

Lebanon City Council Meeting Agenda



April 26, 2006

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LEBANON CITY COUNCIL MEETING

Wednesday, April 26, 2006

7:00 p.m.

*Santiam Travel Station
750 3rd Street*

A G E N D A (Revised)

EXECUTIVE SESSION (6:00 pm North Lobby) - Per ORS 192.660(1)(h) To consult with legal counsel concerning legal rights and duties of the Council regarding current litigation or litigation likely to be filed.

CALL TO ORDER / FLAG SALUTE (7:00 pm - regular location)

ROLL CALL

APPROVAL OF CITY COUNCIL MINUTES – March 8, 2006 (resubmitted)

APPOINTMENT – Vacant City Council Seat (Discussion Only)

APPOINTMENT – City Council President

PROCLAMATION – Annual Strawberry Festival

CONSENT CALENDAR

- ❖ City Council Agenda - April 26, 2006
- ❖ Accept Library Advisory Board Meeting Minutes – March 8, 2006
- ❖ Accept Library / Sr. Center Trust Meeting Minutes – March 14, 2006
- ❖ Accept Senior Center Advisory Board Meeting Minutes – March 15, 2006

CITIZEN COMMENTS - Those citizens with comments concerning public matters may do so at this time. Please identify yourself before speaking and enter your name and address on the sign-up sheet.

ITEMS FROM COUNCIL

PRESENTATION

- ❖ Recreation for Kids & Community – Update on skate parks, presented by Judy Phillips

PUBLIC HEARING(S)

1) **Charley / Flanagan Annexation (A-06-01)**

Presented by: Doug Parker, Community Development Manager

Approval / Denial by ORDINANCE

2) 5th Street Trust (S. of Vaughan) Annexation (A-06-02)

Presented by: Doug Parker, Community Development Manager

Approval / Denial by ORDINANCE

3) King Konstruction Annexation (A-06-03)

Presented by: Doug Parker, Community Development Manager

Approval / Denial by ORDINANCE

4) Downtown Alcohol Impact and Enforcement Area (AIEA)

Presented by: Tom McHill, City Attorney

Approval / Denial by ORDINANCE

LEGISLATIVE SESSION

5) Application for Property Tax Exemption (Cheadle Lake)

Presented by: Jim Ruef, Director of Public Works

Approval / Denial by MOTION

6) Mutual Support between City & Lebanon Community Foundation

Presented by: Jim Ruef, Director of Public Works

Approval / Denial by MOTION

7) City Facilities Capital Improvement Plan

Presented by: Jim Ruef, Director of Public Works

Discussion Only

8) City Administrator's Report

Presented by: John Hitt, City Administrator

Discussion

CITIZEN COMMENTS - *Those citizens with comments concerning public matters may do so at this time. Please identify yourself before speaking and print your name and address on the sign-up sheet.*

ADJOURNMENT

Approval of Minutes

- 1) City Council Meeting – March 8, 2006 (*resubmitted*)

LEBANON CITY COUNCIL MEETING
MINUTES
March 8, 2006

Council Present: Mayor Ken Toombs and Councilors Bob Elliott, Rebecca Grizzle, Scott Simpson and Ray Weldon

Staff Present: City Administrator John Hitt, City Attorney Tom McHill, Finance Director Casey Cole, Police Chief Mike Healy, Public Works Director Jim Ruef, Community Development Manager Doug Parker, Library Program Manager Denice Lee, City Engineer Malcolm Bowie and Administrative Assistant Linda Kaser.

CITY COUNCIL WORK SESSION – “Health, Fitness & Recreation in Lebanon”

Bo Yates, Vice Principal of Seven Oaks, presented his vision of a community health center for the citizens of Lebanon at a relatively low cost. Yates provided a conceptual plan to include weights, cardio equipment, aerobics, physical therapy, locker rooms and day care to be located next to the pool at the high school. Yates felt that the most cost effective plan to make this happen would be for the Lebanon Community School District to partner with the Aquatics District. Both partners would benefit with increased offerings, superior facilities and shared development costs. With most of the infrastructure already in place (pool, parking lot, etc.) it would be less costly. Yates noted that he already has the funding and plans to go through with his weight room plans at the high school but sees where this can be an opportunity for the entire community. He foresees this plan generating revenue to sustain itself and asked for input and direction from Council.

Grizzle expressed concern that this project would be competing with the same dollars as the Academy Square gyms project. Yates stated that he has studied the gyms in the Lebanon area and there are currently 11 gyms and 22 courts. From his point of view, Lebanon has enough gym space already and he felt that this fitness project would generate revenue and not take money away from other programs.

Grizzle asked who he envisioned the project making money for, since it would not be a School District project. Yates stated it would be a partnership with the Aquatic District. In response to Toombs, Toombs asked, “Are there any figures on the cost of the facility or is it still in the preliminary stages.” Yates guesstimated the costs to be around \$500,000 for the fitness center.

In response to Toombs, Toombs asked, “What is the percentage of use for the current gyms?” Yates stated that the current gyms in the area are used during the day because of school access but are grossly under utilized in the evenings. We have not had the capacity to schedule those gyms effectively. Beginning next year, all of the gyms will be scheduled through the Boys and Girls Club.

Elliott stated that the community project sounds like a great idea but money is going to be a problem with the bond measures; there is a lot of competition at this time for dollars. Grizzle agreed but that there are many worthy projects and timing is a concern.

Hitt noted alternative taxing options that are available. If the project organizer elects to pursue options for their project, i.e., skateboard park, gyms or a community fitness center, whether its an additional property tax levy or a bond, there are usually two objectives. 1) The possibility of triggering a compression; and 2)

How high the voter's are willing to go to accept the tax burden. There are some communities in the state that have pursued other options; gasoline tax has been imposed in several cities and the City of Ashland proposes a 2% prepared food, i.e., fast foods, not applied to grocery stores. Hitt asked Council if that is something they want to consider for the community? Not just bringing funds into General Fund but to consider an alternative tax proposal that would be dedicated to a recreational type facility. Hitt stated that he receives a lot of criticism for not having an active Parks & Recreation Program.

Grizzle stated she would not entertain alternative taxes at this time. Hitt clarified that he was not suggesting that we entertain the idea for this particular project but for the purpose of funding a Parks & Recreation Program; not just one facility or activity.

In response to Simpson, Yates stated he had not spoken with the other fitness clubs in town but he has worked with the Aquatics District and the hospital. He is going to do a fitness center for the high school regardless but felt it was in the best interest of this community to make it a *community* center. The community has paid for the school and parking lots, and since the community is already supporting (tax dollars) the fitness area for the students, why not open it up to the people who are paying for it. He is not trying to compete with different groups and equated it to a public versus a private golf course.

Grizzle noted that the reality is that this project may not make a profit and that deficit has to come from somewhere. She is fiscally worried about it and would like to see more details. Yates stated that, without the structure of a Parks and Recreation Department, it appears that there are two or three groups trying to accomplish some of the same goals and he felt that by pooling the funding and infrastructure to meet the community needs was the most fiscally responsible route to take.

Work Session Public Input

Rick Bennett, Santiam Fitness, 118 S. 3rd, Philomath, OR 97370 stated he admired and appreciated Yates passion for fitness. The health club industry is a tough industry with an approximate 7% profit margin; health clubs are not as fiscally sound as everyone might think. He loves competition, but would enjoy it on a level playing field; non profit would not have to pay taxes. Bennett stated that for every \$100 dollars he spends to operate his facility, non profits only have to spend \$67. You don't have to belong to a health club to become healthy. He felt that forming a tax base for this project would not be money well spent.

Rick Barnett, City of Albany Parks & Recreation, 2430 S 5th St., Lebanon OR 97355, stated that we should keep the idea of a Parks and Recreation District, or use the Aquatics District as a conduit, to look at the bigger picture. We have and will have more things that we want to do in parks and recreation and we need to ask if that is the best way to provide services as we go into the future. It takes a central source for this to work. Albany P & R had 90 people who signed up for the first month for fitness classes that the City of Albany is offering in Lebanon. With a district you can look at how everything works together. Currently, we have a lot of proposed projects that are competing with one another.

Communication ensued between Don Fountain, Recreation for Kids, Yates and Coach Allen regarding previous fundraising for community use of the initial weight room at the high school.

John Day, expressed his concern for the potential conflict with existing businesses and a fitness center. The existing Parks Committee would be an alternative to a Parks & Recreation District. The available gyms seem like an obvious pairing if this proposal is something Council wants to pursue; people utilizing existing facilities and working together instead of two separate projects. However, he felt that the Boys and Girls Club was not the organization for administering the use of the facilities; a Parks and Recreation

department would be more appropriate. There are more important projects for city dollars to go to and suggested a skateboard park. There are liability issues with having kids and adults in the same facility. *With no further comments, Toombs adjourned the Work Session.*

CALL TO ORDER/FLAG SALUTE/ROLL CALL

Mayor Toombs called the regular session of the Lebanon City Council to order at 7:00 p.m. in the Santiam Travel Station Board Room. Roll call was taken. Councilors Ron Miller & Dan Thackaberry were absent.

COUNCIL MINUTES

Grizzle moved, Elliott seconded, to approve the January 25, 2006 Council Work Session and February 8, 2006 Council Meeting Minutes as presented. The motion passed unanimously.

CONSENT CALENDAR

- 1) CITY COUNCIL AGENDA: March 8, 2006
- 2) OTHER CITY MINUTES: Library Advisory Board – February 8, 2006
Parks Committee / Tree Board – January 17, 2006

Elliott moved, Grizzle seconded, to approve the Consent Calendar as presented. The motion passed unanimously.

CITIZEN COMMENTS - none

ITEMS FROM COUNCIL

Grizzle asked her fellow Councilors, the staff, and audience members to please pick up all garbage, rather than leaving it for someone else to clean up.

Simpson stated that Doug Parker made an excellent impartial presentation at the homeless shelter meeting last night and encouraged everyone to come to the next meeting on March 23, 2006.

LEGISLATIVE ACTION

1) Linn-Benton Microenterprise Program (LBMP)

Brigette Olson and Matt Holton of Neighborhood Housing, 257 SW Madison Avenue, Corvallis, OR, 97334, asked for continued support for the microenterprise program operated by Neighborhood Housing in collaboration of LBCC and offered to low to moderate income households in Linn and Benton County. Microenterprise is defined as small business with one to five people with operating dollars of less than \$35,000. They primarily work with people who need start up costs of \$5,000, or less, and offer a curriculum to help with business plans and assess business feasibility. They are requesting continued CDGB (federal) funds in a month and asked that the City of Lebanon support their application.

McHill read the title of the Resolution.

Grizzle moved, Elliott seconded, to approve A RESOLUTION DECLARING THE SUPPORT OF THE

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CITY OF LEBANON FOR A MICROENTERPRISE ASSISTANCE GRANT SUBMITTED BY THE LINN-BENTON MICROENTERPRISE PROGRAM. The motion passed unanimously.

2) Customer Service Standards Policy

In conjunction with one of the Council Goals, to establish customer service standard for all types of permits, Parker noted that the Community Development Department has created standards for all customer service activities as illustrated in his PowerPoint presentation and brochures (on file in the Administration Department). Parker proudly introduced his staff: Assistant Planner Terry Lewis, Administrative Assistant Jamie Bilyeu-Libra, Permit Specialist Tammy Dickey, Building Official Jason Bush and Building Inspector Travis Krenz.

Elliott stated that any time he has come down to CDC, everyone has been very informative and professional. Toombs thanked staff for a job well done.

3) Library Security Enhancements

Lee stated that the bid provided was a result of Council's request to enhance library security. The proposal is from Professional Security Alarm. The bid is a total of \$3,300 for 3 cameras, 1 video monitor, recorder and installation. Lee stated that the Library has \$2,000 that could be made available for this enhancement from the Library's Improvements and Office Equipment funds. Hitt noted that it could be taken out of contingency or general fund.

Cole stated that since it is an insurance liability (safety) we could tap into the insurance reserve fund for unplanned insurance related issues. Grizzle and Weldon asked if the full amount could be taken out of the insurance reserve, since the library funds are limited. Cole advised Council that it is a good idea to have insurance reserve funds to help cover the City's deductible in case of a catastrophe. Toombs suggested splitting the cost of the enhancement between the three funds mentioned.

Simpson moved, Weldon seconded, to use one-third of the amount from the Library Fund, the contingency and the insurance reserve fund. The motion passed unanimously.

4) Janitorial Services

Cole reported on the two current temp agency employees providing janitorial services for the City for the past six weeks. We now understand it would take approximately 25 hours per week to keep the facilities to a reasonably clean level. There are additional cleaning tasks that could be added, i.e., cleaning windows, additional dusting, etc. that could bring the work load up to 35 hours per week. Cole provided the Council with the following options for janitorial services for all city facilities:

Make a full-time City position; hire two part-time employees at 19 hours per week (by keeping the hours under 20, the City would not need to pay health benefits); or contract with Willamette Valley Rehabilitation. A full-time equivalent is estimated, including fringes, to be \$48,000 annually based on other city comparators. The janitorial proposals ranged from \$47,460 to \$53,340. If we use two part-time positions, it would cut the fringe costs down making it about \$36,000 annually. Cole asked to proceed with getting a job description put together that could work for either a part-time or full-time position. Once that job description is done, we can look at having a classification study done to see if his figures are estimated correctly. Cole asked Council for direction.

In response to Elliott, Cole stated that he did not think that Willamette Valley Rehab (WVR) would be any

less than the other janitorial RFP's. Hitt stated that WVR's contract price is set by the state and there are no negotiations; we can reduce the level of service but not the price.

Grizzle stated that in her experience, part-time generates more turnovers which is a very expensive hidden cost that needs to be weighed into the decision. Weldon stated that we are trying to promote living wage jobs in Lebanon, part-time would go against what we are promoting.

After a brief discussion on what hours the person would work, consensus was to authorize Cole to create a job description and classification and bring a recommendation back to Council.

5) Transportation System Plan Update

Bowie reviewed the revised schedule that was modified as part of the agreement between ODOT and CH2M Hill. The TSP is scheduled to come before Planning Commission and then Council sometime between June and September 2006. The Project Management Team is expected to get together at the end of March to look at different scenarios. Bowie feels that a new TSP draft could be achieved by the end of April 2007.

In response to Weldon, Ruef & Bowie stated that one of the scenarios will include the new parkway. Weldon stated he is getting complaints about traffic backing up at 5th and Airport Streets. Ruef stated that if Council is interested in pursuing this again, staff can take another look at it and bring something back at the budget process, if we have money. It will take more work to verify which street would be preferred (5th or 7th Street). The state is pursuing a right turn lane project on Airport and he will look into that project.

Grizzle stated that this is not the only traffic issue or complaint we have in Lebanon. We need to look at the comprehensive plan first, recognize then prioritize the problem areas in an orderly way. It makes sense to wait until Council has reviewed the plan.

6) Nuisance Abatement Code Update

McHill stated that he worked with Chief Healy and Enforcement Officer Buchheit to address nuisance ordinances from an enforcement standpoint. McHill proposed three separate ordinances with three components of the nuisance abatement process. 1) Depositing of rubbish would no longer be allowed, even if it is not visible from a public street; 2) Abandoned or neglected buildings which are in disrepair, overgrown or unsightly can be nuisances under the code. In this amendment, the owner of the building can be cited and ordered to abate the condition; 3) Nuisances can be prosecuted in the Municipal Court by citation with the aid of the existing Enforcement Code; 4) Personal service is preferred, but in situations where the defendant owns property in town and lives outside of the jurisdiction, other manners of obtaining service on the defendant can be used. These additional methods mirror Rule 7 of the Oregon Rules of Civil Procedure; and 5) The proposed amendment would allow for the prosecution of those property owners with citations subsequent to escalating penalties, for those owners who let the City cut the weeds and allow the costs to be assessed against the property as a lien.

McHill read the title of the Ordinance.

Elliott moved, Weldon seconded, to approve A BILL FOR AN ORDINANCE AMENDING CHAPTER 8.04 OF THE LEBANON MUNICIPAL CODE CONCERNING NUISANCES IN THE CITY. The motion passed unanimously by roll call vote.

McHill read the title of the Ordinance.

Grizzle moved, Elliott seconded, to approve A BILL FOR AN ORDINANCE AMENDING SECTION 8.03.200 OF THE LEBANON MUNICIPAL CODE CONCERNING CODE ENFORCEMENT IN THE CITY. The motion passed unanimously by roll call vote.

McHill read the title of the Ordinance.

Elliott moved, Weldon seconded, to approve A BILL FOR AN ORDINANCE AMENDING SECTIONS OF CHAPTER 8.12 OF THE LEBANON MUNICIPAL CODE CONCERNING NUISANCES IN THE CITY. The motion passed unanimously by roll call vote.

7) City Administrator's Report

Hitt provided a brief report on the following:

Financial Status – Will provide an update for the first three-quarters of the year in an April Read File.

Wi-Fi System – Oliver stated that McHill send a letter to Consumers Power discussing our patching issues and we have not yet received a response. We had a water infiltration problem with a number of our early radios. After testing, Sisco decided to replace all at no charge to the City. Peak Internet acquired Val-Net and that transition has been fairly smooth from the City's perspective. Oliver added that there are some holes in town without service because they are waiting on the additional radios to come.

Goal Status – The last revised format was in October. We have completed and made progress on many goals and will provide a revised report in April reflecting that progress.

Truck Signs – We have received complaints about advertising signs in pickup beds and mounted on the back of vans at the north end of town. In his opinion, the visual impact is very negative. Several years ago, on the American Legion side of Main Street, Council exempted that side of the street from the 2 hour parking limit because of LBCC. Weldon recently spoke with the American Legion and they want the parking limited. The Council Consensus was to have McHill draft an amendment to the Ordinance to include the west side of Main Street between Vine and Rose Street.

Mobile Computers – Healy stated that most of the cars are now equipped and the first phase is done. When the department is ready, Hitt will let Council know if they want to ride along.

CITIZEN COMMENTS – none

Alex Williams, 167 E. Maple Street, Lebanon, OR 97355 stated that he and his wife have lived directly across from Ralston Park for two years. Since that time, they have become increasingly concerned with the illegal activities they have witnessed there. The police have been very supportive but he feels that if the closing time was changed to dusk that the police could to a better job at enforcement.

Chief Healy and McHill will get together and look into park closure times and bring back a recommendation to Council.

Evan Degonfelder, 242 S. Second Street, Lebanon, OR 97355 stated that there are people on 2nd Street that park a lot of cars on their front yards, one in particular parks 6 to 8 vehicles and is running a car business. She has been told that nothing can be done about it. After a brief discussion, McHill asked her to contact him at his office and they could do further research.

Degonfelder added that something needs to happen about the traffic on 2nd Street as well.

Matt Mulheron, 222 Jennings Street, #2, stated that he has two vehicles, both licensed, registered and insured. One is a truck and the other a car which he uses for work on a daily basis. He parks his truck on the street beside his residence and he was ticketed for it under Ordinance 12.83, Section 12 (a junker stored for more than 24 hours). He pleaded guilty to keep from missing work because it was parked there in excess of 24 hours but it is not junk. Mulheron asked Council to consider rewriting the ordinance to exclude registered and insured vehicles and stated he would come back to the next Council meeting to see if they had made a decision.

Healy will review the exact circumstances and mail a letter to him, prior to the next City Council Meeting.

Toombs called for a recess. The regular order of business will resume after the Executive Session.

EXECUTIVE SESSION *Per ORS 192.660(1)(h) To consult with legal counsel concerning legal rights and duties of the Council regarding current litigation or litigation likely to be filed.*

LEGISLATIVE SESSION

Elliott moved, Weldon seconded, to accept the \$100,000 insurance settlement. The motion passed unanimously.

ADJOURNMENT

Mayor Toombs adjourned the meeting at 9:15 p.m.

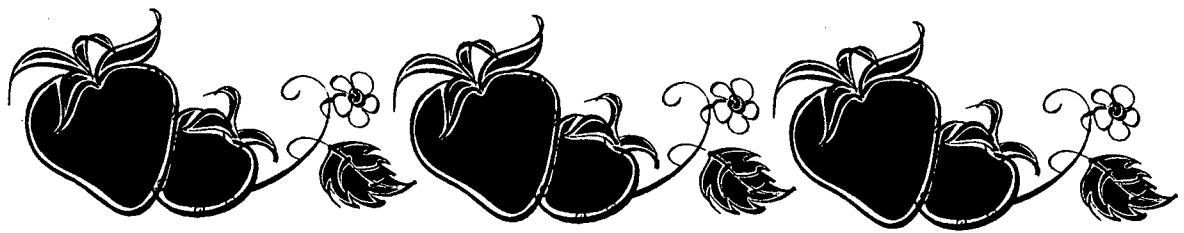
Meeting Recorded and Transcribed by: Linda Kaser

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

ATTESTED BY:

John E. Hitt, City Recorder

Proclamation



Annual Strawberry Festival

PROCLAMATION

Whereas, 2006 marks the 97th Anniversary of the Lebanon Strawberry Festival; and

Whereas, thousands of visitors will be welcomed to our community; and

Whereas, tonight marks the Coronation of the Strawberry Festival Queen; and

Whereas, the Strawberry Festival is a citywide event and recognition of this event is fitting and appropriate.

NOW, THEREFORE, I, Kenneth Toombs, Mayor of the City of Lebanon do hereby proclaim May 23 through June 4, 2006 the **Annual Strawberry Festival** – A time for fun and frolic!

We solicit the cooperation of all members of the community in honoring our Queen, her Court and the entire festivities of the Lebanon Strawberry Festival.

*Kenneth I. Toombs, Mayor
City of Lebanon
April 26, 2006*

Consent Calendar

- ❖ City Council Agenda - April 26, 2006
- ❖ Accept Library Advisory Board Meeting Minutes – March 8, 2006
- ❖ Accept Library / Sr. Center Trust Meeting Minutes – March 14, 2006
- ❖ Accept Senior Center Advisory Board Meeting Minutes – March 15, 2006



City of Lebanon

LEBANON PUBLIC LIBRARY

Advisory Board Meeting Minutes

March 8, 2006

The Library Advisory Board meeting was called to order at 5:33 p.m. by Chair Carol Hiebert. Attending were Sharon Follingstad, Carol Hiebert, Harlan Mastenbrook, Carolyn Misa, Sue Spiker and Library Director, Denice Lee. Absent were, Glenda Claborn, Tom Stewart and City Council Representative Ron Miller.

Minutes of the February 8th meeting were approved.

Director's Report:

Circulation:

February	2006	7,590	YTD 2006	63,357
February	2005	7,372	YTD 2005	62,795

CDBG Possibilities:

The director has been pursuing the Community Development Block Grant possibilities for the library. At this point it looks like access to those funds has been blocked by a new definition in the CDBG application process. In the past, there was an undefined reference to demonstration of "significant" change within a community to pursue an independent income survey. As of 2006, the guidelines have been rewritten and the "significant" change is defined as a 30% increase in population since the 2000 census. This increase is the only criterion that will be accepted.

Spring Break:

Staff is working to plan the library's Spring Break program which will run from Monday, March 27th through Thursday, March 30th. The program will be from 1:30 p.m. – 2:30 p.m. The theme is "Hodge Podge Arts and Crafts". Each day the session will be focused on a different art form and will provide many opportunities for hands on participation by the children.

Trust Management Grant:

The Trust Management grant representative, Lynn Kauffman, came to the library for a site visit Thursday, March 2nd. The director took in on a tour, highlighting the areas included in the grant application. This grant application includes 3 projects for a total of approximately \$9,700: 1) An online reference database and upgrades to the library's print reference collection; 2) Development of a parenting shelf to assist parents; 3) Equipment and materials for the children's area including a CD player, new activity table, an area rug and bean bag chairs. The director felt the tour went well.

Budget:

The library budget is being developed for the 2006-2007 fiscal year. The library director's requested for an additional part time position is still in the budget. The additional position is requested so the library can provide better service to young library patrons in the children's area.

City Hall
925 Main Street
Administration
541.258.4902
Finance
541.258.4914
Human Resources
541.258.4925
Mayor/City Council
541.258.4904
Public Works Admin
541.258.4918
IT/GIS

City Attorney
80 E. Maple Street
541.258.3194

Library
626 2nd Street
541.258.4926

Community
Development Center
85th Street
Buil.
541.258.4907
Engineering
541.258.4923
Environmental
541.258.4921
Planning
541.258.4906

Municipal Court
30 E. Maple Street
541.258.4909

Police Department
40 E. Maple Street
541.451.1751

Public Works
Maintenance/Parks
305 Oak Street
541.258.4281

Senior Center
65 "B" Academy
541.258.4919

Head Start:

The library has been hosting 2 Head Start classes on one Friday a month for January and February. At the end of February, the director evaluated the program with the retired librarian who is volunteering to do the story time sessions, and the Head Start teachers. Everyone felt the arrangement was very successful, so story time sessions were scheduled for the months of April and May. Head Start will continue to bus the children to the library for a 45 minute story time. By partnering with Head Start and using a volunteer, the library is able to provide this outreach program for low-income, high risk children at nearly no cost to the library.

City Council Presentation February 8th:

The director reported that the presentation to City Council on the library needs assessment was well received. Council gave approval for city staff to move forward with a survey to determine community support for city facilities. As a result of the library presentation, Councilman Weldon requested that the director bring back to Council a recommendation for dealing with some of the security issues brought out in the presentation. At the City Council meeting following the Advisory Board meeting, the director will be requesting Council approval for the purchase and installation of a \$3,300 security system that would include 3 cameras, a monitor and a recording multiplexer.

Friends Report:

Harlan gave the Friends report. The income from the February book sale was \$221.40, with an additional \$47.50 from the daily sale at the Senior Center.

New Business:

FEMA: Library staff will be participating in a day long training session for Emergency Management on Friday, June 2nd. The library will close for the training in order to get all library staff certified as per the city requirement.

City Facilities Survey: The director requested that the board approve expending money from the Library Building Trust to fund part of a community wide survey to be conducted by an independent survey firm. The purpose is to discover what the community will support as far as new city facilities are concerned. A motion was made and seconded to approve spending up to \$3,500 for one third of the survey which was estimated to cost between \$7,500 and \$10,000 dollars.

Brochure:

Joyce Weatherly approached the director with the idea of developing a brochure to place in the local funeral home as a resource to families making funeral decisions. Mr. Shanks, the director of the funeral home, was supportive of the idea. The library director will be looking for someone with graphic skills to help develop the brochure.

Adjournment:

The meeting was adjourned at 6:22 p.m.

Next meeting April 12, 2006

5:30 p.m.

750 3rd Street

Santiam Travel Station

LEBANON PUBLIC LIBRARY-SENIOR CENTER TRUST

Senior Center Conference Room

March 14th, 2006

MINUTES

BOARD MEMBERS PRESENT: Linda Darling, Bob Elliott, Lori McNulty, Phyllis Wimer, Remona Simpson, Joyce Weatherly, Sheri Miller **Staff:** Denice Lee, Kindra Oliver

ABSENT: Thelma Toombs, Ray Garboden

1. Call to Order

Chair Linda Darling called the meeting to order.

2. Minutes - February 14th, 2006

Lori moved, Remona seconded for approval of the February 14th, 2006 meeting minutes. All in favor. Motion passed unanimously.

3. Treasurer's Report

It was noted that the first \$4,153.85 for the Senior Center furniture would come out of the Senior Center fund and the remaining balance of \$1,078.27 would come out of the "other" fund.

Joyce moved, Bob seconded to accept Treasurer's Report as corrected. All in favor. Motion passed unanimously.

4. Review Amended By-Laws

Linda commented that the only section left to review was Article VII, dealing with the majority vote versus two-thirds vote to amend the by-laws. Bob and Lori had some reservations about not changing it to "majority vote" but the consensus was to leave it as "at least two-thirds" vote.

Kindra will bring copies of the last page of the by-laws to the April meeting.

5. Updates

Library:

Denice explained that they were pursuing CDBG dollars for the new library building, which requires 50% of the population to be a low to moderate income level. Lebanon's low to moderate income level for the 2000 Census was 48.7%, just shy of the above 50% requirement. Just last year, organizations were able to challenge the percentage rate and conduct an independent income survey. Lebanon has some significant factors, such as the unemployment rate, percentage of children receiving free lunches, etc. that would have probably qualified them to be able to conduct the survey. Out of the 15 communities that challenged the percentage, 13 were successful in proving the percentage was indeed higher. However, the guidelines changed as of January 2006,

that the only qualifier for conducting an independent survey would be if there were a 30% population increase. Consensus was that it would be a good idea to write a letter to our representatives to inform them of what we have encountered with the new guidelines.

Denice added that Council has approved the city to conduct a survey to determine what the community will support as far as facilities for a Library, Police Department and City Hall. The Library Advisory Board approved using one-third of the total cost of the survey from the Library Building Trust, with the other two-thirds coming from other city department funds.

Senior Center:

The Senior Center received a check for \$185 from AARP. AARP has dissolved due to low participation levels so they closed their account and gave the remainder to the Senior Center.

Attendance for February is up from January, by an average of 16 per day. Part of the increase is due to people coming in for taxes and Medicare D, and due to the increased educational and recreational opportunities at the Senior Center.

6. Continuing Business

Update on Donor Wall

Kindra will get the labels made for the donor wall and get the plaque placed on the wall, along with a holder for the brochures.

9. New Business

Spirit Mountain Casino contacted Linda Darling after receiving four applications from the Lebanon area, one of which was for the Library. Spirit Mountain serves 11 counties, donating \$4.5-5.5 million each year. In order to qualify for grants \$10,000 and below, the organization has to be non-profit and have an operating budget under \$200,000. They also give larger amounts of money for special projects or capital projects. They asked Linda to spearhead a community group to prioritize the community projects and submit one application at a time. Applications need to be submitted by April 15th to be included in the next funding cycle. This newly formed group will meet on April 5th, 1:00 p.m., at the Boy's and Girl's Club.

Denice commented that we should try to get more information out to the community surrounding the donor wall. It was suggested that we might want to hold a function like an After-Hours get together at the Senior Center and to do some one-on-one meetings with businesses. Denice said she would start putting a packet of information together for this group to review at the next meeting.

10. Adjournment

Joyce moved, Sheri seconded for adjournment. All in favor. Motion passed unanimously.

Next Board meeting: Tuesday, April 11th, 2006 at the Senior Center.



City of Lebanon

Senior Center

65 B Academy
Lebanon OR 97355
(541) 258-4919 fax (541) 258-4956

ADVISORY BOARD MEETING

March 15th, 2006

MINUTES

Members present: Bob Elliott, Bonnie Prince, Remona Simpson, Fran Bonnarens, Cleora Wymore, Lori McNulty, Mac McNulty, Frances West, Kindra Oliver, Tori Hartman

Members absent: Alice Unger, Mary Lail

1) WELCOME:

Remona Simpson welcomed members and opened the meeting.

2) MINUTES:

Mac moved, Bonnie seconded to accept the minutes from the February 15th meeting. All in favor. Motion passed unanimously.

3) CHAIRPERSON'S REPORT:

- Remona had some information regarding a possible grant for educating older people about telemarketing fraud. Kindra said she would read it over to determine eligibility and requirements.

4) REPORTS:

- It was suggested that the kitchen might need some new equipment, such as new cabinets and a few other items. Tori commented the only thing she really needs at this point in time is freezer space. The group discussed the idea of the walk-in freezer again and decided it would be much less expensive to purchase and maintain a standard-size freezer, which would accommodate Tori's need.
- Tori said that she has had lots of calls and has signed up numerous clients for meal delivery in the last 2-3 weeks.
- Tori reported that she still needs one or two more permanent drivers but things are looking pretty good in that area.
- Kindra announced that the Dial-a-Bus found a pass-through partner in order to receive the Business Energy Tax Credit funding for 2005.
- The Lebanon Fire Department is getting ready to send out approximately 2,700 applications for their Fire Med Program and asked if the senior center would be willing to assist. The Fire Med Program offers subscribers free ambulance service by covering the balance of what their insurance doesn't cover or waiving the bill

altogether if a subscriber doesn't have insurance. Kindra would like to get this group together at the Fire Department on April 8th, 9:00 a.m. to volunteer to stuff envelopes and in return the Fire Department will offer six seniors an annual Fire Med subscription at no cost.

- Kindra measured the front and side entry doors for mats. Mac said he would purchase the mats for the senior center using his mileage reimbursement from delivering meals.
- Kindra talked to Floor Crafters regarding a floor rug for the sitting area in the cafeteria and he said he should be able to donate something in the next few weeks.
- Kindra recently applied for a grant through the Lebanon Hospital for emergency pull cords in the restrooms. Grant recipients will be notified in May.
- Upcoming classes/activities at the senior center include a self-defense awareness class, ID theft awareness presentation, budgeting seminar and poetry reading.
- The Senior Center and OCWCOG Volunteer Recognition is scheduled for Friday, April 28th, 1:00 p.m. Invitations will be sent to all volunteers in April.

CONTINUING BUSINESS:

- Bonnie reported that we sold \$8.60 in cards this month.
- Lori said that she was going to try to make it into the Senior Center to greet people at the front counter on the mornings that Mac drives for Meals on Wheels.

NEW BUSINESS:

- Bonnie talked to Nancy's Floral Shop and they would be happy to put together two floral arrangements for the library area if we purchase the flowers and supplies.
- Lori said she talked to a gentleman who was interested in starting a hearing aid support group and he may be contacting the senior center to hold the meetings.

ITEMS FROM THE FLOOR:

ADJOURNMENT:

There being no further business, Lori moved for adjournment and Cleora seconded the motion. All approved and the meeting was adjourned.

Next Meeting: The next meeting will be **Wednesday, April 19th, 2005.**

Presentation

- ❖ Recreation for Kids Update – Skate Parks
Presented by Judy Phillips

Recreation For
Kids & Community

April 18, 2006

City of Lebanon Administration
City Administrator John Hitt

Dear John,

I would like to be on the April 26, 2006 Council meeting Agenda.
I want to update the Council on what is happening toward the
Skate park and skate spot.

Thank you.

Sincerely,

Judy Phillips

Judy Phillips
Recreation for Kids and Community

Agenda Item 1



City of Lebanon
Community Development

MEMORANDUM

TO: John Hitt, City Administrator
FROM: Doug Parker, Community Development Manager
CC: Tom McHill, City Attorney
SUBJECT: Annexation and Zoning of Property

DATE: April 17, 2006

Planning File: A-06-01
Applicant: Brad Charley & Richard Flanagan

Map No.: 12-2W-15CD
Tax Lots: 1800 & 1900

This is a request to annex a 1.26 acre territory comprised of two tax lots located on the north side of Wassom Street between Stoltz Hill Road and 7th Street. The property is designated as Residential Mixed-Density (C-RM) on the City of Lebanon Comprehensive Plan Map. A Residential Mixed Density (Z-RM) zoning designation will be assigned upon annexation. This is the Comprehensive Plan Map designated zoning assignment and does not constitute a zoning map amendment or zone change.

On February 15, 2006, the Planning Commission conducted a public hearing and voted unanimously to recommend approval to City Council of this proposed annexation and zoning assignment.

The Planning Commission staff report (Lebanon File # A-06-01) is included for review, along with a legal description and annexation map.

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 as requested.

**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-06-01,
CHARLEY/FLANAGAN PROPERTY**

) **ORDINANCE BILL NO. _____**
) **for 2006**
) **ORDINANCE NO. _____**
)
)
)

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

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

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

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

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

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

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

Passed by the Lebanon City Council by a vote of _____ for and _____ against and approved by the Mayor this _____ day of April, 2006.

