LEBANON CITY COUNCIL MEETING
MINUTES

October 13, 2004

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

Staff Present: City Administrator John Hitt, City Attorney Tom McHill, Public Works Director Jim Ruef, Community Development Manager Doug Parker, City Engineer Malcolm Bowie, and Administrative Assistant Linda Kaser.

CALL TO ORDER/FLAG SALUTE/ROLL CALL

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

CONSENT CALENDAR

CITY COUNCIL AGENDA: October 13, 2004

MINUTES: Lebanon City Council Meeting – September 24, 2004

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

PUBLIC HEARING

Mayor Toombs briefed the City Council and audience on the annexation hearings; the first four being remands from LUBA.

1) Albany-Lebanon Investments (Entek) Annexation A-04-01

Mayor Toombs declared the Public Hearing open at 7:03 p.m.

Community Development Manager Parker provided a brief history of procedures defined in the Facilities Plan that staff utilizes during the annexation process. Parker briefed Council on the Facility Plan and Comprehensive Plan documents and their uses.

Parker briefly discussed and entered into the record the following: Old Process versus Delayed Annexations of 1995 Urban Growth Management Agreement (Attachment 1); Site Development Guide Flow Chart (Attachment 2); New Annexation Process After Ordinance 17 for 2003, effective 12/12/03, versus Annexation Process Prior to Changes, effective 12/12/03 (Attachment 3); Phased Growth Map with Proposed Annexations (Attachment 4); Zoning Map with Proposed Annexations (Attachment 5); a letter dated March 25, 2004 from Oregon Department of Land Conservation and Development (DLCD)

regarding Approval of Periodic Review Subtask 6.1 (Attachment 6); and a letter dated September 20, 2004 from DLCD regarding the Land Conservation and Development Commissions' Approval of Periodic Review Task 6.1 (Attachment 7).

In response to Councilor Munk, Parker explained why all of the hearings are not evaluated under the "new" annexation procedures. Four of these hearing were initially evaluated and approved by Council using old comprehensive plan policies and annexation ordinances; those subsequently went to the Land Use Board of Appeals (LUBA) and then to the Court of Appeals. All but one annexation was remanded; the exception was Mid-Valley which came back as a voluntary remand. The courts stated that the City's procedures pertaining to these prior evaluations were flawed and deficient and cited that the City failed to evaluate a specific development proposal during the annexation process. The remand is based on the reevaluation of the criteria used at the initial time of application and approval. If the annexation requests are rejected, the applicants can reapply and would then be evaluated under the new annexation rules.

City Attorney McHill briefed the Council on the LUBA remands and procedures for Councils' determination and consideration of the annexations listed on the agenda. The first hearing comes before Council for the first time applying the new criteria and ordinances that were recently reviewed and approved by DLCD and the Land Conservation and Development Commission (LCDC). He further explained that Albany Lebanon Investments will present supplemental findings that talk about state wide goals in the event that the Court of Appeals should remand the work done by the City and DLCD.

McHill stated that ORS 197.763 requires that at the commencement of a public hearing, the applicable substantive criteria that have been identified should be listed, as staff has done in their reports. McHill briefed the Council on the relevant criteria posted on the walls.

McHill stated that all testimony, arguments, and evidence presented must be directed toward the criteria listed or other criteria specifically identified by the individual presenting the testimony. The identified criteria must be listed in the Comprehensive Plan or Land Use Regulations. A failure to raise an issue with statements and evidence sufficient to allow the Council and the parties to respond to that issue precludes any appeal on that issue.

McHill explained the public hearings testimony and rebuttal procedures and noted that the attorney for Mid-Valley and Gilbert had requested that Council recess the hearing, once the opposition has provided testimony, to allow the applicants a period of time to address the rebuttal testimony. The actual testimony would be heard at the next Council meeting.

Mayor Toombs asked the Council to disclose any conflicts of interest or ex parte contacts.

Councilor Thackaberry disclosed that he had previously contacted Joel Kuntz of Entek and suggested to him to contact Jim Just with Friends of Linn County (FOLC) to work out any differences.

After hearing no further disclosures, Mayor Toombs asked staff to present annexation request A-04-01.

City Planner Parker briefed the Council on the annexation request of the approximately 14-acre territory comprised of one vacant parcel, and is evaluated according to the City's new annexation ordinance and procedures, located southwest of the intersection of Hansard Avenue and Reeves Parkway (Assessor's Map 12S-2W-3C, Tax Lot 1900). The applicant is Albany-Lebanon Investments.

Planner Parker stated that the Zone Designation for the annexed property would be Limited Industrial upon annexation. The Comp Plan Designation is Light Industrial.

Parker reviewed the applicant's annexation proposal to support industrial recruitment efforts, the importance of this particular industrial site to support and expedite future industrial recruitments, and the site description as outlined in the staff report. Parker noted that the State has designated this site as an opportunity site of statewide significance and part of the Governor's demonstration site for regulatory streamlining.

Parker briefed Council on the relevant criteria and staff comments found in the agenda packet. Parker noted that Chapter 3 of the Comp Plan, under Population and Economy, has some very specific goals that pertain to industrial recruitment and the establishment of jobs. Parker quoted Policies 2 (2.7.2) and 3 (2.7.3) in support of the annexation found on page 10 of the staff report and reviewed Staff Planning Comments as indicated in the staff report.

City Engineer Bowie gave a brief report on the current status of infrastructure as found on Pages 12 & 13.

In response to Councilor Thackaberry, City Engineer Bowie stated that additional grading is needed where the water is collecting in the storm drainage ditch next to the intersection of Hansard and Reeves. Bowie had previously discussed the flooding with other staff engineers and they felt that a combination of grading and piping could be done to control flooding.

Parker stated that it is an undeveloped site that currently drains to the NW and that this entire site was a subject of a wetlands' delineation and mitigation plan and that the plan needs storm runoff from the subject property and the properties to the north in order to serve the proposed mitigation area. Parker noted that according to the LUBA Court briefs there is no requirement to have infrastructure improvements as a function of annexation. The annexation of undeveloped property would not impact the current storm drainage.

City Administrator Hitt stated that an approved annexation would facilitate a potential development project, which would then take the storm water away from the site. If the annexation doesn't occur, it would be difficult to make the improvements due to the need for right-of-ways that need to occur in this parcel being proposed for annexation. In the absence of development, the City has no mechanism to deal with the storm water issue.

Councilor Thackaberry asked that the *wetland's delineation and mitigation plan* be part of the record.

In response to Councilor Harrington, Parker confirmed that the subject property is within the Urban Growth Boundary.

Parker reminded Council that on January 21, 2004, the Planning Commission had conducted a public hearing and unanimously voted to recommend that Council approve this annexation request. Parker noted that the proposed supplemental findings submitted from the applicant, Page 23 of the staff report, had been slightly modified and that the applicant would be submitting the amendment this evening. McHill has the updated findings as part of the annexation ordinance should Council approve the annexation.

Planner Parker offered the staff report and proposed findings for the record and explained that the approval or denial of the annexation request should be based on the criteria presented.

***Applicant Testimony* – Mayor Toombs invited the applicant to provide testimony.**

Attorney Steve Abel, Stole Reeves Law Firm, 900 SW 5th Avenue, Suite #2600, Portland, Oregon 97204, representing Albany Lebanon Investments addressed the Council and commended staff for laying out all of

the facts relevant to this particular annexation request in the staff report; he and his client approve of the report. Mr. Abel reiterated that the Planning Commission had approved the annexation request under the new criteria and that state law allows an applicant to also supplement its application with findings that address the Statewide Planning Goals. Mr. Abel noted that after speaking to Mr. Just, FOLC, that he and his client amended their response to Goal 14 (See Attachment).

After a brief discussion with Councilor Thackaberry, Mr. Abel made another amendment to Goal 14 (Page 5, ¶2) to read: *The storm drainage system has been shown to be adequate to serve the increased runoff anticipated from ~~allowed development~~* ***annexation.***

Proponent Testimony – Mayor Toombs asked for proponents' testimony.

Mike Baker, Pennington Seed, 270 Hansard Avenue, Lebanon, OR 97355(Adjacent Property Owner) spoke in favor of the annexation, stating that it is in Pennington's best interest to have the surrounding area developed so that the fire protection system could be looped. The system currently stops at the Pennington site, which limits their expansion possibility due to water restrictions. Mr. Baker stated that Pennington wished to expand their operation on their current site and that any development would certainly help to augment the drainage system.

Jim Just, Friends of Linn County, P O Box 113, Lebanon, OR 97355 addressed the Council on behalf of the FOLC. Mr. Just stated that the state law provides that amendments of the comprehensive plan are not considered acknowledged, until either the period for final appeal has expired or until all appeals are exhausted. FOLC does intend to file an appeal of LCDC within the appeal period. State law requires that applications subject to unacknowledged comprehensive plans be reviewed for compliance with the statewide planning goals.

Mr. Just stated that the applicant has submitted findings that the FOLC find quite satisfactory and they support this application. However, Mr. Just objected the amendment to the Goal 14 findings. Tonight's testimony was that it is feasible to provide adequate storm water drainage to the subject site, but the FOLC would be happy if it was reworded to say that "it has been shown that it is feasible to provide adequate storm water to the subject property." From the FOLC's prospective this language was better, but they are happy to recommend that Council approve this annexation.

Hearing no opposition or further public comments, Mayor Toombs declared the Public Hearing closed at 8:15 p.m.

Councilor Elliott, Harrington, Thackaberry, Simpson and Munk each stated that they relied on the findings and testimony provided and considered that all of the criteria had been met by the applicant.

Councilor Thackaberry expressed concern that city staff does not seem to be making progress in addressing the drainage problems at and near the intersection of Reeves Parkway and Hansard Avenue.

Councilor Thackaberry moved, Councilor Elliott seconded, to change the amendment to read, "The storm drain system can be made to be adequate to serve the increased runoff anticipated in the annexation."

Councilor Munk moved to amend the sentence further, because the annexation in itself would not create any increased runoff, thereby striking the word "increased". Councilor Elliott seconded the motion, which passed unanimously.

City Attorney McHill read the title of the Ordinance.

Councilor Harrington moved, Councilor Elliott seconded, to approve ABILL 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-04-01 Albany Lebanon Investments Annexation Request). The motion passed unanimously by roll call vote.

Mayor Toombs called for a brief recess.

2) Mid-Valley Health Care Annexation Remand (A-03-02)

Mayor Toombs explained that this is the first of four annexation requests remanded back to the City by the Land Use Board of Appeals.

City Attorney McHill briefed the Council on the LUBA remands, with this annexation proposal being a voluntary remand, and the procedures for this particular application. McHill clarified that Council should look at the future design and impact of this specific development proposal.

McHill noted that the same procedures will be used for this hearing as the last hearing and reviewed the criteria listed in the staff report.

Mayor Toombs asked the Council to disclose any conflicts of interest or ex parte contacts. Hearing none, Mayor Toombs asked staff to give their report.

City Planner Parker briefly discussed and entered into the record: Phased Growth Map (Attachment 1); Service providers memos dated 9/27/04, Assessment of Capabilities of providing wastewater, water, storm drainage, streets, safety and emergency, parks, library, senior, emergency, education, solid waste, electricity, and telephone services for the proposed annexation territory and development proposal (Attachment 2); the traffic impact letter from ODOT letter dated 3/11/03 that was omitted from the staff report (Attachment 3).

Parker briefed the Council on the annexation request in which the applicant, Mid Valley Health Care, Inc., proposed to annex this property in support of future mixed-use development. The proposed annexation consists of approximately a 53-acre territory comprised of one vacant parcel along Highway 20, plus the adjacent Highway 20 (east) and Reeve's Parkway (north) right-of-way. The property is located on the west side of Highway 20 directly across from the Lebanon Community Hospital (Assessor's Map 12S-2W-3D, Tax Lot 1200).

Mr. Parker described the Zone Designation as Mixed Use upon annexation, as per the annexation matrix (attached for the record).

Parker stated that the applicant proposes to annex the property in support of future mixed use development. This proposal not only brings a critical piece of property into the city limits, it also brings two critical roadways (Highway 20 and Reeves Parkway). This annexation would give the City more control to attend to infrastructure to that area. Possible developments identified by the applicant are included in the staff report and include a variety of mixed use opportunities.

Parker noted that the City's new 54-inch sewer interceptor goes across the site, which is considered to be the finest with the greatest capacity sewerage conveyance system in place to serve this property.

Parker reviewed the Planning Staff Comments as outlined in the staff report.

Engineer Bowie distributed the Transportation, Drainage, Water and Sanitary Sewer System maps of the subject property (Attachment 4) and reviewed the City's infrastructure capacities as outlined in the staff report. [Bowie Noted an error on the total of *existing plus development* should be a total of 126 on the map & boundaries are not exactly correct.]

Bowie explained that as part of the City's development procedures the City requires that the surface runoff from the site be maintained at the historic surface runoff rates.

Parker added that the requirement is so that the existing conveyance systems will not be overwhelmed by an inundation of storm runoff. In this case, the hospital currently has its own private storm drainage system that discharges into the hospital slough.

Parker reminded Council that, on April 30, 2003, the Planning Commission recommended that the City Council approve the annexation request.

Parker reviewed the applicant's specific development proposal as outlined in the staff report, reviewed the summary matrix, and then offered the staff report for the record. After Council accepted the report, Parker explained that Council's decision should be based upon the satisfaction of the evaluation criteria.

Applicant's Testimony

Becky Pape, Chief Executive Officer for Samaritan Lebanon Community Hospital (LCH), 6162 NW Burging Drive, Corvallis, OR 97330, stated that it is rare to see the confluence of need matched with resources, funding, and an outstanding potential for positive community growth. Plans include development of conference facilities and associated retail businesses, apartments and senior housing, and business offices and professional services, which provide an avenue for many Samaritan Health supportive services to return and be housed permanently in Lebanon. The annexation and subsequent development will create jobs and opportunity for career growth. Currently, health care training programs are turning qualified applicants away due to space constraints. The need for health services is predicted to grow as the population ages.

