan indicating how the property can be and is intended to be developed with duplex housing units. Any subsequent developments or redevelopment of this property will be subject to the requirements of the Mixed-Density Residential zone and other applicable provisions of the Lebanon Land Development Code and Comprehensive Plan.

**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. Since the annexation area is very miniscule in comparison with the size of the City and its infrastructure capacities, this will have a minimal to negligible impact upon City services.

**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 zoning designation for the subject property.

# **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 such as water and sanitary sewer can be made available to the subject property without over burdening them. Design is currently underway to construct a new 12 inch public sewer line along the Northwest property line for the Lebanon Community Foundations Cheadle Lake Project. This line is adequate to provide sewer service to this property. Water can be made available by extending an existing 16" line along the highway from near Market Street. This water line extension is consistent with the City of Lebanon's Master Planning for the water system.**

**Storm Drainage is also available via the ODOT System in Highway 20 adjacent to the property. It is ODOT's policy to allow property fronting the Highway to drain into their system with onsite detention and water quality provided.**

*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.*

The subject property fronts Highway 20, which has adequate right-of-way for safe efficient vehicular, bicycle, and pedestrian traffic. The current ODOT right-of-way is 80 feet in width adjacent to this property. Any future land development of this property may involve new right-of-way dedication to meet City of Lebanon Standards.

*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 city services exist on the subject property and therefore no need for improvements exist.

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

The proposed annexation is requesting a zoning designation of Residential Mixed Density which is consistent with the City of Lebanon's Comprehensive Plan Zoning Designation for the subject property.

*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.*

Annexation of the subject land is in the best interest of the public in that it allows population growth to be housed in an area of greater density, this creating less impact on availability of land.



ATTACHMENT "B"

January 3, 2003

F.C. (Red) Schwindt  
774 E. Oak St.  
Lebanon, Or. 97355

Re: Extension of City Services to the Cheadle Lake Development Site

Dear Red;

The Lebanon Community Foundation is currently preparing construction documents to construct the City of Lebanon Sanitary Sewer line across your property to serve the Cheadle Lake Development site as well as the remainder of the property in the City of Lebanon Urban Growth boundary which lies North of the Santiam Highway and South of the canal. The construction of the sewer line is scheduled to take place in the construction season of the year 2003. In addition to extending City sewer to the site we are currently working on gathering funding and planning for the extension of a public waterline to the site. This would allow your property on the South side of Highway 20 public water access from the North side of Highway 20. It is the intent of the Lebanon Community Foundation to have this water to our site in the near future as we are limited in our developments until we have public water.

Sincerely,



Ron Passmore

Lebanon Community Foundation

# Agenda Item 2



*juw*

**CITY OF LEBANON  
PUBLIC WORKS DEPARTMENT  
MEMORANDUM**

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

**DATE:** March 3, 2003

On January 15, 2003 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 2.19 acre annexation territory comprised of Tax Lots 6400, 6600, 6699 and 6899; Assessor's Map 12-2W- 22A. This property, comprised of two buildable parcels with each containing a single family dwelling, is located on the west side of South Main Road (north of Vaughn Lane) at 3140 South Main Road and 85 Liberty Lane. File # A-02-08.

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 )  
 UPON THE WRITTEN CONSENT FILED WITH )  
 THE CITY COUNCIL BY LANDOWNERS IN )  
 SAID AREA PURSUANT TO ORS 222.120 AND )  
 ORS 222.170 )

ORDINANCE BILL NO. \_\_\_\_  
 for 2003

ORDINANCE NO. \_\_\_\_\_

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.