Kenneth I. Toombs, Mayor

J. Scott Simpson, Council President

ATTEST:

John E. Hitt, City Recorder

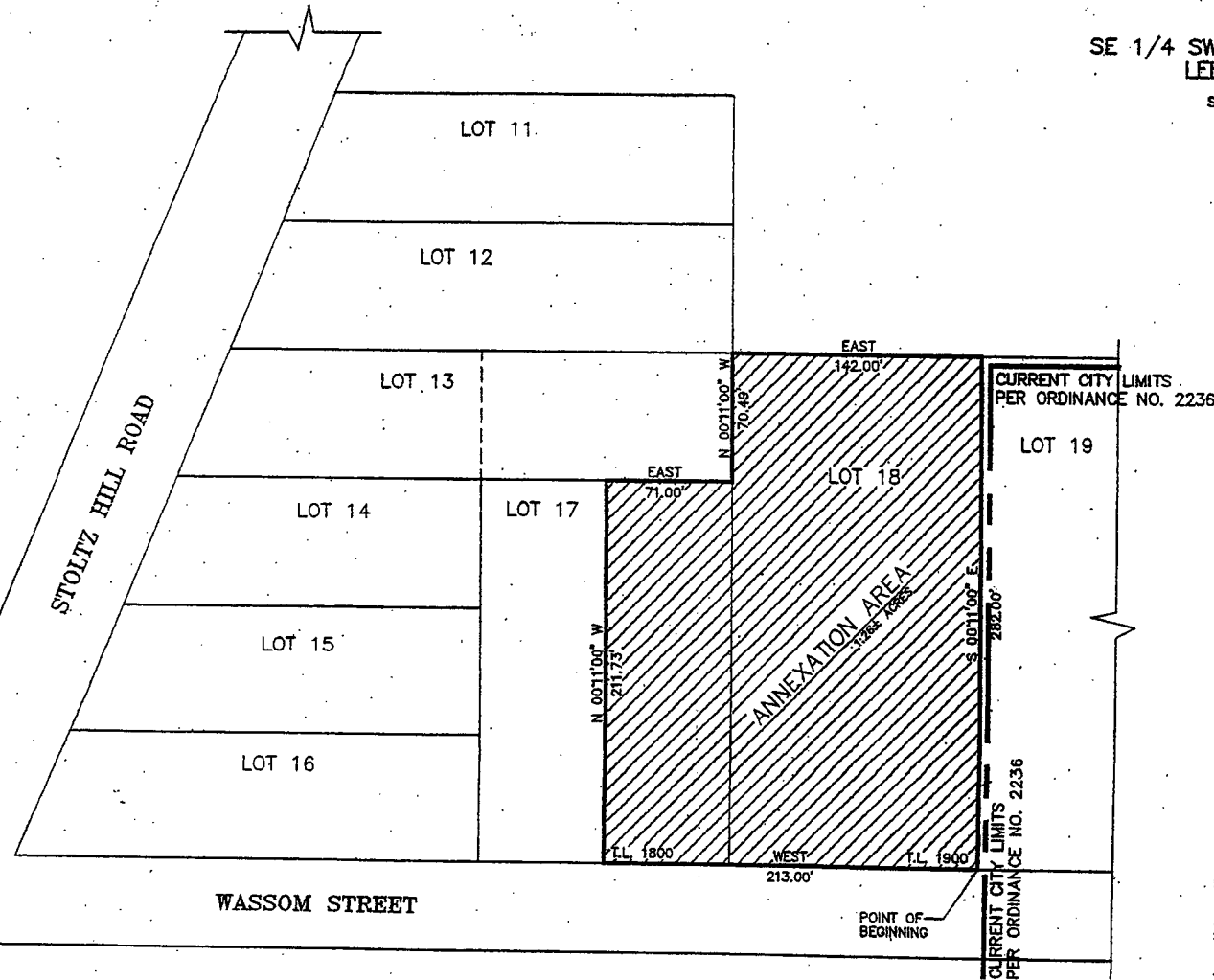
ANNEXATION MAP

BRAD CHARLEY

SE 1/4 SW 1/4 SEC. 15, T. 12 S., R. 2W., W.M.
LEBANON, LINN COUNTY, OREGON

SCALE: 1" = 50'

JANUARY 9, 2008



Annexation Map

OWNER:

T.L. 1800
BRAD W. AND LAURIE A. CHARLEY
981 WASSOM STREET
LEBANON, OREGON 97355

PROPERTY:

12-2W-15DC
TAX LOTS:
1800 AND 1900

T.L. 1900
RICHARD L. AND ANNA MARIE FLANAGAN
975 WASSOM STREET
LEBANON, OREGON 97355

APPLICANT:

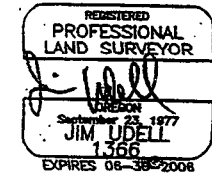
BRAD CHARLEY
981 WASSOM STREET
LEBANON, OREGON 97355

SURVEYOR:

JIM UDELL
UDELL ENGINEERING AND SURVEYING
63 EAST ASH ST.
LEBANON, OREGON 97355



SCALE: 1" = 50'
0 25 50 75



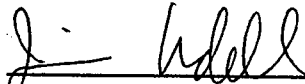
OWNER 8072 SURVEYOR 1366
Udell
ENGINEERING & SURVEYING
63 EAST ASH ST.
LEBANON, OREGON
97355
L (541) 451-5125
FAX (541) 451-1366
JOB NAME: PHILLIPS

Charley/Flanagan Annexation Legal Description

A portion of land located in the Southeast 1/4 of the Southwest 1/4 of Section 15, Township 12 South, Range 2 West of the Willamette Meridian, Linn County, Oregon more particularly described as follows:

Beginning at the Southeast corner of Lot 18, Harmony Subdivision, Linn County, Oregon; thence South $00^{\circ}11'00''$ East 50.00 feet to a point on the Southerly Right-of-Way of Wassom Street; thence West along the Southerly Right-of-Way of Wassom Street 213.00 feet; thence North $00^{\circ}11'00''$ West 261.50 feet; thence East 71.00 feet to a point on the west line of said Lot 18; thence North $00^{\circ}11'00''$ West 70.50 feet the Northwest corner of Lot 18, Harmony Subdivision, Linn County, Oregon; thence East 142.00 feet to the Northeast corner of said Lot 18; thence South $00^{\circ}11'00''$ East 282.00 feet to the Point of Beginning.

I, Jim Udell, being a Registered Land Surveyor in the State of Oregon, certify this legal description closes per recognized tolerances in the surveying profession and per ORS.



Jim Udell, PLS 1366

FINDINGS -- Findings that address Basic Relevant Annexation Criteria

Criteria 1.1 and 2.1

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

2004 LCP Chapter 3 (Urbanization) – Annexation Policy #P-191: *[The City shall] Recognize and act on the basis that all annexations shall conform to the requirements of the Lebanon Municipal Code, Annexation Ordinance, Lebanon Land Development Ordinance, City of Lebanon/Linn County Urban Growth Management Agreement (UGMA), and shall be consistent with applicable State law.*

Finding # 1:

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

Criteria 1.2 and 2.2

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

2004 LCP Chapter 3 (Urbanization) – Annexation Policy #P-20: *[The City shall] Recognize and act on the basis that all annexations shall be consistent with the goals and policies of the Lebanon Comprehensive Plan.*

Finding # 2:

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

Criteria 1.3 and 2.3,

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

LCP Chapter 3 (Urbanization) – Annexation Policy #P-21: *[The City shall] Recognize and act on the basis that all lands included within the Urban Growth Boundary are eligible for annexation and urban development. (Areas within the Urban Growth Boundary (UGB) with designated environmental constraints may be annexed and utilized as functional wetlands, parks, open space and related uses.)*

Finding # 3:

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

Criteria 1.4 and 2.4

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

2004 LCP Chapter 3 (Urbanization) – Annexation Policy #P-22: *[The City shall] Only annex land that is contiguous to the existing City limits and is within the City's Urban Growth Boundary (UGB).*

Finding # 4:

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

Criteria 1.5, 1.13, 1.14, and 2.5

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

Annexation Ordinance Section 13: *The areas within the Urban Growth Boundary with designated environmental constraints may be annexed and developed as functional wetlands, parks, open space and related uses.*

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

2004 LCP Chapter 3 (Urbanization) – Annexation Policy #P-23: *[The City shall] Deem an annexation orderly if the annexation territory is contiguous to the existing City Limits, and deem an annexation efficient if the annexation territory can be developed or redeveloped to an urban use (urban uses may include functional wetlands, parks, open space and related uses).*

Finding # 5:

The proposed annexation complies with the above noted criteria. (1) Since the annexation territory is contiguous to the existing City limits the annexation of this territory is deemed orderly. (2) The annexation is efficient since the annexation territory can be developed to an urban use (and in fact is already developed in a manner that is consistent with City provisions). This territory is already developed (and could be redeveloped) according to the provisions of Lebanon Zoning Ordinance Section 4.020 lists the development opportunities, standards and requirements for the Residential Mixed Density (RM) zone, and this is consistent with all applicable provisions of the Comprehensive Plan.

Criteria 1.6 and 2.6

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

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

Finding # 6:

The proposed annexation complies with the above noted criteria in that no development proposal was required to be submitted at this time.

Criteria 1.7 and 2.7

Annexation Ordinance Section 8: *As part of the annexation process of developed property or properties, . City shall consider the anticipated demands to access key City-provided urban utility services, which are water, storm drainage, sanitary sewerage, and streets, of existing development within the annexation territory.*

2004 LCP Chapter 3 (Urbanization) – Annexation Policy #P-25: *[The City shall] Consider as part of the annexation process of developed property or properties, the anticipated demands to access key City-provided urban utility services, which are water, storm drainage, sanitary sewerage, and streets, of existing development within the annexation territory.*

Finding # 7:

The proposed annexation complies with the above noted criteria in that this property is currently vacant. Access to City-provided services is not sought at this time, and therefore there are no anticipated needs at this time on the key City-provided urban utility services (i.e., are water, storm drainage, sanitary sewerage, and streets). However, all City services can be made available to the territory.

- **Sanitary Sewer:** The applicant's engineer and the City Engineer have determined that City sewer service can be accessed with an extension from the sewer line at Wassom.
- **Water:** Water service is located at Wassom.
- **Drainage:** The site is served by existing drainage.
- **Transportation Access:** Wassom Street currently serves the two subject properties.

Criteria 1.8 and 2.8

Annexation Ordinance Section 9: *As part of the annexation process of developed property or properties, the City shall consider the impacts on key City-provided urban utility services needed to serve these properties, which are water, storm drainage, sanitary sewerage, and streets.*

2004 LCP Chapter 3 (Urbanization) – Annexation Policy # P-26: *[The City shall] Consider as part of the annexation process of developed property or properties, the impacts on the capacities of key City-provided urban utility services needed to satisfy the anticipated demands of the properties discussed in P-25 above.*

Finding #8:

The proposed annexation complies with the above noted criteria in that this territory currently has two existing single family homes, one on each tax lot. Access to City-provided services is **not sought at this time**, and therefore there are no anticipated needs at this time on the key City-provided urban utility services (i.e., are water, storm drainage, sanitary sewerage, and streets). However, the applicant's engineer and the City Engineer have determined that City sewer service (and water service) can be accessed with an extension from the existing lines at Wassom when the applicants/owners are ready to connect to City Services. (See **Finding # 7** for further details.)

Criterion 2.9

2004 LCP Chapter 3 (Urbanization) – Annexation Policy # P-27: *Expand the City Limits as necessary to accommodate development, including housing, commercial, industrial, and services (that will in turn accommodate population growth).*

Finding #9:

The proposed annexation complies with the above noted criterion in that the annexation of this property is indeed necessary to accommodate development, specifically residential. It is anticipated that the development proposals by the applicant will be submitted following approval of this annexation request. It is reasonable to conclude that the major economic development activity in the community in recent months can be anticipated to generate population growth as many new jobs are created in the relatively near future. Accordingly, housing development opportunities will be in demand in the community. This annexation (i.e., expansion of the City limits) is therefore necessary to accommodate such development, by enabling the continuing viability of the homes in annexation territory, and making possible the potential future redevelopment of these tax lots.

Criterion 1.9

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

Finding # 10:

The proposed annexation complies with Annexation Ordinance Section 10 in that the additional necessary right-of-way is being addressed at the time of annexation. The entire right-of-way for Wassom Street fronting the annexation territory will be included in the annexation territory. The legal description and annexation map must be modified to show this inclusion before this annexation will be scheduled for a City Council hearing.

Criteria 1.10, 1.11, and 3.0

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

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

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

Finding # 11:

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

Criterion 1.14

Annexation Ordinance Section 15: At the applicant's discretion and with the City's concurrence, a development or redevelopment proposal for an annexation territory may be acted upon by the Planning Commission immediately following the Commission's hearing on the annexation proposal and a decision of recommendation of approval to the City Council. However, any approval of the Planning Commission of such a development or redevelopment proposal must be contingent upon subsequent approval of the annexation by City Council.

Finding # 12:

The proposed annexation complies with Annexation Ordinance Section 15 in that no development proposal has been submitted at this time. The annexation consists of two tax lots, and each tax lot has an existing single family home.

**PLANNING COMMISSION STAFF REPORT
February 15, 2006
ANNEXATION REQUEST**

NATURE OF REQUEST: Annexation of a 1.26 acre territory comprised of two tax lots. Each tax lot has an existing single family home.

APPLICANT: Brad W. & Laurie A. Charley, and Richard L. & Anna Marie Flanagan

PROPERTY LOCATION: Located on the north side of Wassom Street between Stoltz Hill Road and 7th Street. The addresses are 981 and 975 Wassom Street.

ASSESSOR'S MAP AND TAX LOT #: Assessor's Map T12S-R2W-Section 15 CD, Tax Lots 1800 and 1900.

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

COMP PLAN DESIGNATION: Residential Mixed-Density (RM) [or Z-RM]

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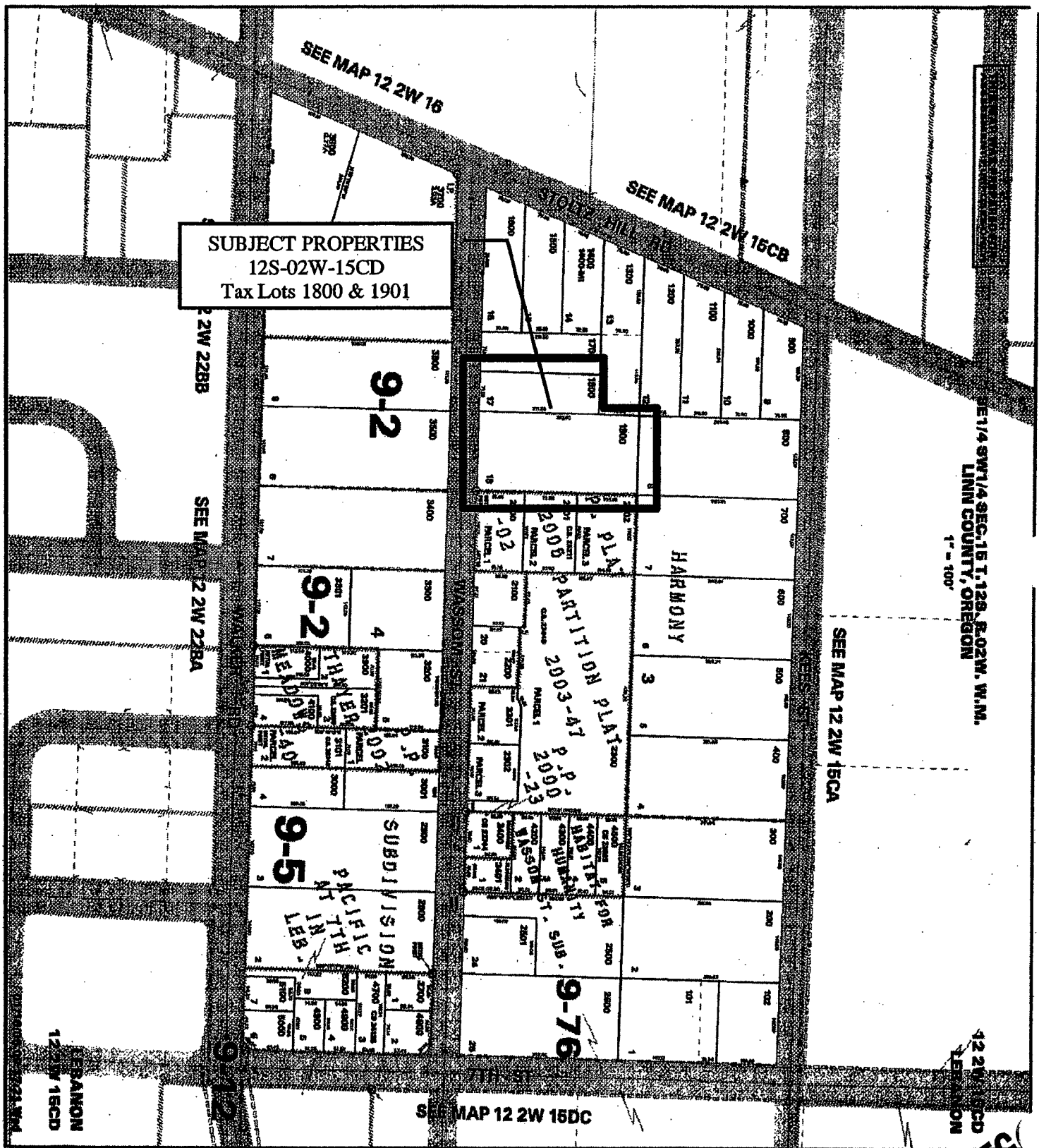
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• EXHIBITS – The applicant has submitted a Narrative Statement (see Exhibit A).	

INTRODUCTION

The applicants are requesting annexation of an approximately a 1.26 acre territory comprised of two tax lots located on the north side of Wassom Street between Stoltz Hill Road and 7th Street. The addresses are 981 and 975 Wassom; each tax lot has an existing single family home. The annexation territory is within the City's urban growth boundary and is contiguous with the City limits to the east. The property is designated as Mixed-Density Residential on the City of Lebanon's Comprehensive Plan Map. A Residential Mixed Density Residential (RM) zoning designation is being requested upon annexation. This zoning designation is consistent with the City's Comprehensive Plan. No change in zoning designation is being requested. **The subject property is located within the Grand River Water District.**

The purpose of the annexation is to allow **City sewer service** to be utilized in the future by the property owners of Tax Lot 1900 because (according to the applicant's narrative) the onsite septic system is beginning to fail. Given the proximity to City Limits and existing City sewer line, **Lebanon County** by statute [OAR 340-71-160(4)(f)] is not allowed to issue a repair or replacement permit for continued onsite sewer disposal. Adequately sized City sewer and water lines are located at the southeast corner of tax Lot 1900, about 142 feet from tax Lot 1800.

ASSESSOR'S MAP



016

SUBJECT PROPERTIES
 12S-2W-15CD
 Tax Lots 1800 & 1900

Planning File No. A-06-01
 City of Lebanon
LAND COVER

Legend

■ City Limit

— 2 Foot Contours

— Storm

— Sewer

— Water

— Ditches

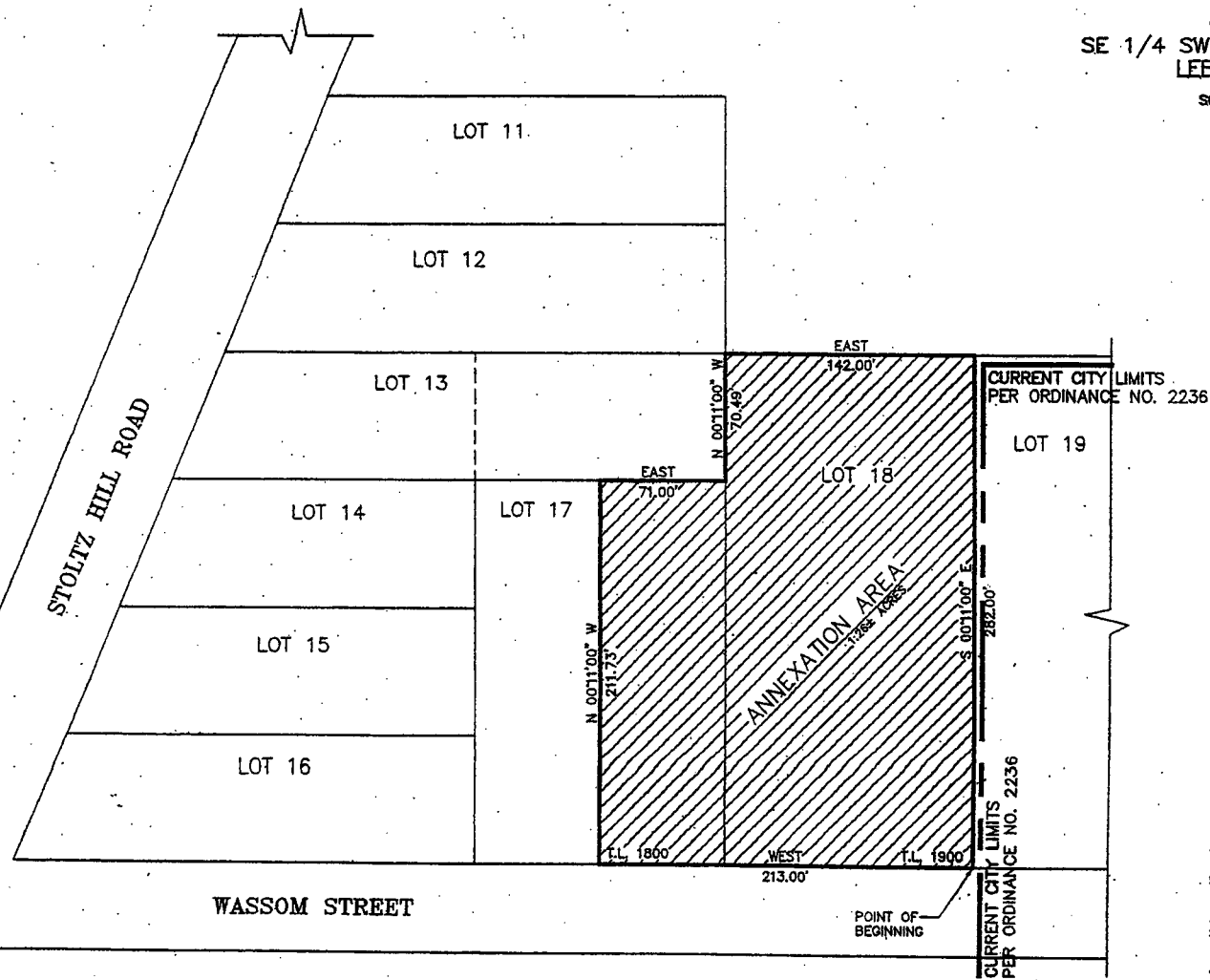


ANNEXATION MAP
BRAD CHARLEY

SE 1/4 SW 1/4 SEC. 15, T. 12 S., R. 2W., W.M.
 LEBANON, LINN COUNTY, OREGON

SCALE: 1" = 50'

JANUARY 9, 2008



Annexation Map

OWNER:

T.L. 1800
 BRAD W. AND LAURIE A. CHARLEY
 981 WASSOM STREET
 LEBANON, OREGON 97355

PROPERTY:

12-2W-15DC
 TAX LOTS:
 1800 AND 1900

T.L. 1900
 RICHARD L. AND ANNA MARIE FLANAGAN
 975 WASSOM STREET
 LEBANON, OREGON 97355

APPLICANT:

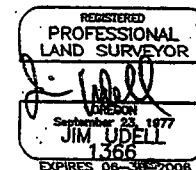
BRAD CHARLEY
 981 WASSOM STREET
 LEBANON, OREGON 97355

SURVEYOR:

JIM UDELL
 UDELL ENGINEERING AND SURVEYING
 63 EAST ASH ST.
 LEBANON, OREGON 97355



SCALE: 1" = 50'



OWNER: 8072
 SURVEYOR: 1366

Udell
 ENGINEERING & SURVEYING
 63 EAST ASH ST.
 LEBANON, OREGON
 97355
 (541) 451-5125
 FAX (541) 451-1366

JOB NAME: PHILLIPS

SITE DESCRIPTION

The annexation territory is approximately a 1.26 acre territory comprised of two tax lots located on the north side of Wassom Street between Stoltz Hill Road and 7th Street. The addresses are 981 and 975 Wassom; each tax lot has an existing single family home. Tax Lot 1800 is 0.34 acres, and Tax Lot 1900 is 0.92 acres. The annexation territory has approximately 213 feet of frontage on Wassom Street. The annexation territory is within the City's urban growth boundary and is contiguous with the City limits to the east. The property is designated as Mixed-Density Residential on the City of Lebanon's Comprehensive Plan Map.

The annexation territory is bordered on all sides by land as Mixed-Density Residential on the City of Lebanon's Comprehensive Plan Map. The surrounding properties are in residential development, except for one vacant lot to the south across Wassom Street.

FUTURE CONSIDERATIONS

The applicants/owners of Tax Lot 1800 intend to extend the City sewer line to their property and connect to the City sewer system if this annexation request is approved.

PLANNING AND ZONING CONSIDERATIONS

1. The Comprehensive Plan Map identifies the designation of the subject property as Residential Mixed Density Residential (RM) that assigns Residential Mixed Density Residential (RM) zoning upon annexation.
2. The following contain the factors and conditions that the City considers in evaluating this annexation request:
 - a. **2003 ANNEXATION ORDINANCE** (City of Lebanon Ordinance Number 17 for 2003, an Ordinance Making Findings and Adopting Policies for the Annexation of Real Property into the City Limits);
 - b. **2004 LEBANON COMPREHENSIVE PLAN: Chapter 3 Urbanization Policies, P-19 thru P-27;**
 - c. **1980 LEBANON ZONING ORDINANCE** Section 3.050 – Zoning of Annexed Areas;
3. Lebanon Zoning Ordinance Section 4.020 lists the development opportunities, standards and requirements for the Residential Mixed Density (RM) zone.

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○ ○

THE FOLLOWING DETAILED CRITERIA ARE USED IN EVALUATING THIS ANNEXATION REQUEST.

BASIC RELEVANT ANNEXATION CRITERIA

- 1.0 Criteria Based on the 2003 ANNEXATION ORDINANCE [City of Lebanon Ordinance Number 17 for 2003, an Ordinance Making Findings and Adopting Policies for the Annexation of Real Property into the City Limits] -- *Provisions of the Annexation Ordinance Sections:***
- 1.1 Section 2:** All Annexations shall conform to the requirements of the Lebanon Municipal Code, Annexation Ordinance, Lebanon Land Development Ordinance, City of Lebanon/Linn County Urban Growth Management Agreement, and shall be consistent with applicable State law.
 - 1.2 Section 3:** All Annexations shall be consistent with the goals and policies of the Lebanon Comprehensive Plan.
 - 1.3 Section 4:** All lands included within the Urban Growth Boundary are eligible for annexation and urban development. Areas within the Urban Growth Boundary with designated environmental constraints may be annexed and utilized as functional wetlands, parks, open space and related uses.
 - 1.4 Section 5:** The City shall only annex land that is contiguous to the existing City limits and is within the City's Urban Growth Boundary (UGB).
 - 1.5 Section 6:** An annexation shall be deemed orderly if the annexation territory is contiguous to the existing City limits. An annexation is efficient if the annexation territory can be developed or redeveloped to an urban use. Urban uses may include functional wetlands, parks, open space and related uses.
 - 1.6 Section 7:** Development proposals are NOT REQUIRED for annexation requests.
 - 1.7 Section 8:** As part of the annexation process of developed property or properties, the City shall consider the anticipated demands to access key City-provided urban utility services, which are water, storm drainage, sanitary sewerage, and streets, of existing development within the annexation territory.
 - 1.8 Section 9:** As part of the annexation process of developed property or properties, the City shall consider the impacts on key City-provided urban utility services needed to serve these properties, which are water, storm drainage, sanitary sewerage, and streets.
 - 1.9 Section 10:** Needed Public rights-of-way, as identified in adopted transportation plans as necessary for the safe and efficient movement of traffic, bicycles and pedestrians, shall be dedicated to the City either with annexation or when the property develops and/or redevelops and thus creates an increased demand for the benefits and utility provided by additional rights-of-way dedication.
 - 1.10 Section 11:** Upon annexation, the annexation territory shall be assigned zoning classifications in accordance with the adopted Comprehensive Plan Map, as shown in the City's Annexation Zoning Matrix. Such zoning assignments in and of themselves are not a zoning map change and shall not require approval of a zoning map amendment, or a separate proceeding.

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- 1.11 **Section 12:** If a zoning designation other than one in accordance with the Comprehensive Plan Map (shown in the Annexation Zoning Matrix) is requested by an applicant, the zoning requested shall not be granted until the Comprehensive Plan Map is appropriately amended to reflect concurrence. Such an amendment shall require a separate application, hearing and decision, which may be held concurrently with an annexation hearing and will not become effective until the annexation is complete.
- 1.12 **Section 13:** The areas within the Urban Growth Boundary with designated environmental constraints may be annexed and developed as functional wetlands, parks, open space and related uses.
- 1.13 **Section 14:** An "urban use" is hereby defined as any land use that is authorized under the terms and provisions of the land use regulations, Zoning Ordinance, Subdivision Ordinance, Comprehensive Plan, and other related documents of the City of Lebanon.
- 1.14 **Section 15:** At the applicant's discretion and with the City's concurrence, a development or redevelopment proposal for an annexation territory may be acted upon by the Planning Commission immediately following the Commission's hearing on the annexation proposal and a decision of recommendation of approval to the City Council. However, any approval of the Planning Commission of such a development or redevelopment proposal must be contingent upon subsequent approval of the annexation by City Council.

2.0 2004 Lebanon Comprehensive Plan (LCP) Criteria – Chapter 3: Urbanization – Annexation Policies – The City shall:

- 2.1 **P-19:** Recognize and act on the basis that all annexations shall conform to the requirements of the Lebanon Municipal Code, Annexation Ordinance, Lebanon Land Development Ordinance, City of Lebanon/Linn County Urban Growth Management Agreement (UGMA), and shall be consistent with applicable State law.
- 2.2 **P-20:** Recognize and act on the basis that all annexations shall be consistent with the goals and policies of the Lebanon Comprehensive Plan.
- 2.3 **P-21:** Recognize and act on the basis that all lands included within the Urban Growth Boundary are eligible for annexation and urban development. (Areas within the Urban Growth Boundary (UGB) with designated environmental constraints may be annexed and utilized as functional wetlands, parks, open space and related uses.)
- 2.4 **P-22:** Only annex land that is contiguous to the existing City limits and is within the City's Urban Growth Boundary (UGB).
- 2.5 **P-23:** Deem an annexation orderly if the annexation territory is contiguous to the existing City Limits, and deem an annexation efficient if the annexation territory can be developed or redeveloped to an urban use (urban uses may include functional wetlands, parks, open space and related uses).
- 2.6 **P-24:** Recognize and act on the basis that development proposals are NOT REQUIRED for annexation requests.

- 2.7 **P-25:** Consider as part of the annexation process of developed property or properties, the anticipated demands to access key City-provided urban utility services, which are water, storm drainage, sanitary sewerage, and streets, of existing development within the annexation territory.
- 2.8 **P-26:** Consider as part of the annexation process of developed property or properties, the impacts on the capacities of key City-provided urban utility services needed to satisfy the anticipated demands of the properties discussed in P-25 above.
- 2.9 **P-27:** Expand the City Limits as necessary to accommodate development, including housing, commercial, industrial, and services (that will in turn accommodate population growth).
- 3.0 **1980 Zoning Ordinance Criteria -- 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.*

STAFF COMMENTS

1. Planning:

- A. The legal description and a map describing nearly the entire annexation area have been submitted and are included in this report (see Comment "B" below).
- B. The entire right-of-way for Wassom Street fronting the annexation territory will be included in the annexation territory. The legal description and annexation map must be modified to show this before this annexation will be scheduled for a City Council hearing.
- C. The annexation territory is within the City's Urban Growth Boundary, and is therefore eligible for annexation and urban development. This annexation territory has been identified as land needed by the City for nearly a quarter of a century.
- D. The annexation territory is both contiguous to the existing City limits and within the City's Urban Growth Boundary, and is therefore eligible for annexation and urban development. The annexation territory is contiguous to the existing City Limits to the east.
- E. The annexation territory is developed to an urban use (each tax lot has an existing single family home). This development is consistent with the provisions of Lebanon Zoning Ordinance Section 4.020 that lists the development opportunities, standards and requirements for the Residential Mixed Density (RM) zone, and this is consistent with all applicable provisions of the Comprehensive Plan. At some future date, the annexation territory could be redeveloped in a manner that is also consistent with the provisions of Lebanon Zoning Ordinance Section 4.020).
- F. No redevelopment proposal was required to be submitted at this time. .

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- G. This territory currently has two existing single family homes, one on each tax lot. Access to City-provided services is not sought at this time, and therefore there are no anticipated needs at this time on the key City- provided urban utility services (i.e., are water, storm drainage, sanitary sewerage, and streets). However, the applicant's engineer and the City Engineer have determined that City sewer service (and water service) can be accessed with an extension from the existing lines at Wassom when the applicants/owners are ready to connect to City Services.
- H. This territory currently has two existing single family homes, one on each tax lot. Access to City-provided services is not sought at this time, and therefore there are no impacts at this time on the key City-provided urban utility services (i.e., are water, storm drainage, sanitary sewerage, and streets). However, the applicant's engineer and the City Engineer have determined that City sewer service (and water service) can be accessed with an extension from the existing lines at Wassom when the applicants/owners are ready to connect to City Services.
- I. Currently the subject property does not have a City zoning designation because it is not within the City limits. However, since the property is within the City's Urban Growth Boundary, the current Comprehensive Plan designation on the subject property is Mixed-Density Residential. The corresponding City zoning designation for a Comprehensive Plan designation of Mixed-Density Residential is Residential Mixed Density (RM). The applicant is requesting a Residential Mixed Density (RM) zoning designation for the subject property. Therefore, a City zoning designation of Residential Mixed Density (RM) can automatically be assigned at this time, without a separate hearing. This action is NOT a zoning map amendment.
- J. The subject property has no environmental constraints that cannot be mitigated that would prevent development.
- K. This annexation is an implementation of the Annexation Policies contained in this Plan, the Lebanon/Linn County Urban Growth Management Agreement, and the City's Annexation Ordinance.
- L. This annexation application does NOT include a development proposal or a rezoning application.
- M. The subject property is not within the Grand Prairie Water Control District.

2. Current Status of Infrastructure (City Engineering Comments):

- A. **Sanitary Sewer:** The applicant's engineer and the City Engineer have determined that City sewer service can be accessed with an extension from the sewer line at Wassom.
- B. **Water:** Water service is located at Wassom.
- C. **Drainage:** The site is served by existing drainage.
- D. **Transportation Access:** Wassom Street currently serves the two subject properties. The entire right-of-way for Wassom Street fronting the annexation territory will be included in the annexation territory.
- E. **Fees and Costs:** In addition to infrastructure improvement costs, future development will have expenses associated with it such as service lines, meters, plumbing permit fees, and sewer and water system development charges. All of the above permits, fees, and processes are detailed in the City's Site Development Guide.

RECOMMENDATION

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

PROPOSED FINDINGS -- Findings that address Basic Relevant Annexation Criteria

Criteria 1.1 and 2.1

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

2004 LCP Chapter 3 (Urbanization) – Annexation Policy #P-191: [The City shall] Recognize and act on the basis that all annexations shall conform to the requirements of the Lebanon Municipal Code, Annexation Ordinance, Lebanon Land Development Ordinance, City of Lebanon/Linn County Urban Growth Management Agreement (UGMA), and shall be consistent with applicable State law.

Finding # 1:

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

Criteria 1.2 and 2.2

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

2004 LCP Chapter 3 (Urbanization) – Annexation Policy #P-20: [The City shall] Recognize and act on the basis that all annexations shall be consistent with the goals and policies of the Lebanon Comprehensive Plan.

Finding # 2:

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

Criteria 1.3 and 2.3,

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

LCP Chapter 3 (Urbanization) – Annexation Policy #P-21: [The City shall] Recognize and act on the basis that all lands included within the Urban Growth Boundary are eligible for annexation and urban development. (Areas within the Urban Growth Boundary (UGB) with designated environmental constraints may be annexed and utilized as functional wetlands, parks, open space and related uses.)

Finding # 3:

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

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Criteria 1.4 and 2.4

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

2004 LCP Chapter 3 (Urbanization) – Annexation Policy #P-22: *[The City shall] Only annex land that is contiguous to the existing City limits and is within the City's Urban Growth Boundary (UGB).*

Finding # 4:

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

Criteria 1.5, 1.13, 1.14, and 2.5

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

Annexation Ordinance Section 13: *The areas within the Urban Growth Boundary with designated environmental constraints may be annexed and developed as functional wetlands, parks, open space and related uses.*

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

2004 LCP Chapter 3 (Urbanization) – Annexation Policy #P-23: *[The City shall] Deem an annexation orderly if the annexation territory is contiguous to the existing City Limits, and deem an annexation efficient if the annexation territory can be developed or redeveloped to an urban use (urban uses may include functional wetlands, parks, open space and related uses).*

Finding # 5:

The proposed annexation complies with the above noted criteria. (1) Since the annexation territory is contiguous to the existing City limits the annexation of this territory is deemed orderly. (2) The annexation is efficient since the annexation territory can be developed to an urban use ~~and is not already developed in a manner not consistent with City provisions.~~ This territory is already developed ~~and could be redeveloped~~ according to the provisions of Lebanon Zoning Ordinance Section 4.020 lists the development opportunities, standards and requirements for the Residential Mixed Density (RM) zone, and this is consistent with all applicable provisions of the Comprehensive Plan.

Criteria 1.6 and 2.6

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

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

Finding # 6:

The proposed annexation complies with the above noted criteria in that no development proposal was required to be submitted at this time.

Criteria 1.7 and 2.7

Annexation Ordinance Section 8: As part of the annexation process of developed property or properties, the City shall consider the anticipated demands to access key City-provided urban utility services, which are water, storm drainage, sanitary sewerage, and streets, of existing development within the annexation territory.

2004 LCP Chapter 3 (Urbanization) – Annexation Policy #P-25: [The City shall] Consider as part of the annexation process of developed property or properties, the anticipated demands to access key City-provided urban utility services, which are water, storm drainage, sanitary sewerage, and streets, of existing development within the annexation territory.

Finding # 7:

The proposed annexation complies with the above noted criteria in that this property is currently vacant. Access to City-provided services is not sought at this time, and therefore there are no anticipated needs at this time on the key City-provided urban utility services (i.e., are water, storm drainage, sanitary sewerage, and streets). However, all City services can be made available to the territory.

- **Sanitary Sewer:** The applicant's engineer and the City Engineer have determined that City sewer service can be accessed with an extension from the sewer line at Wassom.
- **Water:** Water service is located at Wassom.
- **Drainage:** The site is served by existing drainage.
- **Transportation Access:** Wassom Street currently serves the two subject properties.