Joe Haralson, 1550 NW Patrick Crt., Albany, OR 97321, Vice President of Ancillary Support Services at Lebanon Community Hospital gave a five year history of hospital projects: a complete remodel of a care wing; remodel and construction of a new emergency department and urgent care center, construction of radiological technology training and health career center skills lab, state of the art diagnostic and treatment equipment, construction of a regional laundry facility that handles over 2.5 million pounds of laundry each year (adding over 50 new jobs to the economy), expanded MRI services to five days a week, initiated a multi-million dollar computer system upgrade, phase II of the education center, and are currently in the final phase of the healing garden construction.

Haralson stated that the hospital would bring higher than average wage jobs to Lebanon and the hospital has the momentum, backing, and expertise to bring all of the proposed projects to fruition. Without annexing the land, the hospital would be forced to scrap those projects; this is the only site in the system that has readily developable land adjacent to educational and other resources.

Haralson closed by saying that the hospital is very committed and are prepared to mitigate any infrastructure issues, or other issues, that might otherwise prevent these projects from moving forward.

Architect Art Klos, 333 NW 5th Avenue, Portland, OR, has been a strategic partner with Lebanon Community Hospital for the past 15 years. Mr. Klos stated that the projected growth rate in this community is significant along with the change in technology, so the current site will not hold all of the key health care procedures and operations needed in the community. Therefore, off-site locations are needed. The adjacent property would be ideal for staff, as well as the community. Mr. Klos stated that the highway system is a critical issue, and he has a meeting with ODOT scheduled for Monday morning to specifically address access to and from the hospital and this site. The Lebanon Community Hospital has been a good partner to the City to create a pleasant landscaped atmosphere on their site and to reinforce runoff for retention ponds. Mr. Klos stated that this annexation would allow enhanced delivery of healthcare to this community.

Brian Vandetta, Udell Engineering & Surveying, 63 E. Ash Street, Lebanon, OR 97355, stated that he felt the Council packet correctly illustrated the infrastructure available to serve this site. Mr. Vandetta addressed the storm drainage system, which is available in 5th Street and along Reeves Parkway, which is somewhat constricted downstream. Mr. Vandetta stated that he had investigated the hospital's current private storm drainage system that discharges into the hospital slough that is functioning today, and stated that the hospital would be eligible to continue using that system. Mr. Vandetta stated that the existing 24-inch storm drain system on the hospital property is at an elevation of 329.13 feet. The City GIS system has elevation contours of the subject property with the lowest elevation at the NE corner being at 334 feet elevation, leaving nearly 5-feet of elevation difference to locate the storm drain system across the street. Mr. Vandetta stated that if using a 24-inch pipe across the highway, roughly 1500 feet to the lowest point (at a minimum grade) would rise about 2-feet in elevation, leaving approximately 1.5 feet of cover over that pipe. Using the correct pipe type this would be adequate coverage.

Robert Adams, presently on the Lebanon Community Hospital (LCH) Foundation Board, LCH Corporation Board, and a director on the Samaritan Health System Board, 640 E. Sherman Street, Lebanon, OR 97355, stated that the expansion of this hospital is essential to the growth of healthcare of Lebanon and Linn County. The approximately 15,000 s.f conference facility would be roughly 400 people and be designed so that it could be divided into smaller rooms to also accommodate small groups. Mr. Adams addressed the need to expand the hospital's current facilities, the plan to build a healthcare and training center on the existing hospital campus in collaboration with LBCC, the healthcare field facing a shortage of professionals all over the country, and the need of more healthcare class space. Mr. Adams noted that the auditorium would also be available for the community to take advantage. The auditorium would be built with donations and they would not be asking for any City funds.

Milton Moran, Jr., Samaritan LCH Board Member, 41935 Shadow Lane, Sweet Home, OR 97386, Chairman of Property and Building Committee, highlighted that this annexation offers a unique cooperation between LBCC and the LCH by providing healthcare education and training. The proposal includes apartments, which can serve the housing needs of both students and faculty. This annexation would position the City to attract new employers and their families to the community by broadening the opportunities for economic expansion and diversity.

Bill Barrish, MD, 325 Park Street, Lebanon, OR, stated that this annexation is in the best public interest for the following reasons: continuing education, recruitment of professionals, and economic benefits. A large percentage of Lebanon is either elderly or on the State Health Plan. LCH serves a high number of Medicare and Medicaid clients and with the reduction in healthcare expenditures, money will diminish over time. Therefore, other means of revenue is needed to support the hospital's mission in providing comprehensive healthcare to Lebanon. This annexation would allow that to happen.

Rick Wopat, MD, 325 Industrial Way, Lebanon, OR, stated that the development proposal of this site would be beneficial to the transportation system by having eateries, places to stay, and other needed

services at the north end of the City. Currently, residents on the north side of town must drive through town to obtain these services.

Attorney Ed Schultz, P O Box 667, Albany, OR 97321, representing LCH stated that Council has a specific development proposal to consider; a fully integrated proposal that develops not only the new site, but allows expansion of the existing facilities. This proposal addresses compact urban growth by connecting all of the hospital services and the availability of the existing LBCC facilities.

Mr. Shultz stated that testimony provided by professional engineers have shown that all services are available with data illustrating the capacity and how much of that capacity would be used for each of the services. Mr. Shultz explained that additional services have been granted at the County and State levels to allow for further expansion of the Coffin Butte Landfill in its current position, which provides a stable long-term well-managed solid waste system.

Mr. Shultz noted that if someone other than Samaritan Health tried to develop this site, they would not have the private hospital drainage system, which provides the community a unique system that puts less pressure on the Reeves Parkway northwest storm water distribution system.

Mr. Schultz stated that the hospital not only came up with a plan that looks after the needs of the hospital but the needs of the community. This is a matter of bringing jobs to this community or letting the jobs go to Corvallis or Albany. Mr. Schultz reiterated that the annexation in itself does not cause a problem, but provides the tools to allow a later development to solve the problem.

Mr. Schultz requested time to address any opposing issues.

Robert Lamb, Lebanon Tourism Commission, Sweet Home, Oregon, and Chair for the Tourist Development Committee stated that the current lodging to support the conference center is a way to generate outside revenue with the existing transient room tax. This room tax could then be used for tourism development.

Opposing Testimony

Written testimony provided by Jim Just, FOLC dated 10/13/04 (Attachment 4), P.O. Box 113, Lebanon stated that the FOLC supports the project, but cannot support the application. Mr. Just stated, "If you annex land and kept it in this county zoning, or holding zone, we could care less about annexations, but it's the imposition of city zoning that raises the issues that the FOLC is concerned with." Three issues the FOLC are concerned with are: 1) The way the public need criteria has been addressed – FOLC thinks that using multiple listing service data to establish public need is unacceptable methodology; 2) Storm drainage on the site, there is a problem on the site and testimony states there is a solution by using the storm drainage on the eastside of the road (hospital property). There is nothing in the application or proposed findings or conditions of approval to insure that adequate storm water drainage will be provided. Mr. Just suggested requiring, as a condition of approval, a storm water easement to insure that adequate storm water drainage could be provided; 3) This application involves the transportation planning rule because it involves an urban zoning piece of property. Therefore, impacts need to be addressed. If significant, a solution should be shown.

In response to Administrator Hitt, Mr. Just clarified that the condition of approval of the zone assignment could be based upon obtaining a drainage easement.

Mr. Just clarified for Council that the only time the transportation planning goal applies is at the time a zoning assignment is done. After land is zoned for urban uses, the transportation planning rule no longer applies.

Applicant Rebuttal

Attorney Schultz requested a hearing continuance of two weeks.

Councilor Munk asked Attorney Schultz to provide case law regarding the legality of requiring easements for annexation.

Parker asked City Attorney McHill to provide clarification among accusations that the transportation planning rule begins at the assignment of zoning as oppose to an amendment of zoning or comprehensive plan designation.

Councilor Elliott moved, Councilor Harrington seconded, to grant a two week continuance (October 27, 2004, City Council Meeting). The motion passed unanimously.

Mayor Toombs called for a brief recess.

3) Gilbert Annexation (A-02-05)

Mayor Toombs explained that this annexation hearing was also a LUBA remand.

Mayor Toombs opened the public hearing at 10:20 p.m. and asked the City Attorney to review the relevant legal matters.

Attorney McHill explained the LUBA requirements needed for this annexation and that the Council should use the same hearing procedures for this hearing as they have in the past two hearings.

Mayor Toombs asked the Council to disclose any conflicts of interest or ex parte contacts.

All of the Councilors knew applicant John Brown from previous land use hearings, as well as his time served on the Planning Commission and felt they could render an impartial decision.

Parker briefly discussed and entered into the record: Phased Growth Map (Attachment 1); Memos dated 9/27/04, Assessment of Capabilities of providing wastewater, water, storm drainage, streets, safety and emergency, parks, library, senior, emergency, education, solid waste, electricity, and telephone services for the proposed annexation territory and development proposal [NOTE: wrong tax lot identification was sent out but had no bearing on the feedback since those service providers were aware of the Gilbert property] (Attachment 2); Bob Warren (OECDD) letter dated 10/11/04(Attachment 3); Letter dated 10/13/04 from Larry Walsh, Regional ECDD (Attachment 4); Letter dated 10/11/04 from John McKinney, Oregon Pilots Association (Attachment 5); fax from CPI Energy Services Manager James Ramseyer (Attachment 6).

City Planner Parker briefed the Council on the remand annexation request of the approximately 70-acre territory comprised of one vacant parcel and a portion of the abutting Oak Street right-of-way located on the south side of Oak Street and directly west of the Lebanon Airport (Assessor's Map 12-2W-16, Tax Lot 300). The applicant is Gilbert Limited Partnership. The Comp Plan Designation of Light Industrial translates to Limited Industrial according to the City's annexation matrix as approved by LUBA.

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

Mr. Parker stated that staff has received letters of support from the Department of Aviation encouraging the City to pursue this property development because it would offer a unique opportunity for the expansion of airport related services. The City needs to assure that this facility has adequate capacity to be able to serve current and future users.

Parker also noted letters received from professional industrial development recruitments actively working with this site to create local job opportunities for Lebanon residents.

Parker reviewed staff's Planning Comments and stated that this request was not a zoning map amendment. To the best of Parker's knowledge there is no element of the transportation planning rule that applies at the assignment of comprehensive plan designated zoning. LUBA has told staff that our zoning process complies.

Engineer Bowie provided the engineering report in that that urban service are or can be made available to serve the proposed annexation area as listed in the staff report. Bowie distributed handouts indicating the capacity rates on transportation, Drainage, Water and Sanitary Sewer System of the subject property (Attachment 7).

In response to Councilor Thackaberry's concern for the Harrison Street Pump Station, Public Works Director Ruef stated that DEQ's criterion forgives municipalities for anything over a 5 year rainstorm. Using that criterion there is enough capacity to handle additional flow from that property. A normal winter peak flow can be handled at the pump station in these pipes.

Bowie noted that there are plans to replace the Harrison Street Pump Station. Ruef added that two years ago the City changed the discharge rate of the pump station which increased its capacity slightly.

Parker stated that the Planning Commission unanimously voted to recommend approval to the City Council on February 26, 2003.

Parker reviewed the applicant's specific development proposal as outlined in the staff report and pointed out that this proposal represents a maximum build out. The proposal is in excess of what would likely happen on this property, and for the purpose of this specific development plan more than exceeds the impacts on the community facilities.

Parker reviewed annexation remands service provider summary matrix outlined in staff report and offered the staff report for the record. After Council accepted the report, Parker explained that Council's decision should be based upon the satisfaction of the evaluation criteria.

Applicant's Testimony

John Brown, 33435 Tennessee Road, Lebanon spoke to the letter entered into the record from John McKinney of the Lebanon Chapter of the Pilots Association supporting the application, but would like a covenant to the deed of the property. Mr. Brown felt that the property was already under the Aircraft Overlay Zone and the Aircraft Transportation Rule and that is restrictive enough. Mr. Brown stated that he does not plan on signing a covenant to the deed.

Mr. Brown has had six large prospective buyers over the last few years, the least of which would have supplied 200 jobs; the main hold up was annexation approval.

Attorney Ed Schultz, representing the applicant stated that they have a development plan and the annexation addresses compact growth in that the property abuts the only airport and the city limits.

Mr. Schultz stated that he did not believe the Aviation Department could condition an annexation; the property is currently under the airport overlay zone that addresses the aviation issues, and the subject property's proposed uses are airport related.

Mr. Schultz stated that all services are available and the needs have been addressed. There is appropriate data on the storm drainage issues; this site does not control what happens in a major flood.

Proponents' Testimony

Christine Rook, P O Box 727, Lebanon, is currently representing the Lebanon Chapter of Oregon Pilots of Association for Mr. McKinney and Executive VP for the Oregon Pilots Association on a state level in the air safety and education foundation. Ms. Rook stated that the Association is in favor of this type of development and are trying to develop additional available hanger sites. This annexation would help meet a stated need in projected growth.

Ms. Rook stated that the covenant request was not meant to be an impediment to the annexation or development, but to insure the airport can remain viable long-term. Ms. Rook requested that Council approve the annexation request with full consideration of the covenant.

Councilor Munk asked if there were covenants for other Oregon airports. Ms. Rook stated she did not have time to research, but knew this covenant was modeled for adjacent farmers.

Wayne Robbins, 204 Cascade Drive, #4, Lebanon had not seen a development opportunity like this for 40 years. The connection to I-5 enhances the site. The City needs to be shovel-ready for development opportunity to provide a mix of jobs for the community.