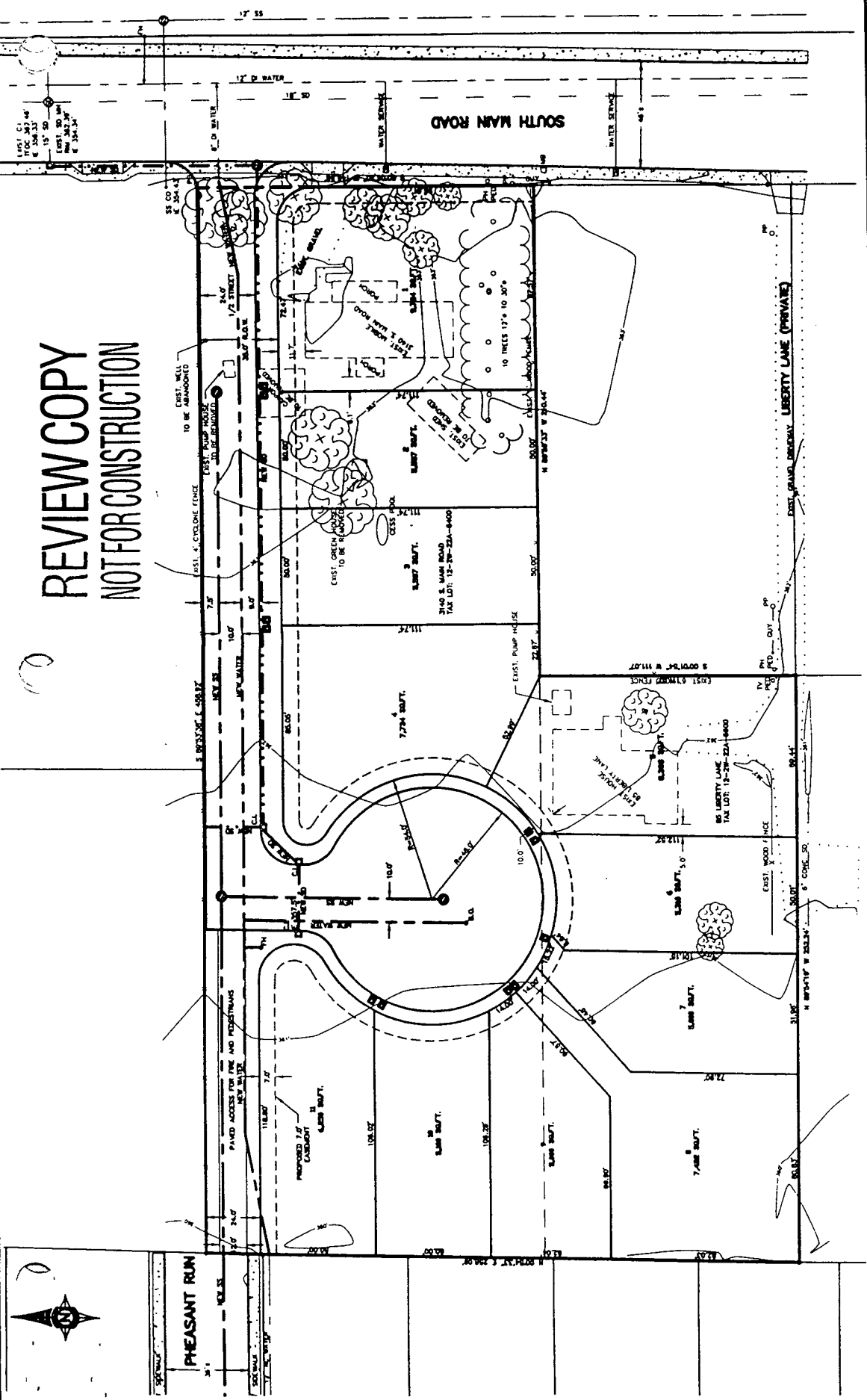
Passed by the Council by a vote of \_\_\_\_\_ for and \_\_\_\_\_ against and approved by the Mayor this \_\_\_\_\_ of March, 2003.

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

ATTEST:

\_\_\_\_\_  
John E. Hitt, City Recorder

REVIEW COPY  
NOT FOR CONSTRUCTION



DEVELOPMENT  
PLAN



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.*

**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, the City Development Review Team (comprised of the City Administrator, Public Works Director, Community Development Manager, City Engineer, Special Projects Manager, Building Official (AIC) and Fire Marshal) 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 12" water main is available at the east end of Pheasant Run and in South Main. Sanitary sewer is available by extending a new public mainline from Quail Place via Pheasant Run or by extending a line from South Main Road. Storm drainage is available from the existing system in South Main Road. All of these services are adequately sized to provide for the subject property.

**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 currently adequate existing right of way is provided by the South Main Road right of way that runs along the eastern side of the property. The South Main Road right of way has city standard width and provides for safe and efficient movement of vehicular traffic, bicycles, and pedestrians. Since the current proposal is an annexation proposal and not a proposal of development, additional 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



**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 substantial public infrastructure improvements are already in place along South Main Road with additional utility extensions and public improvements being 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 property currently has a Comprehensive Plan designation of 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 zoning designation for the subject property. The proposed subdivision plan conforms to the standards of the RM zone.

**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 for lots that can be developed to support new housing creation, and in such a manner as to provide areas for housing of greater density that create less impact on the availability of land. It is in the public interest to use this land efficiently, as would be the case if allowable housing densities are increased on the subject property. Annexation of this property allows for infill and redevelopment potential. Furthermore, given the fact that the area is surrounded on three sides by property within the City limits, it is in the best interest of the public to annex such areas to allow for continuous and defined city borders, increased tax base revenue and consistent development of city services.