Criteria 1.8 and 2.8

Annexation Ordinance Section 9: As part of the annexation process of developed property or properties, the City shall consider the impacts on key City-provided urban utility services needed to serve these properties, which are water, storm drainage, sanitary sewerage, and streets.

2004 LCP Chapter 3 (Urbanization) – Annexation Policy # P-26: [The City shall] Consider as part of the annexation process of developed property or properties, the impacts on the capacities of key City-provided urban utility services needed to satisfy the anticipated demands of the properties discussed in P-25 above.

Finding #8:

The proposed annexation complies with the above noted criteria in that this territory currently has two existing single family homes, one on each tax lot. Access to City-provided services is not sought at this time, and therefore there are no anticipated needs at this time on the key City-provided urban utility services (i.e., are water, storm drainage, sanitary sewerage, and streets). However, the applicant's engineer and the City Engineer have determined that City sewer service (and water service) can be accessed with an extension from the existing lines at Wassom when the applicants/owners are ready to connect to City Services. (See **Finding # 7** for further details.)

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Criterion 2.9

2004 LCP Chapter 3 (Urbanization) – Annexation Policy # P-27: *Expand the City Limits as necessary to accommodate development, including housing, commercial, industrial, and services (that will in turn accommodate population growth).*

Finding #9:

The proposed annexation complies with the above noted criterion in that the annexation of this property is indeed necessary to accommodate development, specifically residential. It is anticipated that the development proposals by the applicant will be submitted following approval of this annexation request. It is reasonable to conclude that the major economic development activity in the community in recent months can be anticipated to generate population growth as many new jobs are created in the relatively near future. Accordingly, housing development opportunities will be in demand in the community. This annexation (i.e., expansion of the City limits) is therefore necessary to accommodate such development, by enabling the continuing viability of the homes in annexation territory, and making possible the potential future redevelopment of these tax lots.

Criterion 1.9

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

Finding # 10:

The proposed annexation complies with Annexation Ordinance Section 10 in that the additional necessary right-of-way is being addressed at the time of annexation. The entire right-of-way for Wassom Street fronting the annexation territory will be included in the annexation territory. The legal description and annexation map must be modified to show this inclusion before this annexation will be scheduled for a City Council hearing.

Criteria 1.10, 1.11, and 3.0

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

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

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

Finding # 11:

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

Criterion 1.14

Annexation Ordinance Section 15: At the applicant's discretion and with the City's concurrence, a development or redevelopment proposal for an annexation territory may be acted upon by the Planning Commission immediately following the Commission's hearing on the annexation proposal and a decision of recommendation of approval to the City Council. However, any approval of the Planning Commission of such a development or redevelopment proposal must be contingent upon subsequent approval of the annexation by City Council.

Finding # 12:

The proposed annexation complies with Annexation Ordinance Section 15 in that no development proposal has been submitted at this time. The annexation consists of two tax lots, and each tax lot has an existing single family home.

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ANNEXATION ZONING MATRIX For Properties Annexed into the City of Lebanon	
2004 City of Lebanon Comprehensive Plan Designations	City of Lebanon Zoning Designations (1980) [as per 2004 LCP]
Residential Low Density (C-RL)	Residential Low Density Zone (RL) [Z-RL]
Residential Mixed Density (C-RM)	Residential Mixed Density Zone (RM) [Z-RM]
	Residential High Density Zone (RH) [Z-RH]
Mixed Use (C-MU)	Mixed Use Zone (MU) [Z-MU]
Neighborhood Mixed Use (C-NMU)	Neighborhood Mixed Use Zone [Z-NMU]
Commercial (C-CM)	Neighborhood Commercial Zone (CN) [Z-NCM]
	Central Business Commercial Zone (CB) [Z-CCM]
	Highway Commercial Zone (CH) [Z-HCM]
Industrial (C-IND)	Industrial Zone (ML & MG) [Z-IND]
Public Use (C-PU)	Public Use Zone [Z-PU]
(a) Red Lettering & Yellow Shading	Based upon the Zoning Ordinance descriptions of these zones, there are no un-annexed properties in the UGB eligible to be assigned to these zone designations. (October 04, and October 05)
(b) Blue Lettering & Blue Shading	This zone is for small neighborhood shopping clusters. Such designations would require a zone change and an Administrative Review Process.



CITY OF LEBANON

Community Development/Planning

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853 Main Street

Lebanon, Oregon 97355-3211

ANNEXATIONS ARE NOT ZONING MAP AMENDMENTS

(FEBRUARY 2005)

Annexations involve the *“first application of city zoning to property that already has a city comprehensive plan map designation . . . but has never had a city zoning map designation,”* and are therefore NOT zoning map amendments.

1. When the City annexes property into the City limits it automatically assigns the City Zoning map classification that corresponds to the Comprehensive Plan Map designation (see attached **ANNEXATION ZONING MATRIX**). This is not an amendment of the Zoning Map; it is rather the realization or fleshing out of the Zoning Map that lies latent “beneath” the Comprehensive Plan Map. The act of annexation merely enables the revealing of the Zoning Map classification of the annexed property that was intended when both the Comprehensive Plan Map and Zoning Map were adopted 25 years ago (1980).
2. It is this understanding of the annexation process and first assignment of City zoning that is embodied in the following 1980 Lebanon Zoning Ordinance section:

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.*
3. It is important to note that LZO Section 3.050 does NOT mandate that the City shall amend its Zoning Map in order to incorporate newly annexed properties. Instead, this provision of LZO states that annexed areas shall be **PLACED** in a zoning classification in accordance with the adopted Comprehensive Plan. The intentional use of the word “placed” is indicative of the fact that the Zone already exists prior to annexation. In short, the classifications of the Zoning Map are coextensive with their corresponding Comprehensive Plan Map designations; however, the Zoning Map classifications can only become apparent when a property is annexed.
4. Prior to annexation there is simply no City zone on a property to change or amend.
5. It is also important to note that the second part of LZO Section 3.050 lays the ground work for a Comprehensive Plan Map amendment when the annexation process deviates from the above noted process: *“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.”* This request necessitates an amendment process because of the incongruence between the zoning request and the “latent zoning map” that corresponds to the Comprehensive Plan Map.
6. Sections 3.030 and 3.040 of the 1980 Lebanon Zoning Ordinance provide the parameters for amending the Zoning Map.

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EXHIBIT A

APPLICANT'S NARRATIVE

**PETITION FOR ANNEXATION TO
THE CITY OF LEBANON**

NATURE OF REQUEST: Annexation of approximately a 1.26 acre territory comprised of two tax lots.

APPLICANTS: Brad W. and Laurie A. Charley
981 Wassom St., Lebanon, OR 97355
Richard L. and Anna Marie Flanagan
975 Wassom St., Lebanon, OR 97355

PROPERTY LOCATION: Located on the north side of Wassom Street, between Stoltz Hill Road and 7th Street.

ASSESSOR'S MAP AND TAX LOT: Assessor's Map T12S - R2W - Section 15CD, Tax Lots 1800 and 1900

ZONE DESIGNATION: Residential Mixed Density (RM) upon annexation

COMP PLAN DESIGNATION: Mixed-Density Residential

ANNEXATION NARRATIVE

INTRODUCTION

The applicants are requesting annexation of an approximately a 1.26 acre territory that is comprised of two tax lots. The territory is located on the north side of Wassom Street, between Stoltz Hill Road and 7th Street. It is within the City's urban growth boundary and is contiguous with the City limits to the east. The property is designated as Mixed-Density Residential on the City of Lebanon's Comprehensive Plan Map. A Residential Mixed Density Residential (RM) zoning designation is being requested upon annexation. This zoning designation is consistent with the City's Comprehensive Plan. No change in zoning designation is being requested.

Tax lot 1800 is owned Brad W. and Laurie A. Charley. Tax lot 1900 is owned by Richard L. and Anna Marie Flanagan. Each lot contains one single-family dwelling, occupied by the applicants. The septic system on tax lot 1800, owned by the Charleys, is beginning to fail. Due to the proximity to the City limits and existing city sewer line, Linn County, by statute OAR 340-71-160(4)(f), is not permitted to issue a repair or replacement permit for onsite sewer disposal. There are adequately sized sewer and water lines at the southeast corner of tax lot 1900, about 142 feet from the Charley property. If this annexation is approved, the Charleys will extend the city sewer line to their property and connect to the City sewer system.

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EXHIBIT A

SITE DESCRIPTION

The annexation territory is composed of two tax lots. Tax lot 1800 is 0.34 acres and is owned by Brad W. and Laurie A. Charley. Tax lot 1900 is 0.92 acres and is owned by Richard L. and Anna Marie Flanagan. Each tax lot contains one single-family dwelling, occupied by the applicants. The territory has approximately 213 feet of frontage on Wassom Street. The annexation territory is bordered by land designated for mixed density residential development on all sides. The annexation territory is bordered by residential uses on all sides. There is one vacant lot to the south, across Wassom St.

ANNEXATION PETITION COMPLIANCE WITH APPLICABLE REVIEW CRITERIA

The factors and conditions applicable to evaluating this annexation request are:

- **City of Lebanon Ordinance Number 17 for 2003, an Ordinance Making Findings and Adopting Policies for the Annexation of Real Property into the City limits.**
- **Lebanon Comprehensive Plan Chapter 1, Introduction, Narrative, Finding 2.0.**
- **Lebanon Comprehensive Plan Chapter 3, Urbanization, Flexible Growth Program Policies P-13 and P-14.**
- **Lebanon Comprehensive Plan Chapter 3, Urbanization, Annexation Policies P-19, P-20, P-21, P-22, P-23, P-24, P-25, P-26, P-27 and P-30.**
- **Lebanon Comprehensive Plan: Chapter 3, Urbanization, Annexation Findings 3.3.1 through 3.3.6, 3.3.8 through 3.3.10, 3.4.1, 3.4.2, 3.4.3, 3.4.6 and 3.5.1.**
- **Zoning Ordinance Section 3.050, Zoning of Annexed Areas.**
- **City of Lebanon/Linn County – Urban Growth Management Agreement, Section 2: Delineation of Authority in the Urban Growth Area (UGA), and Section 5, Annexations.**

Lebanon Zoning Ordinance Section 4.020 lists the development opportunities, standards and requirements for the Residential Mixed Density (RM) zone.

Applicable Provisions of the Lebanon Annexation Ordinance (LAO), Lebanon Comprehensive Plan (LCP), Lebanon Zoning Ordinance (LZO) and Lebanon/Linn County Urban Growth Management Agreement (UGMA):

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

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

LCP Chapter 3 – Urbanization, Annexation Policy P-19: The City shall recognize and act on the basis that all annexations shall conform to the requirements of the Lebanon Municipal Code, Annexation Ordinance, Lebanon Land Development Ordinance, City of Lebanon/Linn County Urban Growth Management Agreement (UGMA), and shall be consistent with applicable State law.

LCP Chapter 3 – Urbanization, Annexation Policy P-20: The City shall recognize and act on the basis that all annexations shall be consistent with the goals and policies of the Lebanon Comprehensive Plan.

LCP Chapter 3 – Urbanization, Annexation Finding 3.3.1: The City's Annexation Ordinance will be consistent with this Comprehensive Plan and will implement the principles and policies of this Comprehensive Plan as they relate to annexations.

LCP Chapter 3 – Urbanization, Annexation Finding 3.3.2: Together the City's Annexation Ordinance and the annexation policies and principles contained in this Comprehensive Plan Chapter establish the annexation process and procedures used by the City.

LCP Chapter 3 – Urbanization, Annexation Finding 3.3.3: The implementation of the City's Annexation Ordinance and the policies of this Comprehensive Plan, and the resulting process and procedures, address the four factors to be considered when a city converts urbanizable land in its Urban Growth Boundary (UGB) for urban uses as set forth in Statewide Planning Goal 14 (see Section 2.1.3 above).

***Applicant's Statement:** The evidence submitted with this petition demonstrates that the proposed annexation conforms to the requirements of the Lebanon Municipal Code, Annexation Ordinance, Lebanon Land Development Ordinance and the City of Lebanon/Linn County Urban Growth Management Agreement, and that the request is consistent with applicable State law and with the goals and policies of the Lebanon Comprehensive Plan. Compliance with the specific provisions of the applicable codes, ordinances and agreements is demonstrated in subsequent sections. Therefore, the petition complies with LAO Sections 2 and 3 and LCP Urbanization Policies P-19 and P-20.*

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

LAO Section 13: The areas within the Urban Growth Boundary with designated environmental constraints may be annexed and developed as functional wetlands, parks, open space and related uses.

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LCP Chapter 3 – Urbanization, Annexation Policy P-21: The City shall recognize and act on the basis that all lands included within the Urban Growth Boundary are eligible for annexation and urban development. (Areas within the Urban Growth Boundary (UGB) with designated environmental constraints may be annexed and utilized as functional wetlands, parks, open space and related uses.)

LCP Chapter 3 – Urbanization, Flexible Growth Program Policy P-13: The City shall recognize and act on the basis that all lands included within the Urban Growth Boundary are suitable for urban development except for those areas with identified environmental constraints. Nevertheless, those areas with environmental constraints may be utilized as functional wetlands, parks, open space and related uses.

LCP Chapter 3 – Urbanization, Flexible Growth Program Policy P-14: Implement and administer land development policies and requirements that are both orderly and efficient, as well as flexible so as to be responsive to site specific conditions and circumstances.

LCP Chapter 3 – Urbanization, Annexation Finding 3.3.4: The implementation of the City's Annexation Ordinance and the policies of this Comprehensive Plan, and the resulting process and procedures, will ensure the orderly expansion of City limits since only land that is adjacent to the City limits and is in the Urban Growth Area is eligible for annexation.

LCP Chapter 3 – Urbanization, Annexation Finding 3.3.5: The implementation of the City's Annexation Ordinance and its policies will provide a basis for the efficient provision of key City-provided urban utility services, which are hereby defined as water, storm drainage, sanitary sewerage, and streets.

LCP Chapter 3 – Urbanization, Annexation Finding 3.4.6: Areas within the Urban Growth Boundary with designated environmental constraints may be annexed and developed as functional wetlands, parks, open space and related uses.

Applicant's Statement: *The proposed annexation territory is within the City's urban growth boundary and therefore is eligible for annexation and is suitable for urban development. It is contiguous with the City limits to the east. There are no identified floodplains, wetlands, steep slopes or other areas with designated environmental constraints in the proposed annexation territory.*

The proposed annexation is orderly in that the territory is contiguous with the City limits. It is efficient in that it is within the UGB, is eligible for urban development, all City services are available to the territory and the territory can be developed to many of the urban uses allowed in the RM zone in a manner that is consistent with the City's development standards.

Therefore, the proposed annexation complies with LAO Sections 4 and 13, Urbanization Policies P-13, P-14 and P-21.

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

LCP Chapter 3 – Urbanization, Annexation Policy P-22: The City shall only annex land that is contiguous to the existing City limits and is within the City's Urban Growth Boundary (UGB).

Applicant's Statement: The proposed annexation territory is within the City's urban growth boundary. It is contiguous with the City limits to the east. Therefore, the proposed annexation complies with LAO Section 5 and LCP Urbanization Policy P-22.

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

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

LCP Chapter 3 – Urbanization, Annexation Policy P-23: The City shall deem an annexation orderly if the annexation territory is contiguous to the existing City limits, and deem an annexation efficient if the annexation territory can be developed or redeveloped to an urban use (urban uses may include functional wetlands, parks, open space and related uses).

LCP Chapter 3 – Urbanization, Annexation Finding 3.3.4: The implementation of the City's Annexation Ordinance and the policies of this Comprehensive Plan, and the resulting process and procedures, will ensure the orderly expansion of City limits since only land that is adjacent to the City limits and is in the Urban Growth Area is eligible for annexation.

Applicant's Statement: The proposed annexation territory is within the UGB and is contiguous to the existing City limits to the east, therefore annexation of the territory is considered orderly. The territory can be developed with many of the urban uses allowed in the Residential Mixed Density Zone (LZO 4.020). The annexation territory is 1.26 acres and contains approximately 213 feet of frontage on Wassom Street. Development can comply with all City standards. Therefore, the proposed annexation is efficient.

The proposed annexation is orderly and efficient and complies with the LAO Sections 6 and 14 and LCP Urbanization Policy 23.

LAO Section 7: Development proposals are NOT REQUIRED for annexation requests.

LAO Section 15: At the applicant's discretion and with the City's concurrence, a development or redevelopment proposal for an annexation territory may be acted upon by the Planning Commission immediately following the Commission's hearing on the annexation proposal and a decision of recommendation of approval to the City Council. However, any approval of the Planning Commission of such a development or redevelopment proposal must be

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contingent upon subsequent approval of the annexation by City Council.

LCP Chapter 3 – Urbanization, Annexation Policy P-24: The City shall recognize and act on the basis that development proposals are NOT REQUIRED for annexation requests.

LCP Chapter 3 – Urbanization, Annexation Finding 3.3.6: Annexation proposals do not require site specific development proposals.

Applicant's Statement: *No development proposal is being submitted as part of this annexation application.*

LAO Section 8: As part of the annexation process of developed property or properties, the City shall consider the anticipated demands to access key City-provided urban utility services, which are water, storm drainage, sanitary sewerage, and streets, of existing development within the annexation territory.

LAO Section 9: As part of the annexation process of developed property or properties, the City shall consider the impacts on key City-provided urban utility services needed to serve these properties, which are water, storm drainage, sanitary sewerage, and streets.

LCP Chapter 3 – Urbanization, Annexation Policy P-25: The City shall consider as part of the annexation process of developed property or properties, the anticipated demands to access key City-provided urban utility services, which are water, storm drainage, sanitary sewerage, and streets, of existing development within the annexation territory.

LCP Chapter 3 – Urbanization, Annexation Policy P-26: The City shall consider as part of the annexation process of developed property or properties, the impacts on the capacities of key City-provided urban utility services needed to satisfy the anticipated demands of the properties discussed in P-25 above.

LCP Chapter 3 – Urbanization, Annexation Finding 3.3.8: As part of the annexation process of developed property or properties, the City will consider the anticipated demands of existing development within the annexation territory if they access the four key City-provided urban utility services (water, storm drainage, sanitary sewerage, and streets), and will also consider the capacity of the existing infrastructure of these City-provided urban utility services to satisfy the anticipated potential new demands.

LCP Chapter 3 – Urbanization, Annexation Finding 3.3.9: The annexation of a territory that is vacant or undeveloped, does not represent any change or impact on any City-provided urban utility services, and therefore the annexation of such a territory does not need to consider such issues.

LCP Chapter 3 – Urbanization, Annexation Finding 3.5.1: Urban densities within the Urban Growth Area (UGA) are already accounted for in the City's facilities plans.

Applicant's Statement: *The annexation territory contains two tax lots. Each lot contains one single-family dwelling. There will be minimal impacts to City services based on existing development in the territory. Demand on key City-provided urban utility services from the dwelling has been anticipated in City plans and can be provided.*

The annexation territory contains sufficient frontage on Wassom Street (approximately 213 feet) to provide access to future development consistent with the requirements of Lebanon ordinances. Wassom Street is a local street and has capacity to provide for development of the annexation territory with uses allowed in the RM zone.

As development has occurred, portions of Wassom Street have been improved to City standards. Most of the north side of the street has been improved to full City standards. Most of the south side of the street is improved to Linn County standards.

Appropriately sized water, sanitary sewer, and storm drainage lines are available on the north side of Wassom Street, at the southeast corner of the annexation territory (tax lot 1900).

There are approximately 1.26 acres of developable land. At a development density of 4.5 units per acre, the property could be developed with about six single-family dwelling units. This is a typical use and density in the RM zone. Based on this development, the estimated sanitary sewer and water demand is:

- *Sanitary sewer – I/I approximately 3,780 gallons per day.*
- *Sanitary sewer – total peak wet weather demand – 7,600 gallons per day.*
- *Water demand – approximately 1,500 gallons per day.*

These estimates are being provided to the City Engineer for review.

There is sufficient capacity for all City services in the area of the annexation territory to provide service when the property is fully developed to urban densities. The property has frontage on an improved section of Wassom Street. Water, sanitary sewer, and drainage can be made available to the property with sufficient capacity to provide services to future development allowed in the RM zone. Any improvements to the water, sewerage, and drainage systems necessary to service future development can be constructed to comply with City standards.

Therefore, the proposed annexation complies with LAO Sections 8 and 9 and LCP Urbanization Policies P-25 and P-26.

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

LCP Chapter 3 – Urbanization, Annexation Finding 3.3.10: Needed public rights-of-way, as identified in adopted transportation plans as necessary for the safe and efficient movement of traffic, bicycles and pedestrians, will be dedicated to the City either with annexation or when the property develops and/or redevelops and thus creates an increased demand for the benefits and utility provided by additional rights-of-way dedication.

Applicant's Statement: *The portion of Wassom Street contiguous with the annexation territory contains sufficient dedicated public right-of-way to comply with the Lebanon Transportation Plan. The proposed annexation complies with LAO Section 10.*

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

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

LCP Chapter 3 – Urbanization, Annexation Finding 3.4.1: Unannexed property in the Urban Growth Area does not have a City zoning designation, but does have a City Comprehensive Plan Map designation that indicates the long-term planned use for the property.

LCP Chapter 3 – Urbanization, Annexation Finding 3.4.2: The City's Comprehensive Plan and Comprehensive Plan Map direct all long range land use planning in the Urban Growth Area.

LCP Chapter 3 – Urbanization, Annexation Finding 3.4.3: Upon annexation, an annexation territory will automatically be assigned City zoning classifications in accordance with the adopted Comprehensive Plan Map, as shown in the City's Annexation Zoning Matrix (see Table 4-2 in Chapter 4: *Land Use*). Such zoning assignments, in and of themselves, are not a Zoning Map change and do not require approval of a Zoning Map Amendment, or a separate proceeding.

LZO 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.

Applicant's Statement: *The property is within the City's Urban Growth Boundary. The Comprehensive Plan designation of the property is Mixed-Density Residential. The corresponding City zoning for this designation is Residential Mixed Density (RM). The applicant is requesting a Residential Mixed Density (RM) zoning designation for the property. No zoning map amendment is necessary to apply the RM zoning to the annexation area. Therefore, the proposed annexation complies with LAO Sections 11 and 12 and LZO Section 3.050.*

LCP Chapter 1: Introduction -- Narrative, Finding 2.0: The City of Lebanon recognizes its responsibility to include consideration of the Statewide Planning Goals and Guidelines as adopted by the Land Conservation and Development Commission (LCDC). Therefore, the City's Comprehensive Plan is intended to be consistent with the applicable Statewide Planning Goals.

Applicant's Statement: *The LCP has been acknowledged by the Oregon Land Conservation and Development Commission to be in compliance with the Statewide Planning Goals.*

LCP Chapter 3 -- Urbanization, Annexation Policy P-27: Expand the City limits as necessary to accommodate development, including housing, commercial, industrial, and services (that will in turn accommodate population growth).

LCP Chapter 3 -- Urbanization, Annexation Policy P-30: The City shall manage its Urban Growth Boundary and the lands within so as to make available sufficient land for the various uses to ensure choices in the market place, through implementation of land use regulations and land use policies.

LCP Chapter 3 -- Urbanization, Annexation Finding 3.2.2: The continued annexation and subsequent development of land for residential uses are essential to the continued health and vitality of the community.

Applicant's Statement: *The application is for annexation of residentially designated territory within the City's urban growth boundary and contiguous with the City limits. The Lebanon Comprehensive Plan states, "The continued annexation and subsequent development of land for residential uses are essential to the continued health and vitality of the community." The proposed annexation provides land for residential uses. Therefore, the proposed annexation complies with LCP Urbanization Policies P-27 and P-30.*

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

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

Section 5: Annexations: The UGA identifies land that may be subject to future City annexation. The City may annex land using its own procedures in accordance with state law. Only land within the UGA will be considered for annexation. The City will notify the County of any proposed annexations. Upon annexation, the City assumes all jurisdiction for land use actions.

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Applicant's Statement: *The annexation territory is within the City's UGB and is subject to the provisions of the Lebanon/Linn County UGM Agreement. The territory is eligible for annexation in that it is within the UGB and contiguous with the City limits. The applicant has requested annexation through the procedures established by the City through their Annexation Ordinance. The annexation proposal complies with the Lebanon/Linn County Urban Growth Management Agreement.*

Conclusion:

Applicant's Statement: *The evidence submitted demonstrates that the proposed annexation is consistent with the provisions and criteria in the LCP, LZO and the City's Annexation Ordinance and complies with the provisions of the Lebanon/Linn County UGM Agreement. The annexation is orderly in that the property is contiguous with the City limits. It is efficient in that all City services are available to the territory and the territory can be developed to many of the urban uses allowed in the RM zone in a manner that is consistent with the City's development standards. It provides for the continued annexation and potential future development of land for residential uses which are essential to the continued health and vitality of the community.*

CHARLEY/FLANNAGAN ANNEXATION

A PUBLIC HEARING TO CONSIDER ANNEXATION A-06-01, Map No. 12-12W-15CD, Tax lots 1800 & 1900, 1.26 acres on Wassom Street, Lebanon, OR

Mayor: I will declare the public hearing for Annexation A-06-01 open at 7:25 PM. And ask the City Attorney to review the relevant legal matters concerning this annexation request.

(Tom Comments)

Mayor: At this time, I will ask the City Councilors if they have any conflicts of interest or ex parte contacts to declare.

(Mayor awaits city council comments and state whether you have any conflicts or ex parte to declare) *none, including Mayor*

Mayor: If there are no (or further) disclosures I will ask Doug Parker to begin the staff report for this annexation request.

(Doug and others Give staff report for this annexation)

Mayor: Are there any questions from City Council of the staff?

Mayor: If there are no further questions, I will ask the representative of the applicant to come forward and give his presentation. Please provide your name and address for the record.

(After presentation)

Mayor: Are there any questions from the City Council?
Hearing no further questions, I will ask if there are any other members of the public present who would like to speak in FAVOR of this application? Please come forward to the podium and please state your name and address for the record.

(People Speak) After each one, ask if any City Councilor has any questions?

2. Mayor: "At this point, I will ask if there is anyone who would like to speak in opposition to the proposed annexation. If so, please come to the podium and provide your name and address for the record.

(People Speak) After each one, ask if any City Councilor has any questions.

Mayor: If there is no one else who wishes to speak in opposition, I will ask the applicant if he would like to present a rebuttal.

(AFTER applicant presents rebuttal, ask if there any questions of the applicant. After questions then continue below)

Mayor: At this time, the public input of the hearing is concluded at 7:30 PM All discussion will now be between and among City Council and City Staff.

I would like to ask the City Council to indicate their thinking on whether they feel this application does or does not meet the relevant criteria, why they feel the way they do, and what evidence in the record you relied upon in reaching your tentative decision.

(Council asks questions)

Mayor: I would like to now ask the City Councilors to indicate their thinking about this proposed application, why, and what evidence from the record they relied upon.

(Mayor waits for responses)

Mayor: IF there is no further discussion form the City Council, I will ask the City Attorney to read the proposed ordinance by title.

(City Attorney reads title of ordinance)

Mayor: Does anyone wish to make a motion?

(City Council makes motion and seconds)

Mayor: It has been moved and seconded to approve the proposed ordinance and annexation.

Mayor: (After discussion) I will ask the clerk to take a roll call vote.

3. Mayor: (after favorable vote) I declare the ordinance passed and the annexation approved. The title of the ordinance shall be the title of the bill.

Agenda Item 2



City of Lebanon
Community Development

MEMORANDUM

TO: John Hitt, City Administrator **DATE:** April 17, 2006
FROM: Doug Parker, Community Development Manager
CC: Tom McHill, City Attorney
SUBJECT: Annexation and Zoning of Property
Planning File: A-06-02 **Map No.:** 12-2W-22D
Applicant: The 5th Street Trust **Tax Lot:** 1001

This is a request to annex a 6.92 acre territory comprised of one tax lots located on the east side of South Fifth Street, south of Vaughan Lane. The property is designated as Residential Mixed-Density (C-RM) on the City of Lebanon Comprehensive Plan Map. A Residential Mixed Density (Z-RM) zoning designation will be assigned upon annexation. This is the Comprehensive Plan Map designated zoning assignment and does not constitute a zoning map amendment or zone change.

On March 15, 2006, the Planning Commission conducted a public hearing and voted unanimously to recommend approval to City Council of this proposed annexation and zoning assignment.

The Planning Commission staff report (Lebanon File # A-06-02) is included for review, along with a legal description and annexation map.

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 as requested.

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-06-02, 5th STREET TRUST PROPERTY

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ORDINANCE BILL NO. _____
for 2006

ORDINANCE NO. _____

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

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

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

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

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

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

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

Passed by the Lebanon City Council by a vote of _____ for and _____ against and approved by the Mayor this _____ day of April, 2006.

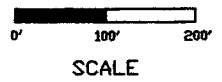
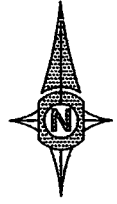
Kenneth I. Toombs, Mayor

J. Scott Simpson, Council President

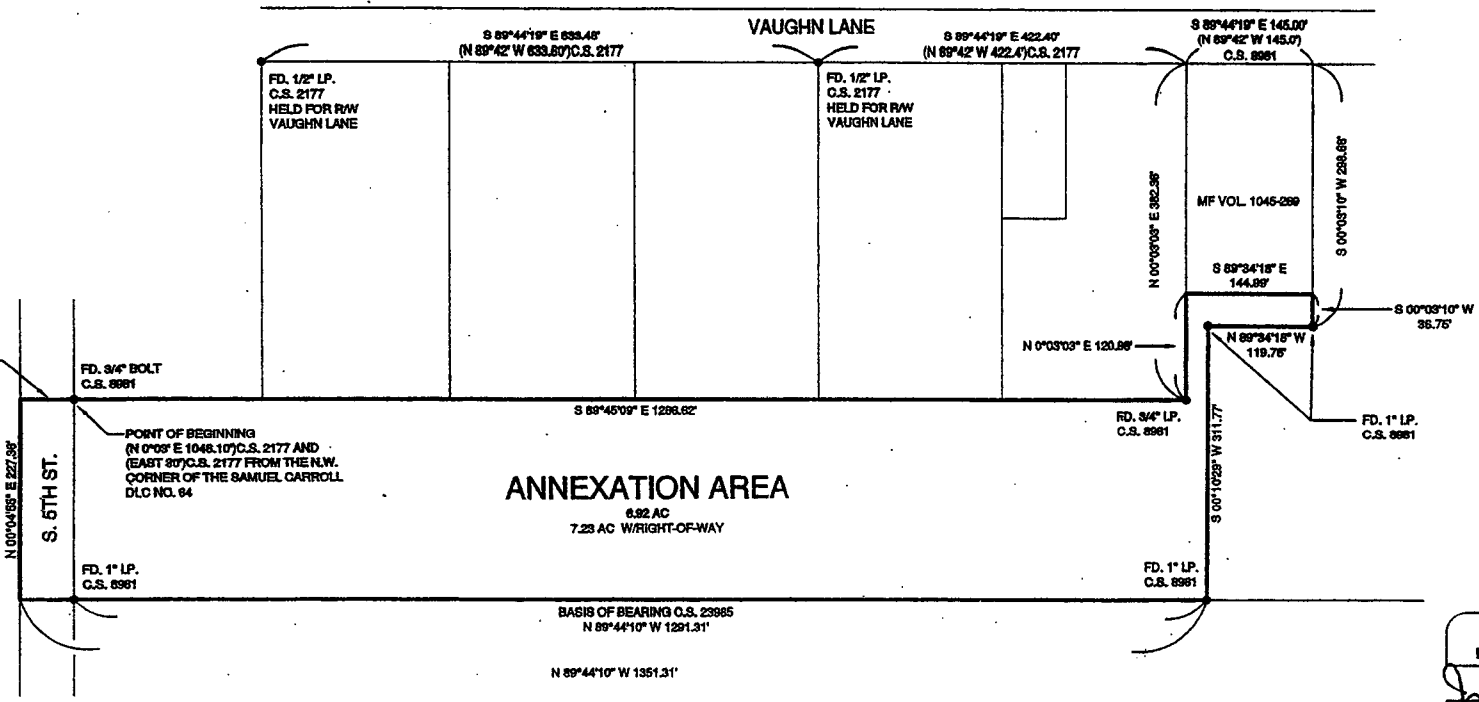
ATTEST:

John E. Hitt, City Recorder

ANNEXATION MAP
FOR
THE 5TH STREET TRUST
IN THE RICHMOND CHEADLE DLC NO. 69
IN THE NE 1/4 OF SECTION 22, T. 12 S., R. 2 W., W.M.
LINN COUNTY, OREGON



LEBANON PLANNING FILE NO. A-06-02



OWNER:
THE 5TH STREET TRUST
1845 5TH AVE. S.E.
SUITE 240
ALBANY, OR. 97322

PROPERTY:
12-2W-22D
TAX LOT 1001

SURVEYOR:
UDELL ENGINEERING AND SURVEYING
63 EAST ASH ST.
LEBANON, OR. 97355

REGISTERED
PROFESSIONAL
LAND SURVEYOR



OREGON
September 23, 1977
JIM UDELL
1366
EXPIRES 06-30-2006

ENGINEER
81072

SURVEYOR
13966

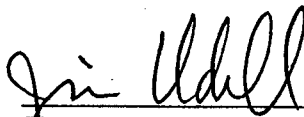
JAMES F. UDELL
ENGINEERING & SURVEYING
63 EAST ASH ST.
LEBANON, OREGON
97355
PH. (541) 451-5125
FAX (541) 451-1366

Annexation Legal Description for The Fifth Street Trust

An area of land in the Richmond Cheadle DLC No. 69 and being in the NE ¼ of Section 22 in Township 12 South of Range 2 West of the Willamette Meridian, Linn County, Oregon being more particularly described as follows:

Beginning at a ¾" Bolt on the east right-of-way of South Fifth Street which bears North 0°03' East 1046.10 feet (by prior record C.S. 2177) and East 30.00 feet (by prior record C.S. 2177) from the Northwest corner of the Samuel Carroll DLC No. 64 in Township 12 South of Range 2 West of the Willamette Meridian, Linn County, Oregon; thence South 89°45'09" East 1266.62 feet to a ¾" iron pipe; thence North 0°03'03" East 120.86 feet to the southwest corner of the land described in Linn County deed reference microfilm volume 1045 page 269; thence South 89°34'18" East 144.99 feet to the southeast corner of the land described in Linn County deed reference microfilm volume 1045 page 269; thence South 0°03'10" West 36.75 feet to a 1" iron pipe; thence North 89°34'18" West 119.76 feet to a 1" iron pipe; thence South 0°10'29" West 311.77 feet to a 1" iron pipe on the north line of Heather Estates Phase I; thence North 89°44'10" West 1351.31 feet to a point on the west right-of-way of South Fifth Street; thence North 0°04'55" East 227.36 feet along said west right-of-way to a point bearing North 89°45'09" West 60.00 feet from the point of beginning; thence South 89°45'09" East 60.00 feet to the point of beginning.

I certify the above legal description closes within the tolerances prescribed in ORS. and within general land surveying standards used in the profession.



Jim Udell, PLS 1366

2/14/06
Date

FINDINGS -- Findings that address Basic Relevant Annexation Criteria

Criteria 1.1 and 2.1

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

2004 LCP Chapter 3 (Urbanization) – Annexation Policy #P-19: *[The City shall] Recognize and act on the basis that all annexations shall conform to the requirements of the Lebanon Municipal Code, Annexation Ordinance, Lebanon Land Development Ordinance, City of Lebanon/Linn County Urban Growth Management Agreement (UGMA), and shall be consistent with applicable State law.*

Finding # 1:

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

Criteria 1.2 and 2.2

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

2004 LCP Chapter 3 (Urbanization) – Annexation Policy #P-20: *[The City shall] Recognize and act on the basis that all annexations shall be consistent with the goals and policies of the Lebanon Comprehensive Plan.*

Finding # 2:

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

Criteria 1.3 and 2.3,

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

LCP Chapter 3 (Urbanization) – Annexation Policy #P-21: *[The City shall] Recognize and act on the basis that all lands included within the Urban Growth Boundary are eligible for annexation and urban development. (Areas within the Urban Growth Boundary (UGB) with designated environmental constraints may be annexed and utilized as functional wetlands, parks, open space and related uses.)*

Finding # 3:

The proposed annexation complies with the above noted criteria in that the annexation territory is within the City's Urban Growth Boundary, and is therefore eligible for annexation and urban development. This annexation territory has been identified as land needed by the City for nearly a quarter of a century. A wetland delineation and determination was conducted on the subject property, with the results that .08 acres (3,447 square feet) of jurisdictional wetland was delineated, and a .19 acre (8,292 square feet) pond was mapped. Wetlands issues will be dealt with at time of development.