Greg Nervino, 36634 Oak Street, Lebanon District Manager for Consumers Property (immediately adjacent to the subject property). Mr. Nervino stated he has actively been involved with economic development in the community through the Chamber and the Lebanon Community Foundation. CPI recommends the approval of this annexation, which is consistent with the economic needs and opportunities of the community.

Don Robertson, 2997 S 12th Street, Lebanon, Planning Commission Chair, explained that sometimes simplicity in the intention of an annexation is caught up in the development of the site. The purpose of the urban growth boundary was to hold it in reserve, until the property is needed for the development of the city. It is time to do what it was intended. The site development plan required by LUBA is simply to help to understand the possible future use consistent with zoning, not to approve development at the time of annexation. LUBA does not require the consideration of impacts that may or may not happen if the annexed property is developed. Mr. Robertson encouraged Council to go back to the simple intention of annexations.

John Brown addressed Council to note that the surrounding airport properties do not have an existing covenant imposed on them and requested that Council not make it a condition of approval for him.

Jim Just, FOLC, stated he was pleased to see the efforts the City has made to address LUBA's remand order. One remaining concern was addressed by City staff in regard to the adequacy of the west side interceptor during flooding. The FOLC was concerned that every application of this nature was potentially subject to challenge and are pleased to see that the city actually has plans to upgrade the Harrison Street Pump Station. Written testimony was provided by Jim Just, FOLC dated 10/13/04 (Attachment 8).

Parker stated that previously the applicant had indicated that they would like a two week continuance to prepare a respond to any opposition. Since there was no opposition, the applicant asked to continue with the proceeding. Parker informed Council that staff had not yet prepared formal findings or an ordinance to consummate this proposed annexation.

Mayor Toombs closed the public hearing at 11:15 p.m.

Councilor Elliott, Harrington, Thackaberry, Simpson and Munk each stated that they relied on the findings and testimony provided and considered that all of the criteria had been met by the applicant.

Councilor Harrington had one exception in that the covenant should not be required upon annexation.

Councilor Thackaberry had his doubt to the adequacy of the pump station, but sees the positive points of the application. Councilor Thackaberry felt that the city is compelled to fix the pump station problem, but he does feel the annexation meets the criteria in that urban services are available and it meets the needs.

Hitt stated that replacing the pump station is not part of the current fiscal year's budget. However, staff is working on a few sources to find finding so that the city would only pay a small portion. Staff recognized that it is a high priority for the City and the neighboring properties.

In response to Mayor Toombs, it was the Council's consensus that the airport covenant not be made part of this annexation request.

Councilor Elliott moved, Councilor Munk seconded, to direct staff to prepare the proposed findings and ordinance and to continue this hearing on October 27th. The motion passed unanimously.

4) Simonian Annexation Remand

Mayor Toombs declared the Public Hearing open at 11:23 p.m.

Councilor Thackaberry moved, Councilor Munk seconded, to continue this hearing on October 27 at 7:00 p.m. The motion passed unanimously.

5) Herb-Cook Annexation Remand

Mayor Toombs declared the Public Hearing open at 11:24 p.m.

Councilor Munk moved, Councilor Elliott seconded, to continue this hearing on October 27 at 7:00 p.m. The motion passed unanimously.

6) Clear View 2, LLC Annexation

Mayor Toombs declared the Public Hearing open at 11:24 p.m.

Councilor Munk moved, Councilor Harrington seconded, to continue this hearing on October 27 at 7:00 p.m. The motion passed unanimously.

7) Paul Cole Annexation

Mayor Toombs declared the Public Hearing open at 11:25 p.m.

Councilor Harrington moved, Councilor Munk seconded, to continue this hearing on October 27 at 7:00 p.m. The motion passed unanimously.

8) McCanham-Edwards Annexation (Laurel Street)

Mayor Toombs declared the Public Hearing open at 11:26 p.m.

Councilor Harrington moved, Councilor Munk seconded, to continue this hearing on October 27 at 7:00 p.m. The motion passed unanimously.

CITIZEN COMMENTS - None

COUNCIL COMMENTS - None

ADJOURNMENT

There being no further business, Mayor Toombs adjourned the meeting at 11:30 p.m. and complimented staff on their expertise and professionalism in presenting the staff reports and data.

Meeting Recorded and Transcribed by: Linda Kaser

Kenneth I. Toombs

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

ATTESTED BY:

John E. Hitt

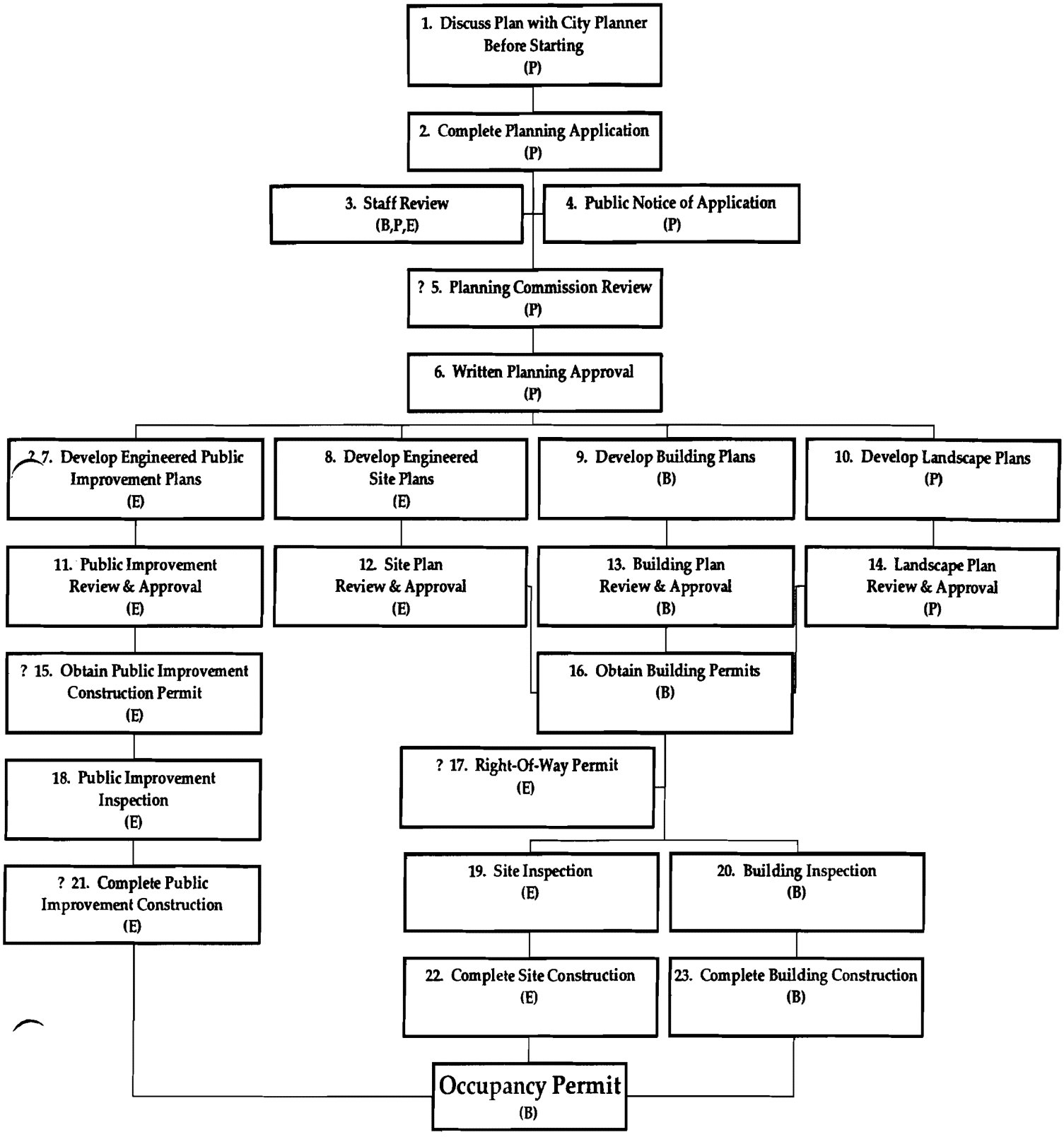
John E. Hitt, City Recorder

For October 13, 2004, City Council Hearings: A-02-03, A-02-05, A-03-02, and A-02-08

Annexation Process Prior to Changes that went into Effect on December 12, 2003	Delayed Annexations -- 1995 City/Linn County Urban Growth Management Agreement (UGMA)
City Annexation Policy (City of Lebanon Resolution #11 For 1982) Criteria • Section 1: requires ***proof that urban services are available or can be made available*** *to serve the property considered for annexation and that the additional demands that would be placed on those services* ***will not overburden*** *their present capacities.* • City Annexation Policy, Section 2: states that ***public rights of way*** *necessary for the safe and efficient movement of traffic, bicycles and pedestrians* ***shall be provided*** *with the annexation and without obligation to the City of Lebanon.* • City Annexation Policy, Section 3: specifies that *parties involved in seeking the annexation or who may be included in the annexation* ***shall initiate a program to upgrade any urban services and/or public facilities*** *within the area considered for annexation that do not meet standards as may be established by the City of Lebanon.* • City Annexation Policy, Section 4: states that *no annexation shall be considered that does not* ***conform with the Lebanon Comprehensive Plan*** *and its goals and policies.* • City Annexation Policy, Section 5: states that *it shall be the burden of proof of the applicant that a* ***public need*** *exists for the proposed annexation and that the annexation is* ***in the public's interest***. • Approval of a conventional or standard annexation request ***results in making the annexation territory eligible to apply for a development approval and a building permit***.	• A *delayed annexation* ***allows urban development prior to annexation*** to City. • A *delayed annexation* agreement is a ***three party agreement*** between the City, ***County*** and the developer of the property. • *Delayed annexations* ***permit urban uses and application of City development standards at a UGA site*** prior to annexation. Such developments ***may not be adjacent to the City limits***, and hence may not even be eligible for annexation for a number of years. • A *delayed annexation* agreement must include a ***site development plan*** that is compatible with, and ***will meet, City development standards***. • A *delayed annexation* where *the property is* **not contiguous to the City limits** will require the property be annexed to the City when the property becomes contiguous to City limits. • Approval of a *delayed annexation* agreement ***results in the issuance of a building permit***.

Site Development Flow Chart

Staff Contact:
B - Building
P - Planning
E - Engineering
? - may not be required



New Annexation Process After Ordinance Number 17 for 2003 (Became Effect on 12/12/03)

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.

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

Section 4: ***All lands included within the Urban Growth Boundary are eligible for annexation and urban development***. . .

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)***.

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***. . .

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

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.

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***.

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.

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.

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.

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.

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.

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***.

Approval of a conventional or standard annexation request ***results in making the annexation territory eligible to apply for a development approval and a building permit***.

Annexation Process Prior to Changes that went into Effect on 12/12/03

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

Section 1: requires ***proof that urban services are available or can be made available*** *to serve the property considered for annexation and that the additional demands that would be placed on those services* ***will not overburden*** *their present capacities.*

City Annexation Policy, Section 2: states that ***public rights of way*** *necessary for the safe and efficient movement of traffic, bicycles and pedestrians* ***shall be provided*** *with the annexation and without obligation to the City of Lebanon.*

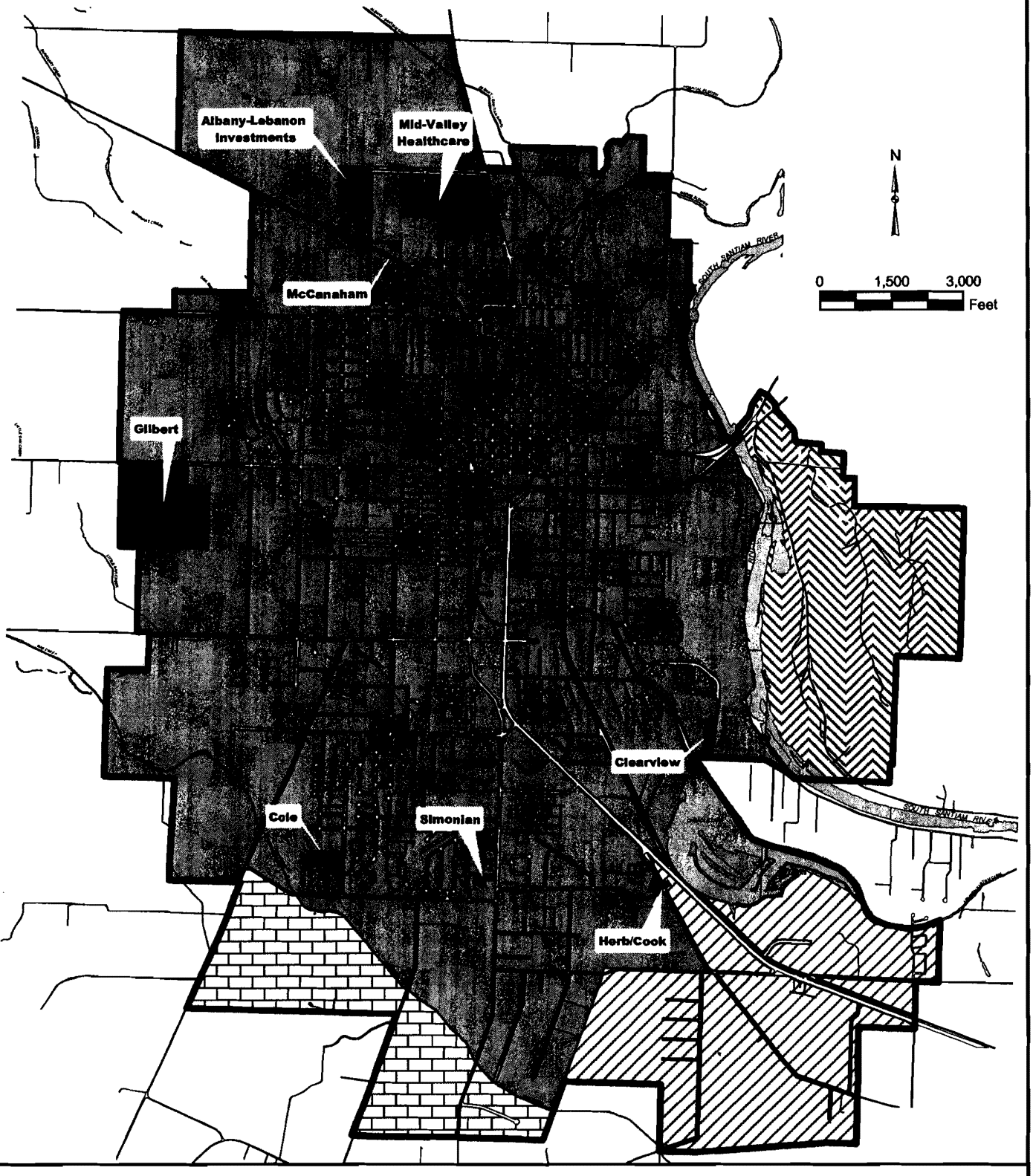
City Annexation Policy, Section 3: specifies that *parties involved in seeking the annexation or who may be included in the annexation* ***shall initiate a program to upgrade any urban services and/or public facilities*** *within the area considered for annexation that do not meet standards as may be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

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

City Annexation Policy, Section 5: states that *it shall be the burden of proof of the applicant that a* ***public need*** *exists for the proposed annexation and that the annexation is* ***in the public's interest***.