**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 west 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:

- The proposed Annexation is within the City's Urban Growth Boundary.
- A public need exists for lots that can be developed to support new housing creation.
- A public need exists to provide areas for housing of greater density that create less impact on the availability of land.
- Annexation of this property allows for infill and redevelopment potential.
- It is in the public interest to use this land efficiently, as would be the case if allowable housing densities are increased on the subject property.
- Since the areas immediately to the east, north and west of the subject property are within the City limits this annexation would be an orderly and efficient expansion of City limits within City service capabilities.
- Given the fact that the area is surrounded on three sides by property within the City limits, it is in the best interest of the public to annex such areas to allow for continuous and defined city borders, increased tax base revenue and consistent development of city services.
- Since potable water, sanitary sewer and storm drainage services (via extensions from nearby existing services) are available and are adequately sized to provide for the subject property this annexation would be within City service capabilities.
- Furthermore, since the annexation area is very miniscule in comparison with the size of the City and its infrastructure capacities, this will have a minimal to negligible impact upon City services.
- Currently adequate existing right of way is provided by the South Main Road right of way that runs along the eastern side of the property, and limited access from Pheasant Run at the northwest corner of the property providing for safe and efficient movement of vehicular traffic, bicycles, and pedestrians.

**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) in that a proposed subdivision plan has been included with the annexation materials. The proposed subdivision conforms to the standards of the Lebanon Land Development Code and Comprehensive Plan. The actual approval of the proposed subdivision will require a subdivision application and public hearing review. Any subsequent developments or redevelopment of this property will be subject to the requirements of the Mixed-Density Residential zone and other applicable provisions of the Lebanon Land Development Code and Comprehensive Plan.

**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 zoning designation for the subject property.

# **JAMES F. UDELL**

## **UDELL ENGINEERING & SURVEYING**

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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 Service are available to the subject property as follows:**

**Water:** A 12" watermain is available at the East end of Pheasant Run and in South Main.

**Sanitary Sewer:** Sanitary sewer is available by extending a new public mainline from Quail Place via Pheasant run.

**Storm Drainage:** Storm drainage is available from the existing system in South Main.

**All three of the above services are adequately sized to provide for the subject property.**

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

**Public right-of-ways exist along the East frontage of the property and at the Northwest corner of the property. Both right-of-ways are city standard widths and provide for safe and efficient movement of traffic, bicycles, and pedestrians. Any future development of this property will require right-of-way dedications with no obligation to the City of Lebanon.**

*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.*

**The subject property contains no urban services or public improvements to upgrade.**

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

**The requested annexation proposes a zoning of RM Residential Mixed Density, which is consistent with the goals and policies of the City of Lebanon Comprehensive Plan. See attached conceptual exhibit for zoning compliance.**


*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.*

**Annexation of the subject land is in the best interest of the public in that it allows population growth to be housed in an area of greater density, this creating less impact on availability of land.**

# Agenda Item 3



LEBANON POLICE DEPARTMENT  
MEMORANDUM

TO: John Hitt, City Administrator  
FROM: Michael Healy, Police Chief   
DATE: 14 February 2003  
RE: LIQUOR LICENSE APPLICATIONS  
CC:

---

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

<u>Business Name</u>	<u>Address</u>	<u>Classification</u>
Shari's of Lebanon	2650 S. Santiam Hwy. Lebanon, OR 97355 Owner: Shari's Management Corporation	Limited On-Premises Sales

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

*"Integrity, Professionalism and Teamwork"*

**FAXED**  
2-10-03  
lm

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

APPLICANT NAME: Shari's of Lebanon  
DATE: 10 February 2003  
LOCATION: 2650 S. Santiam Hwy., Lebanon, OR 97355  
PARTICIPANT: Shari's Management Corp  
LICENSE TYPE: New Outlet - Limited On-Premises Sales  
\*\*\*\*\*

RECOMMENDATION:	APPROVAL	DENIAL	DATE
FIRE DISTRICT <u>[Signature]</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	02-12-03
POLICE DEPT <u>[Signature]</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	2/10/03
HEALTH DEPT _____	<input type="checkbox"/>	<input type="checkbox"/>	_____
PLANNING DEPT <u>[Signature]</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	2/11/03
BUILDING DEPT <u>[Signature]</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	2/11/03
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: Shari's of Lebanon  
DATE: 10 February 2003  
LOCATION: 2650 S. Santiam Hwy., Lebanon, OR 97355  
PARTICIPANT: Shari's Management Corp  
LICENSE TYPE: New Outlet - Limited On-Premises Sales  
.....