Criteria 1.4 and 2.4

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

2004 LCP Chapter 3 (Urbanization) – Annexation Policy #P-22: *[The City shall] Only annex land that is contiguous to the existing City limits and is within the City's Urban Growth Boundary (UGB).*

Finding # 4:

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

Criteria 1.5, 1.13, 1.14, and 2.5

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

Annexation Ordinance Section 13: *The areas within the Urban Growth Boundary with designated environmental constraints may be annexed and developed as functional wetlands, parks, open space and related uses.*

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

2004 LCP Chapter 3 (Urbanization) – Annexation Policy #P-23: *[The City shall] Deem an annexation orderly if the annexation territory is contiguous to the existing City Limits, and deem an annexation efficient if the annexation territory can be developed or redeveloped to an urban use (urban uses may include functional wetlands, parks, open space and related uses).*

Finding # 5:

The proposed annexation complies with the above noted criteria. (1) Since the annexation territory is contiguous to the existing City limits the annexation of this territory is deemed orderly. (2) The annexation is efficient since the annexation territory can be developed to an urban use. This territory can be developed according to the provisions of Lebanon Zoning Ordinance Section 4.020 lists the development opportunities, standards and requirements for the Residential Mixed Density (RM) zone, and this is consistent with all applicable provisions of the Comprehensive Plan. There is a pond and four small wetlands on the property. The applicants are proposing to mitigate the wetlands impacts off-site when the property is developed. Development and mitigation requirements are not part of this annexation request, and will be considered at time of development.

Criteria 1.6 and 2.6

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

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

Finding # 6:

The proposed annexation complies with the above noted criteria in that no development proposal was required to be submitted at this time.

Criteria 1.7 and 2.7

Annexation Ordinance Section 8: As part of the annexation process of developed property or properties, the City shall consider the anticipated demands to access key City-provided urban utility services, which are water, storm drainage, sanitary sewerage, and streets, of existing development within the annexation territory.

2004 LCP Chapter 3 (Urbanization) – Annexation Policy #P-25: [The City shall] Consider as part of the annexation process of developed property or properties, the anticipated demands to access key City-provided urban utility services, which are water, storm drainage, sanitary sewerage, and streets, of existing development within the annexation territory.

Finding # 7:

The proposed annexation complies with the above noted criteria in that this property is currently vacant. Access to City-provided services is not sought at this time, and therefore there are no anticipated needs at this time on the key City-provided urban utility services (i.e., are water, storm drainage, sanitary sewerage, and streets). However, all City services can be made available to the territory.

- **Sanitary Sewer, Water, Drainage:** The applicant notes that “[A]ppropriately sized water, sanitary sewer, and storm drainage lines are available to the south and can be extended from Heather Estates Subdivision to and through the annexation territory.”
- **Transportation Access:** The applicant notes that “[T]he annexation territory contains sufficient frontage on South Fifth Street (approximately 227 feet) to provide access to future development consistent with the requirements of Lebanon ordinances. South Fifth Street is classified as a local street. It has sufficient capacity to provide for development of the annexation territory with uses allowed in the RM zone. It is currently constructed to County standards with two paved travel lanes and open drainage ditches on both sides. The east side of the street will be improved to City standards immediately south of the annexation territory when Heather Estates Phase II developed. The bridge immediately to the south of the territory will be reconstructed by the County this spring” [2006].

Criteria 1.8 and 2.8

Annexation Ordinance Section 9: As part of the annexation process of developed property or properties, the City shall consider the impacts on key City-provided urban utility services needed to serve these properties, which are water, storm drainage, sanitary sewerage, and streets.

2004 LCP Chapter 3 (Urbanization) – Annexation Policy # P-26: [The City shall] Consider as part of the annexation process of developed property or properties, the impacts on the capacities of key City-provided urban utility services needed to satisfy the anticipated demands of the properties discussed in P-25 above.

Finding #8:

The proposed annexation complies with the above noted criteria in that this territory this property is currently vacant. Access to City-provided services is **not sought at this time**, and therefore there are no anticipated needs at this time on the key City-provided urban utility services (i.e., are water, storm drainage, sanitary sewerage, and streets). However, all City services can be made available to the territory. (See **Finding # 7** for further details.)

Criterion 2.9

2004 LCP Chapter 3 (Urbanization) – Annexation Policy # P-27: Expand the City Limits as necessary to accommodate development, including housing, commercial, industrial, and services (that will in turn accommodate population growth).

Finding #9:

The proposed annexation complies with the above noted criterion in that the annexation of this property is indeed necessary to accommodate development, specifically residential. It is anticipated that the development proposals by the applicant will be submitted following approval of this annexation request. It is reasonable to conclude that the major economic development activity in the community in recent months can be anticipated to generate population growth as many new jobs are created in the relatively near future. Accordingly, housing development opportunities will be in demand in the community. This annexation (i.e., expansion of the City limits) is therefore necessary to accommodate such development, by enabling the continuing viability of the homes in annexation territory, and making possible the potential future redevelopment of these tax lots.

Criterion 1.9

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

Finding # 10:

The proposed annexation complies with Annexation Ordinance Section 10 in that the additional necessary right-of-way is being addressed at the time of annexation. The entire right-of-way for 5th Street fronting the annexation territory is included in the annexation territory, as shown in the applicant's legal description and annexation map.

Criteria 1.10, 1.11, and 3.0

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

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

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

Finding # 11:

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

Criterion 1.14

Annexation Ordinance Section 15: At the applicant's discretion and with the City's concurrence, a development or redevelopment proposal for an annexation territory may be acted upon by the Planning Commission immediately following the Commission's hearing on the annexation proposal and a decision of recommendation of approval to the City Council. However, any approval of the Planning Commission of such a development or redevelopment proposal must be contingent upon subsequent approval of the annexation by City Council.

Finding # 12:

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

PLANNING COMMISSION STAFF REPORT

March 15, 2006

ANNEXATION REQUEST

- NATURE OF REQUEST:** Annexation of a 6.92 acre territory comprised of one tax lot. There are no structures on the property.
- APPLICANT:** The 5th Street Trust
- PROPERTY LOCATION:** Located on the east side of South Fifth Street, 412' south of Vaughn Lane.
- ASSESSOR'S MAP AND TAX LOT #:** Assessor's Map T12S - R2W – Section 22D, Tax Lot 1001.
- COMP PLAN DESIGNATION:** Residential Mixed Density (C-RM) upon annexation.
- ZONE DESIGNATION:** Residential Mixed-Density (RM) [or Z-RM] upon annexation.

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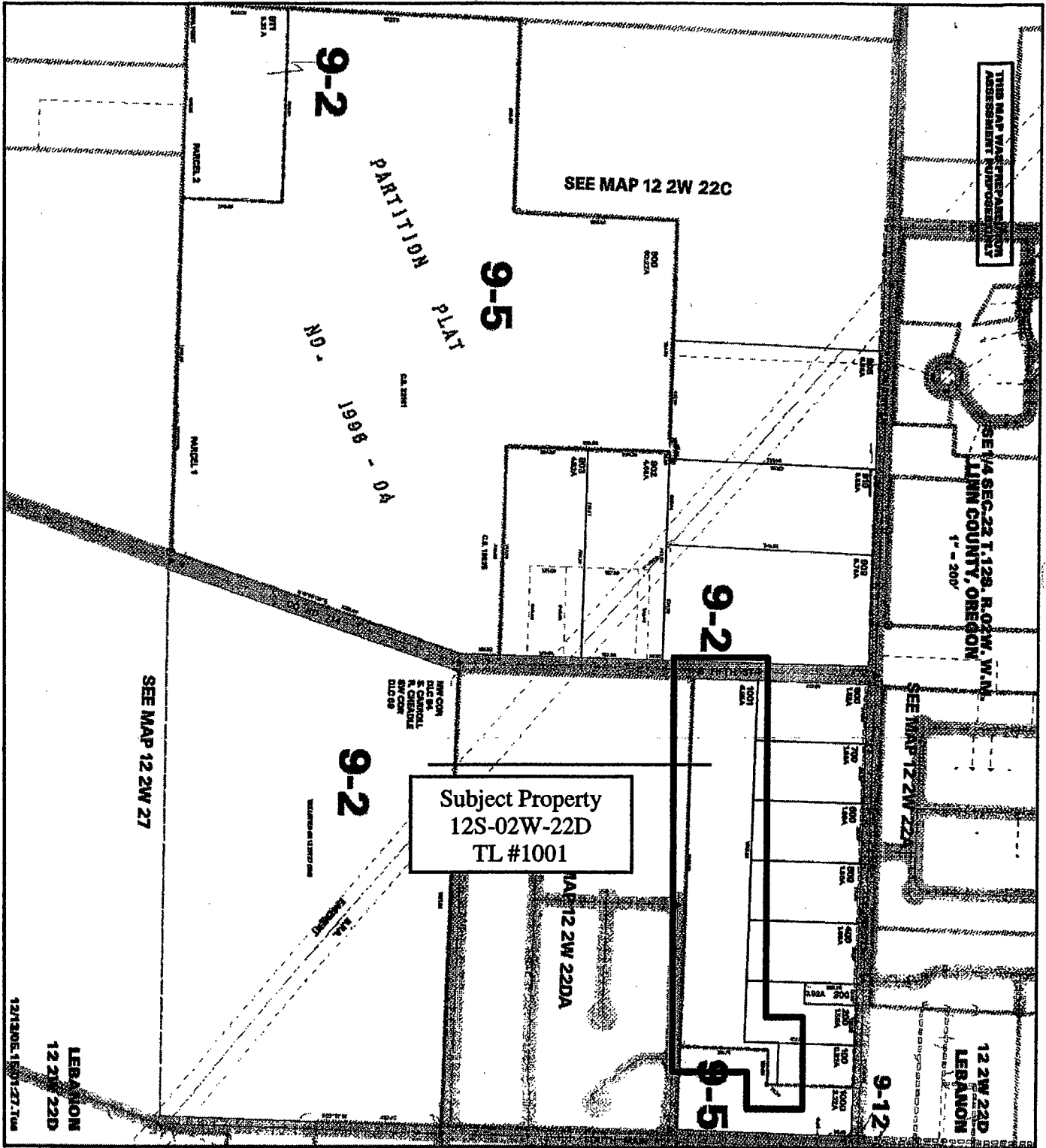
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• EXHIBITS – The applicant has submitted a Narrative Statement (see Exhibit A).	

INTRODUCTION

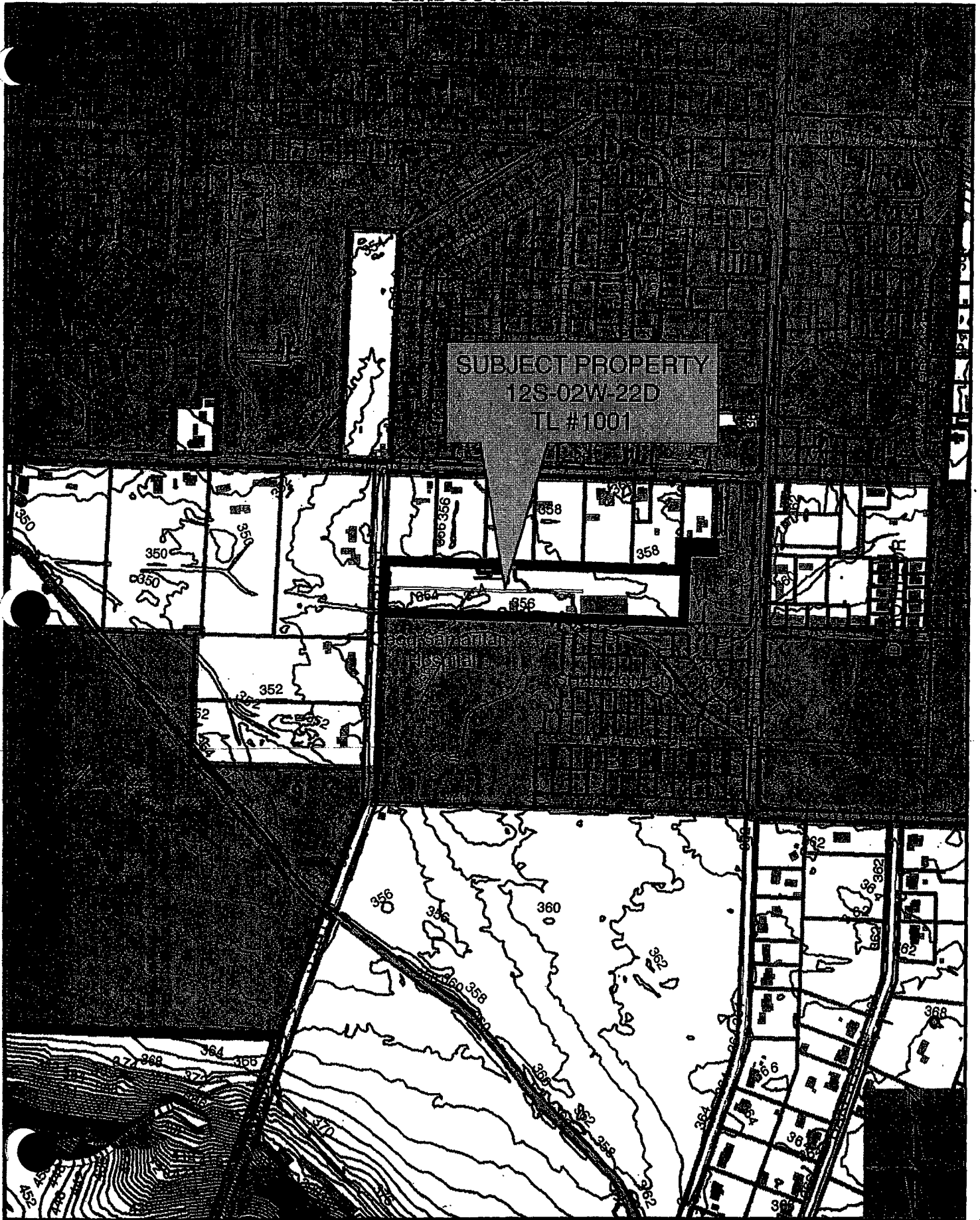
The applicants, 5th Street Trust, are requesting annexation of approximately 6.92 acres. The territory is located on the east side of South Fifth Street, 412 feet south of Vaughn Lane. It is within the City's Urban Growth Boundary and is contiguous with the City limits to the east and south. The property is designated as Mixed-Density Residential (C-RM) on the City of Lebanon's Comprehensive Plan Map. A Residential Mixed Density (Z-RM) zoning designation is being requested upon annexation. This zoning designation is consistent with the City's Comprehensive Plan. No change in zoning is being requested. This action is NOT a zoning map amendment.

There are no structures on the property. Access is from South Fifth Street, an improved county road. Sewer and water services can be extended from Heather Estates subdivision to the south. Stormwater will be discharged through a drainage ditch along the south property line. The property contains wetlands. A delineation has been completed. A map of the wetlands is attached. Wetlands will be mitigated off-site when the property is developed. The subject property is not within the Grand Prairie Water District.

ASSESSOR'S MAP

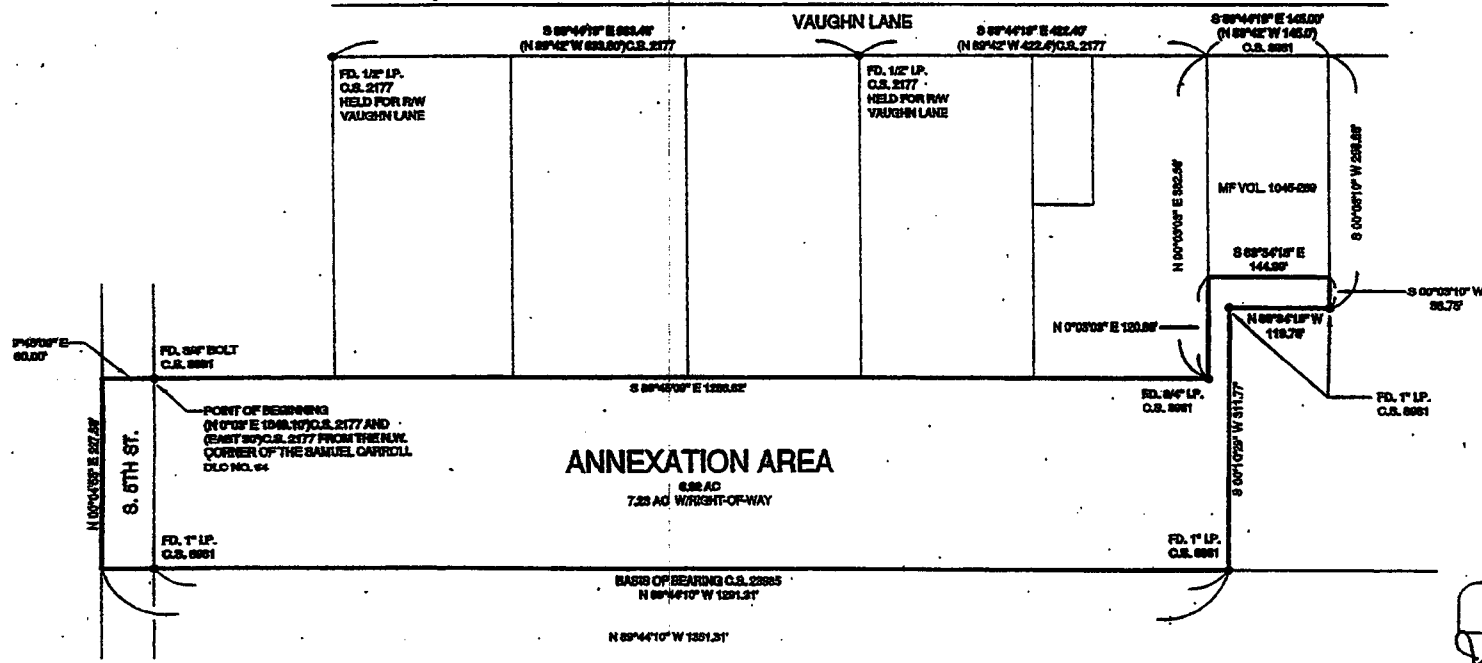


City of Lebanon
LAND COVER



ANNEXATION MAP FOR THE 5TH STREET TRUST

IN THE RICHMOND CHEADLE DLC NO. 69
IN THE NE 1/4 OF SECTION 22, T. 12 S., R. 2 W., W.M.
LINN COUNTY, OREGON



Annexation Map

Wetlands Map of Site

5th Street, Lebanon, Oregon
Rorick Environmental Services, 503-668-8660

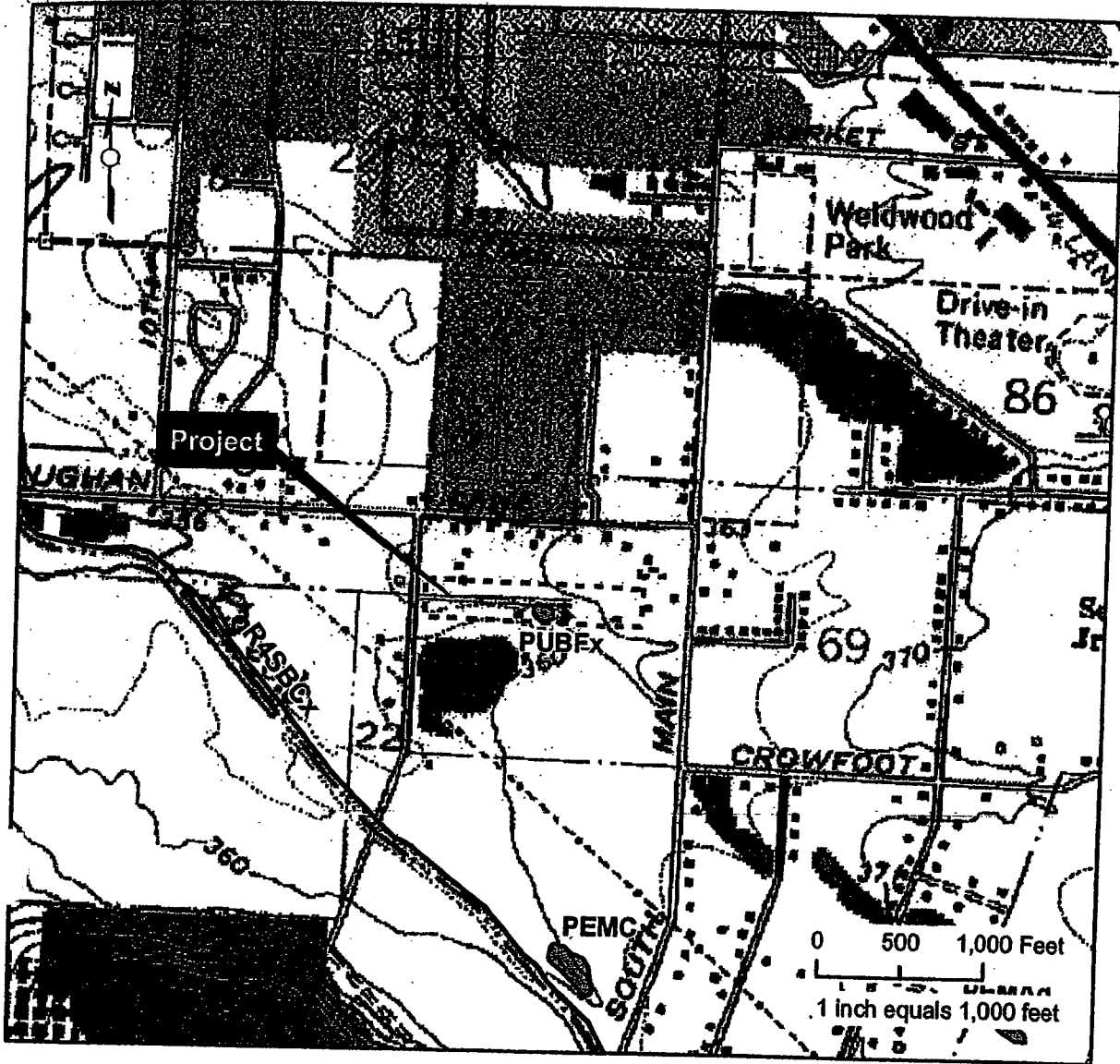


Figure 7 National Wetland Inventory map (USFWS 1995).

SITE DESCRIPTION

The annexation territory was formerly a plant nursery. It contains a pond, some small isolated wetlands and some ditches. A wetland delineation and determination was conducted on the subject property, with the results that .08 acres (3,447 square feet) of jurisdictional wetland was delineated, and a .19 acre (8,292 square feet) pond was mapped.

There are no structures. The territory has approximately 227 feet of frontage on South Fifth Street. It is bordered by land designated for mixed density residential development on all sides and is bordered by residential uses on all sides.

Project Description and City Services (Excerpts from Applicant's Narrative):

The annexation territory is vacant. There will no impact to City services based on existing development in the territory.

The annexation territory contains sufficient frontage on South Fifth Street (approximately 227 feet) to provide access to future development consistent with the requirements of Lebanon ordinances. South Fifth Street is classified as a local street. It has sufficient capacity to provide for development of the annexation territory with uses allowed in the RM zone. It is currently constructed to County standards with two paved travel lanes and open drainage ditches on both sides. The east side of the street will be improved to City standards immediately south of the annexation territory when Heather Estates Phase II is developed. The bridge immediately to the south of the territory will be reconstructed by the County this spring.

Appropriately sized water, sanitary sewer, and storm drainage lines are available to the south and can be extended from Heather Estates Subdivision to and through the annexation territory.

There are potentially 6.92 acres of developable land. At a development density of 4.5 units per acre, the property could be developed with about 31 single-family dwelling units. This is a typical use and density in the RM zone. Based on this development, the estimated sanitary sewer and water demand is:

- *Sanitary sewer – I/I approximately 20,760 gallons per day.*
- *Sanitary sewer – total peak wet weather demand – 32,385 gallons per day.*
- *Water demand – approximately 11,625 gallons per day.*

These estimates are being provided to the City Engineer for review.

There is sufficient capacity for all City services in the area of the annexation territory to provide service when the property is fully developed to urban densities. The property has frontage on an improved section of South Fifth Street. Water, sanitary sewer, and drainage can be made available to the property with sufficient capacity to provide services to future development allowed in the RM zone. Any improvements to the water, sewerage, and drainage systems necessary to service future development can be constructed to comply with City standards.

PLANNING AND ZONING CONSIDERATIONS

1. The Comprehensive Plan Map identifies the designation of the subject property as Residential Mixed Density Residential (RM) that assigns Residential Mixed Density Residential (RM) zoning upon annexation.
2. The following contain the factors and conditions that the City considers in evaluating this annexation request:
 - a. **2003 ANNEXATION ORDINANCE** (City of Lebanon Ordinance Number 17 for 2003, an Ordinance Making Findings and Adopting Policies for the Annexation of Real Property into the City Limits);
 - b. **2004 LEBANON COMPREHENSIVE PLAN: Chapter 3 Urbanization Policies, P-19 thru P-27;**
 - c. **1980 LEBANON ZONING ORDINANCE** Section 3.050 – Zoning of Annexed Areas;
3. Lebanon Zoning Ordinance Section 4.020 lists the development opportunities, standards and requirements for the Residential Mixed Density (RM) zone.

THE FOLLOWING DETAILED CRITERIA ARE USED IN EVALUATING THIS ANNEXATION REQUEST.

BASIC RELEVANT ANNEXATION CRITERIA

- 1.0 **Criteria Based on the 2003 ANNEXATION ORDINANCE [City of Lebanon Ordinance Number 17 for 2003, an Ordinance Making Findings and Adopting Policies for the Annexation of Real Property into the City Limits] -- *Provisions of the Annexation Ordinance Sections:***
- 1.1 **Section 2:** All Annexations shall conform to the requirements of the Lebanon Municipal Code, Annexation Ordinance, Lebanon Land Development Ordinance, City of Lebanon/Linn County Urban Growth Management Agreement, and shall be consistent with applicable State law.
- 1.2 **Section 3:** All Annexations shall be consistent with the goals and policies of the Lebanon Comprehensive Plan.
- 1.3 **Section 4:** All lands included within the Urban Growth Boundary are eligible for annexation and urban development. Areas within the Urban Growth Boundary with designated environmental constraints may be annexed and utilized as functional wetlands, parks, open space and related uses.
- 1.4 **Section 5:** The City shall only annex land that is contiguous to the existing City limits and is within the City's Urban Growth Boundary (UGB).
- 1.5 **Section 6:** An annexation shall be deemed orderly if the annexation territory is contiguous to the existing City limits. An annexation is efficient if the annexation territory can be developed or redeveloped to an urban use. Urban uses may include functional wetlands, parks, open space and related uses.
- 1.6 **Section 7:** Development proposals are NOT REQUIRED for annexation requests.

- 1.7 **Section 8:** As part of the annexation process of developed property or properties, the City shall consider the anticipated demands to access key City-provided urban utility services, which are water, storm drainage, sanitary sewerage, and streets, of existing development within the annexation territory.
- 1.8 **Section 9:** As part of the annexation process of developed property or properties, the City shall consider the impacts on key City-provided urban utility services needed to serve these properties, which are water, storm drainage, sanitary sewerage, and streets.
- 1.9 **Section 10:** Needed Public rights-of-way, as identified in adopted transportation plans as necessary for the safe and efficient movement of traffic, bicycles and pedestrians, shall be dedicated to the City either with annexation or when the property develops and/or redevelops and thus creates an increased demand for the benefits and utility provided by additional rights-of-way dedication.
- 1.10 **Section 11:** Upon annexation, the annexation territory shall be assigned zoning classifications in accordance with the adopted Comprehensive Plan Map, as shown in the City's Annexation Zoning Matrix. Such zoning assignments in and of themselves are not a zoning map change and shall not require approval of a zoning map amendment, or a separate proceeding.
- 1.11 **Section 12:** If a zoning designation other than one in accordance with the Comprehensive Plan Map (shown in the Annexation Zoning Matrix) is requested by an applicant, the zoning requested shall not be granted until the Comprehensive Plan Map is appropriately amended to reflect concurrence. Such an amendment shall require a separate application, hearing and decision, which may be held concurrently with an annexation hearing and will not become effective until the annexation is complete.
- 1.12 **Section 13:** The areas within the Urban Growth Boundary with designated environmental constraints may be annexed and developed as functional wetlands, parks, open space and related uses.
- 1.13 **Section 14:** An "urban use" is hereby defined as any land use that is authorized under the terms and provisions of the land use regulations, Zoning Ordinance, Subdivision Ordinance, Comprehensive Plan, and other related documents of the City of Lebanon.
- 1.14 **Section 15:** At the applicant's discretion and with the City's concurrence, a development or redevelopment proposal for an annexation territory may be acted upon by the Planning Commission immediately following the Commission's hearing on the annexation proposal and a decision of recommendation of approval to the City Council. However, any approval of the Planning Commission of such a development or redevelopment proposal must be contingent upon subsequent approval of the annexation by City Council.

2.0 2004 Lebanon Comprehensive Plan (LCP) Criteria -- Chapter 3: Urbanization -- Annexation Policies -- The City shall:

- 2.1 P-19:** Recognize and act on the basis that all annexations shall conform to the requirements of the Lebanon Municipal Code, Annexation Ordinance, Lebanon Land Development Ordinance, City of Lebanon/Linn County Urban Growth Management Agreement (UGMA), and shall be consistent with applicable State law.
- 2.2 P-20:** Recognize and act on the basis that all annexations shall be consistent with the goals and policies of the Lebanon Comprehensive Plan.
- 2.3 P-21:** Recognize and act on the basis that all lands included within the Urban Growth Boundary are eligible for annexation and urban development. (Areas within the Urban Growth Boundary (UGB) with designated environmental constraints may be annexed and utilized as functional wetlands, parks, open space and related uses.)
- 2.4 P-22:** Only annex land that is contiguous to the existing City limits and is within the City's Urban Growth Boundary (UGB).
- 2.5 P-23:** Deem an annexation orderly if the annexation territory is contiguous to the existing City Limits, and deem an annexation efficient if the annexation territory can be developed or redeveloped to an urban use (urban uses may include functional wetlands, parks, open space and related uses).
- 2.6 P-24:** Recognize and act on the basis that development proposals are NOT REQUIRED for annexation requests.
- 2.7 P-25:** Consider as part of the annexation process of developed property or properties, the anticipated demands to access key City-provided urban utility services, which are water, storm drainage, sanitary sewerage, and streets, of existing development within the annexation territory.
- 2.8 P-26:** Consider as part of the annexation process of developed property or properties, the impacts on the capacities of key City-provided urban utility services needed to satisfy the anticipated demands of the properties discussed in P-25 above.
- 2.9 P-27:** Expand the City Limits as necessary to accommodate development, including housing, commercial, industrial, and services (that will in turn accommodate population growth).

3.0 1980 Zoning Ordinance Criteria -- 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.

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 (see Comment "B" below).
- B.** The entire right-of-way for 5th Street fronting the annexation territory is included in the annexation territory, as shown in the applicant's legal description and annexation map.
- C.** The annexation territory is within the City's Urban Growth Boundary, and is therefore eligible for annexation and urban development. This annexation territory has been identified as land needed by the City for nearly a quarter of a century.
- D.** The annexation territory is both contiguous to the existing City limits and within the City's Urban Growth Boundary, and is therefore eligible for annexation and urban development. The annexation territory is contiguous to the existing City Limits to the east.
- E.** The annexation territory can be developed to an urban use. Future development can be consistent with the provisions of Lebanon Zoning Ordinance Section 4.020 that lists the development opportunities, standards and requirements for the Residential Mixed Density (RM) zone, and this is consistent with all applicable provisions of the Comprehensive Plan.
- F.** No redevelopment proposal was required to be submitted at this time. .
- G.** This territory is currently vacant. . Access to City-provided services is not sought at this time, and therefore there are no anticipated needs at this time on the key City- provided urban utility services (i.e., are water, storm drainage, sanitary sewerage, and streets). However, the applicant's engineer and the City Engineer have determined that City sewer service (and water service) can be accessed with an extension from the existing lines at Wassom when the applicants/owners are ready to connect to City Services.
- H.** This territory is currently vacant. Access to City-provided services is not sought at this time, and therefore there are no impacts at this time on the key City-provided urban utility services (i.e., are water, storm drainage, sanitary sewerage, and streets). However, the applicant's engineer and the City Engineer have determined that City sewer service (and water service) can be accessed with an extension from the existing lines at Wassom when the applicants/owners are ready to connect to City Services.
- I.** Currently the subject property does not have a City zoning designation because it is not within the City limits. However, since the property is within the City's Urban Growth Boundary, the current Comprehensive Plan designation on the subject property is Mixed-Density Residential. The corresponding City zoning designation for a Comprehensive Plan designation of Mixed-Density Residential is Residential Mixed Density (RM). The applicant is requesting a Residential Mixed Density (RM) zoning designation for the subject property. Therefore, a City zoning designation of Residential Mixed Density (RM) can automatically be assigned at this time, without a separate hearing. This action is NOT a zoning map amendment.

- J. The subject property has no environmental constraints that cannot be mitigated that would prevent development.
- K. This annexation is an implementation of the Annexation Policies contained in this Plan, the Lebanon/Linn County Urban Growth Management Agreement, and the City's Annexation Ordinance.
- L. This annexation application does NOT include a development proposal or a rezoning application.
- M. The subject property is not within the Grand Prairie Water Control District.

2. Current Status of Infrastructure (City Engineering Comments):

- A. **Sanitary Sewer:** As noted in the applicant's narrative, *[A]ppropriately sized water, sanitary sewer, and storm drainage lines are available to the south and can be extended from Heather Estates Subdivision to and through the annexation territory.*
- B. **Water:** As noted in the applicant's narrative, *[A]ppropriately sized water, sanitary sewer, and storm drainage lines are available to the south and can be extended from Heather Estates Subdivision to and through the annexation territory.*
- C. **Drainage:** As noted in the applicant's narrative, *[A]ppropriately sized water, sanitary sewer, and storm drainage lines are available to the south and can be extended from Heather Estates Subdivision to and through the annexation territory.*
- D. **Transportation Access:** As noted in the applicant's narrative, *[T]he annexation territory contains sufficient frontage on South Fifth Street (approximately 227 feet) to provide access to future development consistent with the requirements of Lebanon ordinances. South Fifth Street is classified as a local street. It has sufficient capacity to provide for development of the annexation territory with uses allowed in the RM zone. It is currently constructed to County standards with two paved travel lanes and open drainage ditches on both sides. The east side of the street will be improved to City standards immediately south of the annexation territory when Heather Estates Phase II is developed. The bridge immediately to the south of the territory will be reconstructed by the County this spring. In addition, the entire right-of-way for 5th Street fronting the annexation territory is included in the annexation territory, as shown in the applicant's legal description and annexation map.*
- E. **Fees and Costs:** In addition to infrastructure improvement costs, future development will have expenses associated with it such as service lines, meters, plumbing permit fees, and sewer and water system development charges. All of the above permits, fees, and processes are detailed in the City's Site Development Guide.

Criteria 1.7 and 2.7

Annexation Ordinance Section 8: As part of the annexation process of developed property or properties, the City shall consider the anticipated demands to access key City-provided urban utility services, which are water, storm drainage, sanitary sewerage, and streets, of existing development within the annexation territory.

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Finding # 7:

The proposed annexation complies with the above noted criteria in that this property is currently vacant. Access to City-provided services is not sought at this time, and therefore there are no anticipated needs at this time on the key City-provided urban utility services (i.e., are water, storm drainage, sanitary sewerage, and streets). However, all City services can be made available to the territory.

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The proposed annexation complies with the above noted criteria in that this territory this property is currently vacant. Access to City-provided services is **not sought at this time**, and therefore there are no anticipated needs at this time on the key City-provided urban utility services (i.e., are water, storm drainage, sanitary sewerage, and streets). However, all City services can be made available to the territory. (See **Finding # 7** for further details.)

Criterion 2.9

2004 LCP Chapter 3 (Urbanization) – Annexation Policy # P-27: *Expand the City Limits as necessary to accommodate development, including housing, commercial, industrial, and services (that will in turn accommodate population growth).*

Finding #9:

The proposed annexation complies with the above noted criterion in that the annexation of this property is indeed necessary to accommodate development, specifically residential. It is anticipated that the development proposals by the applicant will be submitted following approval of this annexation request. It is reasonable to conclude that the major economic development activity in the community in recent months can be anticipated to generate population growth as many new jobs are created in the relatively near future. Accordingly, housing development opportunities will be in demand in the community. This annexation (i.e., expansion of the City limits) is therefore necessary to accommodate such development, by enabling the continuing viability of the homes in annexation territory, and making possible the potential future redevelopment of these tax lots.

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The proposed annexation complies with Annexation Ordinance Section 10 in that the additional necessary right-of-way is being addressed at the time of annexation. The entire right-of-way for 5th Street fronting the annexation territory is included in the annexation territory, as shown in the applicant's legal description and annexation map.

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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.

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

Criterion 1.14

Annexation Ordinance Section 15: At the applicant's discretion and with the City's concurrence, a development or redevelopment proposal for an annexation territory may be acted upon by the Planning Commission immediately following the Commission's hearing on the annexation proposal and a decision of recommendation of approval to the City Council. However, any approval of the Planning Commission of such a development or redevelopment proposal must be contingent upon subsequent approval of the annexation by City Council.