Approval of a conventional or standard annexation request ***results in making the annexation territory eligible to apply for a development approval and a building permit***.

City of Lebanon
Phased Growth Map with Proposed Annexations - October 2004
(1980 Comprehensive Plan, page 4-26)

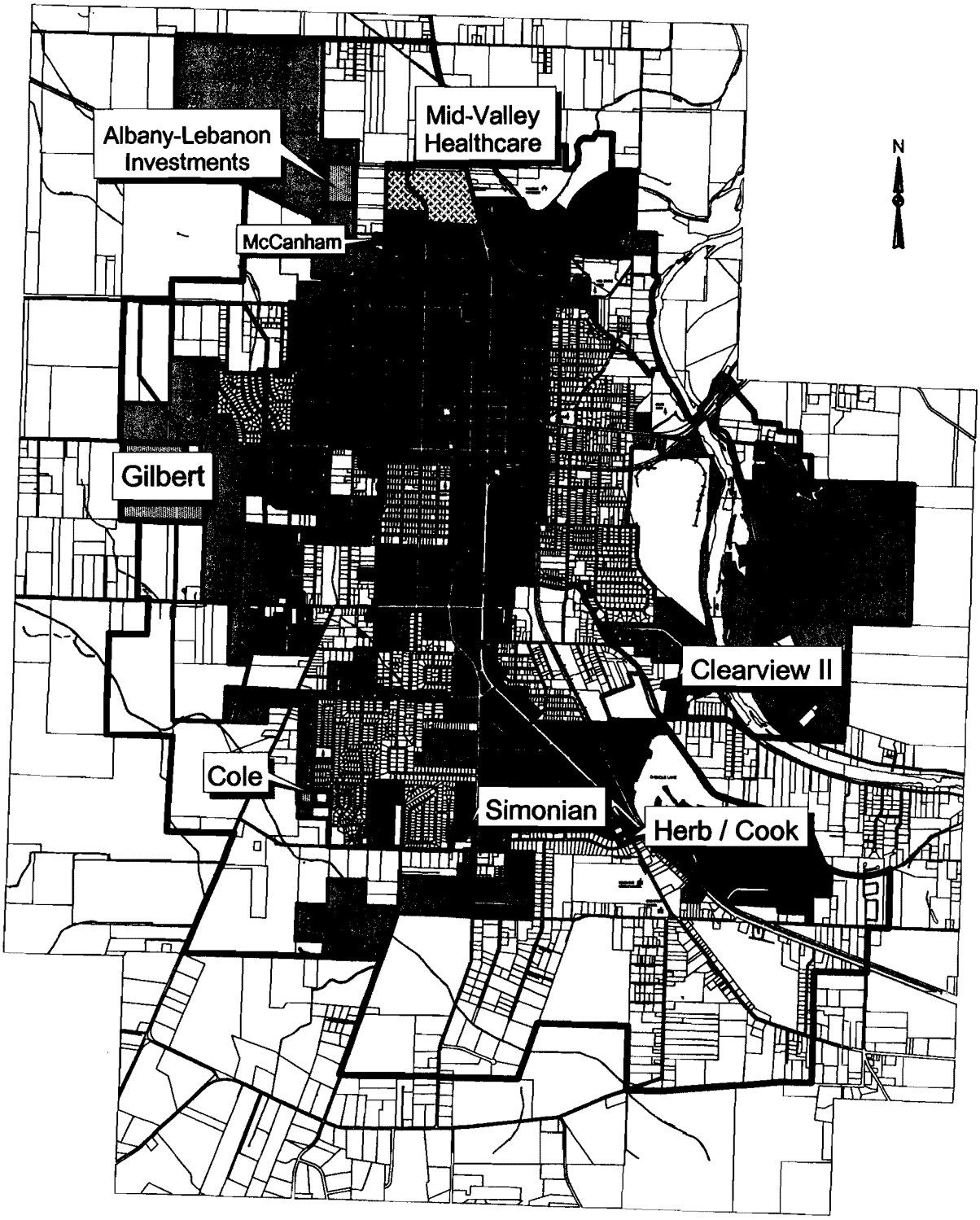


Phased Growth Map with Proposed Annexations - October 2004
(1980 Comprehensive Plan, page 4-26)

Priority for Future Use

- High
- Medium
- Medium to Low
- Low
- Urban Growth Boundary
- Proposed Annexation

G:/PhasedGrowth_Asize.mxd 10/12/04



Zoning Map with Proposed Annexations
October 2004

- Urban Growth Boundary
- RL - Residential Low Density
- RM - Residential Mixed Density
- RH - Residential High Density
- City Limits
- CN - Neighborhood Commercial
- CB - Central Business Commercial
- CH - Highway Commercial
- AC - Aircraft Control Subzone
- ML - Limited Industrial
- MG - General Industrial
- MU - Mixed Use

G:\zoning.apr 01/30/2004

Attachment "6"

Oregon
Theodore R. Kulongoski, Governor

Department of Land Conservation and Development
635 Capitol Street NE, Suite 150
Salem, Oregon 97301-2540
Phone: (503) 373-0050
Main/Coastal Fax: (503) 378-6033
Director's/Rural Fax: (503) 378-5518
TGM/Urban Fax: (503) 378-2687
Web Address: http://www.lcd.state.or.us

March 25, 2004

The Honorable Ken Tombs, Mayor
City of Lebanon
Lebanon City Hall
925 Main Street
Lebanon, OR 97355-3200

Re: Approval of Periodic Review Subtask 6.1 (Order 001621)

Dear Mr. Tombs:

I am pleased to inform you that the Department of Land Conservation and Development (DLCD) has approved the city's periodic review subtask 6.1 submittal, consisting of amendments to comprehensive plan policies and text related to annexation. This letter constitutes the department's order approving the submittal (Oregon Administrative Rule (OAR) 660-25-150(1)(a)).

The department has conducted a review of the above task pursuant to OAR 660-025-0140(6) and prepared the attached report. The amendments comply with the statewide planning goals and are approved.

The city or objectors may appeal the department's order to Land Conservation and Development Commission. Appeals must be in writing and received by the department's office in Salem by April 15, 2004. Appeals to the commission are governed by OAR 660-025-0150(3).

If you have any questions please feel free to contact your periodic review team leader and regional representative, Marguerite Nabeta, at (541) 682-3132.

Yours truly,

Rob Hallyburton
Community Services Division Manager

J:\PR\A LARGECITY\LEBANON\T6.1 order.doc

c: Doug Parker, Planning Director
Jim Just, Friends of Linn County
Larry French, DLCD
Marguerite Nabeta (e-mail)
State Periodic Review Assistance Team (e-mail)

Attachment "7"

Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development
635 Capitol Street NE, Suite 150
Salem, Oregon 97301-2540
Phone: (503) 373-0050
Main/Coastal Fax: (503) 378-6033
Director's/Rural Fax: (503) 378-5518
TGM/Urban Fax: (503) 378-2687
Web Address: http://www.lcd.state.or.us

September 20, 2004

Mr. Ken Toombs, Mayor
City of Lebanon
925 Main Street
Lebanon, Oregon 97355

RE: LCDC Approval of Periodic Review Task 6.1 (Annexation policies subtask) (Order 04-WKTASK-001621)

Dear Mayor Toombs:

I am pleased to inform you that the Land Conservation and Development Commission has approved the City of Lebanon's periodic review Task 6, Subtask 1, regarding annexation policies. The order implementing that decision is enclosed.

Judicial review of this order may be obtained by filing a petition for review within 60 days from the service of this final order, pursuant to ORS 183.482 and 197.650.

We appreciate the efforts of the city officials and staff in completing the periodic review task. Please feel free to speak with Marguerite Nabeta, your periodic review team leader and regional representative at (541) 682-3132, if you have any questions or need further assistance.

Yours truly,

Rob Hallyburton
Community Services Division Manager

Enclosure: Approval order 04-WKTASK-001621

J:\PR\A LARGECITY\LEBANON\T6.1 Final LCDC order letter.doc

c: Doug Parker, Lebanon Community Development Manager
Steve Michaels, Linn County Planning Director
Jim Just, Friends of Linn County
Steve Shipsey, DOJ
Larry French, DLCD Periodic Review Specialist
Marguerite Nabeta, Regional Representative (email)
Periodic Review Assistance Team (email)

BEFORE THE
LAND CONSERVATION AND DEVELOPMENT COMMISSION
OF THE STATE OF OREGON

IN THE MATTER OF	)	
THE PERIODIC REVIEW OF	)	**ORDER AFFIRMING**
THE COMPREHENSIVE PLAN	)	**PERIODIC REVIEW**
AND LAND USE REGULATIONS	)	**TASK APPROVAL**
FOR CITY OF LEBANON	)	**03-WKTASK-001621**

This matter came before the Land Conservation and Development Commission (Commission) on June 10, 2004, as an appeal to the Department of Land Conservation and Development (DLCD or department) approval of Subtask 6.1 of the City of Lebanon Periodic Review Work Program pursuant to ORS 197.633, ORS 197.644(2) and OAR chapter 660, division 025. The Commission, having fully considered the city's submittal, oral argument, written comments, objection and exceptions of the party; and the reports of the director of the department now enters its:

Findings of Fact

1. On November 24, 2003, the City of Lebanon submitted its final decision on periodic review Subtask 6.1. The submittal consisted of amendments to the comprehensive plan and land use regulations regarding annexations (City Ordinance Nos. 2352 and 2353) (exhibit 1).
2. As directed by OAR 660-025-0140, the city sent notice of its decision to persons who requested notice (exhibit 2).
3. By letter dated December 10, 2003 the department received a procedurally valid objection to the city's submittal from Friends of Linn County (exhibit 3).
4. As provided by OAR 660-025-0150(1)(a) on March 25, 2004, the department issued a report and DLCD Order 001621, which responded to the issues raised by the objector, and approved the subtask submittal (exhibit 4).
5. On April 9, 2003, the department received a timely appeal of DLCD Order 001621 to the Commission from Friends of Linn County (exhibit 5).
6. On May 21, 2004, the department submitted a report to the Commission pursuant to OAR 660-025-0150(5) and 660-025-0160(2) (exhibit 6).
7. On June 1, 2004, the department received Friends of Linn County's timely filed written exceptions to the department's May 21, 2004 report, pursuant to OAR 660-025-0160(3) (exhibit 7).