RECOMMENDATION:	APPROVAL	DENIAL	DATE
FIRE DISTRICT _____	_____	_____	_____
POLICE DEPT _____	_____	_____	_____
HEALTH DEPT _____ <i>[Signature]</i>	<i>OK</i>	_____	<i>2/14/03</i>
PLANNING DEPT _____	_____	_____	_____
BUILDING DEPT _____	_____	_____	_____
CITY ADMINISTRATOR _____	_____	_____	_____

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

INSURANCE COMPANY:

# Agenda Item 4



CITY OF LEBANON

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MEMORANDUM

TO: Mayor and City Council

DATE: March 7, 2003

FROM: City Administrator *Jeh*

SUBJECT: Re: Resolution Establishing Fees and Charges for City Services

As you may recall, last May 1st a new City Fee schedule went into effect.

It is appropriate to consider revising the current fee schedule for the following reasons:

1. City Personnel costs have risen sharply due to PERS, COLAs, and employee benefits increases.
2. The rising number of legal challenges has significantly increased both the number and complexity of issues and appeals concerning planning and land use matters. Hence, the need to increase those fees to partially recapture the greater staff and legal costs being incurred.
3. Increasing number and complexity of public information requests.
4. Rising citizen and police concerns about tracking stolen merchandise and dealing with business-related complaints and code enforcement issues.

Staff recommends approval of the attached resolution.

jeh/tat

A RESOLUTION ESTABLISHING FEES ) RESOLUTION NO.  
AND CHARGES FOR CITY SERVICES ) for 2002

WHEREAS, it is the policy of the City of Lebanon to require the ascertainment and recovery of certain City costs from fees and charges levied therefor providing City services, products and regulations; and

WHEREAS, the City Administrator has caused a review of City fees and charges to recover a reasonable percentage of City costs in providing City services, products and regulations, and recommends such adjustments to the City Council; and

WHEREAS, notice has been given for public comment upon said charges and the City Council has deliberated and considered said public comment; and

WHEREAS, said review of all City fees and charges as well as necessary and appropriate new fees and charges are provided in Attachment "1".

WHEREAS, public notice of the proposed City fee changes was provided in the newspaper of record on Feb. 21, 2003.

THEREFORE THE LEBANON CITY COUNCIL RESOLVES AS FOLLOWS:

**Section 1.** The following fees, rates and charges as attached hereto as Attachment "1" and incorporated herein by this reference are adopted by the City, effective May 1, 2003.

**Section 2.** The City Council hereby determines that the fees, rates and charges hereby adopted are not subject to the limits of section 11 or 11b, Article XI of the Oregon Constitution.

Passed by the Council by a vote of \_\_\_\_ for and \_\_\_\_ against and approved by the Mayor this 12th day of March 2003.

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

ATTEST:

\_\_\_\_\_  
John E. Hitt, City Recorder

# Agenda Item 5



**CITY OF LEBANON**  
**FINANCE DEPARTMENT**  
**MEMORANDUM**

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**TO:** John Hitt, City Administrator  
**FROM:** Casey Cole, Finance Director *CC*  
**SUBJECT:** FY 2001-02 Annual Audit

**DATE:** March 5, 2003

The annual audit of the financial statements of the City of Lebanon for FY 2001-02 has been completed and compiled in the Annual Financial Report included with this memo. This was a clean audit with no areas of concern noted by the auditors. In the independent auditor's report that follows the table of contents, Mr. Charles A. Swank notes: "In our opinion, the general purpose financial statements referred to above present fairly, in all material respects, the financial position of the City of Lebanon, as of June 30, 2002, and the results of its operations and cash flows of its proprietary fund type for the year then ended in conformity with accounting principles generally accepted in the United States of America."

The prior year audit report noted an area of potential internal control weakness involving my preparing bank reconciliation's and signing checks on the account being reconciled. This has been resolved by removing my signature, and using the signatures of the Mayor and City Administrator. I remain an authorized signer on the accounts for the purposes of obtaining information on the accounts from the bank, transferring funds, and other miscellaneous tasks.

Areas that were examined by the audit firm in order to express an opinion included: Internal Accounting Control, Indebtedness compliance with ORS limitation, Adequacy of Collateral Securing Depository Balances, Budget Compliance, Investment Compliance, Public Contracting and Purchasing procedures, Use of State Highway Funds, etc.