Finding # 12:

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

ANNEXATION ZONING MATRIX

For Property Annexed into the City of Lebanon
(See Table 4.2 in City's 2004 Comprehensive Plan)

2004 City of Lebanon Comprehensive Plan Designations	City of Lebanon Zoning Designations (1980) [as per 2004 LCP]
Residential Low Density (C-RL)	Residential Low Density Zone (RL) [Z-RL]
Residential Mixed Density (C-RM)	Residential Mixed Density Zone (RM) [Z-RM]
	Residential High Density Zone (RH) [Z-RH]
Mixed Use (C-MU)	Mixed Use Zone (MU) [Z-MU]
Neighborhood Mixed Use (C-NMU)	Neighborhood Mixed Use Zone [Z-NMU]
Commercial (C-CM)	Neighborhood Commercial Zone (CN) [Z-NCM]
	Central Business Commercial Zone (CB) [Z-COM]
	Highway Commercial Zone (CH) [Z-HCM]
Industrial (C-IND)	Industrial Zone (ML & MG) [Z-IND]
Public Use (C-PU)	Public Use Zone [Z-PU]
(b) Red Lettering & Yellow Shading	Based upon the Zoning Ordinance descriptions of these zones, there are no un-annexed properties in the UGB eligible to be assigned to these zone designations. (October 04, and October 05)
(b) Blue Lettering & Blue Shading	This zone is for small neighborhood shopping clusters. Such designations would require a zone change and an Administrative Review Process.



CITY OF LEBANON

Community Development/Planning
Phone: 541-258-4906 Fax: 541-258-6496
853 Main Street
Lebanon, Oregon 97355-3211

ANNEXATIONS ARE NOT ZONING MAP AMENDMENTS

(FEBRUARY 2005)

Annexations involve the *“first application of city zoning to property that already has a city comprehensive plan map designation . . . but has never had a city zoning map designation,”* and are therefore NOT zoning map amendments.

1. When the City annexes property into the City limits it automatically assigns the City Zoning map classification that corresponds to the Comprehensive Plan Map designation (see attached **ANNEXATION ZONING MATRIX**). This is not an amendment of the Zoning Map; it is rather the realization or fleshing out of the Zoning Map that lies latent “beneath” the Comprehensive Plan Map. The act of annexation merely enables the revealing of the Zoning Map classification of the annexed property that was intended when both the Comprehensive Plan Map and Zoning Map were adopted 25 years ago (1980).
2. It is this understanding of the annexation process and first assignment of City zoning that is embodied in the following 1980 Lebanon Zoning Ordinance section:

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.*
3. It is important to note that LZO Section 3.050 does NOT mandate that the City shall amend its Zoning Map in order to incorporate newly annexed properties. Instead, this provision of LZO states that annexed areas shall be **PLACED** in a zoning classification in accordance with the adopted Comprehensive Plan. The intentional use of the word “placed” is indicative of the fact that the Zone already exists prior to annexation. In short, the classifications of the Zoning Map are coextensive with their corresponding Comprehensive Plan Map designations; however, the Zoning Map classifications can only become apparent when a property is annexed.
4. Prior to annexation there is simply no City zone on a property to change or amend.
5. It is also important to note that the second part of LZO Section 3.050 lays the ground work for a Comprehensive Plan Map amendment when the annexation process deviates from the above noted process: *“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.”* This request necessitates an amendment process because of the incongruence between the zoning request and the “latent zoning map” that corresponds to the Comprehensive Plan Map.
6. Sections 3.030 and 3.040 of the 1980 Lebanon Zoning Ordinance provide the parameters for amending the Zoning Map.

EXHIBIT A

APPLICANT'S NARRATIVE

PETITION FOR ANNEXATION TO THE CITY OF LEBANON

NATURE OF REQUEST: Annexation of approximately a 6.92 acre territory comprised of one tax lot.

APPLICANTS: The 5th Street Trust
1645 9th Avenue SE
Albany, OR 97322

PROPERTY LOCATION: Located on the east side of South Fifth Street, 412 feet south of Vaughn Lane.

ASSESSOR'S MAP AND TAX LOT: Assessor's Map T12S - R2W - Section 22D, Tax Lot 1001

ZONE DESIGNATION: Residential Mixed Density (RM) upon annexation

COMP PLAN DESIGNATION: Mixed-Density Residential

ANNEXATION NARRATIVE

INTRODUCTION

The applicants, 5th Street Trust, are requesting annexation of approximately 6.92 acres. The territory is located on the east side of South Fifth Street, 412 feet south of Vaughn Lane. It is within the City's urban growth boundary and is contiguous with the City limits to the east and south. The property is designated as Mixed-Density Residential on the City of Lebanon's Comprehensive Plan Map. A Residential Mixed Density (RM) zoning designation is being requested upon annexation. This zoning designation is consistent with the City's Comprehensive Plan. No change in zoning is being requested.

There are no structures on the property. Access is from South Fifth Street, an improved county road. Sewer and water services can be extended from Heather Estates subdivision to the south. Stormwater will be discharged through a drainage ditch along the south property line. The property contains wetlands. A delineation has been completed. A map of the wetlands is attached. Wetlands will be mitigated off-site when the property is developed.

SITE DESCRIPTION

The annexation territory was formerly a plant nursery. It contains a pond, some small isolated wetlands and some ditches. There are no structures. The territory has approximately 227 feet of frontage on South Fifth Street. It is bordered by land designated for mixed density residential development on all sides and is bordered by residential uses on all sides.

ANNEXATION PETITION COMPLIANCE WITH APPLICABLE REVIEW CRITERIA

The factors and conditions applicable to evaluating this annexation request are:

- **City of Lebanon Ordinance Number 17 for 2003**, an Ordinance Making Findings and Adopting Policies for the Annexation of Real Property into the City limits.
- **Lebanon Comprehensive Plan Chapter 1**, Introduction, Narrative, Finding 2.0.
- **Lebanon Comprehensive Plan Chapter 3**, Urbanization, Flexible Growth Program Policies P-13 and P-14.
- **Lebanon Comprehensive Plan Chapter 3**, Urbanization, Annexation Policies P-19, P-20, P-21, P-22, P-23, P-24, P-25, P-26, P-27 and P-30.
- **Lebanon Comprehensive Plan: Chapter 3**, Urbanization, Annexation Findings 3.3.1 through 3.3.6, 3.3.8 through 3.3.10, 3.4.1, 3.4.2, 3.4.3, 3.4.6 and 3.5.1.
- **Zoning Ordinance Section 3.050**, Zoning of Annexed Areas.
- **City of Lebanon/Linn County – Urban Growth Management Agreement**, Section 2: Delineation of Authority in the Urban Growth Area (UGA), and Section 5, Annexations.

Lebanon Zoning Ordinance Section 4.020 lists the development opportunities, standards and requirements for the Residential Mixed Density (RM) zone.

Applicable Provisions of the Lebanon Annexation Ordinance (LAO), Lebanon Comprehensive Plan (LCP), Lebanon Zoning Ordinance (LZO) and Lebanon/Linn County Urban Growth Management Agreement (UGMA):

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

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

LCP Chapter 3 – Urbanization, Annexation Policy P-19: The City shall recognize and act on the basis that all annexations shall conform to the requirements of the Lebanon Municipal Code, Annexation Ordinance, Lebanon Land Development Ordinance, City of Lebanon/Linn County Urban Growth Management Agreement (*UGMA*), and shall be consistent with applicable State law.

LCP Chapter 3 – Urbanization, Annexation Policy P-20: The City shall recognize and act on the basis that all annexations shall be consistent with the goals and policies of the Lebanon Comprehensive Plan.

LCP Chapter 3 – Urbanization, Annexation Finding 3.3.1: The City's Annexation Ordinance will be consistent with this Comprehensive Plan and will implement the principles and policies of this Comprehensive Plan as they relate to annexations.

LCP Chapter 3 – Urbanization, Annexation Finding 3.3.2: Together the City's Annexation Ordinance and the annexation policies and principles contained in this Comprehensive Plan Chapter establish the annexation process and procedures used by the City.

LCP Chapter 3 – Urbanization, Annexation Finding 3.3.3: The implementation of the City's Annexation Ordinance and the policies of this Comprehensive Plan, and the resulting process and procedures, address the four factors to be considered when a city converts urbanizable land in its Urban Growth Boundary (UGB) for urban uses as set forth in Statewide Planning Goal 14 (see Section 2.1.3 above).

***Applicants' Statement:** The evidence submitted with this petition demonstrates that the proposed annexation conforms to the requirements of the Lebanon Municipal Code, Annexation Ordinance, Lebanon Land Development Ordinance and the City of Lebanon/Linn County Urban Growth Management Agreement, and that the request is consistent with applicable State law and with the goals and policies of the Lebanon Comprehensive Plan. Compliance with the specific provisions of the applicable codes, ordinances and agreements is demonstrated in subsequent sections. Therefore, the petition complies with LAO Sections 2 and 3 and LCP Urbanization Policies P-19 and P-20.*

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

LAO Section 13: The areas within the Urban Growth Boundary with designated environmental constraints may be annexed and developed as functional wetlands, parks, open space and related uses.

LCP Chapter 3 – Urbanization, Annexation Policy P-21: The City shall recognize and act on the basis that all lands included within the Urban Growth Boundary are eligible for annexation and urban development. (Areas within the Urban Growth Boundary (UGB) with designated environmental constraints may be annexed and utilized as functional wetlands, parks, open space and related uses.)

LCP Chapter 3 – Urbanization, Flexible Growth Program Policy P-13: The City shall recognize and act on the basis that all lands included within the Urban Growth Boundary are suitable for urban development except for those areas with identified environmental constraints. Nevertheless, those areas with environmental constraints may be utilized as functional wetlands, parks, open space and related uses.

LCP Chapter 3 – Urbanization, Flexible Growth Program Policy P-14: Implement and administer land development policies and requirements that are both orderly and efficient, as well as flexible so as to be responsive to site specific conditions and circumstances.

LCP Chapter 3 – Urbanization, Annexation Finding 3.3.4: The implementation of the City's Annexation Ordinance and the policies of this Comprehensive Plan, and the resulting process and procedures, will ensure the orderly expansion of City limits since only land that is adjacent to the City limits and is in the Urban Growth Area is eligible for annexation.

LCP Chapter 3 – Urbanization, Annexation Finding 3.3.5: The implementation of the City's Annexation Ordinance and its policies will provide a basis for the efficient provision of key City-provided urban utility services, which are hereby defined as water, storm drainage, sanitary sewerage, and streets.

LCP Chapter 3 – Urbanization, Annexation Finding 3.4.6: Areas within the Urban Growth Boundary with designated environmental constraints may be annexed and developed as functional wetlands, parks, open space and related uses.

Applicants' Statement: The proposed annexation territory is within the City's urban growth boundary and therefore is eligible for annexation and is suitable for urban development. It is contiguous with the City limits to the east and south. There is a pond and four small wetlands on the property. The applicants are proposing to mitigate the wetlands impacts off-site when the property is developed. There are no identified floodplains, steep slopes or other areas with designated environmental constraints in the proposed annexation territory.

The proposed annexation is orderly in that the territory is contiguous with the City limits. It is efficient in that it is within the UGB, is eligible for urban development, and all City services are available to the territory. The territory can be developed to many of the urban uses allowed in the RM zone in a manner that is consistent with the City's development standards.

Therefore, the proposed annexation complies with LAO Sections 4 and 13, Urbanization Policies P-13, P-14 and P-21.

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

LCP Chapter 3 – Urbanization, Annexation Policy P-22: The City shall only annex land that is contiguous to the existing City limits and is within the City's Urban Growth Boundary (UGB).

Applicants' Statement: The proposed annexation territory is within the City's urban growth boundary. It is contiguous with the City limits to the east and south. Therefore, the proposed annexation complies with LAO Section 5 and LCP Urbanization Policy P-22.

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

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

LCP Chapter 3 – Urbanization, Annexation Policy P-23: The City shall deem an annexation orderly if the annexation territory is contiguous to the existing City limits, and deem an annexation efficient if the annexation territory can be developed or redeveloped to an urban use (urban uses may include functional wetlands, parks, open space and related uses).

LCP Chapter 3 – Urbanization, Annexation Finding 3.3.4: The implementation of the City's Annexation Ordinance and the policies of this Comprehensive Plan, and the resulting process and procedures, will ensure the orderly expansion of City limits since only land that is adjacent to the City limits and is in the Urban Growth Area is eligible for annexation.

***Applicants' Statement:** The proposed annexation territory is within the UGB and is contiguous to the existing City limits to the east and south, therefore annexation of the territory is considered orderly. The territory can be developed with many of the urban uses allowed in the Residential Mixed Density Zone (LZO 4.020). The annexation territory is 6.92 acres and contains approximately 227 feet of frontage on South Fifth Street. Development can comply with all City standards. Therefore, the proposed annexation is efficient.*

The proposed annexation is orderly and efficient and complies with the LAO Sections 6 and 14 and LCP Urbanization Policy 23.

LAO Section 7: Development proposals are NOT REQUIRED for annexation requests.

LAO Section 15: At the applicant's discretion and with the City's concurrence, a development or redevelopment proposal for an annexation territory may be acted upon by the Planning Commission immediately following the Commission's hearing on the annexation proposal and a decision of recommendation of approval to the City Council. However, any approval of the Planning Commission of such a development or redevelopment proposal must be contingent upon subsequent approval of the annexation by City Council.

LCP Chapter 3 – Urbanization, Annexation Policy P-24: The City shall recognize and act on the basis that development proposals are NOT REQUIRED for annexation requests.

LCP Chapter 3 – Urbanization, Annexation Finding 3.3.6: Annexation proposals do not require site specific development proposals.

***Applicants' Statement:** No development proposal is being submitted as part of this annexation application.*

LAO Section 8: As part of the annexation process of developed property or properties, the City shall consider the anticipated demands to access key City-provided urban utility services, which are water, storm drainage, sanitary sewerage, and streets, of existing development within the annexation territory.

LAO Section 9: As part of the annexation process of developed property or properties, the City shall consider the impacts on key City-provided urban utility services needed to serve these properties, which are water, storm drainage, sanitary sewerage, and streets.

LCP Chapter 3 – Urbanization, Annexation Policy P-25: The City shall consider as part of the annexation process of developed property or properties, the anticipated demands to access key City-provided urban utility services, which are water, storm drainage, sanitary sewerage, and streets, of existing development within the annexation territory.

LCP Chapter 3 – Urbanization, Annexation Policy P-26: The City shall consider as part of the annexation process of developed property or properties, the impacts on the capacities of key City-provided urban utility services needed to satisfy the anticipated demands of the properties discussed in P-25 above.

LCP Chapter 3 – Urbanization, Annexation Finding 3.3.8: As part of the annexation process of developed property or properties, the City will consider the anticipated demands of existing development within the annexation territory if they access the four key City-provided urban utility services (water, storm drainage, sanitary sewerage, and streets), and will also consider the capacity of the existing infrastructure of these City-provided urban utility services to satisfy the anticipated potential new demands.

LCP Chapter 3 – Urbanization, Annexation Finding 3.3.9: The annexation of a territory that is vacant or undeveloped, does not represent any change or impact on any City-provided urban utility services, and therefore the annexation of such a territory does not need to consider such issues.

LCP Chapter 3 – Urbanization, Annexation Finding 3.5.1: Urban densities within the Urban Growth Area (UGA) are already accounted for in the City's facilities plans.

Applicants' Statement: *The annexation territory is vacant. There will no impact to City services based on existing development in the territory.*

The annexation territory contains sufficient frontage on South Fifth Street (approximately 227 feet) to provide access to future development consistent with the requirements of Lebanon ordinances. South Fifth Street is classified as a local street. It has sufficient capacity to provide for development of the annexation territory with uses allowed in the RM zone. It is currently constructed to County standards with two paved travel lanes and open drainage ditches on both sides. The east side of the street will be improved to City standards immediately south of the annexation territory when Heather Estates Phase II is developed. The bridge immediately to the south of the territory will be reconstructed by the County this spring.

Appropriately sized water, sanitary sewer, and storm drainage lines are available to the south and can be extended from Heather Estates Subdivision to and through the annexation territory.

There are potentially 6.92 acres of developable land. At a development density of 4.5 units per acre, the property could be developed with about 31 single-family dwelling units. This is a typical use and density in the RM zone. Based on this development, the estimated sanitary sewer and water demand is:

- Sanitary sewer – I/I approximately 20,760 gallons per day.
- Sanitary sewer – total peak wet weather demand – 32,385 gallons per day.
- Water demand – approximately 11,625 gallons per day.

These estimates are being provided to the City Engineer for review.

There is sufficient capacity for all City services in the area of the annexation territory to provide service when the property is fully developed to urban densities. The property has frontage on an improved section of South Fifth Street. Water, sanitary sewer, and drainage can be made available to the property with sufficient capacity to provide services to future development allowed in the RM zone. Any improvements to the water, sewerage, and drainage systems necessary to service future development can be constructed to comply with City standards.

Therefore, the proposed annexation complies with LAO Sections 8 and 9 and LCP Urbanization Policies P-25 and P-26.

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

LCP Chapter 3 – Urbanization, Annexation Finding 3.3.10: Needed public rights-of-way, as identified in adopted transportation plans as necessary for the safe and efficient movement of traffic, bicycles and pedestrians, will be dedicated to the City either with annexation or when the property develops and/or redevelops and thus creates an increased demand for the benefits and utility provided by additional rights-of-way dedication.

Applicants' Statement: *The portion of South Fifth Street contiguous with the annexation territory contains 60 of dedicated public right-of-way. This is sufficient to comply with the Lebanon Transportation Plan. The proposed annexation complies with LAO Section 10.*

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

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

LCP Chapter 3 – Urbanization, Annexation Finding 3.4.1: Unannexed property in the Urban Growth Area does not have a City zoning designation, but does have a City Comprehensive Plan Map designation that indicates the long-term planned use for the property.

LCP Chapter 3 – Urbanization, Annexation Finding 3.4.2: The City's Comprehensive Plan and Comprehensive Plan Map direct all long range land use planning in the Urban Growth Area.

LCP Chapter 3 – Urbanization, Annexation Finding 3.4.3: Upon annexation, an annexation territory will automatically be assigned City zoning classifications in accordance with the adopted Comprehensive Plan Map, as shown in the City's Annexation Zoning Matrix (see Table 4-2 in Chapter 4: *Land Use*). Such zoning assignments, in and of themselves, are not a Zoning Map change and do not require approval of a Zoning Map Amendment, or a separate proceeding.

LZO 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.

Applicants' Statement: The property is within the City's urban growth boundary. The Comprehensive Plan designation of the property is Mixed-Density Residential. The corresponding City zoning for this designation is Residential Mixed Density (RM). The applicants are requesting a Residential Mixed Density (RM) zoning designation for the property. No zoning map amendment is necessary to apply the RM zoning to the annexation area. Therefore, the proposed annexation complies with LAO Sections 11 and 12 and LZO Section 3.050.

LCP Chapter 1: Introduction – Narrative, Finding 2.0: The City of Lebanon recognizes its responsibility to include consideration of the Statewide Planning Goals and Guidelines as adopted by the Land Conservation and Development Commission (LCDC). Therefore, the City's Comprehensive Plan is intended to be consistent with the applicable Statewide Planning Goals.

Applicants' Statement: The LCP has been acknowledged by the Oregon Land Conservation and Development Commission to be in compliance with the Statewide Planning Goals.

LCP Chapter 3 – Urbanization, Annexation Policy P-27: Expand the City limits as necessary to accommodate development, including housing, commercial, industrial, and services (that will in turn accommodate population growth).

LCP Chapter 3 – Urbanization, Annexation Policy P-30: The City shall manage its Urban Growth Boundary and the lands within so as to make available sufficient land for the various uses to ensure choices in the market place, through implementation of land use regulations and land use policies.

LCP Chapter 3 – Urbanization, Annexation Finding 3.2.2: The continued annexation and subsequent development of land for residential uses are essential to the continued health and vitality of the community.

Applicants' Statement: *The application is for annexation of residentially designated territory within the City's urban growth boundary and contiguous with the City limits. The Lebanon Comprehensive Plan states, "The continued annexation and subsequent development of land for residential uses are essential to the continued health and vitality of the community." The proposed annexation provides land for residential uses. Therefore, the proposed annexation complies with LCP Urbanization Policies P-27 and P-30.*

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

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

Section 5: Annexations: The UGA identifies land that may be subject to future City annexation. The City may annex land using its own procedures in accordance with state law. Only land within the UGA will be considered for annexation. The City will notify the County of any proposed annexations. Upon annexation, the City assumes all jurisdiction for land use actions.

Applicants' Statement: *The annexation territory is within the City's UGB and is subject to the provisions of the Lebanon/Linn County UGM Agreement. The territory is eligible for annexation in that it is within the UGB and contiguous with the City limits. The applicants have requested annexation through the procedures established by the City through their Annexation Ordinance. The annexation proposal complies with the Lebanon/Linn County Urban Growth Management Agreement.*

Conclusion:

Applicants' Statement: *The evidence submitted demonstrates that the proposed annexation is consistent with the provisions and criteria in the LCP, LZO, and the City's Annexation Ordinance and complies with the provisions of the Lebanon/Linn County UGM Agreement. The annexation is orderly in that the property is contiguous with the City limits. It is efficient in that all City services are available to the territory and the territory can be developed to many of the urban uses allowed in the RM zone in a manner that is consistent with the City's development standards. It provides for the continued annexation and potential future development of land for residential uses which are essential to the continued health and vitality of the community.*

2

58TH STREET TRUST ANNEXATION

A PUBLIC HEARING TO CONSIDER ANNEXATION A-06-02, Map No. 12-2W-22D, Tax lot 1001, 6.29 acres on 5TH Street, Lebanon, OR

Mayor: I will declare the public hearing for Annexation A-06-02 open at 7:30 PM. And ask the City Attorney to review the relevant legal matters concerning this annexation request.

(Tom Comments)

Mayor: At this time, I will ask the City Councilors if they have any conflicts of interest or ex parte contacts to declare.

(Mayor awaits city council comments and state whether you have any conflicts or ex parte to declare) *none, including Mayor*

Mayor: If there are no (or further) disclosures I will ask Doug Parker to begin the staff report for this annexation request.

(Doug and others Give staff report for this annexation)

Mayor: Are there any questions from City Council of the staff?

Mayor: If there are no further questions, I will ask the representative of the applicant to come forward and give his presentation. Please provide your name and address for the record.

(After presentation)

Mayor: Are there any questions from the City Council? Hearing no further questions, I will ask if there are any other members of the public present who would like to speak in FAVOR of this application? Please come forward to the podium and please state your name and address for the record.

(People Speak) After each one, ask if any City Councilor has any questions?

2. Mayor: "At this point, I will ask if there is anyone who would like to speak in opposition to the proposed annexation. If so, please come to the podium and provide your name and address for the record.

(People Speak) After each one, ask if any City Councilor has any questions.

Mayor: If there is no one else who wishes to speak in opposition, I will ask the applicant if he would like to present a rebuttal.

(AFTER applicant presents rebuttal, ask if there any questions of the applicant. After questions then continue below)

Mayor: At this time, the public input of the hearing is concluded at 7:30 PM All discussion will now be between and among City Council and City Staff.

I would like to ask the City Council to indicate their thinking on whether they feel this application does or does not meet the relevant criteria, why they feel the way they do, and what evidence in the record you relied upon in reaching your tentative decision.

(Council asks questions)

Mayor: I would like to now ask the City Councilors to indicate their thinking about this proposed application, why, and what evidence from the record they relied upon.

(Mayor waits for responses)

Mayor: IF there is no further discussion from the City Council, I will ask the City Attorney to read the proposed ordinance by title.

(City Attorney reads title of ordinance)

Mayor: Does anyone wish to make a motion?

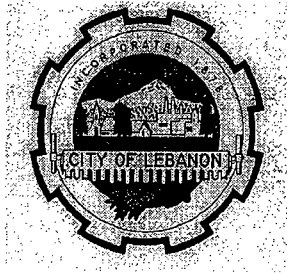
(City Council makes motion and seconds)

Mayor: It has been moved and seconded to approve the proposed ordinance and annexation.

Mayor: (After discussion) I will ask the clerk to take a roll call vote.

3. Mayor: (after favorable vote) I declare the ordinance passed and the annexation approved. The title of the ordinance shall be the title of the bill.

Agenda Item 3



City of Lebanon
Community Development

MEMORANDUM

TO: John Hitt, City Administrator **DATE:** April 17, 2006
FROM: Doug Parker, Community Development Manager
CC: Tom McHill, City Attorney
SUBJECT: Annexation and Zoning of Property
Planning File: A-06-03 **Map No.:** 12-2W-10CD
Applicant: King Konstruction **Tax Lot:** 4800

This is a request to annex a 30,400 square foot territory comprised of one tax lot located on 1010 9th Street. The property is designated as Residential Mixed-Density (C-RM) on the City of Lebanon Comprehensive Plan Map. A Residential Mixed Density (Z-RM) zoning designation will be assigned upon annexation. This is the Comprehensive Plan Map designated zoning assignment and does not constitute a zoning map amendment or zone change.

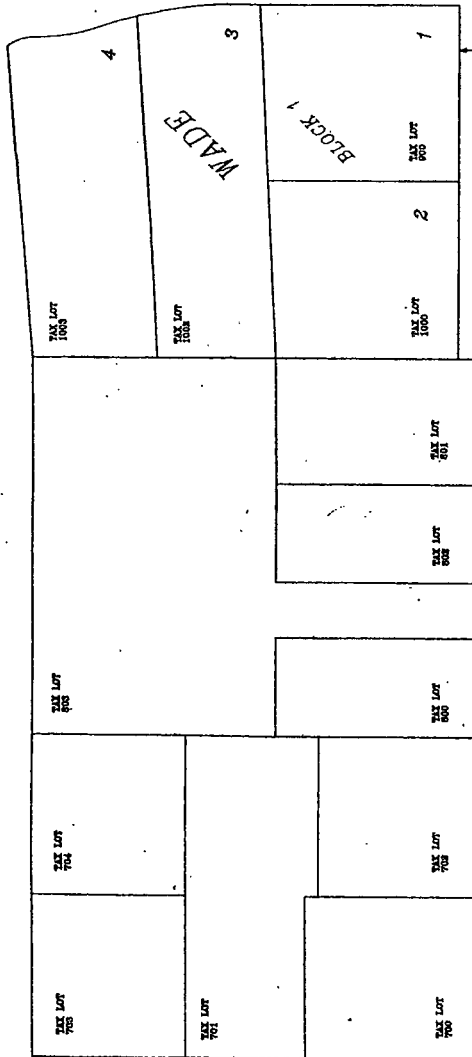
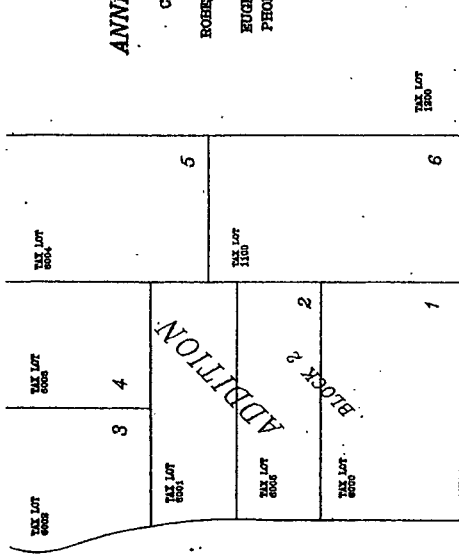
The Planning Commission will conduct a public hearing regarding this annexation on April 19.

The Planning Commission staff report (Lebanon File # A-06-03) is included for review, along with a legal description and annexation map.

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 as requested.

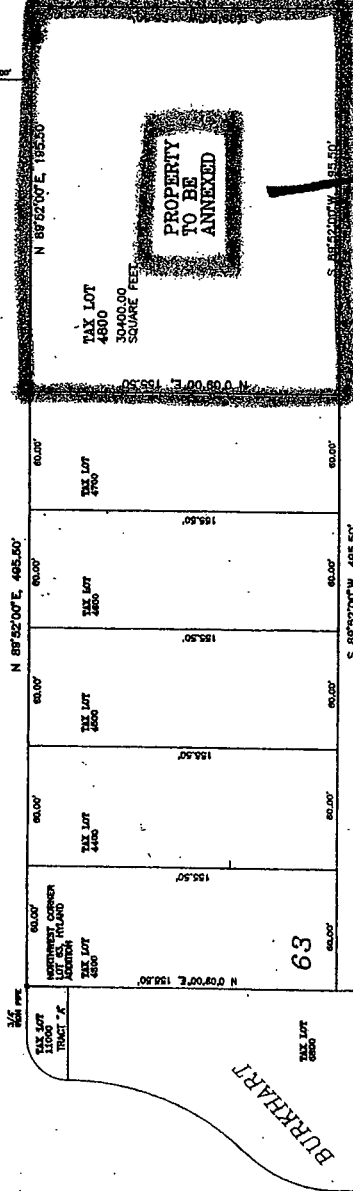
ANNEXATION MAP

LOCATED IN
CITY OF LEBANON
BY
ROBERTS SURVEYING INC.
P.O. BOX 7166
EUGENE, OREGON 97401
PHONE (541) 346-1112



OAK STREET

N 89°52'00" E



SUBJECT PROPERTY:
1010 9TH STREET
MAP No.: 12S-02W-10CD
TAX LOT No.: 4800

PROPERTY DESCRIPTION
A TRACT OF LAND LOCATED IN LOT 63, BEING ACCORD TO THE CITY OF LEBANON, ORIGINALLY SUBDIVIDED INTO SEVEN (7) LOTS BY THE CITY OF LEBANON, OREGON, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS: ...

LEBANON PLANNING FILE #A-06-03



SCALE: 1" = 30'
JANUARY 24, 2006



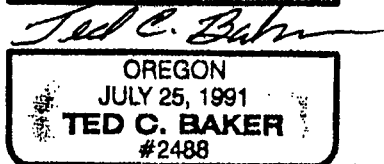
**KING KONSTRUCTION AND RENTAL MANAGEMENT L.L.C.
ANNEXATION LEGAL DESCRIPTION**

A tract of land located in Lot 63, Hyland Addition to the City of Lebanon, Linn County, Oregon in Township 12 South, Range 2 West of the Willamette Meridian, more particularly described as follows:

Commencing at a 3/4" iron pipe marking the Northwest corner of Lot 63, Hyland Addition to the City of Lebanon, in Linn County, Oregon, said pipe also being on the South right-of-way line of Oak Street; thence along said South right-of-way line, South 89°52'00" East, 300.00 feet to a point, said point marks the **POINT OF BEGINNING** of this tract of land; thence continuing along said South right-of-way line, South 89°52'00" East, 195.50 feet to a point marking the Northeast corner of said Lot 63, Hyland Addition, said point also being at the intersection of the South right-of-way line of Oak Street and the West right-of-way line Ninth Street; thence along said West right-of-way line, South 0°09'00" West, 155.50 feet to a point marking the Southeast corner of Lot 63, Hyland Addition; thence along the South boundary of said Lot 63, North 89°52'00" West, 195.50 feet to a point; thence leaving said South boundary of Lot 63, North 0°09'00" East, 155.50 feet to the point of beginning, all in Linn County, Oregon and containing 30,400 square feet more or less.

I hereby certify the above legal description mathematically closes within the tolerances prescribed in ORS and conforms to the standards of normal practices followed by land surveyors.

Ted C. Baker 2-02-06
Ted C. Baker Date



EXPIRES 12-31-07

**PROPOSED FINDINGS -- Findings that address Basic Relevant Annexation
Criteria**

Criteria 1.1 and 2.1

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

2004 LCP Chapter 3 (Urbanization) – Annexation Policy #P-19: *[The City shall] Recognize and act on the basis that all annexations shall conform to the requirements of the Lebanon Municipal Code, Annexation Ordinance, Lebanon Land Development Ordinance, City of Lebanon/Linn County Urban Growth Management Agreement (UGMA), and shall be consistent with applicable State law.*

Finding # 1:

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

Criteria 1.2 and 2.2

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

2004 LCP Chapter 3 (Urbanization) – Annexation Policy #P-20: *[The City shall] Recognize and act on the basis that all annexations shall be consistent with the goals and policies of the Lebanon Comprehensive Plan.*

Finding # 2:

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

Criteria 1.3 and 2.3,

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

LCP Chapter 3 (Urbanization) – Annexation Policy #P-21: *[The City shall] Recognize and act on the basis that all lands included within the Urban Growth Boundary are eligible for annexation and urban development. (Areas within the Urban Growth Boundary (UGB) with designated environmental constraints may be annexed and utilized as functional wetlands, parks, open space and related uses.)*

Finding # 3:

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

Criteria 1.4 and 2.4

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

2004 LCP Chapter 3 (Urbanization) – Annexation Policy #P-22: *[The City shall] Only annex land that contiguous to the existing City limits and is within the City's Urban Growth Boundary (UGB).*

Finding # 4:

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

Criteria 1.5, 1.13, 1.14, and 2.5

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

Annexation Ordinance Section 13: *The areas within the Urban Growth Boundary with designated environmental constraints may be annexed and developed as functional wetlands, parks, open space and related uses.*

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

2004 LCP Chapter 3 (Urbanization) – Annexation Policy #P-23: *[The City shall] Deem an annexation orderly if the annexation territory is contiguous to the existing City Limits, and deem an annexation efficient if the annexation territory can be developed or redeveloped to an urban use (urban uses may include functional wetlands, parks, open space and related uses).*

Finding # 5:

The proposed annexation complies with the above noted criteria. (1) Since the annexation territory is contiguous to the existing City limits the annexation of this territory is deemed orderly. (2) The annexation is efficient since the annexation territory can be developed to an urban use. This territory can be developed according to the provisions of Lebanon Zoning Ordinance Section 4.020 lists the development opportunities, standards and requirements for the Residential Mixed Density (RM) zone, and this is consistent with all applicable provisions of the Comprehensive Plan.

Criteria 1.6 and 2.6

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

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

Finding # 6:

The proposed annexation complies with the above noted criteria in that no development proposal was required to be submitted at this time.

Criteria 1.7 and 2.7

Annexation Ordinance Section 8: *As part of the annexation process of developed property or properties, the City shall consider the anticipated demands to access key City-provided urban utility services, which are water, storm drainage, sanitary sewerage, and streets, of existing development within the annexation territory.*

2004 LCP Chapter 3 (Urbanization) – Annexation Policy #P-25: *[The City shall] Consider as part of the annexation process of developed property or properties, the anticipated demands to access key City-provided urban utility services, which are water, storm drainage, sanitary sewerage, and streets, of existing development within the annexation territory.*

Finding # 7:

The proposed annexation complies with the above noted criteria in that this property is currently vacant. Access to City-provided services is not sought at this time, and therefore there are no anticipated needs at this time on the key City-provided urban utility services (i.e.,

are water, storm drainage, sanitary sewerage, and streets). However, all City services can be made available to the territory.

- **Sanitary Sewer, Water, and Drainage:** Service is available via lines in West Oak Street ROW.
- **Transportation Access:** Access is from Oak Street, a City Street. The City requires additional of right-of-way on the west side of 9th Street bordering the subject property south of the intersection with West Oak in order to have the street and its corresponding ROW line up with 9th Street and its ROW north of the intersection with West Oak Street.

Criteria 1.8 and 2.8

Annexation Ordinance Section 9: *As part of the annexation process of developed property or properties, the City shall consider the impacts on key City-provided urban utility services needed to serve these properties, which are water, storm drainage, sanitary sewerage, and streets.*

2004 LCP Chapter 3 (Urbanization) – Annexation Policy # P-26: *[The City shall] Consider as part of the annexation process of developed property or properties, the impacts on the capacities of key City-provided urban utility services needed to satisfy the anticipated demands of the properties discussed in P-25 above.*

Finding #8:

The proposed annexation complies with the above noted criteria in that this territory this property is currently vacant. Access to City-provided services is **not sought at this time**, and therefore there are no anticipated needs at this time on the key City-provided urban utility services (i.e., are water, storm drainage, sanitary sewerage, and streets). However, all City services can be made available to the territory. (See **Finding # 7** for further details.)

Criterion 2.9

2004 LCP Chapter 3 (Urbanization) – Annexation Policy # P-27: *Expand the City Limits as necessary to accommodate development, including housing, commercial, industrial, and services (that will in turn accommodate population growth).*

Finding #9:

The proposed annexation complies with the above noted criterion in that the annexation of this property is indeed necessary to accommodate development, specifically residential. It is anticipated that the development proposals by the applicant will be submitted following approval of this annexation request. It is reasonable to conclude that the major economic development activity in the community in recent months can be anticipated to generate population growth as many new jobs are created in the relatively near future. Accordingly, housing development opportunities will be in demand in the community. This annexation (i.e., expansion of the City limits) is therefore necessary to accommodate such development, by enabling the continuing viability of the homes in annexation territory, and making possible the potential future redevelopment of these tax lots.

Criterion 1.9

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

Finding # 10:

The proposed annexation complies with Annexation Ordinance Section 10 in that the additional necessary right-of-way is being addressed at the time of annexation. The City requires additional right-of-way on the west side of 9th Street bordering the subject property south of the intersection with West Oak in order to have the street and its corresponding ROW line up with 9th Street and its ROW north of the intersection with West Oak Street.

Criteria 1.10, 1.11, and 3.0

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

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

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

Finding # 11:

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

Criterion 1.14

Annexation Ordinance Section 15: At the applicant's discretion and with the City's concurrence, a development or redevelopment proposal for an annexation territory may be acted upon by the Planning Commission immediately following the Commission's hearing on the annexation proposal and a decision of recommendation of approval to the City Council. However, any approval of the Planning Commission of such a development or redevelopment proposal must be contingent upon subsequent approval of the annexation by City Council.

Finding # 12:

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

PLANNING COMMISSION STAFF REPORT

April 19, 2006

ANNEXATION REQUEST

NATURE OF REQUEST: Annexation of a 30,400 square foot territory comprised of one tax lot. The subject property contains one single-family residence.