LEBANON CITY COUNCIL
SIGN UP SHEET
(Please sign up to address the City Council - Thank you)

	Name	Address
1	Steve Abel	900 SW 5th Ave #2600 PDX, OR 97204
2	Mike Baker	270 Hansard Ave. Lebanon
3	Jim Just	PO Box 113 Lebanon
4	Becky Pope	6162 NW Bushong Pl Corvallis OR 97330
5	Joe Haralson	1550 NW PATRICK CT. ALBANY, OR. 97321
6	ART KJOS	333 NW 5th Ave Portland Or
7	BRIAN VANDETTA	63 E. ASH
8	Robert O. Adams	640 E. Sherman St
9	Milton Moran Jr.	41985 Shadow Lane Sweet Home
10	Bill Burish, MD	325 Park St Lebanon
11	RICK WOPAT, MD	325 INDUSTRIAL WAY
12	Ed Schultz	P.O. Box 667 Albany, OR 97321
13	ROBERT LAMB Lebanon Tourism Comm.	SWEET HOME, OREGON 953-7956 (cell)
14	Jim Just	PO Box 113 Lebanon
15	Jodie Rae	33435 Tennessee Rd Lebanon
16	CHRISTIE RUCK	PO Box 727 LEB OR 97355
17	Georgene Robertson	20th Cleveland St #4
	Greg Newins	36634 OAK ST.
	Don Robertson	2997 S 12th St Lebanon
	Jim Just	

City Council Meeting Date: 10/13/04

LEBANON CITY COUNCIL

DOCUMENTS / WRITTEN TESTIMONY RECORD

Entek Annexation A-04-01

	SUBMITTED BY	Date & TYPE OF DOCUMENT (Include Project Number if Applicable)
1	Doug Parker Community Dev. Mgr.	Standard vs. Delayed Annexation Attachment "1"
2	" "	Site Development Flow Chart Attachment "2"
3	" "	New Annexation Process Attachment "3"
4	" "	Lebanon Phased Growth Map w/ Proposed Annexations - Oct 2004 Attach "4"
5	" "	Zoning Map w/ Proposed Annexations Oct 2004 - Attachment "5"
6	" "	Approval of Periodic Review (3/25/04) Letter to Mayor from DLCD "6"
7		LCDC Approval of Periodic Review "7" Dated 9/20/04
8	(Steve Reeves) Attorney Steve	Supplemental Findings
9		
10		
11		
12		
13		
14		
15		
16		
17		

City Council Meeting Date: 10/13/04

LEBANON CITY COUNCIL

DOCUMENTS / WRITTEN TESTIMONY RECORD

Entek Annexation A-04-01

	SUBMITTED BY	Date & TYPE OF DOCUMENT (Include Project Number if Applicable)
1	Doug Parker Community Dev. Mgr.	Standard vs. Delayed Annexation Attachment "1"
2	" "	Site Development Flow Chart Attachment "2"
3	" "	New Annexation Process Attachment "3"
4	" "	Lebanon Phased Growth Map w/ Proposed Annexations - Oct 2004 (Attach "4")
5	" "	Zoning Map w/ Proposed Annexations Oct 2004 - Attachment (5")
6	" "	Approval of Periodic Review (3/25/04) Letter to Mayor from DLCD ("6")
7		LCDC Approval of Periodic Review ("7") Dated 9/20/04
8	(Stole Reeves) Attorney Steve	Supplemental Findings
9		
10		
11		
12		
13		
14		
15		
16		
17		

City Council Meeting Date: _____

Attachment 1

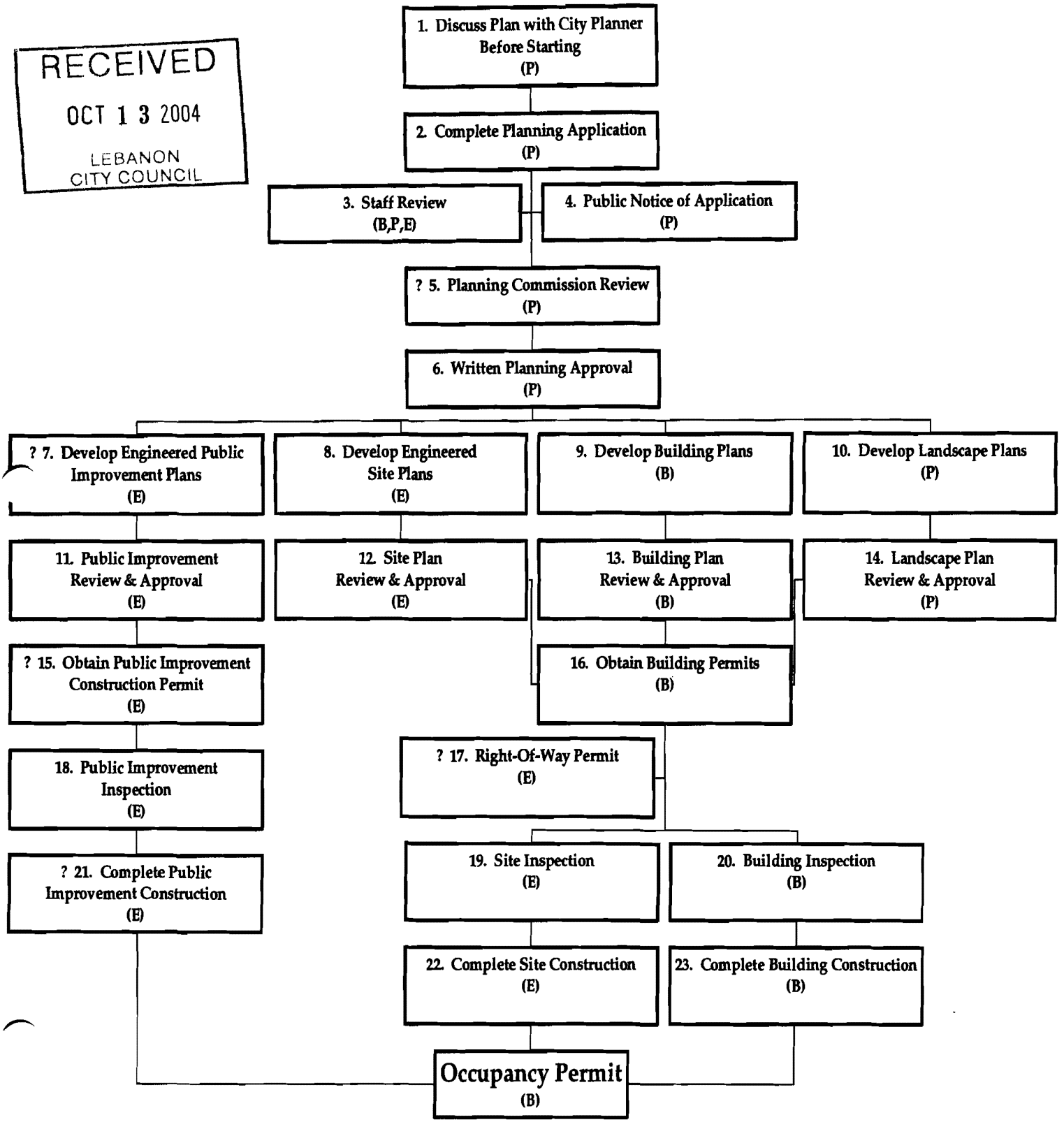
For October 13, 2004, City Council Hearings: A-02-03, A-02-05, A-03-02, and A-02-08

Annexation Process Prior to Changes that went into Effect on December 12, 2003	Delayed Annexations -- 1995 City/Linn County Urban Growth Management Agreement (UGMA)
City Annexation Policy (City of Lebanon Resolution #11 For 1982) Criteria • Section 1: requires ***proof that urban services are available or can be made available*** *to serve the property considered for annexation and that the additional demands that would be placed on those services* ***will not overburden*** *their present capacities.* • City Annexation Policy, Section 2: states that ***public rights of way*** *necessary for the safe and efficient movement of traffic, bicycles and pedestrians* ***shall be provided*** *with the annexation and without obligation to the City of Lebanon.* • City Annexation Policy, Section 3: specifies that *parties involved in seeking the annexation or who may be included in the annexation* ***shall initiate a program to upgrade any urban services and/or public facilities*** *within the area considered for annexation that do not meet standards as may be established by the City of Lebanon.* • City Annexation Policy, Section 4: states that *no annexation shall be considered that does not* ***conform with the Lebanon Comprehensive Plan*** *and its goals and policies.* • City Annexation Policy, Section 5: states that *it shall be the burden of proof of the applicant that a* ***public need*** *exists for the proposed annexation and that the annexation is* ***in the public's interest***. • Approval of a conventional or standard annexation request ***results in making the annexation territory eligible to apply for a development approval and a building permit***.	• A *delayed annexation* ***allows urban development prior to annexation*** to City. • A *delayed annexation* agreement is a ***three party agreement*** between the City, ***County*** and the developer of the property. • *Delayed annexations* ***permit urban uses and application of City development standards at a UGA site*** prior to annexation. Such developments ***may not be adjacent to the City limits***, and hence may not even be eligible for annexation for a number of years. • A *delayed annexation* agreement must include a ***site development plan*** that is compatible with, and ***will meet, City development standards***. • A *delayed annexation* where *the property is* **not contiguous to the City limits** will require the property be annexed to the City when the property becomes contiguous to City limits. • Approval of a *delayed annexation* agreement ***results in the issuance of a building permit***. RECEIVED OCT 13 2004 LEBANON CITY COUNCIL

Attachment 2

Site Development Flow Chart

Staff Contact:
B - Building
P - Planning
E - Engineering
? - may not be required



Attachment "3"

For October 13, 2004, City Council Hearings: A-04-01, A-04-02, A-04-03, A-04-04, & A-02-03, A-02-05, A-03-02, A-02-08

New Annexation Process After Ordinance Number 17 for 2003 (Became Effect on 12/12/03)

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.

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

Section 4: ***All lands included within the Urban Growth Boundary are eligible for annexation and urban development***. . .

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)***.

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***. . .

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

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.

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***.

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.

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.

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.

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.

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.

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***.

Approval of a conventional or standard annexation request ***results in making the annexation territory eligible to apply for a development approval and a building permit***.

Annexation Process Prior to Changes that went into Effect on 12/12/03

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

Section 1: requires ***proof that urban services are available or can be made available*** *to serve the property considered for annexation and that the additional demands that would be placed on those services* ***will not overburden*** *their present capacities.*

City Annexation Policy, Section 2: states that ***public rights of way*** *necessary for the safe and efficient movement of traffic, bicycles and pedestrians* ***shall be provided*** *with the annexation and without obligation to the City of Lebanon.*

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

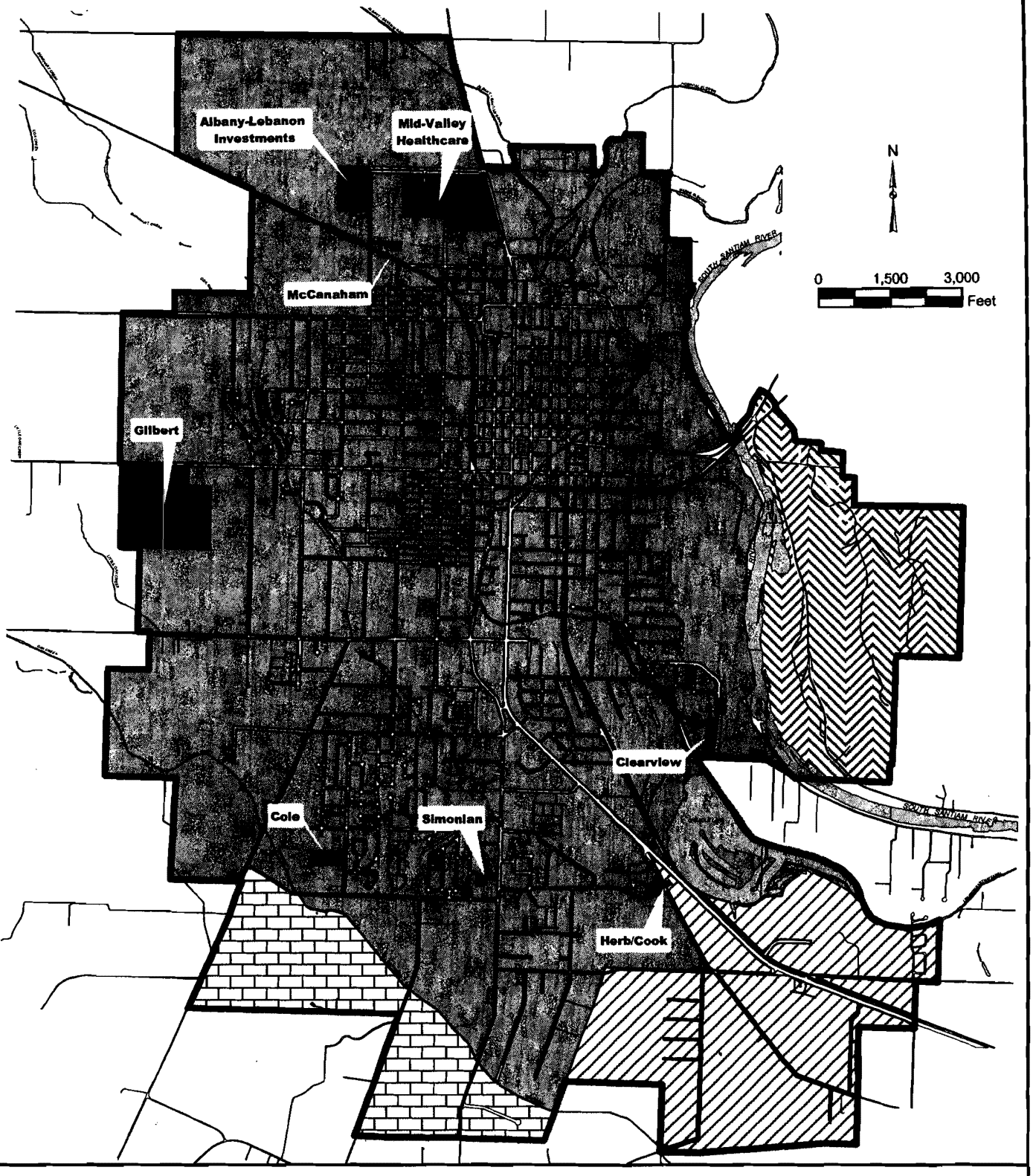
City Annexation Policy, Section 4: states that *no annexation shall be considered that does not* ***conform with the Lebanon Comprehensive Plan*** *and its goals and policies.*

City Annexation Policy, Section 5: states that *it shall be the burden of proof of the applicant that a* ***public need*** *exists for the proposed annexation and that the annexation is* ***in the public's interest***.

Approval of a conventional or standard annexation request ***results in making the annexation territory eligible to apply for a development approval and a building permit***.