Action Requested:

Motion to accept the 2001-2002 annual audit report.

# Agenda Item 6

*JWR*



# CITY OF LEBANON

## PUBLIC WORKS DEPARTMENT - CAPITAL IMPROVEMENTS MEMORANDUM

**TO:** Jim Ruef, Director of Public Works                      **DATE:** March 3, 2003

**FROM:** Ron Whittlatch, Senior Engineer *(RW)*

**SUBJECT: SURPLUS PROPERTY RESOLUTION**

Capital Improvement Projects is recommending the City surplus its 1984 GMC Jimmy and the 1986 Ford Tempo. We acquired the 1984 GMC Jimmy in 1992 for \$3,155.00. We acquired the 1986 Ford Tempo in 1990 for \$1,350.00. Both vehicles have fully depreciated and it is no longer cost effective to continue to use them.

We request that the City Council vote on this resolution to surplus the 1984 GMC Jimmy and 1986 Ford Tempo at the City Council meeting on March 12, 2003.



A RESOLUTION AUTHORIZING )  
THE SALE, DISPOSAL AND DONATION )  
OF CITY OWNED PERSONAL PROPERTY )

RESOLUTION NO. \_\_\_\_\_  
FOR 2003

WHEREAS, the attached Exhibit "A" incorporated herein at this point, lists personal property owned by the City of Lebanon for public purpose; and

WHEREAS, the City of Lebanon wishes to Sell the item listed on Exhibit "A" at auction to the highest bidder, through Oregon State Surplus, or otherwise dispose of the items; and

WHEREAS, such action is deemed to be reasonable and in the public interest of the City of Lebanon,

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LEBANON AS FOLLOWS:

The item listed upon the attached Exhibit "A", incorporated herein, are hereby declared surplus personal property which has ceased to be used by the public of the City of Lebanon. The City Administrator, or his designee, is hereby authorized and directed to offer such items for sale. The City Administrator, or his designee, is hereby authorized to dispose of any items not sold as the City Administrator deems reasonable and in the best interests of the City of Lebanon.

Passed by the Council by a vote of \_\_\_\_ for and \_\_\_\_ against and approved by the Mayor this \_\_\_\_ day of \_\_\_\_\_, 2003.

\_\_\_\_\_  
Ken I. Toombs, Mayor [ ]  
Ron Miller, Jr., Council President [ ]

ATTEST:

\_\_\_\_\_  
John E. Hitt, City Recorder

EXHIBIT "A"  
PUBLIC WORKS EQUIPMENT

This list is in conjunction with the Resolution authorizing the sale; disposal of City owned personal property, dated March 12, 2003.

<u>Items</u>	<u>Inventory No.</u>	<u>Serial No.</u>
(1) 1984 GMC Jimmy	23430A & 23430B	1G5CT18B9E0526867
(1) 1986 Ford Tempo	12494A & 12494B	1FABP22X4GK181912

TO: Lebanon City Council

FROM: Denice Lee  
Lebanon Public Library Director

RE: Surplus Equipment

DATE: January 16, 2003

Attached is a Resolution and Exhibit "A" of surplus equipment no longer needed by the Lebanon Public Library. Most of this equipment is computer related, so I asked the City's IS Manager to look at the equipment. He has agreed with the decision to surplus it. Other items not computer related, such as the fans and microwave, are no longer in working condition.

Thank you for your attention to this matter.

# Agenda Item 7



CITY OF LEBANON

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MEMORANDUM

TO: Mayor and City Council

DATE: March 7, 2003

FROM: City Administrator *jeh*

SUBJECT: Re: PERS Rate Increase Appeal

You may recall that our PERS rate is scheduled to increase from 7.57% to 13.99% of total covered payroll. This increase has a total budget impact on us of over \$300,000. The League of Oregon Cities (LOC) is convinced that this rate increase does not meet the requirements of a recent Oregon State Circuit Court decision. Hence, the League is asking all of its members to participate in a court action for the purpose of preventing this rate increase from happening. The cost to participate is \$150, although there may be requests for additional contributions in the future.

Staff recommends your approval of this resolution.

jeh/tat



# Agenda Item 8



CITY OF LEBANON

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MEMORANDUM

TO: Mayor and City Council

DATE: March 7, 2003

FROM: City Administrator *[Signature]*

SUBJECT: Re: City Administrator's Report

At the March 12th City Council meeting, I will give an oral update on the following matters:

1. Santiam Travel Station
2. Phase II – Downtown Plan
3. LMS Site
4. City Council Goal-Setting Retreat
5. Miscellaneous Matters

jeh/tat