APPLICANT: KING KONSTRUCTION

PROPERTY LOCATION: The subject property is located at 1010 9th Street, the SW corner of Oak and 9th Streets.

ASSESSOR'S MAP AND TAX LOT #: Assessor's Map T12S - R2W – Section 10CD, Tax Lot 4800.

COMP PLAN DESIGNATION: Residential Mixed Density (C-RM) upon annexation.

ZONE DESIGNATION: Residential Mixed-Density (RM) [or Z-RM] upon annexation.

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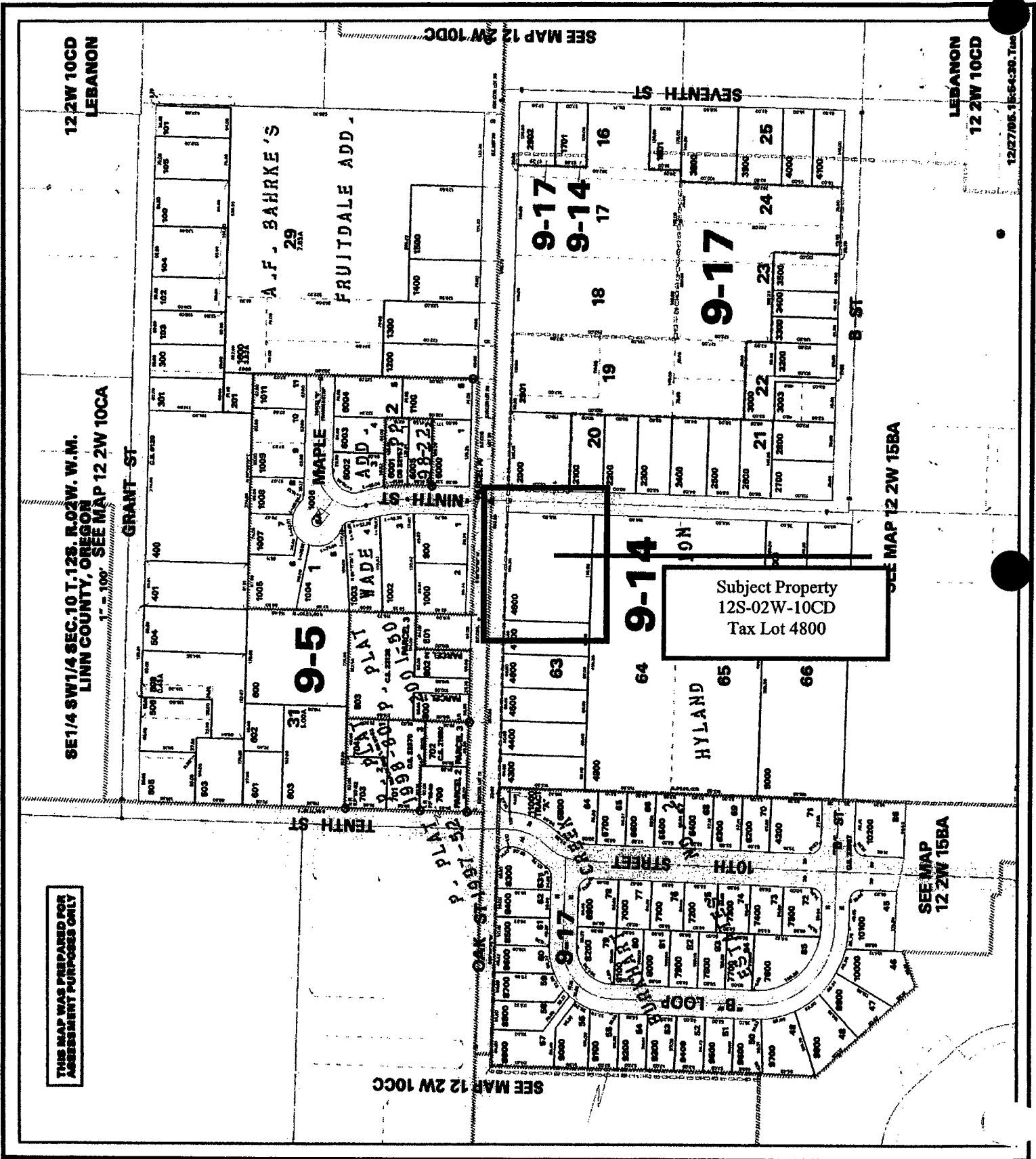
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• EXHIBITS – The applicant has submitted a Narrative Statement (see Exhibit A).	

INTRODUCTION

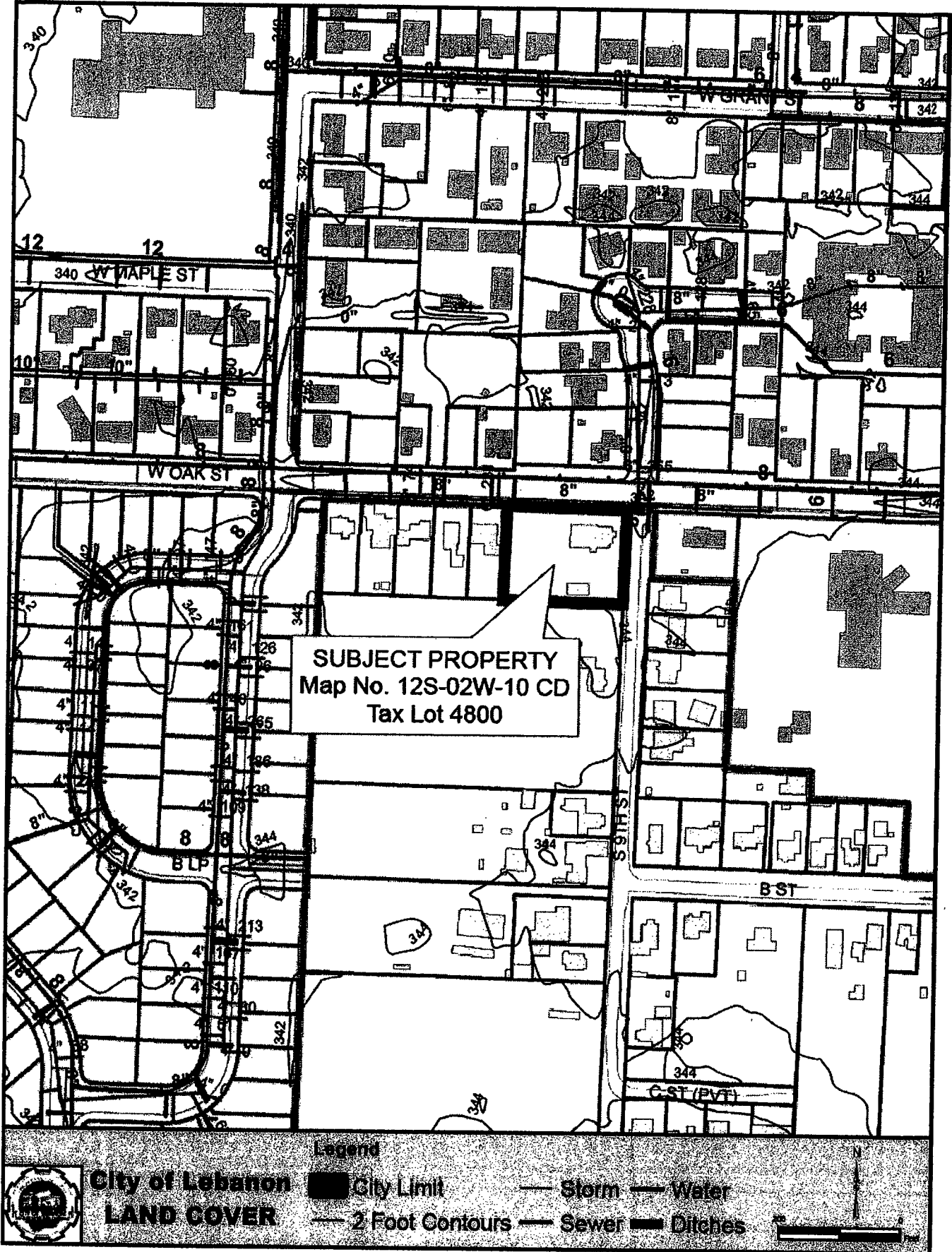
The applicants, KING KONSTRUCTION, are requesting annexation of an approximately 30,400 square foot territory. The annexation territory or subject property is located at 1010 9th Street, the SW corner of Oak and 9th Streets. It is within the City's Urban Growth Boundary and is contiguous with the City limits to the north and east. The property is designated as Mixed-Density Residential (C-RM) on the City of Lebanon's Comprehensive Plan Map. A Residential Mixed Density (Z-RM) zoning designation is being requested upon annexation. This zoning designation is consistent with the City's Comprehensive Plan. No change in zoning is being requested. This action is NOT a zoning map amendment.

There is currently one single family dwelling served by on-site services (septic and well) on the property. Access is from Oak Street, a city standard arterial. Sewer, stormwater and water services are available in Oak Street. The subject property is within the Grand Prairie Water District.



ASSESSOR'S MAP



Land Cover Map



SUBJECT PROPERTY
 Map No. 12S-02W-10 CD
 Tax Lot 4800

	City of Lebanon	 City Limit	 Storm	 Water
LAND COVER		 2 Foot Contours	 Sewer	 Ditches

SITE DESCRIPTION

The territory surrounding the subject property on all sides is designated as Mixed-Density Residential (C-RM) on the City of Lebanon's Comprehensive Plan Map. The portions inside the City Limits to the north and east are zoned Residential Mixed Density (Z-RM). Except for an open field to the southwest, the surrounding area is developed with primarily single family residences. The Lebanon First Church of the Assembly of God is located approximately one-half block to the east on the south side of Oak Street.

Excerpts from the Applicant's Narrative:

The annexation territory contains one single family residence. There will be no impacts on City services based on existing development in the territory.

The annexation territory contains sufficient frontage on both 9th Street and Oak Street to provide access to future development consistent with the requirements of Lebanon ordinances. 9th street has capacity to provide for development of the annexation territory with uses allowed in the RM zone. 9th Street is a public road that is improved to Linn County standards. Maintenance of the road is currently the responsibility of adjacent property owners.

Sanitary sewer, water facilities and storm drainage are available to the property from the Oak Street right-of-way.

There are approximately 0.69 acres of developable land. At a development density of 4.5 units per acre, the property could be developed with a maximum of five single-family dwelling units. This is a typical use and density in the RM zone. Based on this development, the estimated sanitary sewer and water demand is:

- Sanitary sewer - I/I approximately 2160 gallons per day*
- Sanitary sewer - total peak wet weather demand - 4870 gallons per day.*
- Water demand - approximately 1800 gallons per day. (If utilized)*

These estimates are being provided to the City Engineer for review.

There is sufficient capacity for all City services in the area of the annexation territory to provide service when the property is developed. The property has frontage on Oak Street and 9th Street. Water, sanitary sewer, and drainage will be available to the property with sufficient capacity to provide services to future development allowed in the RM zone. Any improvements to the water, sewerage, and drainage systems necessary to service future development can be constructed to comply with City standards.

PLANNING AND ZONING CONSIDERATIONS

1. The Comprehensive Plan Map identifies the designation of the subject property as Residential Mixed Density Residential (RM) that assigns Residential Mixed Density Residential (RM) zoning upon annexation.
2. The following contain the factors and conditions that the City considers in evaluating this annexation request:
 - a. **2003 ANNEXATION ORDINANCE** (City of Lebanon Ordinance Number 17 for 2003, an Ordinance Making Findings and Adopting Policies for the Annexation of Real Property into the City Limits);
 - b. **2004 LEBANON COMPREHENSIVE PLAN: Chapter 3 Urbanization Policies**, P-19 thru P-27;
 - c. **1980 LEBANON ZONING ORDINANCE** Section 3.050 – Zoning of Annexed Areas;
3. Lebanon Zoning Ordinance Section 4.020 lists the development opportunities, standards and requirements for the Residential Mixed Density (RM) zone.

THE FOLLOWING DETAILED CRITERIA ARE USED IN EVALUATING THIS ANNEXATION REQUEST.

BASIC RELEVANT ANNEXATION CRITERIA

- 1.0 **Criteria Based on the 2003 ANNEXATION ORDINANCE [City of Lebanon Ordinance Number 17 for 2003, an Ordinance Making Findings and Adopting Policies for the Annexation of Real Property into the City Limits] -- *Provisions of the Annexation Ordinance Sections:***
- 1.1 **Section 2:** All Annexations shall conform to the requirements of the Lebanon Municipal Code, Annexation Ordinance, Lebanon Land Development Ordinance, City of Lebanon/Linn County Urban Growth Management Agreement, and shall be consistent with applicable State law.
- 1.2 **Section 3:** All Annexations shall be consistent with the goals and policies of the Lebanon Comprehensive Plan.
- 1.3 **Section 4:** All lands included within the Urban Growth Boundary are eligible for annexation and urban development. Areas within the Urban Growth Boundary with designated environmental constraints may be annexed and utilized as functional wetlands, parks, open space and related uses.
- 1.4 **Section 5:** The City shall only annex land that is contiguous to the existing City limits and is within the City's Urban Growth Boundary (UGB).
- 1.5 **Section 6:** An annexation shall be deemed orderly if the annexation territory is contiguous to the existing City limits. An annexation is efficient if the annexation territory can be developed or redeveloped to an urban use. Urban uses may include functional wetlands, parks, open space and related uses.
- 1.6 **Section 7:** Development proposals are NOT REQUIRED for annexation requests.

- 1.7 **Section 8:** As part of the annexation process of developed property or properties, the City shall consider the anticipated demands to access key City-provided urban utility services, which are water, storm drainage, sanitary sewerage, and streets, of existing development within the annexation territory.
- 1.8 **Section 9:** As part of the annexation process of developed property or properties, the City shall consider the impacts on key City-provided urban utility services needed to serve these properties, which are water, storm drainage, sanitary sewerage, and streets.
- 1.9 **Section 10:** Needed Public rights-of-way, as identified in adopted transportation plans as necessary for the safe and efficient movement of traffic, bicycles and pedestrians, shall be dedicated to the City either with annexation or when the property develops and/or redevelops and thus creates an increased demand for the benefits and utility provided by additional rights-of-way dedication.
- 1.10 **Section 11:** Upon annexation, the annexation territory shall be assigned zoning classifications in accordance with the adopted Comprehensive Plan Map, as shown in the City's Annexation Zoning Matrix. Such zoning assignments in and of themselves are not a zoning map change and shall not require approval of a zoning map amendment, or a separate proceeding.
- 1.11 **Section 12:** If a zoning designation other than one in accordance with the Comprehensive Plan Map (shown in the Annexation Zoning Matrix) is requested by an applicant, the zoning requested shall not be granted until the Comprehensive Plan Map is appropriately amended to reflect concurrence. Such an amendment shall require a separate application, hearing and decision, which may be held concurrently with an annexation hearing and will not become effective until the annexation is complete.
- 1.12 **Section 13:** The areas within the Urban Growth Boundary with designated environmental constraints may be annexed and developed as functional wetlands, parks, open space and related uses.
- 1.13 **Section 14:** An "urban use" is hereby defined as any land use that is authorized under the terms and provisions of the land use regulations, Zoning Ordinance, Subdivision Ordinance, Comprehensive Plan, and other related documents of the City of Lebanon.
- 1.14 **Section 15:** At the applicant's discretion and with the City's concurrence, a development or redevelopment proposal for an annexation territory may be acted upon by the Planning Commission immediately following the Commission's hearing on the annexation proposal and a decision of recommendation of approval to the City Council. However, any approval of the Planning Commission of such a development or redevelopment proposal must be contingent upon subsequent approval of the annexation by City Council.

2.0 2004 Lebanon Comprehensive Plan (LCP) Criteria -- Chapter 3: Urbanization -- Annexation Policies -- The City shall:

- 2.1 P-19:** Recognize and act on the basis that all annexations shall conform to the requirements of the Lebanon Municipal Code, Annexation Ordinance, Lebanon Land Development Ordinance, City of Lebanon/Linn County Urban Growth Management Agreement (UGMA), and shall be consistent with applicable State law.
- 2.2 P-20:** Recognize and act on the basis that all annexations shall be consistent with the goals and policies of the Lebanon Comprehensive Plan.
- 2.3 P-21:** Recognize and act on the basis that all lands included within the Urban Growth Boundary are eligible for annexation and urban development. (Areas within the Urban Growth Boundary (UGB) with designated environmental constraints may be annexed and utilized as functional wetlands, parks, open space and related uses.)
- 2.4 P-22:** Only annex land that is contiguous to the existing City limits and is within the City's Urban Growth Boundary (UGB).
- 2.5 P-23:** Deem an annexation orderly if the annexation territory is contiguous to the existing City Limits, and deem an annexation efficient if the annexation territory can be developed or redeveloped to an urban use (urban uses may include functional wetlands, parks, open space and related uses).
- 2.6 P-24:** Recognize and act on the basis that development proposals are NOT REQUIRED for annexation requests.
- 2.7 P-25:** Consider as part of the annexation process of developed property or properties, the anticipated demands to access key City-provided urban utility services, which are water, storm drainage, sanitary sewerage, and streets, of existing development within the annexation territory.
- 2.8 P-26:** Consider as part of the annexation process of developed property or properties, the impacts on the capacities of key City-provided urban utility services needed to satisfy the anticipated demands of the properties discussed in P-25 above.
- 2.9 P-27:** Expand the City Limits as necessary to accommodate development, including housing, commercial, industrial, and services (that will in turn accommodate population growth).

3.0 1980 Zoning Ordinance Criteria -- 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.*

STAFF COMMENTS

1. Planning:

- A. Current building permits active through Linn County must be final and closed before a Lebanon City Council hearing is scheduled for final action on this application.
- B. The legal description and a map describing the entire annexation area have been submitted and are included in this report.
- C. The City requires additional of right-of-way on the west side of 9th Street bordering the subject property south of the intersection with West Oak in order to have the street and its corresponding ROW line up with 9th Street and its ROW north of the intersection with West Oak Street.
- D. The annexation territory is within the City's Urban Growth Boundary, and is therefore eligible for annexation and urban development. This annexation territory has been identified as land needed by the City for nearly a quarter of a century.
- E. The annexation territory is both contiguous to the existing City limits and within the City's Urban Growth Boundary, and is therefore eligible for annexation and urban development. The annexation territory is contiguous to the existing City Limits to the east.
- F. The annexation territory can be developed to an urban use. Future development can be consistent with the provisions of Lebanon Zoning Ordinance Section 4.020 that lists the development opportunities, standards and requirements for the Residential Mixed Density (RM) zone, and this is consistent with all applicable provisions of the Comprehensive Plan.
- G. No redevelopment proposal was required to be submitted at this time.
- H. This territory currently has one single family residence. Access to City-provided services is not sought at this time, and therefore there are no anticipated needs at this time on the key City- provided urban utility services (i.e., are water, storm drainage, sanitary sewerage, and streets). However, City Services can readily be made available to the site when it develops.
- I. Currently the subject property does not have a City zoning designation because it is not within the City limits. However, since the property is within the City's Urban Growth Boundary, the current Comprehensive Plan designation on the subject property is Mixed-Density Residential. The corresponding City zoning designation for a Comprehensive Plan designation of Mixed-Density Residential is Residential Mixed Density (RM). The applicant is requesting a Residential Mixed Density (RM) zoning designation for the subject property. Therefore, a City zoning designation of Residential Mixed Density (RM) can automatically be assigned at this time, without a separate hearing. This action is NOT a zoning map amendment.
- J. The subject property has no environmental constraints that cannot be mitigated that would prevent development.

- K. This annexation is an implementation of the Annexation Policies contained in this Plan, the Lebanon/Linn County Urban Growth Management Agreement, and the City's Annexation Ordinance.
- L. This annexation application does NOT include a development proposal or a rezoning application.
- M. The subject property is within the Grand Prairie Water Control District.

2. Current Status of Infrastructure (City Engineering Comments):

- A. **Sanitary Sewer:** Service is available via an 8" line in West Oak Street ROW.
- B. **Water:** Service is available via 8" line in West Oak Street ROW.
- C. **Drainage:** Service is available via a 42" line in West Oak Street ROW.
- D. **Transportation Access:** Access to the property is presently off of Oak Street, a City Street. The City requires the applicant to dedicate an additional 10 feet or less of right-of-way on the 9th street side as may be limited by side yard setback requirements.
- E. **Fees and Costs:** In addition to infrastructure improvement costs, future development will have expenses associated with it such as service lines, meters, plumbing permit fees, and sewer and water system development charges. All of the above permits, fees, and processes are detailed in the City's Site Development Guide.

RECOMMENDATION

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

PROPOSED FINDINGS -- Findings that address Basic Relevant Annexation Criteria

Criteria 1.1 and 2.1

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

2004 LCP Chapter 3 (Urbanization) – Annexation Policy #P-19: *[The City shall] Recognize and act on the basis that all annexations shall conform to the requirements of the Lebanon Municipal Code, Annexation Ordinance, Lebanon Land Development Ordinance, City of Lebanon/Linn County Urban Growth Management Agreement (UGMA), and shall be consistent with applicable State law.*

Finding # 1:

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

Criteria 1.2 and 2.2

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

2004 LCP Chapter 3 (Urbanization) – Annexation Policy #P-20: *[The City shall] Recognize and act on the basis that all annexations shall be consistent with the goals and policies of the Lebanon Comprehensive Plan.*

Finding # 2:

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

Criteria 1.3 and 2.3,

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

LCP Chapter 3 (Urbanization) – Annexation Policy #P-21: *[The City shall] Recognize and act on the basis that all lands included within the Urban Growth Boundary are eligible for annexation and urban development. (Areas within the Urban Growth Boundary (UGB) with designated environmental constraints may be annexed and utilized as functional wetlands, parks, open space and related uses.)*

Finding # 3:

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

Criteria 1.4 and 2.4

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

2004 LCP Chapter 3 (Urbanization) – Annexation Policy #P-22: *[The City shall] Only annex land that is contiguous to the existing City limits and is within the City's Urban Growth Boundary (UGB).*

Finding # 4:

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

Criteria 1.5, 1.13, 1.14, and 2.5

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

Annexation Ordinance Section 13: *The areas within the Urban Growth Boundary with designated environmental constraints may be annexed and developed as functional wetlands, parks, open space and related uses.*

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

2004 LCP Chapter 3 (Urbanization) – Annexation Policy #P-23: *[The City shall] Deem an annexation orderly if the annexation territory is contiguous to the existing City Limits, and deem an annexation efficient if the annexation territory can be developed or redeveloped to an urban use (urban uses may include functional wetlands, parks, open space and related uses).*

Finding # 5:

The proposed annexation complies with the above noted criteria. (1) Since the annexation territory is contiguous to the existing City limits the annexation of this territory is deemed orderly. (2) The annexation is efficient since the annexation territory can be developed to an urban use. This territory can be developed according to the provisions of Lebanon Zoning Ordinance Section 4.020 lists the development opportunities, standards and requirements for the Residential Mixed Density (RM) zone, and this is consistent with all applicable provisions of the Comprehensive Plan.

Criteria 1.6 and 2.6

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

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

Finding # 6:

The proposed annexation complies with the above noted criteria in that no development proposal was required to be submitted at this time.

Criteria 1.7 and 2.7

Annexation Ordinance Section 8: *As part of the annexation process of developed property or properties, the City shall consider the anticipated demands to access key City-provided urban utility services, which are water, storm drainage, sanitary sewerage, and streets, of existing development within the annexation territory.*

2004 LCP Chapter 3 (Urbanization) – Annexation Policy #P-25: *[The City shall] Consider as part of the annexation process of developed property or properties, the anticipated demands to access key City-provided urban utility services, which are water, storm drainage, sanitary sewerage, and streets, of existing development within the annexation territory.*

Finding # 7:

The proposed annexation complies with the above noted criteria in that this property is currently vacant. Access to City-provided services is not sought at this time, and therefore there are no anticipated needs at this time on the key City-provided urban utility services (i.e., are water, storm drainage, sanitary sewerage, and streets). However, all City services can be made available to the territory.

- **Sanitary Sewer, Water, and Drainage:** Service is available via lines in West Oak Street ROW.
- **Transportation Access:** Access is from Oak Street, a City Street. The City requires additional of right-of-way on the west side of 9th Street bordering the subject property south of the intersection with West Oak in order to have the street and its corresponding ROW line up with 9th Street and its ROW north of the intersection with West Oak Street.

Criteria 1.8 and 2.8

Annexation Ordinance Section 9: *As part of the annexation process of developed property or properties, the City shall consider the impacts on key City-provided urban utility services needed to serve these properties, which are water, storm drainage, sanitary sewerage, and streets.*

2004 LCP Chapter 3 (Urbanization) – Annexation Policy # P-26: *[The City shall] Consider as part of the annexation process of developed property or properties, the impacts on the capacities of key City-provided urban utility services needed to satisfy the anticipated demands of the properties discussed in P-25 above.*

Finding #8:

The proposed annexation complies with the above noted criteria in that this territory this property is currently vacant. Access to City-provided services is **not sought at this time**, and therefore there are no anticipated needs at this time on the key City-provided urban utility services (i.e., are water, storm drainage, sanitary sewerage, and streets). However, all City services can be made available to the territory. (See **Finding # 7** for further details.)

Criterion 2.9

2004 LCP Chapter 3 (Urbanization) – Annexation Policy # P-27: *Expand the City Limits as necessary to accommodate development, including housing, commercial, industrial, and services (that will in turn accommodate population growth).*

Finding #9:

The proposed annexation complies with the above noted criterion in that the annexation of this property is indeed necessary to accommodate development, specifically residential. It is anticipated that the development proposals by the applicant will be submitted following approval of this annexation request. It is reasonable to conclude that the major economic development activity in the community in recent months can be anticipated to generate population growth as many new jobs are created in the relatively near future. Accordingly, housing development opportunities will be in demand in the community. This annexation (i.e., expansion of the City limits) is therefore necessary to accommodate such development, by enabling the continuing viability of the homes in annexation territory, and making possible the potential future redevelopment of these tax lots.

Criterion 1.9

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

Finding # 10:

The proposed annexation complies with Annexation Ordinance Section 10 in that the additional necessary right-of-way is being addressed at the time of annexation. The City requires additional right-of-way on the west side of 9th Street bordering the subject property south of the intersection with West Oak in order to have the street and its corresponding ROW line up with 9th Street and its ROW north of the intersection with West Oak Street.

Criteria 1.10, 1.11, and 3.0

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

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

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

Finding # 11:

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

Criterion 1.14

Annexation Ordinance Section 15: At the applicant's discretion and with the City's concurrence, a development or redevelopment proposal for an annexation territory may be acted upon by the Planning Commission immediately following the Commission's hearing on the annexation proposal and a decision of recommendation of approval to the City Council. However, any approval of the Planning Commission of such a development or redevelopment proposal must be contingent upon subsequent approval of the annexation by City Council.

Finding # 12:

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

ANNEXATION ZONING MATRIX

For Property Annexed Into the City of Lebanon
(See Table 4-2 In City's 2004 Comprehensive Plan)

2004 City of Lebanon Comprehensive Plan Designations	City of Lebanon Zoning Designations (1980) [as per 2004 LCP]
Residential Low Density (C-RL)	Residential Low Density Zone (RL) [Z-RL]
Residential Mixed Density (C-RM)	Residential Mixed Density Zone (RM) [Z-RM]
	*Residential High Density Zone (RH) [Z-RH]
Mixed Use (C-MU)	Mixed Use Zone (MU) [Z-MU]
Neighborhood Mixed Use (C-NMU)	Neighborhood Mixed Use Zone [Z-NMU]
Commercial (C-CM)	Neighborhood Commercial Zone (CN) [Z-NCM]
	*Central Business Commercial Zone (CB) [Z-CCM]
	Highway Commercial Zone (CH) [Z-HCM]
Industrial (C-IND)	Industrial Zone (ML & MG) [Z-IND]
Public Use (C-PU)	Public Use Zone [Z-PU]
Key	
* (or) Red Lettering & Yellow Shading	Based upon the Zoning Ordinance descriptions of these zones, there are no un-annexed properties in the UGB eligible to be assigned to these zone designations. (October 04, and October 05)
(or) Blue Lettering & Blue Shading	This zone is for small neighborhood shopping clusters. Such designations would require a zone change and an Administrative Review Process.



CITY OF LEBANON

Community Development/Planning
Phone: 541-258-4906 Fax: 541-258-6496
853 Main Street
Lebanon, Oregon 97355-3211

ANNEXATIONS ARE NOT ZONING MAP AMENDMENTS

(FEBRUARY 2005)

Annexations involve the *“first application of city zoning to property that already has a city comprehensive plan map designation . . . but has never had a city zoning map designation,”* and are therefore NOT zoning map amendments.

1. When the City annexes property into the City limits it automatically assigns the City Zoning map classification that corresponds to the Comprehensive Plan Map designation (see attached **ANNEXATION ZONING MATRIX**). This is not an amendment of the Zoning Map; it is rather the realization or fleshing out of the Zoning Map that lies latent “beneath” the Comprehensive Plan Map. The act of annexation merely enables the revealing of the Zoning Map classification of the annexed property that was intended when both the Comprehensive Plan Map and Zoning Map were adopted 25 years ago (1980).
2. It is this understanding of the annexation process and first assignment of City zoning that is embodied in the following 1980 Lebanon Zoning Ordinance section:

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.*
3. It is important to note that LZO Section 3.050 does NOT mandate that the City shall amend its Zoning Map in order to incorporate newly annexed properties. Instead, this provision of LZO states that annexed areas shall be **PLACED** in a zoning classification in accordance with the adopted Comprehensive Plan. The intentional use of the word “placed” is indicative of the fact that the Zone already exists prior to annexation. In short, the classifications of the Zoning Map are coextensive with their corresponding Comprehensive Plan Map designations; however, the Zoning Map classifications can only become apparent when a property is annexed.
4. Prior to annexation there is simply no City zone on a property to change or amend.
5. It is also important to note that the second part of LZO Section 3.050 lays the ground work for a Comprehensive Plan Map amendment when the annexation process deviates from the above noted process: *“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.”* This request necessitates an amendment process because of the incongruence between the zoning request and the “latent zoning map” that corresponds to the Comprehensive Plan Map.
6. Sections 3.030 and 3.040 of the 1980 Lebanon Zoning Ordinance provide the parameters for amending the Zoning Map.

EXHIBIT A

APPLICANT'S NARRATIVE

APPLICANT'S NARRATIVE

The applicant/owner intends to develop the property with four additional single family residences upon annexation to the city limits. The purpose of the annexation is to allow City-provided urban utility services (water, storm drainage, sanitary sewerage, and streets) to be utilized by the property.

ANNEXATION PETITION COMPLIANCE WITH APPLICABLE REVIEW CRITERIA

The factors and conditions applicable to evaluating this annexation request are:

- **City of Lebanon Ordinance Number 17 for 2003**, an Ordinance Making Findings and Adopting Policies for the Annexation of Real Property into the City limits.
- **Lebanon Comprehensive Plan Chapter 1**, Introduction, Narrative, Finding 2.0.
- **Lebanon Comprehensive Plan Chapter 3**, Urbanization, Flexible Growth Program Policies P-13 and P-14.
- **Lebanon Comprehensive Plan Chapter 3**, Urbanization, Annexation Policies P-19, P-20, P-21, P-22, P-23, P-24, P-25, P-26 and P-27.
- **Lebanon Comprehensive Plan: Chapter 3**, Urbanization, Annexation Findings 3.3.1 through 3.3.10, 3.4.1, 3.4.2, 3.4.3, 3.4.6 and 3.5.1.
- **Zoning Ordinance Section 3.050**, Zoning of Annexed Areas.
- **City of Lebanon/Linn County – Urban Growth Management Agreement**, Section 2: Delineation of Authority in the Urban Growth Area (UGA), and Section 5, Annexation.

Lebanon Zoning Ordinance Section 4.020 lists the development opportunities, standards and requirements for the Residential Mixed Density (RM) zone.

Applicable Provisions of the Lebanon Annexation Ordinance (LOA), Lebanon Comprehensive Plan (LCP), Lebanon Zoning Ordinance (LZO) and Lebanon/Linn County Urban Growth Management Agreement (UGMA).

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

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

LCP Chapter 3 – Urbanization, Annexation Policy P-19: The City shall recognize and act on the basis that all annexations shall conform to the requirements of the Lebanon Municipal Code, Annexation Ordinance, and Lebanon Land Development Ordinance and shall be consistent with applicable State law.

LCP Chapter 3 – Urbanization, Annexation Policy P-20: The City shall recognize and act on the basis that all annexations shall be consistent with the goals and policies of the Lebanon Comprehensive Plan.

LCP Chapter 3 – Urbanization, Annexation Findings 3.3.1: The City's Annexation Ordinance will be consistent with this Comprehensive Plan and will implement the principals and policies of the Comprehensive Plan as they relate to annexations.

LCP Chapter 3 – Urbanization, Annexation Findings 3.3.2: Together the City's Annexations Ordinance and the annexation policies and principals contained in this Comprehensive Plan Chapter establish the annexation process and procedures used by the City.

LCP Chapter 3 – Urbanization, Annexation Findings 3.3.3: The implementation of the City's Annexation Ordinance and policies of this Comprehensive Plan, and the resulting process and procedures, address the four factors to be considered when a city converts urbanizable land in its Urban Growth Boundary (UGB) for urban uses as set forth in Statewide Planning Goal 14 (see Section 2.1.3 above).

Applicants Statement: *The evidence submitted with this petition demonstrates that the proposed annexation conforms to the requirements of the Lebanon Municipal Code, Annexation Ordinance, Lebanon Land Development Ordinance and the City of Lebanon/Linn County Urban Growth Management Agreement, and that the request is consistent with applicable State law and with the goals an policies of the Lebanon Comprehensive Plan. Compliance with the specific provisions of the applicable codes, ordinances and agreements is demonstrated in subsequent sections. Therefore, the petition complies with LAO Sections 2 and 3 and LCP Urbanization Policies P-19 and P-20.*

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

LOA Section 13: The areas within the Urban Growth Boundary with designated environmental constraints may be annexed and developed as functional wetlands, parks, open space and related uses.

LCP Chapter 3 – Urbanization, Annexation Policy P-21: The City shall recognize and act on the basis that all lands included within the Urban Growth Boundary are eligible for annexation and urban development. (Areas within the Urban Growth Boundary a (UGB) with designated environmental constraints may be annexed and utilized as functional wetlands, parks, open space and related uses).

LCP Chapter 3 – Urbanization, Flexible Growth Program Policy P-13: The City shall recognize and act on the basis that all lands included with the Urban Growth Boundary are suitable for urban development except for those areas with identified environmental constraints. Nevertheless, those areas with environmental constraints may be utilized as functional wetlands, parks, open space and related uses.

LCP Chapter 3 – Urbanization, Annexation Finding 3.3.4: The implementation of the City's Annexation Ordinance and policies of this comprehensive Plan, and the resulting process and procedures, will ensure the orderly expansion of City limits since only land that is adjacent to the City limits and its in the Urban Growth Area is eligible for annexation.

LCP chapter 3 – Urbanization, Annexation Finding 3.3.5: The implementation of the City's Annexation Ordinance and its policies will provide a basis for the efficient provisions of key City- provided urban utility services, which are hereby defined as water, storm drainage, sanitary sewerage, and streets.

CP Chapter 3 – Urbanization, Annexation Finding 3.4.3: Areas within the Urban Growth Boundary with designated environmental constraints may be annexed and developed as functional wetlands, parks, open spaces and related uses.

Applicant's Statement: The proposed annexation territory is within the City's urban growth boundary and therefore is eligible for annexation and is suitable for urban development. It is contiguous with the City limits to the north and east. There are no identified floodplains, steep slopes or other areas with designated environmental constraints on the property.

The proposed annexation is orderly in the property is contiguous with the City limits. It is efficient in that it is with the UGB, is eligible for urban development, all City services are available to the territory and the territory can be developed to many of the urban uses allowed in the RM zone in a manner that is consistent with the City's development standards.

Therefore, the proposed annexation complies with LAO Sections 4 and 13, Urbanization policies P-13, P-14 and P-21.

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

LCP Chapter 3 – Urbanization, Annexation Policy P-22: The City shall only annex land that is contiguous to the existing City limits and is within the city's Urban Growth Boundary (UGB).

Applicant's Statement: The proposed annexation territory is within the City's urban growth boundary. It is contiguous with the City limits the north and east. Therefore, the proposed annexation complies with LAO section 4 and LCP Urbanization Policy P-22.

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

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

LCP Chapter 3 – Urbanization, Annexation Policy P-23: The City shall deem an annexation orderly if the annexation territory is contiguous to the existing City limits, and deem an annexation efficient if the annexation territory can be developed or redeveloped to an urban use (urban uses may include functional wetlands, parks, open space and related uses).

LCP Chapter 3 – Urbanization, Annexation Finding 3.3.4: The implementation of the City’s Annexation Ordinance and the policies of this comprehensive Plan, and resulting process and procedures, will ensure the orderly expansion of City limits since only land that is adjacent to the City limits is an Urban growth Area is eligible for annexation.