Attachment "4"

City of Lebanon
Phased Growth Map with Proposed Annexations - October 2004
(1980 Comprehensive Plan, page 4-26)



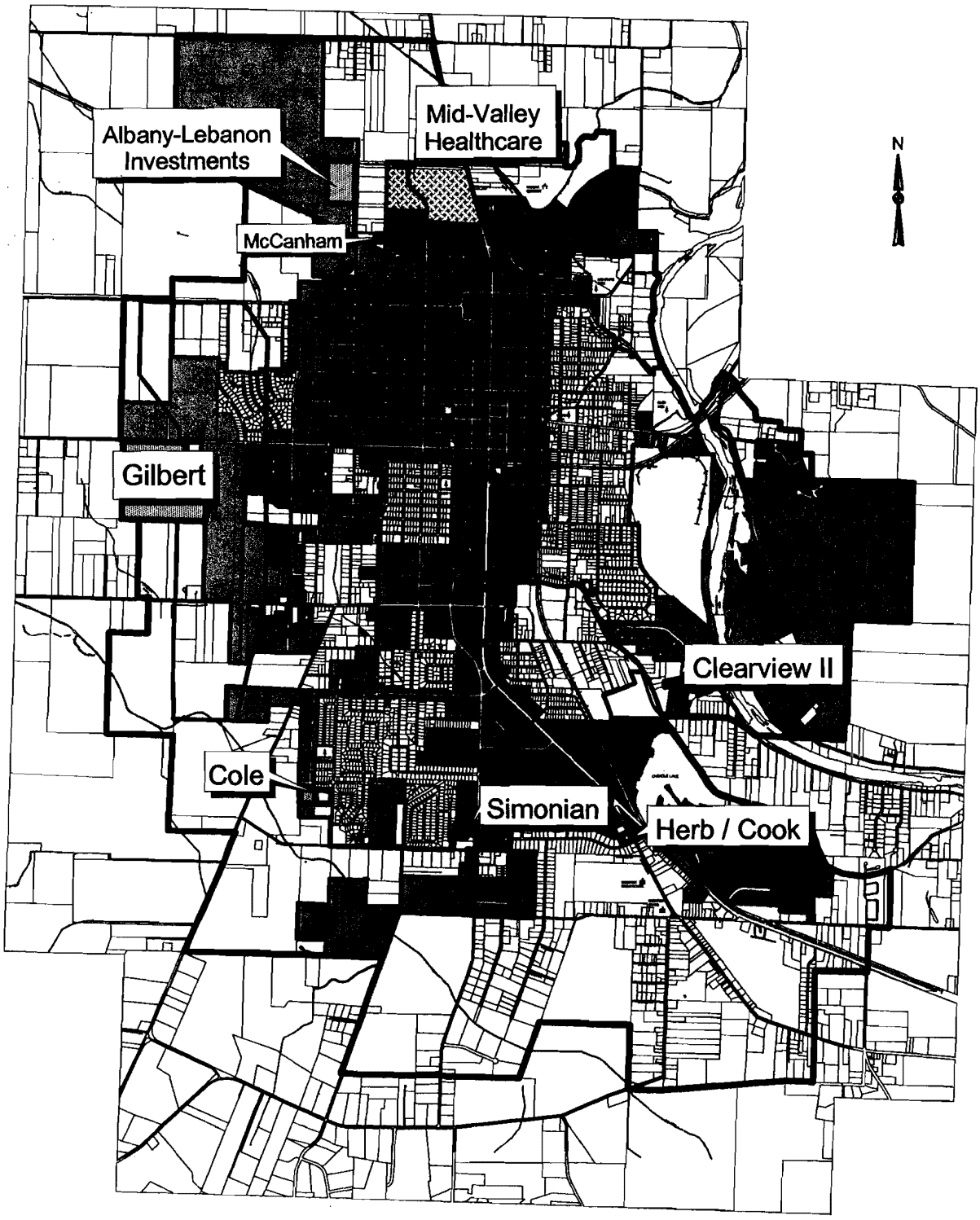
Phased Growth Map with Proposed Annexations - October 2004
(1980 Comprehensive Plan, page 4-26)

Priority for Future Use

- High
- Medium
- Medium to Low
- Low
- Urban Growth Boundary
- Proposed Annexation

G:/PhasedGrowth_Asize.mxd 10/12/04

Attachment "5"



Zoning Map with Proposed Annexations

October 2004

- Urban Growth Boundary
- RL - Residential Low Density
- RM - Residential Mixed Density
- RH - Residential High Density
- City Limits
- CN - Neighborhood Commercial
- CB - Central Business Commercial
- CH - Highway Commercial
- AC - Aircraft Control Subzone
- ML - Limited Industrial
- MG - General Industrial
- MU - Mixed Use

G:\zoning.apr 01/30/2004

Attachment "6"

Oregon
Theodore R. Kulongoski, Governor

Department of Land Conservation and Development
635 Capitol Street NE, Suite 150
Salem, Oregon 97301-2540
Phone: (503) 373-0050
Main/Coastal Fax: (503) 378-6033
Director's/Rural Fax: (503) 378-5518
TGM/Urban Fax: (503) 378-2687
Web Address: http://www.lcd.state.or.us

March 25, 2004

The Honorable Ken Tombs, Mayor
City of Lebanon
Lebanon City Hall
925 Main Street
Lebanon, OR 97355-3200

Re: Approval of Periodic Review Subtask 6.1 (Order 001621)

Dear Mr. Tombs:

I am pleased to inform you that the Department of Land Conservation and Development (DLCD) has approved the city's periodic review subtask 6.1 submittal, consisting of amendments to comprehensive plan policies and text related to annexation. This letter constitutes the department's order approving the submittal (Oregon Administrative Rule (OAR) 660-25-150(1)(a)).

The department has conducted a review of the above task pursuant to OAR 660-025-0140(6) and prepared the attached report. The amendments comply with the statewide planning goals and are approved.

The city or objectors may appeal the department's order to Land Conservation and Development Commission. Appeals must be in writing and received by the department's office in Salem by April 15, 2004. Appeals to the commission are governed by OAR 660-025-0150(3).

If you have any questions please feel free to contact your periodic review team leader and regional representative, Marguerite Nabeta, at (541) 682-3132.

Yours truly,

Rob Hallyburton
Community Services Division Manager

J:\PR\A LARGECITY\LEBANON\T6.1 order.doc

c: Doug Parker, Planning Director
Jim Just, Friends of Linn County
Larry French, DLCD
Marguerite Nabeta (e-mail)
State Periodic Review Assistance Team (e-mail)

Department of Land Conservation and Development
Report on Lebanon Periodic Review
Subtask 6.1 Submittal
Order 001621

March 25, 2004

DECISION

The actions of the City of Lebanon to address subtask 6.1 on the approved work program are found to be in compliance with the statewide planning goals and rules, based on the findings contained in this report. The work task is approved.

REVIEW CRITERIA

Oregon Revised Statute (ORS) 197.644 and Oregon Administrative Rule (OAR) 660-025-0140 through -0150 authorize the director's review of submitted periodic review work tasks. The legal standards that govern Department of Land Conservation and Development (department) reviews are the statewide planning goals and Oregon Administrative Rules in Chapter 660. Annexation is addressed in a general manner within the Goal 11 (and OAR Chapter 660, Division 11) and Goal 14.

BACKGROUND

As a result of Land Use Board of Appeals (LUBA) findings regarding Lebanon annexation action and state legislative actions regarding periodic review, the city amended its work program to reflect immediate planning needs that reflect those findings by segmenting the annexation policy matter from the larger Task 6, "Comprehensive Plan update" (Order 001556). Lebanon addressed the LUBA findings and statewide planning Goals 11 and 14 in its submittal. In subtask 6.1, the city addressed the requirements of OAR Chapter 660-01-0310, "Annexations of lands subject to an acknowledged comprehensive plan," and Division 25 for periodic review processes.

On November 12, 2003 the Lebanon City Council adopted Ordinances 2352 and 2353 relating to amendments to the comprehensive plan regarding administrative, urbanization, and public facilities and services policies; and adoption of an annexation ordinance, respectively. These ordinances were intended to address the issues of ambiguity in the plan found by LUBA, but the amendments could affect decisions besides annexations.

THE DEPARTMENT'S REVIEW

Validity of objections

According to OAR 660-025-0140(2), in order for an objection to be valid, it must:

(a) Be in writing and filed no later than 21 days from the date notice was mailed by the local government;
(b) Clearly identify an alleged deficiency in the work task;
(c) Suggest specific revisions that would resolve the objection; and
(d) Demonstrate that the objecting party participated at the local level orally or in writing during the local process.

The department received one letter of objection from Mr. Jim Just, for the Friends of Linn County (FOLC) that was timely, and either Mr. Just or other FOLC members participated in the local processes. Objections that do not "clearly identify an alleged deficiency" or "suggest specific revisions that would resolve the objection" are invalid. All the objections are addressed in detail in the following section of this report.

Issues raised in objections

***1. Objection:* The city failed to address issues raised at the local level in violation of Goal 1 and OAR 660-025-0080(2)(b).**

This objection is not sustained.

FOLC submits that they entered testimony on the proposed comprehensive plan amendments at the Lebanon planning commission and city council hearings regarding the proposed amendments and that the city did not address those comments in the final decision. The record before the department includes the materials provided to the city council dated October 31, 2003 and a tape of the November 12, 2003 hearing.

The objection does not identify which issues or parts of issues that were not addressed, but the department's review indicates the city has fulfilled its obligation. The city specifically addressed, both in the written report and during discussion at the hearing, why the city was proceeding with an updated annexation ordinance and comprehensive plan text amendments. While the staff or city council did not specifically cross-reference the objections of FOLC or any other local participant, the issues were made available to the planning commission, the city council and the public at large.

The department finds the sections of Goal 2 quoted in the objection do not provide substantive requirements the city must follow in conducting land use hearings or making legislative decisions or findings. Goal 2 does not require a point-by-point response to every objection made at a hearing.

The relevant portion of the cited rule states: "Citizens and other interested persons shall receive a response to their comments at or following the hearing on the work task." Again, the department's review indicates that the city responded to issues and that the FOLC objection is insufficiently specific regarding points the city failed to address.

2. Objection. **The city must further amend Chapter 4 of the comprehensive plan to achieve Goal 14 compliance.**

This objection is not sustained.

Goal 14, Urbanization, does not directly address in a *specific* manner how a jurisdiction should meet the four factors for conversion of urbanizable lands to urban land.

Goal 14 states:

> Land within the boundaries separating urbanizable land from rural land shall be considered available over time for urban uses. Conversion of urbanizable land to urban uses shall be based on consideration of:
>
> (1) Orderly, economic provision for public facilities and services;
> (2) Availability of sufficient land for the various uses to insure choices in the market place;
> (3) The acknowledged comprehensive plan; and,
> (4) Encouragement of development within urban areas before conversion of urbanizable areas.

The objection states the city's annexation policies do not adequately address factors 2 or 4 and fail to acknowledge the relationship between the "need" factors and the provision of public facilities and services. The objectors believe the city's comprehensive plan policies on urbanization do not achieve Goal 14 and suggest the plan must be further amended to provide policies and procedures to ensure lands zoned for urban use provide for orderly provision of public facilities and services, are needed to provide for a choice in the marketplace, and that insufficient land is available to meet the need for identified urban uses.

The department disagrees with the objection. Regarding factor 1, public facilities and services, the plan requires contiguity (annexation policy 4), suitability for urban development (annexation policy 5), and capability of public facilities and services (Chapter 8, general policy 2 and sewerage facilities policy 2, and annexation ordinance sections 8 and 9) in order for land to be annexed and zoned for urban use; existing policies that are unaffected by the subtask 6.1 submittal address consideration of land availability (factor 2) and infill development (factor 4). The land use policies in chapter 5 of the plan address these factors as they relate to residential, commercial, and industrial lands. Specifically, the general policy, residential policy 1, commercial policies 1 and 6, and industrial policy 4 all address these factors, directly or indirectly. Section 3 of the annexation policy requires that annexations, the mechanism for converting urbanizable to urban land, comply with comprehensive plan goals and policies.

The comprehensive plan also includes public facilities plans and the transportation system plan, which include financing plans, and when all these elements are considered together the four factors listed in Goal 14 will be considered by the city in annexation/zone change review.

The objection asserts the city must include policies to ensure compliance with the four factors. But goal says the factors are *considerations*, not approval criteria. That consideration may not be as spelled out in the manner the objector wishes, but the city's provisions are adequate to satisfy Goal 14 requirements.

Similarly, the objection contends the city must make findings showing compliance with the administrative rules implementing Goals 11 and 12 at the time of an annexation/zone change. This is incorrect. The city's public facilities plan and transportation system plan cover the whole urban area, not just the city limits. The goals and rules will have been addressed in these plans prior to annexation/zone change. The cited section of the Transportation Planning Rule applies at the time of a plan amendment, not an annexation/zone change. In addition, the objection suggests the guidelines in Goal 14 require certain actions by the city. This, too, is incorrect, as goal guidelines are not mandatory.

3. Objection. **The submittal does not comply with Goal 11.**

This objection is not sustained.

We understand this objection to state that the city's comprehensive plan amendments do not comply with Goal 11 because General Policy 2 does not require a determination of adequacy of all public facilities and services for zoning map amendments or that such facilities will be provided for new developments. We agree that the rule implementing Goal 11 requires Lebanon to address public facilities over the short and long term, but disagree that it has to be in General Policy 2. The city's public facilities policies in Chapter 8 and the city's public facilities plan address the range of issues raised in the objection. Taken as a whole, the city's comprehensive plan complies with Goal 11 and its implementing rule.

It is important to note that the subtask 6.1 submittal only addresses those provisions of the comprehensive plan that directly impact annexations. Consideration of additional revisions of the Public Facilities chapter will occur in later completed periodic review tasks.

Other issues

The department's review has found no deficiencies with the submittal unrelated to the objections.

OVERALL CONCLUSIONS AND DECISION

The City of Lebanon periodic review subtask 6.1 submittal complies with the statewide planning goals and implementing rules. The task is approved.