Applicant’s Statement: The proposed annexation territory is within the UGB and is contiguous to the existing City limits to the north and east; therefore annexation of the territory is considered orderly. The territory can be developed with many of the urban uses allowed in the Residential Mixed Density Zone (LZO 4.020). The annexation territory is 0.69 acres and contains 155 feet of frontage on 9th Street and 155 feet on Oak Street. Development can comply with all City standards. Therefore, the proposed annexation is efficient.

The proposed annexation is orderly and efficient and complies with the LAO Sections 6 and 14 and LCP Urbanization Policy 23.

LAO Section 7: Development proposals are NOT REQUIRED for annexation requests.

LAO section 15: At the applicant’s discretion and with the City’s concurrence, a development or redevelopment proposal for an annexation territory may be acted upon by the Planning Commission immediately following the Commission’s hearing on the annexation proposal and a decision of recommendation of approval to the City Council. However, any approval of the planning commission of such a development or redevelopment proposal must be contingent upon subsequent approval of the annexation by City Council.

LCP Chapter 3 – Urbanization, Annexation Policy P-24: The City shall recognize and act on the basis that development proposals are NOT REQUIRED for annexation requests.

LCP Chapter 3 – Urbanization, Annexation Finding 3.3.6: Annexation proposals do not require site specific development proposals.

Applicant’s Statement: No development proposal is being submitted as part of this annexation application.

LAO Section 8: As part of the annexation process of developed property or properties, the City shall consider the anticipated demands to access key City-provided urban utility services, which are water, storm drainage, sanitary sewerage, and streets, of existing development within the annexation territory.

LAO Section 9: As part of the annexation process of developed property or properties, the City shall consider the impacts on key City-provided urban utility services need to serve these properties, which are water, storm drainage, sanitary sewerage, and streets.

LCP Chapter 3 – Urbanization, Annexation Policy P-25: The City shall consider as part of the annexation process of developed property or properties, the anticipated demands to access key City-provided urban utility services, which are water, storm drainage, sanitary sewerage, and streets, of existing development within the annexation territory.

LCP Chapter 3 – Urbanization, Annexation Policy P-26: The City shall consider as part of the annexation process of developed property or properties, the impacts on the capacities of key City-provided urban utility services needed to satisfy the anticipated demands of the properties discussed in P-25 above.

LCP Chapter 3 – Urbanization, Annexation Finding 3.3.8: As part of the annexation process of developed property or properties, the City will consider the anticipated demands of existing development within the annexation territory if they access the four key City-provided urban utility services (water, storm drainage, sanitary sewerage, and streets), and will also consider the capacity of the existing infrastructure of these City-provided urban utility services to satisfy the anticipated potential new demands.

LCP Chapter 3 – Urbanization, Annexation Finding 3.3.9: The annexation of the territory that is vacant or undeveloped does not represent any change or impact on any City-provided urban utility services, and therefore the annexation of such a territory does not need to consider such issues.

LCP Chapter 3 – Urbanization, Annexation Finding 3.5.1: Urban densities within the Urban Growth Area (UGB) are already accounted for in the City’s facilities plan.

Applicant’s Statement: *The annexation territory contains one single family residence. There will be no impacts on City services based on existing development in the territory.*

The annexation territory contains sufficient frontage on both 9th Street and Oak Street to provide access to future development consistent with the requirements of Lebanon ordinances. 9th street has capacity to provide for development of the annexation territory with uses allowed in the RM zone. 9th Street is a public road that is improved to Linn County standards. Maintenance of the road is currently the responsibility of adjacent property owners.

Sanitary sewer, water facilities and storm drainage are available to the property from the Oak Street right-of-way.

There are approximately 0.69 acres of developable land. At a development density of 4.5 units per acre, the property could be developed with a maximum of five single-family dwelling units. This is a typical use and density in the RM zone. Based on this development, the estimated sanitary sewer and water demand is:

- *Sanitary sewer – I/I approximately 2160 gallons per day*
- *Sanitary sewer – total peak wet weather demand – 4870 gallons per day.*
- *Water demand – approximately 1800 gallons per day. (If utilized)*

These estimates are being provided to the City Engineer for review.

There is sufficient capacity for all City services in the area of the annexation territory to provide service when the property is developed. The property has frontage on Oak Street and 9th Street. Water, sanitary sewer, and drainage will be available to the property with sufficient capacity to provide services to future development allowed in the RM zone. Any improvements to the water, sewerage, and drainage systems necessary to service future development can be constructed to comply with City standards.

Therefore, the proposed annexation complies with LAO Sections 8 and 9 and LCP Urbanization Policies P-25 and P-26.

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

LCP Chapter 3 – Urbanization, Annexation Finding 3.310: Needed public rights-of-way, as identified in adopted transportation plans as necessary for the safe and efficient movement of traffic, bicycles and pedestrians, will be dedicated to the City either with annexation or within the property develops and/or redevelops and this creates an increased demand for the benefits and utility provided by additional rights-of-way dedication.

Applicant’s Statement: *The portion of 9th Street contiguous with the annexation territory contains sufficient dedicated public right-of-way to comply with the Lebanon Transportation Plan. The proposed annexation complies with the LAO Section 10.*

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

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

LCP Chapter 3 – Urbanization, Annexation Finding 3.4.1: Unannexed property in the Urban Growth Area does not have a City zoning designation, but does have a City comprehensive Plan Map designation that indicates the long-term planning use for the property.

LCP Chapter 3 – Urbanization, Annexation Finding 3.4.2: The City's Comprehensive Plan and Comprehensive Plan Map direct all long range land use planning in the Urban Growth Area.

LCP Chapter 3 – Urbanization, Annexation Finding 3.4.3: Upon annexation, and annexation territory will automatically be assigned City zoning classifications in accordance with the adopted Comprehensive Plan Map, as shown the City's Annexation Zoning Matrix (see Table 4-2 in Chapter 4: Land Use). Such zoning assignments, in and of themselves, are not a Zoning Map change and do not require approvals of a Zoning Map Amendment, or a separate proceeding.

LZO 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.

Applicant's Statement: The property is within the City's Urban Growth Boundary. The Comprehensive Plan designation of the property is Mixed-Density Residential. The corresponding City zoning for this designation is Residential Mixed Density (RM). The applicant is requesting a Residential Mixed Density (RM) zoning designation for the property. No zoning map amendment is necessary to apply the RM zoning to the annexation area. Therefore, the proposed annexation complies with LAO Section 11 and 12 and LZO Section 3.050.

LCP Chapter 1: Introduction—Narrative, Finding 2.0: The City of Lebanon recognizes its responsibility to include consideration of the Statewide Planning Goals and Guidelines as adopted by the Land Conservation and Development Commission (LCDC). Therefore, the City's Comprehensive Plan is intended to be consistent with the applicable Statewide Planning Goals.

Applicant's Statement: The LCP has been acknowledged by the Oregon Land Conservation and Development Commission to be in compliance with the Statewide Planning Goals.

LCP Chapter 3 – Urbanization, Annexation Policy P-27: Expand the City limits as necessary to accommodate development, including housing, commercial, industrial, and services (that will in turn accommodate population growth).

LCP Chapter 3 – Urbanization, Annexation Policy P-30: The City shall manage its Urban Growth boundary and the lands within so as to make available sufficient land for the various uses to insure choices in the market place, through implementation of land use regulations and land use policies.

LCP Chapter 3 – Urbanization, Annexation Finding 3.2.2: The continued annexation and subsequent development of land for residential uses are essential to the continued health and vitality of the community.

Applicant's Statement: The application is for annexation of residentially designated territory within the City's urban growth boundary and contiguous with the City limits. The Lebanon Comprehensive Plan states, "The continued annexation and subsequent development of land for residential uses are essential to the continued health and vitality of the community". The proposed annexation provides land for the residential uses. Therefore, the proposed annexation complies with LCP Urbanization Policies P-27 and P-30.

City of Lebanon/Linn County—Urban Growth Management Agreement

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

Section 4: Annexations: The UGA identifies land that may be subjected to future City annexation. The City may annex land using its own procedures in accordance with state law. Only land within the UGA will be considered for annexation. The City will notify the county of any proposed annexations. Upon annexation, the City assumes all jurisdictions for land use actions.

Applicant's Statement: The annexation territory is within the City's UGB and is subject to the provisions of the Lebanon/Linn County UGM Agreement. The territory is eligible for annexation in that it is within the UGB and contiguous with the City limits. The applicant has requested annexation through the procedures established by the City through their annexation Ordinance. The annexation proposal complies with the Lebanon/Linn County Urban Growth Management Agreement.

KING KONSTRUCTION ANNEXATION

A PUBLIC HEARING TO CONSIDER ANNEXATION A-06-03, Map No. 12-2W-10cd, Tax lot 4800, 1010 9TH Street, Lebanon, OR

Mayor: I will declare the public hearing for Annexation A-06-03 open at 7:40 PM. And ask the City Attorney to review the relevant legal matters concerning this annexation request.

(Tom Comments)

Mayor: At this time, I will ask the City Councilors if they have any conflicts of interest or ex parte contacts to declare. *none*

(Mayor awaits city council comments and state whether you have any conflicts or ex parte to declare)

Mayor: If there are no (or further) disclosures I will ask Doug Parker to begin the staff report for this annexation request.

(Doug and others Give staff report for this annexation)

Mayor: Are there any questions from City Council of the staff?

Mayor: If there are no further questions, I will ask the representative of the applicant to come forward and give his presentation. Please provide your name and address for the record.

(After presentation)

Mayor: Are there any questions from the City Council? Hearing no further questions, I will ask if there are any other members of the public present who would like to speak in FAVOR of this application? Please come forward to the podium and please state your name and address for the record.

(People Speak) After each one, ask if any City Councilor has any questions?

2. Mayor: "At this point, I will ask if there is anyone who would like to speak in opposition to the proposed annexation. If so, please come to the podium and provide your name and address for the record.

(People Speak) After each one, ask if any City Councilor has any questions.

Mayor: If there is no one else who wishes to speak in opposition, I will ask the applicant if he would like to present a rebuttal.

(AFTER applicant presents rebuttal, ask if there any questions of the applicant. After questions then continue below)

Mayor: At this time, the public input of the hearing is concluded at 7:45 PM All discussion will now be between and among City Council and City Staff.

I would like to ask the City Council to indicate their thinking on whether they feel this application does or does not meet the relevant criteria, why they feel the way they do, and what evidence in the record you relied upon in reaching your tentative decision.

(Council asks questions)

Mayor: I would like to now ask the City Councilors to indicate their thinking about this proposed application, why, and what evidence from the record they relied upon.

(Mayor waits for responses)

Mayor: IF there is no further discussion form the City Council, I will ask the City Attorney to read the proposed ordinance by title.

(City Attorney reads title of ordinance)

Mayor: Does anyone wish to make a motion?

(City Council makes motion and seconds)

Mayor: It has been moved and seconded to approve the proposed ordinance and annexation.

Mayor: (After discussion) I will ask the clerk to take a roll call vote.

3. Mayor: (after favorable vote) I declare the ordinance passed and the annexation approved. The title of the ordinance shall be the title of the bill.

Agenda Item 4

LEBANON CITY ATTORNEY

80 East Maple Street ■ Lebanon, Oregon 97355 ■ Phone: (541) 258-3194 ■ Fax: (541) 258-7575

MEMORANDUM

DATE: April 19, 2006
To: Mayor and Council
FROM: Thomas McHill, Lebanon City Attorney
RE: Alcohol Impact and Enhanced Enforcement Areas

Presented to you is an ordinance which would allow the Council to create geographical areas for the purpose of providing a law enforcement tool to the police department to better control activity in the geographical area. This ordinance, modeled on similar ordinances in McMinnville and Portland, is designed to allow a police officer to exclude a citizen from the area if the citizen has been cited for violating one of the several enumerated crimes listed in the ordinance. If the person returns to the area, the person could be convicted of the crime of Criminal Trespass, subject to a fine of up to \$500 and/or a jail sentence of up to 30 days. Additionally, any licensee who knowingly allows a person who has been excluded, or who otherwise knowingly fails to abide by a restriction passed under the authority of the council per the ordinance, also would violate this ordinance and be subject to the same penalty. There are also provisions in the ordinance which can extend the period of exclusion.

Persons who are excluded will have due process rights to have a hearing on the exclusion.

It is hoped that this ordinance will provide additional tools for law enforcement to protect citizens who are legitimately within the geographical area. The ordinance is based upon your finding that the area is subject to criminal activity. Signs must be posted at the limits of the area and the council's designation of an enhanced enforcement area remains for three years. This allows for improvements to be made within the area to reduce the criminal activity. The ordinance would also allow for a "re-designation" of the area after the three year period.

It is also hoped that this ordinance will provide more information to the Oregon Liquor Control Commission in the decisions about whether or not to renew or allow liquor licenses to businesses within the designated areas.

This ordinance "sunset" three years after its approval.

AN ORDINANCE ESTABLISHING BOUNDARIES
FOR AN ALCOHOL IMPACT AND ENHANCED
ENFORCEMENT AREA IN THE DOWNTOWN AREA

) ORDINANCE BILL NO. _____
) FOR 2006
) ORDINANCE NO. _____

RECITALS

The City Council has, in Ordinance No. 4824, authorized the designation of Enhanced Enforcement Areas within the City.

The Council has determined that the downtown area of the City is an area of special historic, business, and economic interest to the citizens of McMinnville. The Council further has determined that there is a high incidence of repeat violation and criminal activity in this area.

Based on the above, the Council has determined that designation of the downtown area as an Enhanced Enforcement Area will lower citizen victimization and chronic nuisance activity, will discourage criminal activity, and will increase public safety and awareness within the Area, and now, therefore

THE CITY OF LEBANON ORDAINS AS FOLLOWS:

1. A Downtown Alcohol and Impact Enhanced Enforcement Area is established.
2. The boundaries of the Downtown Enhanced Enforcement Area shall be Rose Street on the North, Maple Street on the South, Park Street on the East and 2nd Street on the West.
3. This designation will be valid for a period of three years.

Adopted by the Lebanon City Council on the 12th day of April 2006, by a vote of _____ in favor and _____ opposed.

Kenneth I. Toombs, Mayor

Attest:

John E. Hitt, City Administrator

Approved as to form:

CITY ATTORNEY

AN ORDINANCE AUTHORIZING THE DESIGNATION OF)
ALCOHOL IMPACT AND ENHANCED ENFORCEMENT)
AREAS, ESTABLISHING PROCEDURES, CHARGES)
AND PENALTIES THEREIN)

ORDINANCE BILL NO. _____
FOR 2006
ORDINANCE NO. _____

WHEREAS, The Lebanon Police Department has, for years, received complaints of certain intoxicated or otherwise obstreperous individuals behaving repeatedly in a hazardous, offensive, or criminal manner; and,

WHEREAS, The Department has worked with downtown merchants and with youth and young adults in the downtown area to formulate a cooperative effort to address the concern of these repeated acts by the same individuals or others who engage in hazardous, offensive or criminal behavior; and,

WHEREAS, certain areas of the city are saturated with certain types of licensed premises selling or serving alcoholic beverages. The placement of additional licensed premises or the renewal of those licenses that have been the source of fights, assaults, excessive noise or other criminal acts may be deleterious to the designated alcohol impact and enhanced enforced area and are not justified by public interest or convenience; and,

WHEREAS, the authority to establish Alcohol Impact and Enhanced Enforcement Areas (AIEEA) under the terms of this ordinance would provide the Department with the ability to temporarily exclude certain repeat offenders from these designated areas or to otherwise limit, as allowed by state law, the issuance or renewal of liquor licenses within the enhanced enforcement area.

NOW, THEREFORE, THE CITY OF LEBANON ORDAINS AS FOLLOWS:

Section 1. There is hereby created Chapter 9.18 of the Lebanon Municipal Code which shall read as follows:

9.18.010. Purpose. The City Council finds and declares that:

A. Certain areas of the City appear to draw disproportionate numbers of lawbreakers and are the source of disproportionate numbers of complaints and requests for police response to deal with alcohol related issues of public drunkenness, lewd behavior, excessive noise, and assaults.

B. Being able to remove these people from these areas for a period of time will give the Police Department and the occupants of these areas a chance to "reclaim" their part of the City, will mitigate the number of offenses occurring in these areas, and will serve as an additional punishment for those who violate the law in these areas.

C. Being able to limit the number, or restrict the operating conditions, of liquor licenses within the AIEEA will reduce alcohol related criminal actions and allow non-alcohol dependent businesses and residents to operate without the negative impact often associated with alcohol related criminal activity.

9.18.020. Definitions. For the purposes of this chapter, the following definitions will apply:

“AIEEA” means Alcohol Impact and Enhanced Enforcement Areas

“Arrest” means to place a person under actual or constructive restraint, or to take a person into custody, for purpose of charging that person with the commission an offense.

“Cite” means to issue a citation to appear to a person for commission of an offense.

“Enforcement officer” means a peace officer as defined by ORS 133.005, or any other person with authority to issue citations under Lebanon Municipal Code.

“Alcohol Impact and Enhanced Enforcement Area” means the geographic area designated as such by City Council ordinance adopted pursuant to this Chapter.

“Enumerated crime” means:

Harassment as defined in ORS 166.065.

Intimidation as defined in ORS 166.155-166.165.

Disorderly Conduct or Riot as in ORS 166.015-166.025.

Discharge of a weapon within City Limits as defined in LMC 9.20

Unnecessary Noise as defined in LMC 8.10.

Drinking in Public as defined in ORS 471 & 472

Assault as defined in ORS 163.160-163.185.

Public Indecency as defined in LMC 9.16 or ORS 163.465.

Trespass as defined in ORS 164.245-164.265.

Rape and Sexual Abuse as defined in ORS 163.355-163.427.

Criminal Mischief as defined in ORS 164.345-164.365.

Prostitution or related offense as defined in ORS 167.007-167.017.

Providing Liquor to a Minor as defined in ORS 471.430.

Possession, Delivery, or Manufacture of a Controlled Substance as defined in ORS 167.203, ORS 475.005-475.285, or ORS 475.940-475.995.

Littering as defined in ORS 164.805.

Menacing as defined in ORS 163.190.

Arson or Reckless Burning as defined in ORS 164.315-164.335.

Burglary, Theft, or UEMV as defined in ORS 164.043-164.057, 164.215-164.235, or ORS 164.272.

Alcohol licensee “serious and persistent problems,” as defined in ORS 471.315

Carrying a Concealed Weapon or Firearms, Destructive Devices and related offenses as defined in LMC 9.20 or ORS 166.180, 166.190, 166.220, 166.240, 166.250, 166.270, or 166.272.

Interfering with Peace Officer or Obstructing Governmental Administration as defined in ORS 162.235-166.245.

DUII as defined in ORS 813.010.

Any attempt to commit as defined in ORS 161.405, or conspiracy to commit as defined in ORS 161.450 of any of the above-enumerated offenses.

“Hearings officer” means the Lebanon Municipal Judge capacity to review civil penalties imposed under this chapter.

"Identified violation" means:

- a. MIP-Alcohol as defined in ORS 471.430.
- b. Possession Drug Paraphernalia as defined in LMC 5.20
- c. PCS-Less than one ounce Marijuana as defined in ORS 475.992.

"OLCC" means the Oregon Liquor Control Commission.

"Pedestrian public ways" means any sidewalk, plaza, alley, parking structure or parking area, or other way designated and regularly used for pedestrian travel, any planter strip or landscaped area located adjacent to or contained within such streets, plazas, alleys, or other ways, and includes that portion of public rights of way used for the parking of vehicles, but does not include that portion of public rights of way regularly and traditionally used for vehicular travel.

"Public Premise" means any city property or other premise under the control or authority of the City of Lebanon or one of its subdivisions.

"Street" means any public right of way or alley designated or regularly and traditionally used for vehicular travel.

"Travel" means movement by foot, vehicle, or other conveyance on a public premise, pedestrian public way, or street, from one point to another, without delay other than to obey traffic control devices.

9.18.030 Authority to Designate Enhanced Enforcement Areas:

A. The city council, by ordinance, may designate a geographic area of the city as an AIEEA if the council determines that the Area has been either identified as a high crime area or determined to be of importance as an area of special historic, business, economic, or other interest to the citizens of Lebanon and/or an area with a history of alcohol related criminal activity.

B. Designation of these Areas will:

1. Lower citizen victimization, chronic nuisance activity, or discourage criminal activity, reduce alcohol related crime, and
2. Increase public safety and awareness within the Area.

C. Designation of each Area shall be valid for a period of three years. The Chief of Police is directed to report to the city council at least ninety days before the end of the three year period as to whether there is a need to re-authorize or re-configure the Area.

9.18.040 Enactment of Ordinances Directed at Specific Areas:

In addition to the general conditions associated with this ordinance, the city council, upon designation of an Enhanced Enforcement Area, may enact

ordinances to address issues of specific importance to the Area designated, such as special ordinances to:

- a. Increase citizen safety,
- b. Reduce identified nuisances, or
- c. Limit certain problem behaviors within the area.

9.18.050 Posting of Areas:

Any AIEEA shall be posted at the intersection of each street (not including alleys) with the border of the Area.

9.18.060 Civil Exclusion/Time Periods:

- A. Any person cited by an enforcement officer for two city ordinance violations, excluding minor traffic or parking violations, within any one year period of time within an AIEEA shall be prohibited from being present on public premises, pedestrian public ways, or streets within the Area for any purpose other than one specified under LMC 9.18.090 (Exemptions), for a period of thirty (30) days.
- B. Any person cited or arrested by an enforcement officer for an identified violation within an Enhanced Enforcement Area shall be prohibited from being on public premises, pedestrian public ways, or streets within the Area for any purpose other than one specified under LMC 9.18.090 (Exemptions), for a period of forty-five (45) days.
- C. Any person cited or arrested by an enforcement officer for an enumerated crime within an Enhanced Enforcement Area shall be prohibited from being present on public premises, pedestrian public ways, or streets within the Area for any purpose other than one specified under LMC 9.18.090 (Exemptions), for a period of ninety (90) days.
- D. Any OLCC licensee whose patrons are cited for three or more city ordinance violations, excluding minor traffic or parking violations, within any one year period of time within an AIEEA shall receive a city recommendation to "deny" renewal of his/her OLCC license at its next renewal and/or shall have its operations restricted by the Lebanon City Council.

9.18.070 Civil Exclusion/Notice:

The exclusion or restriction notice shall be issued by the enforcement officer at the time the person is cited or arrested for the commission of the identified violation or enumerated criminal offense. In the case of City ordinance violations resulting in an exclusion or other restriction, the notice may be sent by mail to the residence address of the involved party. The notice shall be in writing, shall specify the offense or offenses upon which the notice is based, the geographical extent of the exclusion, dates of exclusion, exemptions, and the procedure for filing an appeal. The period of exclusion shall commence at the end of the appeal period specified under LMC 9.18.110 (Appeals).

9.18.080 Civil Exclusion/Aggregating Time Periods:

Any person or business who is issued an additional notice within one hundred eighty (180) days of the expiration of any prior notice shall have an additional one hundred eighty (180) day period of exclusion added onto the period of the additional exclusion/restriction notice.

Any person cited or arrested under LMC 9.18.100 (Criminal Trespass in an AIEEA) shall be issued an additional one year exclusion to take effect on the expiration date of any current exclusion notice.

9.18.090 Exemptions From Exclusion:

Notwithstanding LMC 9.18.070 (Civil Exclusions), a person to whom an exclusion notice has been issued may be present on public premises, pedestrian public ways, or streets within an Enhanced Enforcement Area for the following purposes:

- A. To travel to and from a scheduled meeting with an attorney or criminal justice personnel within the Enhanced Enforcement Area; to and from obligations performed in compliance with an order of the court or a criminal justice agency within the Enhanced Enforcement Area; and to or from an administrative or judicial hearing to which the person is a party within the Enhanced Enforcement Area;
- B. To travel to and from a public or private establishment located in the Enhanced Enforcement Area to obtain goods or services not otherwise reasonably available outside the Area to satisfy essential needs of the person. As used in this paragraph, "essential needs" means food, physical care, or medical attention;
- C. To travel to and from the person's place of employment within the Enhanced Enforcement Area;
- D. To travel to and from a government agency, private non-profit corporation, or treatment provider within the Enhanced Enforcement Area to obtain social services, counseling, or treatment needed for the health or well-being of the person in association with chemical dependency or mental health;
- E. To travel to and from a educational facility within the Enhanced Enforcement Area to enroll as a student or attend scheduled classes;
- F. To travel to and from a educational or day care facility within the Enhanced Enforcement Area for purposes of meetings or dropping-off or picking-up minor children over whom the person has legal custody or guardianship;
- G. To travel to and from a religious institution within the Enhanced

Enforcement Area for the purposes of exercising the person's right to worship;

- H. To travel to and from the person's permanent residence within the Enhanced Enforcement Area, or to travel to and from a residence of an immediate family member within the Enhanced Enforcement Area. For purposes of this paragraph, "immediate family" means the person's parents, in-laws, stepparents, siblings, grandparents, children, or grandchildren.

A person to whom an exclusion notice has been lawfully issued and who is present on a public premise, pedestrian public way, or street pursuant to this section shall travel by the most direct/shortest route to and from the locations specified in this section, and, if stopped by an enforcement officer, has the burden to demonstrate, by clear and convincing evidence, that the person is traveling to or from one of the locations for purposes specified in this section.

9.18.100 Criminal Trespass in an Enhanced Enforcement Area; Violation:

- A. Any person to whom a notice of exclusion has been issued and who knowingly enters or remains in an AIEEA while under the period of exclusion is guilty of a violation of this ordinance for Criminal Trespass in an Enhanced Enforcement Area.
- B. A violation of this section is punishable, upon conviction, by a fine of not more than \$500.00 for each and every incident or by imprisonment for a period not to exceed 30 days or both.
- C. Any OLCC licensee who knowingly fails to observe operational restrictions put in place by the Lebanon City Council as provided in this ordinance is guilty of a violation of this section.
- D. Any OLCC licensee who knowingly allows any person, to whom a notice of exclusion has been issued, to enter into and/or remain in the licensee's business premises may be cited under the terms of this ordinance.

9.18.110 Appeals:

- A. A person to whom an exclusion notice, or extension thereof, has been issued may appeal the notice or extension by filing a written request with the city recorder, within three (3) business days after issuance, setting forth the name and address of the appellant and the appellant's reasons why s/he believes that the notice or extension should be rescinded. Failure to file an appeal within this three (3) day period shall be a waiver of all rights to review the issuance and validity of the notice of exclusion or extension, and the hearings officer shall dismiss any appeal filed outside of this time frame. The name and address set forth in the request shall be deemed conclusively correct, and mailing to the person at that address, by

first class mail, shall be deemed delivery three (3) days after the date of mailing. Failure of the person to actually receive a notice of hearing or the hearings officer's decision if mailed to the address set forth in the request shall not in any way invalidate or otherwise effect the validity of any notice or decision.

- B. If a request for an appeal is filed, the notice or extension shall be subject to a stay until such time as a hearings officer has issued a final decision upholding or rescinding the notice.
- C. The request shall be accompanied by an appeal fee, in an amount established by resolution of the city council. Except as provided in (G) of this section, the appeal fee is not refundable.
- D. Unless the appellant and the city agree to a longer period, a hearings officer shall hear an appeal within ten (10) days of the filing of the request. At least five (5) days prior to the hearing, the city shall mail notice of the time and location of the hearing to the appellant at the address set forth on the request.
- E. The hearings officer shall hear and determine the appeal on the basis of the appellant's written statement and any additional evidence the hearings officer deems appropriate. At the hearing, the appellant may present testimony and oral argument personally or by counsel. The city has the burden of proof to demonstrate, by a preponderance of the evidence, that the issuance or extension of the exclusion notice is based upon probable cause that the appellant committed a criminal act or other requisite offense in an Enhanced Enforcement Area. The formal rules of evidence under the Oregon Evidence Code shall not apply.
- F. The hearings officer shall issue a written decision within five (5) business days of the hearing date. A copy of the decision shall be mailed to the person's address as set forth on the request, and shall be deemed effective upon actual receipt, or three (3) days after mailing, whichever is sooner. If upheld, the period of exclusion shall commence immediately upon the effective date of the decision.
- G. The decision of the hearings officer is final, and may include a determination that the appeal fee be refunded to the appellant upon a finding that the issuance of the exclusion notice or extension thereof was not grounded in law or fact.

Section 2. This ordinance shall be in full force and effect for a period of three years from the effective date of this ordinance. It shall be automatically revoked three years from the effective date of the ordinance, absent action by the City Council to reconsider and reinstate the provisions of the ordinance.

Adopted by the Lebanon City Council on the 26th day of April, 2006 by a vote of _____ in favor and _____ opposed.

Kenneth I. Toombs, Mayor

Attest:

John E. Hitt, City Administrator

Approved as to form:

CITY ATTORNEY

note
connection on
boundaries
Chief supports.

A PUBLIC HEARING TO CONSIDER A CITY ORDINANCE
CREATING A DOWNTOWN ALCOHOL IMPACT AND
ENFORCEMENT AREA

1. MAYOR: Now is the time and place for a public hearing to consider an ordinance of the Lebanon Municipal Code creating a downtown alcohol impact and enforcement area. I declare the Public Hearing Open at 7:48 PM.

2. Mayor: "At this point, I will ask the City Attorney for a staff report concerning the proposed ordinance.

3. Mayor: (after staff presentation) are there any questions from the City Council?

4. Mayor: (After Questions) Is there anyone who would like to speak in support of the proposed ordinance. Please come forward and state your name and address for the record.

5. Mayor: (After those favoring speak) Is there anyone present who would like to speak in opposition to the proposed ordinance? Please come forward and state your name and address for the record.

6. Mayor: If there is no one else who wishes to address the City Council on this issue, I will close the public hearing at 7:49 pm. All further discussion will be between and among the City Council and City staff.

7. Mayor: "Are there any questions of staff by the City Council?"

8) City Council: Questions

9. Mayor: "If there are no further questions, I will ask the City Attorney to read the Title of the proposed Ordinance.

#1 - larger Ord

10. City Attorney: (Reads title of Ordinance)
11. Mayor: "The chair will now entertain a motion.
12. City Council: (Makes motion)
13. Mayor: "Is there any discussion concerning the motion?"
14. City Council: (Discusses.)
15. Mayor: "I will now ask the City Clerk for a roll call vote."
16. City Clerk: (Takes roll call vote)
17. Mayor: I declare the motion passed and the ordinance adopted.
The title of the ordinance shall be the title of the bill.

Agenda Item 5



City of Lebanon

Memorandum

To: Mayor Toombs and City Council
From: John Hitt, City Administrator / *JHitt*
Subject: **Property Tax Exemption – Cheadle Lake**

Date: April 26, 2006

The Lebanon Community Foundation has asked to have this item be put on your agenda. They are seeking property tax exemption for their recently acquired Cheadle Lake property.

According to the attached March 28, 2006 letter from Mark Noakes, Linn County Assessor, their property tax exemption request requires the approval of the City of Lebanon.

JEH/lgk

**Lebanon
Community
Foundation**

813 Main St. Lebanon, OR 97355

Telephone (541) 451-1039

Building for Lebanon's Future
Fax (541) 258-6951

March 31, 2006

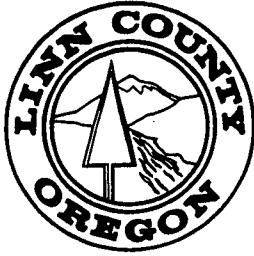
John Hitt, City Administrator
City Hall
925 S. main St.
Lebanon, OR 97355

The Linn County Assessor informs us that this Application for Exemption requires approval by the City of Lebanon. Please schedule it for consideration at the April 26 City Council meeting.

Thank you,



Warren Beeson
Executive Director



**LINN COUNTY
ASSESSMENT AND TAXATION**

P.O. Box 100; Albany, Oregon 97321

Phone: (541) 967-3808

FAX: (541) 917-7448

Internet: www.co.linn.or.us

Mark Noakes
Assessor & Tax Collector

March 28, 2006

John Hitt
Lebanon City Manager
925 Main Street
Lebanon, OR 97355

Dear Mr. Hitt,

My staff has had discussions with the Lebanon Community Foundation and we recommended that they apply for exemption under ORS 307.115. This statute requires approval by the appropriate granting authority and in this case, that is the City of Lebanon.

I have attached the application and correspondence, along with the statutory authority. Please note the deadlines that apply and give me a call if you have any questions.

Sincerely,

Mark Noakes
Linn County Assessor/Tax Collector

RECEIVED

APPLICATION FOR REAL AND PERSONAL PROPERTY TAX EXEMPTION

MAR 28 2006

Property Owned by Specified Institutions and Organizations

As provided by Oregon Revised Statute 307.162

COUNTY ASSESSORS

File with your county assessor on or before April 1. ORS 307.162 and OAR 150-307.162 on the back of this form.

Name of Organization/Owner LEBANON COMMUNITY FOUNDATION		Date Received		Account No.	
Mailing Address 813 MAIN ST.		Telephone Number 451-1039		<input type="checkbox"/> Approved <input type="checkbox"/> Denied	
City LEBANON		State OR		Late Filing Fee By _____ \$	
		ZIP Code 97355		Exemption begins in tax year 20 _____	

A property tax exemption is requested under the following Oregon Revised Statute (mark one box):

- 307.115 Nonprofit corporation public parks*
- 307.118 Wastewater and sewage treatment facilities*
- 307.130 Literary, benevolent, charitable, scientific institutions, volunteer fire departments*
- 307.136 Fraternal organizations*
- 307.140 Religious organizations*
- 307.145 Child care facilities, schools, student housing*
- 307.147 Senior services centers*
- 307.150 Burial grounds, cemeteries, crematory associations*
- 307.160 Public libraries*
- 307.580 Industry apprenticeship or training trust*
- 307.818 Public beach access
- Other (provide ORS number)* _____

*Please attach CURRENT copies of your organization's articles of incorporation, 501(c)(3) letter, and by-laws (if not previously filed).

PROPERTY DESCRIPTION

Account Number (as shown on owner's property tax statement)
853093 907670

Physical Address (street address, city)
SANTIAM HIGHWAY, LEBANON, OREGON (LAKE)

List all real and personal property for which an exemption is claimed. Attach a list of personal property. Include description, cost, and purchase date.
9.3 ACRES OF REAL PROPERTY

PROPERTY USE

The purpose of this organization is: **SEE BY-LAWS, ARTICLE 1 (PURPOSE), PAGE (PREVIOUSLY SUBMITTED)**

The property is used for the following: **PUBLIC RECREATION**
Example: church services, offices, classrooms, student housing, etc.

Does the property include a parking area? Yes No
What is the fee for using the parking area? **N/A**

Is any portion of the property you lease used by others? Yes No If yes, explain and identify the area that is used by others.
N/A

LATE FEE

If this form is filed after April 1, the late filing fee must accompany the form. The late filing fee is one-tenth of one percent of the real market value, or \$200.00, whichever is greater. A late fee is attached: Yes No

DECLARATION

I declare under the penalties for false swearing [ORS 305.990(4)] that I have examined this document (including any accompanying attachments and statements) and to the best of my knowledge, it is true, correct, and complete.

Name (please print or type) WARREN BEESON	Title EXECUTIVE DIRECTOR	Signature <i>Warren Beeson</i>	Date 3-27-06
---	------------------------------------	-----------------------------------	------------------------

Oregon Revised Statute 307.162 and Oregon Administrative Rule 150-307.162

307.162 Necessity of filing statement to secure exemption; late application; late filing fee; notification of change to taxable use. (1) Before any real or personal property may be exempted from taxation under ORS 307.115, 307.118, 307.130 to 307.140, 307.145, 307.147, 307.150, 307.160 or 307.580 for any tax year, the institution or organization claiming the exemption shall file with the county assessor, on or before April 1 of the assessment year, a statement verified by the oath or affirmation of the president or other proper officer of the institution or organization, listing all real or personal property claimed to be exempt and showing the purpose for which such property is used. However:

(a) If the ownership and use of all property included in the statement filed with the county assessor for a prior year remain unchanged, a new statement shall not be required.

(b) When the property designated in the claim for exemption is acquired after March 1 and before July 1, the claim for that year shall be filed within 30 days from the date of acquisition of the property.

(c) As used in this subsection, "ownership" means legal and equitable title.

(2) Notwithstanding subsection (1) of this section, a statement may be filed under this section on or before December 31 of the assessment year for which exemption is first desired. However, any statement filed after the time for filing the statement specified in subsection (1) of this section must be accompanied by a late filing fee of the greater of \$200, or one-tenth of one percent of the real market value of the property to which the statement pertains, as determined for the assessment year by the assessor for this purpose. If the statement is not accompanied by the late filing fee or if the late filing fee is not otherwise paid, no exemption shall be allowed for the tax year based upon a statement filed pursuant to this subsection. A statement may be filed under this section notwithstanding that there are no grounds for hardship as required for late filing under ORS 307.475. The value of the property used to determine the late filing fee under this section is appealable in the same manner as other acts of the county assessor. Any filing fee collected under this section shall be deposited to the county general fund.

(3)(a) Notwithstanding subsection (1) of this section, if an institution or organization owns property that is exempt from taxation under a provision of law listed in subsection (1) of this section and fails to make a timely application for exemption under subsection (1) of this section for additions or improvements to the exempt property, the additions or improvements may nevertheless qualify for exemption.

(b) The organization must file an application with the county assessor to have the additions or improvements to the exempt property be exempt from taxation. The application shall:

(A) Describe the additions or improvements to the exempt property;

(B) Describe the current use of the property that is the subject of the application;

(C) Identify the tax year and any preceding tax years for which the exemption is sought;

(D) Contain any other information required by the Department of Revenue; and

(E) Be accompanied by a late filing fee equal to the product

of the number of tax years for which exemption is sought multiplied by the greater of \$200 or one-tenth of one percent of the real market value, as of the most recent assessment date, of the property that is the subject of the application.

(c) Upon the county assessor's receipt of a completed application and late filing fee, the assessor shall determine if the property that is the subject of the application, for each tax year for which exemption is sought, would have qualified for exemption had a timely statement been filed under subsection (1) of this section.

Any property that would have qualified for exemption had a timely statement under subsection (1) of this section been filed shall be exempt from taxation for each tax year for which the property would have so qualified.

(d) An application for exemption under this subsection may be filed only for tax years for which the time for filing a statement under subsections (1) and (2) of this section has expired. An application filed under this subsection, however, may serve as the statement required under subsection (1) of this section for the current assessment year.

(e) For each tax year for which an exemption granted pursuant to this subsection applies:

(A) Any tax, or interest attributable thereto, that was paid with respect to the property that is declared exempt from taxation, shall be refunded. Refunds shall be made from the unsegregated tax collections account established under ORS 311.385.

(B) Any tax, or interest attributable thereto, that remains unpaid as of the date the exemption is granted, shall be abated.

(f) A late filing fee collected under this subsection shall be deposited in the county general fund.

(4) If an institution or organization owns property that is exempt from taxation under a provision of law listed in subsection (1) of this section and changes the use of the property to a use that would not entitle the property to exemption from taxation, the institution or organization shall notify the county assessor of the change to a taxable use within 30 days of the change in use.

OAR 150-307.162(1) Application Process for Property Tax Exemption. (1) The applicant must specify the applicable exemption statute when filing a claim for exemption.

(2) It is not the county assessor or Department of Revenue's responsibility to determine under which statutory provision the applicant should apply.

(3) The assessor shall determine property tax exemption eligibility based on the exemption statute specified by the applicant on the application.

(4) The assessor shall return any application that is incomplete to the applicant for completion.

(5) If the assessor returns an application for completion or clarification, the applicant must return the application to the assessor within 15 days of the date it was mailed to the applicant or by the filing deadline, whichever is later, for the assessor to accept the application as a timely filing.

(6) Any application that is filed late must be accompanied by a late filing fee. If the applicant does not pay the late filing fee no exemption shall be allowed.

(7) If the exemption is denied by the assessor, the late filing fee shall be refunded to the applicant.

PROPERTY PURCHASED BY NONPROFIT CORPORATIONS FOR PUBLIC PARK USE

SYNOPSIS:

In 1971 the legislature created an exemption for property that is held or being purchased for public park or public recreation purposes. The intent is to allow public-spirited groups to acquire and maintain property for public park use. Approval or denial of the exemption is the responsibility of the appropriate governing body.

This exemption may be granted for a 10 year period. Upon filing a new application the exemption may be renewed for an additional 10 year period. When non-qualifying activity or use is discovered, the assessor will inform the governing body and corrective action must be taken to return the property to taxable status. Denial of the exemption may only be appealed to the Oregon Tax Court.

TO QUALIFY:

- The corporation must be nonprofit in nature.
- The property cannot be used for income or commercial purposes, but must be used exclusively for parks or public recreation purposes.
- Upon liquidation of the corporation, the property and assets of the corporation must be distributed to one or more political subdivisions of the State of Oregon for public parks or public recreation purposes.
- The articles of incorporation of the nonprofit corporation must restrict the use and the proceeds from the sale of such property to public park or public recreational purposes.
- The city or county governing body must approve the application.
- Conditions that must be met are: The open space laws and acts of promoting the reservation of land for public parks, recreation, or wildlife purposes.
- A caretaker's living quarters or residence does not qualify for exemption.

FILING REQUIREMENT:

- Applicants owning the property must file per ORS 307.162.
- Applicants leasing from an exempt owner must file per ORS 307.166.

On or before April 1, the corporation must file an application **with the county assessor. Within 10 days**, the assessor shall refer the application to the appropriate granting authority. **Within 60 days thereafter**, the application shall be granted or denied and written notice shall be given to the applicant and the county assessor.

* NOTE: Nonprofit corporations with park or recreation property are not included in ORS 307.112 and are not allowed to claim exemption under that statute.

OREGON REVISED STATUTES:

307.115. Property of nonprofit corporations held for public parks or recreation purposes.

(1) Subject to approval by the appropriate granting authority under subsection (4) of this section, the following real or personal property owned or being purchased under contract by any nonprofit corporation meeting the requirements of subsection (2) of this section shall be exempt from taxation:

(a) The real or personal property, or proportion thereof, as is actually and exclusively occupied or used for public park or public recreation purposes.

(b) The real or personal property, or proportion thereof, as is held for public parks or public recreation purposes if the property is not used for the production of income, for investment, or for any trade or business

or commercial purpose, or for the benefit or enjoyment of any private stockholder or individual, but only if the articles of incorporation of the nonprofit corporation prohibit use of property owned or otherwise held by the corporation, or of proceeds derived from the sale of that property, except for public park or public recreation purposes.

(2) Any nonprofit corporation shall meet the following requirements:

(a) The corporation shall be organized for the principal purpose of maintaining and operating a public park and public recreation facility or acquiring interest in land for development for public parks or public recreation purposes;

(b) No part of the net earnings of the corporation shall inure to the benefit of any private stockholder or individual; and

(c) Upon liquidation, the assets of the corporation shall be applied first in payment of all outstanding obligations, and the balance remaining, if any, in cash and in kind, shall be distributed to the State of Oregon or to one or more of its political subdivisions for public parks or public recreation purposes.

(3) If any property which is exempt under this section subsequently becomes disqualified for such exemption or the exemption is not renewed as provided in subsection (4) of this section, it shall be added to the next general property tax roll for assessment and taxation in the manner provided by law.

(4)(a) Real or personal property shall not be exempt under this section except upon approval of the appropriate granting authority obtained in the manner provided under this subsection.

(b) Before any property shall be exempt under this section, on or before April 1 of any year the corporation owning or purchasing such property shall file an application for exemption with the county assessor. The provisions of ORS 307.162 shall apply as to the form, time and manner of application. Within 10 days of filing in the office of the assessor, the assessor shall refer each application for classification to the granting authority, which shall be the governing body of a county for property located outside the boundaries of a city and the governing body of the city for property located within the boundaries of the city. Within 60 days thereafter, the application shall be granted or denied and written notice given to the applicant and to the county assessor. In determining whether an application made for exemption under this section should be approved or disapproved, the granting authority shall weigh the benefits to the general welfare of granting the proposed exemption to the property which is the subject of the application against the potential loss in revenue which may result from granting the application.

(c) The granting authority shall not deny the application solely because of the potential loss in revenue if the granting authority determines that granting the exemption to the property will:

(A) Conserve or enhance natural or scenic resources;

(B) Protect air or streams or water supplies;

(C) Promote conservation of soils, wetlands, beaches or tidal marshes;

(D) Conserve landscaped areas which enhance the value of abutting or neighboring property;

(E) Enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, natural reservations, sanctuaries or other open spaces;

(F) Enhance recreation opportunities;

(G) Preserve historic sites;

(H) Promote orderly urban or suburban development;

(I) Promote the reservation of land for public parks, recreation or wildlife refuge purposes; or

(J) Affect any other factors relevant to the general welfare of preserving the current use of the property.

(d) The granting authority may approve the application for exemption with respect to only part of the property which is the subject of the application. However, if any part of the application is denied, the applicant may withdraw the entire application.

(e) The exemption shall be granted for a 10-year period and may be renewed by the granting authority for additional periods of 10 years each at the expiration of the preceding period, upon the filing of a new application by the corporation with the county assessor on or before April 1 of the year following the 10th year of exemption. The assessor shall refer the application to the governing body as provided in paragraph (b) of this subsection, and within 30 days thereafter, the governing body shall determine if renewing the exemption will continue to serve one of the purposes of paragraph (c) of this subsection. Within 30 days after referral, written notice shall be given to the applicant and to the county assessor of the determination made by the governing body.

(5) Any nonprofit corporation aggrieved by the refusal of the granting authority to grant or renew an exemption under subsection (4) of this section may, within 60 days after written notice has been sent to the corporation, appeal from the determination of the granting authority to the Oregon Tax Court. The appeal should be perfected in the manner provided in ORS 305.560. The provisions of ORS 305.405 to 305.494 shall apply to the appeals.

Agenda Item 6



City of Lebanon

Memorandum

To: Mayor Toombs and City Council *Date:* April 26, 2006
From: John Hitt, City Administrator *JH*
Subject: **Proposed "Mutual Support Memorandum" – Between Lebanon
Community Foundation (LCF) and the City of Lebanon**

Jim Ruef, at a recent City Council Executive Session, briefed the Council on a proposal by the Lebanon Community Foundation to acquire an option to purchase an additional 38+/- acres at the south end of Cheadle Lake. You may recall that Mr. Ruef also presented some municipal recreational and parks' use concepts for the 38 acres.

I will ask Jim Ruef to bring those concepts in case any Councilors wish to review them.

The proposed "Mutual Support Memorandum" does not commit the City to purchasing this property. It simply assures LCF that we will include this property in our master planning process and will explore the possibility of purchasing the land at the optioned price of approximately \$100,000 per acre.

Warren Beeson and Ronn Passmore will be present to answer any questions.

JEH/lgk

**Lebanon
Community
Foundation**

813 Main St. Lebanon, OR 97355

Telephone (541) 451-1039

Building for Lebanon's Future

Fax (541) 258-6951

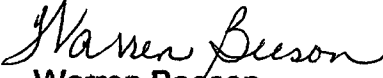
March 31, 2006

John Hitt, City Administrator
City Hall
925 S. main St.
Lebanon, OR 97355

Attached are two copies of a Mutual Support Memorandum between the City of Lebanon and the Lebanon Community Foundation. Please present this to the City Council for their consideration at the April 26 Council meeting. Assuming Council's approval, please return one copy to me; retaining the other original for your records.

Our Board of Directors is pleased to be able to participate in this project that promises such great benefit to our community. We look forward to a continued productive and pleasant working relationship with the City.

Sincerely,


Warren Beeson
Executive Director

MUTUAL SUPPORT MEMORANDUM

RECITAL

The Lebanon Community Foundation (Foundation) has been working towards a Community Events Site which will provide a location for special events such as the Lebanon Strawberry Festival, an amphitheater, a public exhibit hall, a sports complex for softball events, and, ultimately, jobs for area residents. The City of Lebanon (City) has supported and will continue to support this effort, as approved by the Lebanon City Council and consistent with available city resources.

Through the beneficence of Rob Freres, Vice President, Freres Lumber Company Inc., 99 acres of Cheadle Lake was donated to the Foundation. In keeping with the goals that the Foundation has been working towards, the Foundation has offered to donate this gift to the City of Lebanon for public recreational use.

The City is very interested in accepting this offer for the betterment of Lebanon. However, because this lake has been used for industrial purposes for over 50 years, the City feels that it must consider this offer with all due diligence. For this reason, the City will take at least one year to perform the necessary environmental reviews of the property before it is in a position to render a decision on the offer.

In order to fully utilize the Lake for public recreation, additional property would be necessary for the purposes of boat launches, parking, trails, picnic areas, fishing, and swimming. City staff has, in the absence of an updated site master plan, identified two adjacent tax lots which would be the most likely candidates for further recreational development. These vacant lots are:

- 12S 02W 24C Tax Lot 300 27.15 Acres
- 12S 02W 22D Tax Lot 100 10.98 Acres

It would be beneficial for the City to acquire portions of each tax lot in order to fully utilize the recreation opportunities afforded by the Lake.

The owners of these tax lots have offers pending to sell their property for development. It is expected that any purchase of the same property, by the City, would reflect that value. The property owners have also expressed a desire to see the City and the Foundation pursue the vision of what combining our properties could become and have agreed to cooperate in that effort.

MUTUAL UNDERSTANDING:

To further the interests and well-being of the Lebanon Community, the City and the Foundation understand the following:

The Foundation

The Foundation will obtain, at their expense, a 12 month option from the owners of the subject tax lots to preserve the opportunity to purchase part or all of the property within one year.

The Foundation will assist, participate, and cooperate with the City's Master Planning efforts for mutual use of the Lake, the Foundation's Property, and the subject tax lots.

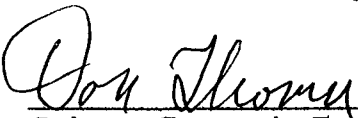
The City

The City has already begun the master planning process for this property and the environmental review of the property. These efforts will take approximately one year to complete. The City will make the decision whether to move forward with purchase of this property or not, at the conclusion of this approximately one year period. If purchase of the property is approved by the Lebanon City Council, it is the intention of the City to purchase all or part of the subject tax lots as specified in the Foundation's Option Agreement. All decisions to either purchase property, or portions of property, or accept title to Cheadle Lake, or portions thereof, are at the sole discretion of the Lebanon City Council, upon conclusion of the examination, review and planning process. No assurances are either expressed or implied by this Memorandum that the Lebanon City Council will proceed with said purchase(s) or property acceptance.

The City will seek concurrence from the Foundation on the final approved Master Plan.

The City of Lebanon supports the realignment of Weirich Road from its current route through the Weyerhauser Property to a new route north of the Weyerhauser Property. The City shall consider completion of Phase I of this road construction a high priority and endeavor to bring the project to construction in this (2006) construction season, consistent with available financial resources.

If the City purchases the additional property, they will commit to making the extension of city water service to our new park property a priority as it is required for use of the property.



Lebanon Community Foundation
3-29-06
Date

City of Lebanon

Date

MUTUAL UNDERSTANDING:

To further the interests and well-being of the Lebanon Community, the City and the Foundation understand the following:

The Foundation

The Foundation will obtain, at their expense, a 12 month option from the owners of the subject tax lots to preserve the opportunity to purchase part or all of the property within one year.

The Foundation will assist, participate, and cooperate with the City's Master Planning efforts for mutual use of the Lake, the Foundation's Property, and the subject tax lots.

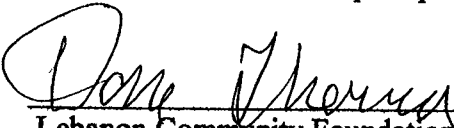
The City

The City has already begun the master planning process for this property and the environmental review of the property. These efforts will take approximately one year to complete. The City will make the decision whether to move forward with purchase of this property or not, at the conclusion of this approximately one year period. If purchase of the property is approved by the Lebanon City Council, it is the intention of the City to purchase all or part of the subject tax lots as specified in the Foundation's Option Agreement. All decisions to either purchase property, or portions of property, or accept title to Cheadle Lake, or portions thereof, are at the sole discretion of the Lebanon City Council, upon conclusion of the examination, review and planning process. No assurances are either expressed or implied by this Memorandum that the Lebanon City Council will proceed with said purchase(s) or property acceptance.

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The City of Lebanon supports the realignment of Weirich Road from its current route through the Weyerhauser Property to a new route north of the Weyerhauser Property. The City shall consider completion of Phase I of this road construction a high priority and endeavor to bring the project to construction in this (2006) construction season, consistent with available financial resources.

If the City purchases the additional property, they will commit to making the extension of city water service to our new park property a priority as it is required for use of the property.



Lebanon Community Foundation
3-29-06
Date

City of Lebanon

Date

Agenda Item 7



CITY OF LEBANON
PUBLIC WORKS DEPARTMENT
MEMORANDUM

TO: John Hitt, City Administrator
FROM: Jim Ruef, Director of Public Works
SUBJECT: City Hall Needs Assessment

DATE: April 19, 2006

At the April 26th City Council meeting I will be presenting our updated needs assessment for City Hall. The update is based up on the needs assessment originally done by Sedar Architects in January of 2002. The major areas that staff will be proposing updates on are:

- Removing Information Services (IS) offices from City Hall. It has been proposed that the Police Department and Courts building is a better match for the main IS function. This includes the IS administrative offices and data center. The update will show space in the City Hall building for IS utility functions as with every other City building.
- An update of current space needs.
- An extension of the future space needs from the 2021 year included in the original study to the current 20 year need of 2026.

I have included excerpts from the original study with this memo. The updated assessment will be distributed at the Council meeting.

OTHER CITY PROGRAMS

The **Lebanon Public Library** was assessed in 1998 by another consultant using Oregon Library Association (OLA) standards that correlate directly with projected population growth. Thus, these standards remain unchanged from the original target population of 19,500. The previous consultant conducted a needs analysis in 1998 determining gross square footage for both a Senior Center and a new City Library, which was originally conceived as a single facility. The Library and Senior Center are now being considered as two projects which will increase gross square footage of both facilities. Earlier schemes incorporated shared or "commons" areas. Spaces such as lobbies and maintenance areas will add square footage to each facility. The suggested new Library gsf (gross square footage) is 14,650, which is a minimum standard and may be expanded to further correlate with future needs. The recommended square footage is figured directly from community size at a rate of .76 square foot per capita over a population of 4000 with a base area of 3050 square foot.

The **Lebanon Senior Center** is outdated and too small to accommodate current activities. The general image of the existing center is also felt to be inappropriate. There is an immediate need for more offices and better physical separation within activity areas to allow multiple functions to occur simultaneously. The community desires to change the image and perception of the facility to a more upscale operation to attract younger and more affluent seniors. Local seniors want the center to be comfortable, homey, and a center for community activities not an elderly day care center. The seniors would like to see features like a community living room with a fireplace and lounge seating, a resource library, and an enclosed courtyard in the future. In the previous report, it was noted that a doubling of the senior population would occur nationally between 1995 and 2030. In 1995 Lebanon's residents who aged 65 and older accounted for 20% of the population; that percentage could reach 40% if the 1995 Census predictions are followed.

The **Boys & Girls Club** would like to see their athletic department move into the existing gym structures at the school site, allowing for freeing up of space at their current facility for non-athletic activities. If this were to happen, the Boys & Girls Club would like to expand their current services in their existing facility. For instance, the desire would be to start a teen program and allow spaces for parents and children to do homework together. Newly acquired gym facilities could also be utilized for community activities such as a Drama Club, adult basketball, and aerobics.

The **Lebanon School District** has a strong historical tie to the Middle School and Santiam School sites. The existing Lebanon Middle School was the first substantial school facility in the area, and is thought of as the "wellspring" for local education. With the construction of the new Middle School, the School District anticipates leaving the existing school site, but would like the site or building to be commemorated in some manner. Suggestions for this have ranged from a small museum or gallery to incorporating materials from the demolition of the existing Middle School into new sitework or structure on the site. There is much community support behind rebuilding the existing Middle School Building close to its original historic character, but designed to house City Facilities as a new City Hall.

In conclusion, the Boys and Girls Club need additional facilities to conduct their athletic programs and free up space at their current location allowing them to expand their athletic and academic programs and serve the community youth to the Club's full potential. The library is

currently considerably undersized, and the lack of space will only become more acute as their service area grows. The Library should be moved to a new location or rebuilt to accommodate growth. The Senior Center should be relocated and built to function better and in anticipation of an increased senior population as outlined in a previous project assessment. A new senior center should be located in an appropriate location that would allow easy access by local seniors. Uniting these programs and the City Hall on adjacent sites has the potential to create a Civic Center for the City of Lebanon with considerable functional efficiency and clarity of image.

Table One summarizes the Phase I Needs Analysis. The first column indicates the approximate **existing square footage** of City departments and facilities. The square footage values in the **immediate need** category were assessed by using information supplied by the City of Lebanon interviews with City officials and department heads. Concept **Target** square footages were obtained through comparison of Lebanon's population, staff size and basic department organization to the cities of Monmouth, Troutdale and Newberg Oregon, and projection of increased space requirements over the next twenty years.

The three comparison communities listed above have either recently renovated city facilities or have programmed and planned for new municipal centers. These values for these cities indicated in Table One do not correlate directly to Lebanon City Facilities due to differences in municipal service structures. Thus, the comparison cities were used as a reference to extrapolate general square footages factoring in population.

Newberg's recently renovated City Hall is currently four years into their twenty year projection and therefore is currently overbuilt for it's existing population. Differences in city court size is greatly dependent on the inclusion of judicial court and resident judges. Extrapolation of projected need or target values were achieved by comparison to these built projects as well as mathematically using the following process.

- estimated population growth in 20 years = 46% increase in current population
- estimated increase in
departmental & program space needs = 50% - 75% of population growth rate

TABLE ONE

Needs Analysis / Space Comparison

	Lebanon		Monmouth ¹	Troutdale ²	Newberg ^{3,4}
	2001	2021	2021	2015	2017
Population	13,000	19,500 ⁵	16,000	24,000	26,000
City Hall & Related Departments					
<i>sf = square footage</i>	existing	immediate need ⁶	target ⁷		
Administration	350 sf	1000 sf ⁸ 186%+	2500 - 2700 sf ⁸ 643%+	2820 sf	2600 sf
Finance	970 sf	1670 sf 70%+	2200 - 2400 sf 137%+	3300 sf	2410 sf
Police	6565 sf	11,340 sf 73%+	14,000 - 15,300 sf 98%+	3658 sf	9800 sf
Court	2915 sf	3770 sf 29%+	4600 - 5100 sf ⁹ 66%+	4213 sf	800 sf ¹⁰
Public Works					
-Administration	1048 sf	1850 sf 76%+	2600 - 2900 sf 162%+	1650 sf	2700 sf
-Community Development Center	5002 sf	5100 sf 2%+	8300 - 9100 sf 74%+		
-Capitol Improvements Projects	3327 sf	3327 sf no change	4100 - 4500 sf 29%+		
- Info. Services	1952 sf	2660 sf 36%+	2900 - 3200 sf 52%+		
-Maintenance	offsite (not included in this study)				
Public Works Total	11,329 sf	12,940 sf 10%+	17,900-19,700 sf 66%+		
Dept. Shared Space¹²	379 sf	1330 sf 250%+	1500 - 1700 sf 296 %+		
Public Space and Circulation¹³	2809 sf	7350 sf 162%+	10,000-11,000sf (20% - 30%of Bldg. Gross sf) 274%+		
TOTAL	26,450sf	39,400 sf 49%+¹⁴	52,700-57,900 sf 109%+¹⁴		

¹ Monmouth civic center master plan program by Seder Architects to address population of 16,000 in the year 2021.

² Troutdale space needs & options study by Seder Architects to address population of 24,000 in the year 2015.

³ Newberg City Hall facility built in 1997 / current population of 19,000.

⁴ Extrapolation of build out population of 17,500 in 1997 and 26,000 in the year 2017 using a 2% annual population growth.

⁵ Predicted population growth figures supplied by the City of Lebanon.

⁶ Immediate needs evaluated through interviews with City Staff.

⁷ Target values extrapolated from past projects in Monmouth and Troutdale communities as well as specific information obtained from previous community meetings and meetings/other communications with Lebanon City Staff.

⁸ Includes the transfer of personnel from the Public Works Information Services department to Administration.

⁹ Target value reflects the continuation of the current City & Judicial court system in Lebanon.

¹⁰ Troutdale reflects a court system that does not deal with judicial/ criminal offenses. hence their facility needs less square footage.

¹¹ Newberg Community Development comparable to Lebanon's Public Works Department.

¹² This category reflects space within City Hall which is utilized by multiple departments: breakrooms, storage and conference areas and a City Emergency Operations Center.

¹³ This category includes public lobbies, self service, waiting, hallways, entryways, and bathrooms City Hall, CDC & CIP

¹⁴ Percentages based against existing City facilities (City Hall, CDC, CIP) total square footage.

RECEIVED

APR 26 2006

LEBANON
CITY COUNCIL

CITY HALL NEEDS ASSESSMENT

DEPARTMENT	2001 ACTUAL (1)	2001 IMMEDIATE NEED	2021 NEEDS ASSESSMENT (1)		2026 NEEDS ASSESSMENT (2)	
			Min	Max	Min	Max
			Population	13,000		19,500
Administration	350	1,000	2,500	2,700	2,500	2,700
Finance	970	1,670	2,200	2,400	2,200	2,400
Public Works and Community Development						
- PW Administration						
- PW Environmental						
- PW Engineering						
- CD Planning						
- CD Building						
Total	11,329	12,940	17,900	19,700	17,900	19,700
City Hall Shared Space	380	1,330	1,500	1,700	1,500	1,700
Public Space and Circulation	2,809	7,350	10,000	11,000	10,000	11,000
TOTAL	15,838	24,290	34,100	37,500	34,100	37,500

NOTES:

1 By Sedar Architects, January 2002

2 Update by City Staff, April 2006

CITY HALL OPTIONS

1) NEW BUILDING AT ACADEMY SQUARE

2) REMODEL EXISTING BUILDING
(15,660 sf)

3) REBUILD ON THE EXISTING SITE
(17,400 sf 2 story, 26,100 sf 3 story)

4) PURCHASE/LEASE CENTURYTEL BUILDING
(approx 30,000 sf)

5) NEW BUILDING ON THE WATER TREATMENT
PLANT SITE
(0.77 acres existing vs. 1.5 acres WTP)

6) NEW BUILDING LOCATED ELSEWHERE

Agenda Item 8



City of Lebanon

Memorandum

To: Mayor Toombs and City Council

Date: April 19, 2006

From: John Hitt, City Administrator *JH*

Subject: City Administrator's Report

I will provide the City Council an update on the following matters:

1. Parks Committee Recommendation Regarding Tourist Information Center
2. Parks Grant
3. Lebanon Zoning Ordinance
4. Police Officer Changes
5. Police Bait Car
6. Miscellaneous

JEH/lgk

STATE OF OREGON
DEPARTMENT OF JUSTICE

ATTORNEY GENERAL'S
PUBLIC RECORDS
AND
MEETINGS MANUAL



Knowledge will forever govern ignorance,
And a people who mean to be their own governors,
must arm themselves with the power knowledge gives.
Without popular information the means of acquiring it, knowledge
is prologue to a bare and naked, or perhaps both.
— James Madison (1822)

HARDY MATERS
Attorney General

December 2005

votes of each member be recorded. ORS 192.650(1)(c). Written ballots are not prohibited, but each ballot must identify the member voting and the vote must be announced. *Secret ballots are prohibited.* The state law supersedes and nullifies any local government charter authorization or requirement for a secret ballot.³⁷ See Appendix C for a discussion of voting and secret ballots.

A governing body's failure to record a vote is not, in and of itself, grounds for reversing a decision. Without a showing that the failure to record a vote was related to a manipulation of the vote, a court will presume that public officials lawfully have performed their duties.³⁸

7. Minutes and Recordkeeping

The Public Meetings Law requires that the governing body of a public body provide for sound, video or digital recording or written minutes of its meetings.³⁹ ORS 192.650(1). The record of a meeting, whether preserved in written minutes or a sound, video or digital recording, shall include at least the following information:

- members present
- motions, proposals, resolutions, orders, ordinances and measures proposed and their disposition;
- results of all votes and, except for public bodies consisting of more than 25 members unless requested by a member of that body, the vote of each member by name;
- the substance of any discussion on any matter; and
- subject to the Public Records Law, ORS 192.410 to 192.505, a reference to any document discussed at the meeting. (Such reference does not change the status of the document under the Public Records Law. ORS 192.650(3)).

Written minutes need not be a verbatim transcript and a sound, video or digital recording is not required to contain a full recording of the meeting, except as otherwise provided by law. Whatever means of recording used must give "a true reflection of the matters discussed at the meeting and the

³⁷ 39 Op Atty Gen 525 (1979) (see App F-2); 37 Op Atty Gen 183 (1974) (see App F-1).

³⁸ *Gilmore v. Bd. of Psychologist Examiners*, 81 Or App 321, 324, 725 P2d 400, *rev den* 302 Or 460 (1986) (see App D-2).

³⁹ Apart from the requirements imposed by the Public Meetings Law, the Oregon Investment Council must make "full sound recordings" of its meetings and maintain a written log of each recording. Or Laws 2005, ch. 180.

views of the participants." ORS 192.650(1). See p. B-10 for sample minutes.

The Public Meetings Law requires that written minutes or a sound, video or digital recording of a meeting be made available to the public "within a reasonable time after the meeting." ORS 192.650(1). If written minutes are prepared, they cannot be withheld from the public merely because they will not be approved until the next meeting of the governing body. If minutes have not been approved, they may be so identified. In any event, any completed minutes or sound, video or digital recordings are public records subject to disclosure under the Public Records Law. Consistent with the Public Records Law fee provision, discussed in Part I of this manual, a public body may charge a person a fee for preparing a transcript from a sound, video or digital recording. ORS 192.650(4).

These recordkeeping requirements apply to executive sessions, including the option of keeping a record in the form of either written minutes or a sound, video tape or digital recording. ORS 192.650(2). A governing body is not required to transcribe a sound, video tape or digital recording of an executive session unless otherwise provided by law, and if disclosure of material in the minutes or other recording of an executive session would be inconsistent with the purpose for which the executive session was held under ORS 192.660, the material may be withheld from disclosure. ORS 192.650(2).⁴⁰ Also, the written minutes of an executive session held under ORS 332.061 (expulsion of a minor student from public school or consideration of a student's confidential medical records) shall contain only the information not excluded under ORS 332.061(2). The news media have no statutory right of access to minutes or other recordings of executive sessions beyond that of the general public.

We assume that a governing body generally should be able to make a sound, video or digital recording of a meeting available to the public within a few days following the meeting. However, we are told that a requirement that written minutes be available within a few days following a meeting is impractical even for a governing body with substantial staff, because such a body may meet in longer sessions and more often than other bodies, and consequently the preparation of minutes takes up to three weeks in the usual course

⁴⁰ The Public Records Law recognizes an exemption from disclosure for executive session minutes or other recordings that are protected by ORS 192.650(2). See ORS 192.502(9), Other Oregon Statutes Creating Exemptions, discussed in Part I of this manual.

Sample Public Meetings Minutes
Oregon State Dungeness Crab Commission
Minutes

Regular (Special or Emergency) Meeting October 4, 1987
Netarts, Oregon

Pursuant to notice made by press release to newspapers of general and local circulation throughout the state and mailed to persons on the mailing list of the Commission and the members of the Commission, a regular/special/emergency meeting of the Dungeness Crab Commission was held at the community hall in Netarts, Oregon.

Present were Chairman Abel Adams, and Commissioners Bertha Bales, Charles Carter and Donald David, the entire membership of the Commission. The executive secretary of the Commission, Elmer Eaton, presented the Commission's agenda as follows:

- (1) Request to amend commercial limits of daily take of Dungeness crab from the estuaries and ocean waters of the State of Oregon.
- (2) Report of marine biologist Franklin on the effect of recent micro-organic growths in Siletz Bay on crab population.
- (3) Request to consider portions of Neahkahnie Bay off limits for sports crabbing.

Testimony on the commercial limits was received from George Grant representing commercial crabbing industry for an increase and Howard Hawes representing sportsmen.

After discussion, Commissioner David moved that the Commission give notice that it intended to amend the commercial daily limits by a 10 percent increase and that a public hearing be held to receive information, data, and views of interested persons. Voting for the motion: Commissioners Bales, David and Chairman Adams; against: Commissioner Carter. The motion having carried, the executive secretary was directed to prepare a notice of intention to amend a rule and have it published in the Secretary of State's Administrative Bulletin and to notify the press and the Commission's mailing list.

Marine Biologist Franklin reported that micro-organic growths have caused a 20 percent decrease in the crab population of Siletz Bay. Research at the Oregon State University Marine Biology Center indicates that it may

be possible to develop an ecologically sound strain of micro-organism to combat the harmful growth. Commissioner Bales questioned Franklin as to the effects on the balance of life in the Siletz estuary. Franklin indicated that no sure prediction could be given at this time. Commissioner Bales moved that Franklin consult with the Department of Environmental Quality and report back at the next regular meeting of the Commission. The motion was carried unanimously.

A request to declare portions of Neahkahnie Bay off limits for sports crabbing was presented to the Commission. Supporting the request was George Grant representing the commercial crabbing industry. Mr. Grant testified that the extended take of sportsmen was decreasing the potential take of the commercial take. He indicated that the area was an excellent breeding ground and sportsmen were disturbing the young crabs, thereby endangering the population.

Opposing the request were Irving Instant, a marina operator on Neahkahnie Bay, and a representative of the Tillamook Chamber of Commerce, John Jackson, who disputed Mr. Grant's testimony. The Commission considered a written report prepared by the Department of Environmental Quality titled "The Effect of Sports Crabbing on Crab Populations," and dated June 15, 1987. Commissioner David moved that Mr. Franklin investigate the claim and report back to the Commission at its next regular session. The motion was carried unanimously.

The agenda matters having been dealt with, the Chairman stated that an application for the available position of Assistant Marine Biologist to the Commission had been received. The Chairman then directed that the Commission go into executive session to consider the employment application. The Chairman identified ORS 192.660(2)(a) as authority for the executive session. Kenneth King, reporter for the Associated Press, requested to be present at the executive session.

At the conclusion of the executive session, there being no further business, the meeting was adjourned.

/s/ Elmer Eaton
 Executive Secretary
 Oregon Dungeness Crab Commission

October 4, 1987

body if use of the place by a restricted membership organization is not the primary purpose of the place or its predominate use.

(4) Meetings of the governing body of a public body shall be held within the geographic boundaries over which the public body has jurisdiction, or at the administrative headquarters of the public body or at the other nearest practical location. Training sessions may be held outside the jurisdiction as long as no deliberations toward a decision are involved. A joint meeting of two or more governing bodies or of one or more governing bodies and the elected officials of one or more federally recognized Oregon Indian tribes shall be held within the geographic boundaries over which one of the participating public bodies or one of the Oregon Indian tribes has jurisdiction or at the nearest practical location. Meetings may be held in this subsection in the event of an actual emergency necessitating immediate action.

(5)(a) It is discrimination on the basis of disability for a governing body of a public body to meet in a place inaccessible to the disabled, or, upon request of a deaf or hard-of-hearing person, to fail to make a good faith effort to have an interpreter for deaf or hard-of-hearing persons provided at a regularly scheduled meeting. The sole remedy for discrimination on the basis of disability shall be as provided in ORS 192.680.

(b) The person requesting the interpreter shall give the governing

body at least 48 hours' notice of the request for an interpreter, shall provide the name of the requester, sign language preference and any other relevant information the governing body may request.

(c) If a meeting is held upon less than 48 hours' notice, reasonable effort shall be made to have an interpreter present, but the requirement for an interpreter does not apply to emergency meetings.

(d) If certification of interpreters occurs under state or federal law, the Department of Human Services or other state or local agency shall try to refer only certified interpreters to governing bodies for purposes of this subsection.

(e) As used in this subsection, "good faith effort" includes, but is not limited to, contacting the department or other state or local agency that maintains a list of qualified interpreters and arranging for the referral of one or more such persons to provide interpreter services. [1973 c.172 §3; 1979 c.644 §2; 1989 c.1019 §1; 1995 c.626 §1; 2003 c.14 §95; 2005 c.663 §12]

192.640 Public notice required; special notice for executive sessions, special or emergency meetings. (1) The governing body of a public body shall provide for and give public notice, reasonably calculated to give actual notice to interested persons including news media which have requested notice, of the time and place for holding regular meetings. The notice shall also include a list of the principal subjects anticipated to be

considered at the meeting, but this requirement shall not limit the ability of a governing body to consider additional subjects.

(2) If an executive session only will be held, the notice shall be given to the members of the governing body, to the general public and to news media which have requested notice, stating the specific provision of law authorizing the executive session.

(3) No special meeting shall be held without at least 24 hours' notice to the members of the governing body, the news media which have requested notice and the general public. In case of an actual emergency, a meeting may be held upon such notice as is appropriate to the circumstances, but the minutes for such a meeting shall describe the emergency justifying less than 24 hours' notice. [1973 c.172 §4; 1979 c.644 §3; 1981 c.182 §1]

192.650 Recording or written minutes required; content; fees. (1) The governing body of a public body shall provide for the sound, video or digital recording or the taking of written minutes of all its meetings. Neither a full transcript nor a full recording of the meeting is required, except as otherwise provided by law, but the written minutes or recording must give a true reflection of the matters discussed at the meeting and the views of the participants. All minutes or recordings shall be available to the public within a reasonable time after the meeting, and shall include at least the following information:

(a) All members of the governing body present;

(b) All motions, proposals, resolutions, orders, ordinances and measures proposed and their disposition;

(c) The results of all votes and, except for public bodies consisting of more than 25 members unless requested by a member of that body, the vote of each member by name;

(d) The substance of any discussion on any matter; and

(e) Subject to ORS 192.410 to 192.505 relating to public records, a reference to any document discussed at the meeting.

(2) Minutes of executive sessions shall be kept in accordance with subsection (1) of this section. However, the minutes of a hearing held under ORS 332.061 shall contain only the material not excluded under ORS 332.061 (2). Instead of written minutes, a record of any executive session may be kept in the form of a sound or video tape or digital recording, which need not be transcribed unless otherwise provided by law. If the disclosure of certain material is inconsistent with the purpose for which a meeting under ORS 192.660 is authorized to be held, that material may be excluded from disclosure. However, excluded materials are authorized to be examined privately by a court in any legal action and the court shall determine their admissibility.

(3) A reference in minutes or a recording to a document discussed at a meeting of a governing body of a