Attachment "7"

Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development
635 Capitol Street NE, Suite 150
Salem, Oregon 97301-2540
Phone: (503) 373-0050
Main/Coastal Fax: (503) 378-6033
Director's/Rural Fax: (503) 378-5518
TGM/Urban Fax: (503) 378-2687
Web Address: http://www.lcd.state.or.us

September 20, 2004

Mr. Ken Toombs, Mayor
City of Lebanon
925 Main Street
Lebanon, Oregon 97355

RE: LCDC Approval of Periodic Review Task 6.1 (Annexation policies subtask) (Order 04-WKTASK-001621)

Dear Mayor Toombs:

I am pleased to inform you that the Land Conservation and Development Commission has approved the City of Lebanon's periodic review Task 6, Subtask 1, regarding annexation policies. The order implementing that decision is enclosed.

Judicial review of this order may be obtained by filing a petition for review within 60 days from the service of this final order, pursuant to ORS 183.482 and 197.650.

We appreciate the efforts of the city officials and staff in completing the periodic review task. Please feel free to speak with Marguerite Nabeta, your periodic review team leader and regional representative at (541) 682-3132, if you have any questions or need further assistance.

Yours truly,

Rob Hallyburton
Community Services Division Manager

Enclosure: Approval order 04-WKTASK-001621

J:\PR\A LARGECITY\LEBANON\T6.1 Final LCDC order letter.doc

c: Doug Parker, Lebanon Community Development Manager
Steve Michaels, Linn County Planning Director
Jim Just, Friends of Linn County
Steve Shipsey, DOJ
Larry French, DLCD Periodic Review Specialist
Marguerite Nabeta, Regional Representative (email)
Periodic Review Assistance Team (email)

BEFORE THE
LAND CONSERVATION AND DEVELOPMENT COMMISSION
OF THE STATE OF OREGON

IN THE MATTER OF	)	
THE PERIODIC REVIEW OF	)	**ORDER AFFIRMING**
THE COMPREHENSIVE PLAN	)	**PERIODIC REVIEW**
AND LAND USE REGULATIONS	)	**TASK APPROVAL**
FOR CITY OF LEBANON	)	**03-WKTASK-001621**

This matter came before the Land Conservation and Development Commission (Commission) on June 10, 2004, as an appeal to the Department of Land Conservation and Development (DLCD or department) approval of Subtask 6.1 of the City of Lebanon Periodic Review Work Program pursuant to ORS 197.633, ORS 197.644(2) and OAR chapter 660, division 025. The Commission, having fully considered the city's submittal, oral argument, written comments, objection and exceptions of the party; and the reports of the director of the department now enters its:

Findings of Fact

1. On November 24, 2003, the City of Lebanon submitted its final decision on periodic review Subtask 6.1. The submittal consisted of amendments to the comprehensive plan and land use regulations regarding annexations (City Ordinance Nos. 2352 and 2353) (exhibit 1).
2. As directed by OAR 660-025-0140, the city sent notice of its decision to persons who requested notice (exhibit 2).
3. By letter dated December 10, 2003 the department received a procedurally valid objection to the city's submittal from Friends of Linn County (exhibit 3).
4. As provided by OAR 660-025-0150(1)(a) on March 25, 2004, the department issued a report and DLCD Order 001621, which responded to the issues raised by the objector, and approved the subtask submittal (exhibit 4).
5. On April 9, 2003, the department received a timely appeal of DLCD Order 001621 to the Commission from Friends of Linn County (exhibit 5).
6. On May 21, 2004, the department submitted a report to the Commission pursuant to OAR 660-025-0150(5) and 660-025-0160(2) (exhibit 6).
7. On June 1, 2004, the department received Friends of Linn County's timely filed written exceptions to the department's May 21, 2004 report, pursuant to OAR 660-025-0160(3) (exhibit 7).

RECEIVED
OCT 13 2004
LEBANON
CITY COUNCIL

SUPPLEMENTAL FINDINGS

These supplemental findings are entered into this ____ day of October, 2004, by the City of Lebanon City Council. In addition to expressly adopting the Planning Commission Staff Report of January 14, 2004, these supplemental findings address statewide planning goals.

The Applicant's annexation request has been analyzed under the annexation criteria and policies adopted by this City Council in Ordinances 2352 and 2353 on November 12, 2003. Those ordinances were adopted as a part of subtask 6.1 of the City of Lebanon's periodic review Order No. 001621. On March 25, 2004, the Department of Land Conservation and Development ("DLCD") reviewed these ordinances and determined that the amendments complied with statewide planning goals and thus were approved by DLCD. Subsequently, an appeal was taken to place the matter in front of the Land Conversation and Development Commission ("LCDC") at its hearing on June 10, 2004, LCDC affirmed the DLCD affirmation, again affirming the City's adoption of Ordinance Nos. 2352 and 2353. The LCDC written affirmation order was entered on September 20, 2004, but is subject to appeal.

Since it is unclear whether the Order will be appealed, we enter these supplemental findings as to the Statewide Planning Goals. In making Goal findings, the City Council expressly recognizes that these findings are specific to this particular property at this particular time. The fact that findings are made with respect to the individual property in this circumstance, should not be construed as an admission that such findings will be necessary in other circumstances.

The City Council makes the following goal findings:

1. Goal 1 – Citizen Involvement. This goal calls for the "opportunity for citizens to be involved in all phases of the planning process." The decision in this case has been made in

accordance with the City's quasi-judicial process which allows for citizen participation at both the Planning Commission level and at the City Council level.

2. Goal 2 – Land Use Planning. This goal outlines the basic procedures of Oregon's Statewide Planning Program and also contained standards for taking exceptions to statewide planning goals. This goal is not applicable to this annexation request.

3. Goal 3 – Agricultural Lands. This goal aims to "preserve and maintain" agricultural lands. The property proposed for annexation in this instance already has a comprehensive plan map identification of Light Industrial and thus is not considered agricultural land subject to the provisions of this goal.

4. Goal 4 – Forest Lands. This goal defines forest lands and seeks to achieve conservation of forest lands for forest uses. The subject parcel has a comprehensive plan map designation of Light Industrial and thus is not considered forest land. Thus, this goal is not applicable.

5. Goal 5 – Open Spaces, Scenic and Historic Areas and Natural Resources. The property contains no inventoried open space, scenic and historic areas nor natural resources and thus this goal is not applicable to this proposed annexation.

6. Goal 6 – Air, Water and Land Resources Quality. This goal requires that local comprehensive plans be consistent with state and federal regulations. While this goal is not directly applicable to this annexation decision, any development on the site will be consistent with state and federal regulations related to air, water and land resource quality as such regulations will be directly applicable to any development.

7. Goal 7 – Areas Subject to Natural Disasters and Hazards. This goal deals with development in places subject to natural hazards, including floods and landslides. No such natural disaster or hazard area exists on this site and thus this goal is not applicable.

8. Goal 8 – Recreation Needs. This goal calls for each community to evaluate its areas and facilities for recreation and develop plans to deal with projected demand for them. This goal is not applicable to this proposed annexation of this industrial site.

9. Goal 9 – Economy of the State. Goal 9 seeks to diversify and improve the economy of the state. This goal is satisfied by the proposed annexation since this property will be used to support industrial development and job creation efforts. This site has been identified by the State of Oregon as part of "one of 25 key industrial opportunity sites" in the state that has significant potential for industrial job creation. Annexation will further achieve the desire of the state for this site to be "shovel ready" and fully developable.

10. Goal 10 – Housing. This goal specifies that each city must plan for and accommodate needed housing types. This site has already been designated as Light Industrial in the City's comprehensive plan and thus is not a housing site. This goal is not applicable.

11. Goal 11 – Public Facilities and Services. Goal 11 calls for efficient planning of public services such as sewers, water, law enforcement, and fire protection.

As the Planning Commission Staff Report describes, the property is fully served with sanitary sewer and water services. Stormwater drainage improvements will be made upon development of the subject property. See finding #8 of the Planning Commission Staff Report. The City has adequate law enforcement and fire protection capability to serve the annexed property.

12. Goal 12 – Transportation. Goal 12 aims to provide a "safe, convenient and economic transportation system." The Applicant has submitted to the City Council a transportation study performed by Associated Transportation Engineering and Planning which studies in detail the transportation system serving the proposed annexation site. The transportation study concludes that the transportation system is adequate to serve the annexed property assuming industrial development for the site. Even assuming a worst case scenario for maximum transportation impact, the transportation system is still well adequate to serve the proposed annexed property and any industrial use. This goal has been satisfied.

13. Goal 13 – Energy. Goal 13 states that land and uses developed on the land shall be "managed and controlled as to maximize the conservation of all forms of energy." To the extent that this goal is applicable, it is satisfied because the site is located within the City's UGB and located adjacent to adequate transportation systems. The location of this job creation center near potential employees maximizes the conservation of energy.

14. Goal 14 – Urbanization. This goal is to provide for an orderly and efficient transition from rural to urban land uses. Land within UGBs are considered to be available over time for urban uses based on consideration of: (1) orderly, economic provision for public facilities and services; (2) availability of sufficient land for the various uses to ensure choices in the marketplace; (3) compliance with the statewide planning goals or Plan policies; and (4) encouragement of development within urban areas before conversion of urbanizable areas.

The subject property is already located within the City's UGB and is designated on the Plan Map for industrial use. The subject property is adjacent to an existing industrial use and is needed at this time for the expansion of that existing industrial use. Because expansion of the

existing industrial use can only occur on property immediately adjacent to that existing industrial use, and because no existing urban land is available, factors (2) and (4) are met.

City water and sewer lines, adequately sized to serve the proposed use, are readily available to the subject property. The storm drainage system has been shown to be adequate to serve the increased runoff anticipated from ~~allowed development~~ annexation. A transportation study has demonstrated that transportation facilities are adequate to serve the allowed urban uses. Therefore public services will be provided in an orderly and economic manner, and factor (1) is met. See also findings for Goals 11 and 12.

Compliance with the statewide planning goals and with applicable provisions of the Plan has been addressed and demonstrated elsewhere. Factor (3) is met.

Goal 14 is satisfied.

15. Goal 15 – Willamette Greenway. Goal 15 administers land adjacent to the Willamette River and is not applicable to this application.

16. Goal 16 – Estuarine Resources. This goal is not applicable because this site is not an identified estuary site subject to this goal.

17. Goal 17 – Coastal Shorelands. This goal defines planning areas at the Oregon Coast. This goal is not applicable.

18. Goal 18 – Beaches and Dunes. Goal 18 applies to beaches and dunes at the Oregon Coast and is not applicable to this site.

19. Goal 19 – Ocean Resources. This goal aims to conserve the long-term values of the ocean environment. This goal is not applicable to this site.

8. On June 8, 2004, the department issued a response to the exceptions filed by Friends of Linn County, pursuant to OAR 660-025-0160(3) (exhibit 8).
9. On June 10, 2004, the Commission held a hearing on the appeal. The Commission *sua sponte* decided to accept oral argument from the parties, pursuant to OAR 660-025-0160(7). The Commission heard oral argument from the Friends of Linn County, the City of Lebanon, and a report from department staff.
10. As provided in OAR 660-025-0160(6), the Commission, at its June 10, 2004 hearing, considered the appeal based on the written record, including the department's report and responses, written objection, appeal, exceptions, and oral argument.

Conclusions

Based on the analysis of the entire record, including the findings of fact stated, discussion of the statewide planning goals and administrative rules, analysis contained in DLCD reports to the Commission, and DLCD Order 001621, which are adopted and incorporated herein by reference, the Commission concludes that:

1. In addressing OAR 660-025-0080(2)(b), which provides, "[c]itizens and other interested persons shall receive a response to their comments at or following the hearing on a work task," Goal 1 and the administrative rule do not require a local government to provide a point-by-point response in writing to each comment. The City of Lebanon has generally and substantially responded to major and material issues submitted by the objector. The practical intent of the directive to respond to submitted material is that the citizen knows that the city received the information and considered it. That was satisfied in this case. There is no requirement for a detailed written response to the comments, including complex non-applicable issues. The record shows that the submitted comments were given to the city's deliberating bodies — the planning commission and city council. City staff reviewed and "on balance" found that the comments and issues were adequately addressed within the local staff report and were part of the planning commission and city council discussion and determined no additional documentation was needed.
2. Goal 2 periodic review elements can be addressed sequentially. This conclusion is consistent with the holding of the Court of Appeals in *Hummel vs. LCDC*, 152 Or App 404, 954 P2d 824, *rev den* 327 Or 317 (1998) which held that the nature of periodic

review is that it is sequential and that subsequent tasks may require the Commission to revisit issues that had been previously approved.

3. The City of Lebanon's Periodic Review Subtask 6.1 submittal complies with the statewide planning goals and administrative rules.

THEREFORE, IT IS ORDERED THAT:

The Commission affirms the department's approval of the City of Lebanon's Periodic Review Subtask 6.1 submittal as complying with the statewide planning goals.

DATED THIS ___ DAY OF SEPTEMBER 2004.

FOR THE COMMISSION:

Lane Shetterly, Director
Department of Land
Conservation and Development

JUDICIAL REVIEW NOTICE: You may be entitled to judicial review of this order. Judicial review may be obtained by filing a petition for review within 60 days from the service of this final order. Judicial review is pursuant to the provision of ORS 183.482 and 197.650.

Copies of all exhibits are available for review at the department's office in Salem.

LEBANON CITY COUNCIL

DOCUMENTS / WRITTEN TESTIMONY RECORD

Proposed Mid-Valley Healthcare Annexation

A-03-02

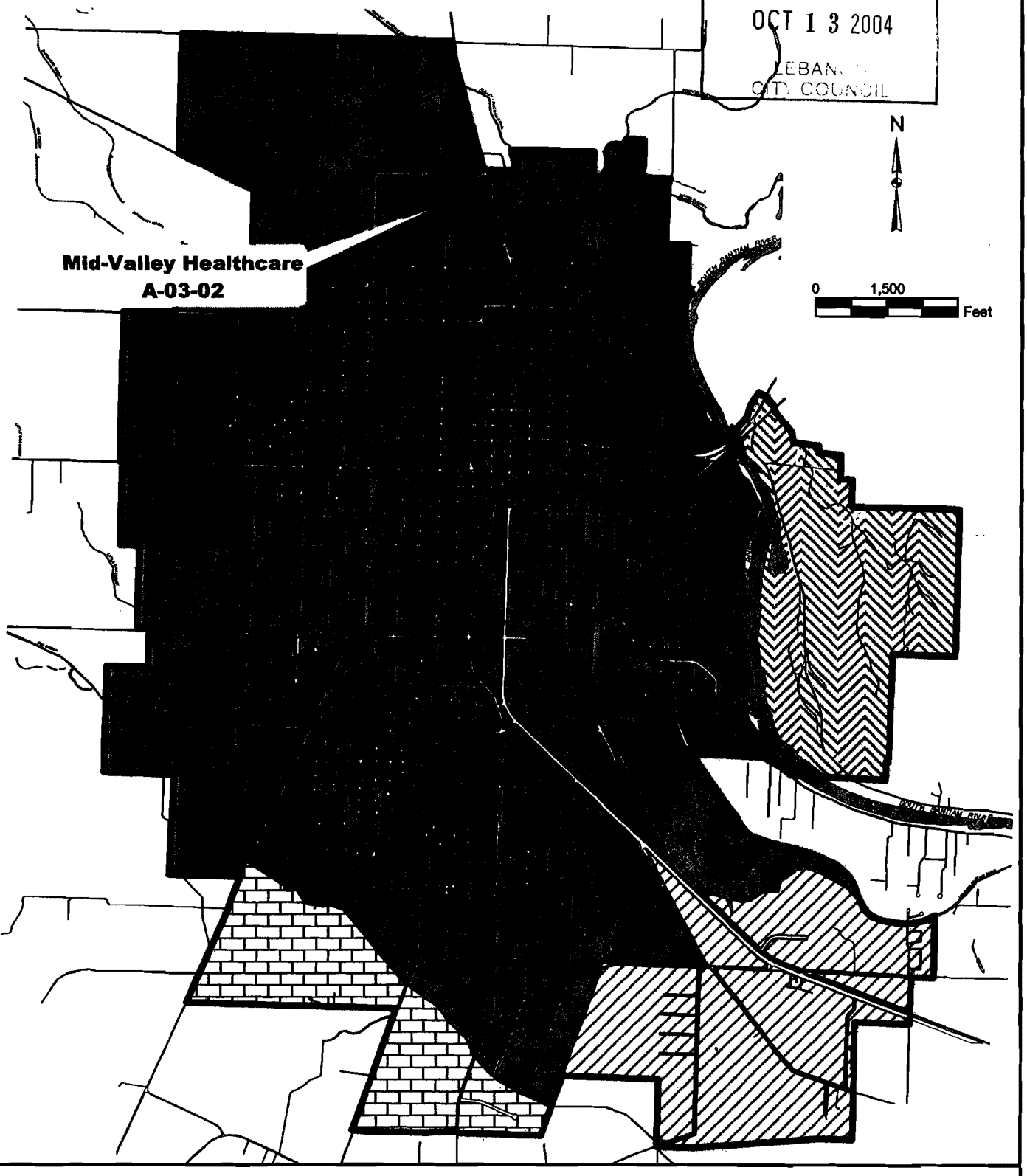
	SUBMITTED BY	Date & TYPE OF DOCUMENT (Include Project Number if Applicable)
1	Doug Parker	Phased Growth Map
2	Doug Parker	memo Dated 9/27/04 Assessment of Capabilities of WW
3	" "	Letter from ODOT dated 3/11/03
4	Malcolm Bowie, C.E.	Maps: Transportation, Drainage, Water,
5	Jim Just	FOLC Letter dated 10/13/04
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		

City Council Meeting Date: 10/13/04

Attachment 1

Phased Growth Map
(1980 Comprehensive Plan, page 4-26)
Proposed MID-VALLEY HEALTHCARE Annexation

City of Lebanon October 2004



Phased Growth Map with Proposed Annexations - October 2004
(1980 Comprehensive Plan, page 4-26)

Priority for Future Use

- High
- Medium
- Medium to Low
- Low
- Urban Growth Boundary
- Proposed Annexation

Attachment "2"

CITY OF LEBANON
Community Development/Planning
853 Main Street
Lebanon, Oregon 97355-3211

MEMORANDUM

TO: Jim Ruef, Public Works Director **DATE:** September 27, 2004

FROM: Doug Parker, Community Development Manager
Phone: 541-258-4252; Fax: 541-258-4955
Email Address: dparker@ci.Lebanon.or.us

SUBJECT: Assessment of Capabilities of Providing **Waste Water** Service for the Proposed Annexation Territory and Development Proposal

The City of Lebanon has received the attached proposal for the annexation of a 53 acre site, located on the southwest corner of Reeves Parkway and Highway 20 (Map 12S-2W-3D, Tax Lot 1200) [see attached vicinity map].

This proposed annexation is accompanied by a site plan (also attached) as a proposed development on this site. This annexation will not approve this use and in fact the proposed development shown on the site plan is not required and may never develop.

This site plan would potentially add 62 independent living units, an 80 bed nursing facility, an 80 bed assisted living facility, 170 apartments, a mini-mall, office complex, restaurant, hotel, conference center, and wellness center, thus adding new housing and a myriad of new jobs to the City of Lebanon.

As part of the City's review process, and for inclusion in the annexation Staff Report for the City Council, we need to have your assessment of your organization, company, or agency's ability to provide services should this site plan be developed.

Please fill out and fax and/or email this form back to us at your earliest convenience -- our staff report needs to be completed by Thursday, September 30, 2004. It would be most useful to include comments explaining your assessment – please attach additional sheets as needed.

Thank you for your assistance in helping City Staff, the City Council, and the applicants successfully complete the review process.

Check One	Assessment of the City of Lebanon's Ability to Provide **Waste Water** Service to this Proposed Annexation Territory and Development Now and for the Foreseeable Future
	***YES**, can provide Service for this Proposed Annexation & Development*
	***NO**, cannot provide Service for this Proposed Annexation & Development*

CITY OF LEBANON
Community Development/Planning
853 Main Street
Lebanon, Oregon 97355-3211

MEMORANDUM

TO: Jim Ruef, Public Works Director **DATE:** September 27, 2004

FROM: Doug Parker, Community Development Manager
Phone: 541-258-4252; Fax: 541-258-4955
Email Address: dparker@ci.Lebanon.or.us

SUBJECT: Assessment of Capabilities of Providing **Water** Service for the Proposed Annexation Territory and Development Proposal

The City of Lebanon has received the attached proposal for the annexation of a 53 acre site, located on the southwest corner of Reeves Parkway and Highway 20 (Map 12S-2W-3D, Tax Lot 1200) [see attached vicinity map].

This proposed annexation is accompanied by a site plan (also attached) as a proposed development on this site. This annexation will not approve this use and in fact the proposed development shown on the site plan is not required and may never develop.

This site plan would potentially add 62 independent living units, an 80 bed nursing facility, an 80 bed assisted living facility, 170 apartments, a mini-mall, office complex, restaurant, hotel, conference center, and wellness center, thus adding new housing and a myriad of new jobs to the City of Lebanon.

As part of the City's review process, and for inclusion in the annexation Staff Report for the City Council, we need to have your assessment of your organization, company, or agency's ability to provide services should this site plan be developed.

Please fill out and fax and/or email this form back to us at your earliest convenience -- our staff report needs to be completed by Wednesday, September 29, 2004. It would be most useful to include comments explaining your assessment – please attach additional sheets as needed.

Thank you for your assistance in helping City Staff, the City Council, and the applicants successfully complete the review process.

Check One	Assessment of the City of Lebanon's Ability to Provide **Water** Service to this Proposed Annexation Territory and Development Now and for the Foreseeable Future
	***YES**, can provide Service for this Proposed Annexation & Development*
	***NO**, cannot provide Service for this Proposed Annexation & Development*

CITY OF LEBANON

Community Development/Planning

853 Main Street

Lebanon, Oregon 97355-3211

MEMORANDUM

TO: Jim Ruef, Public Works Director **DATE:** September 27, 2004

FROM: Doug Parker, Community Development Manager
Phone: 541-258-4252; Fax: 541-258-4955
Email Address: dparker@ci.Lebanon.or.us

SUBJECT: Assessment of Capabilities of Providing **Storm Drainage** Service for the Proposed Annexation Territory and Development Proposal

The City of Lebanon has received the attached proposal for the annexation of a 53 acre site, located on the southwest corner of Reeves Parkway and Highway 20 (Map 12S-2W-3D, Tax Lot 1200) [see attached vicinity map].

This proposed annexation is accompanied by a site plan (also attached) as a proposed development on this site. This annexation will not approve this use and in fact the proposed development shown on the site plan is not required and may never develop.

This site plan would potentially add 62 independent living units, an 80 bed nursing facility, an 80 bed assisted living facility, 170 apartments, a mini-mall, office complex, restaurant, hotel, conference center, and wellness center, thus adding new housing and a myriad of new jobs to the City of Lebanon.

As part of the City's review process, and for inclusion in the annexation Staff Report for the City Council, we need to have your assessment of your organization, company, or agency's ability to provide services should this site plan be developed.

Please fill out and fax and/or email this form back to us at your earliest convenience -- our staff report needs to be completed by Thursday, September 30, 2004. It would be most useful to include comments explaining your assessment – please attach additional sheets as needed.

Thank you for your assistance in helping City Staff, the City Council, and the applicants successfully complete the review process.

Check One	Assessment of the City of Lebanon's Ability to Provide **Storm Drainage** Service to this Proposed Annexation Territory and Development Now and for the Foreseeable Future
	***YES**, can provide Service for this Proposed Annexation & Development*
	***NO**, cannot provide Service for this Proposed Annexation & Development*

CITY OF LEBANON
Community Development/Planning
853 Main Street
Lebanon, Oregon 97355-3211

MEMORANDUM

TO: Jim Ruef, Public Works Director **DATE:** September 27, 2004

FROM: Doug Parker, Community Development Manager
Phone: 541-258-4252; Fax: 541-258-4955
Email Address: dparker@ci.Lebanon.or.us

SUBJECT: Assessment of Capabilities of Providing **Streets** Service for the Proposed Annexation Territory and Development Proposal

The City of Lebanon has received the attached proposal for the annexation of a 53 acre site, located on the southwest corner of Reeves Parkway and Highway 20 (Map 12S-2W-3D, Tax Lot 1200) [see attached vicinity map].

This proposed annexation is accompanied by a site plan (also attached) as a proposed development on this site. This annexation will not approve this use and in fact the proposed development shown on the site plan is not required and may never develop.

This site plan would potentially add 62 independent living units, an 80 bed nursing facility, an 80 bed assisted living facility, 170 apartments, a mini-mall, office complex, restaurant, hotel, conference center, and wellness center, thus adding new housing and a myriad of new jobs to the City of Lebanon.

As part of the City's review process, and for inclusion in the annexation Staff Report for the City Council, we need to have your assessment of your organization, company, or agency's ability to provide services should this site plan be developed.

Please fill out and fax and/or email this form back to us at your earliest convenience -- our staff report needs to be completed by Thursday, September 30, 2004. It would be most useful to include comments explaining your assessment – please attach additional sheets as needed.

Thank you for your assistance in helping City Staff, the City Council, and the applicants successfully complete the review process.

Check One	Assessment of the City of Lebanon's Ability to Provide **Streets** Service to this Proposed Annexation Territory and Development Now and for the Foreseeable Future
	***YES**, can provide Service for this Proposed Annexation & Development*
	***NO**, cannot provide Service for this Proposed Annexation & Development*

Comments:

CITY OF LEBANON
Community Development/Planning
853 Main Street
Lebanon, Oregon 97355-3211

MEMORANDUM

TO: Mike Healy, Lebanon Police Chief **DATE:** September 27, 2004

FROM: Doug Parker, Community Development Manager
Phone: 541-258-4252; Fax: 541-258-4955
Email Address: dparker@ci.Lebanon.or.us

SUBJECT: Assessment of Capabilities of Providing **Safety and Emergency** Services for the Proposed Annexation Territory and Development Proposal

The City of Lebanon has received the attached proposal for the annexation of a 53 acre site, located on the southwest corner of Reeves Parkway and Highway 20 (Map 12S-2W-3D, Tax Lot 1200) [see attached vicinity map].

This proposed annexation is accompanied by a site plan (also attached) as a proposed development on this site. This annexation will not approve this use and in fact the proposed development shown on the site plan is not required and may never develop.

This site plan would potentially add 62 independent living units, an 80 bed nursing facility, an 80 bed assisted living facility, 170 apartments, a mini-mall, office complex, restaurant, hotel, conference center, and wellness center, thus adding new housing and a myriad of new jobs to the City of Lebanon.

As part of the City's review process, and for inclusion in the annexation Staff Report for the City Council, we need to have your assessment of your organization, company, or agency's ability to provide services should this site plan be developed.

Please fill out and fax and/or email this form back to us at your earliest convenience -- our staff report needs to be completed by Thursday, September 30, 2004. It would be most useful to include comments explaining your assessment – please attach additional sheets as needed.

Thank you for your assistance in helping City Staff, the City Council, and the applicants successfully complete the review process.

Check One	Assessment of the City of Lebanon's Ability to Provide **Safety and Emergency** Services to this Proposed Annexation Territory and Development Now and for the Foreseeable Future
	***YES**, can provide Service for this Proposed Annexation & Development*
	***NO**, cannot provide Service for this Proposed Annexation & Development*

CITY OF LEBANON
Community Development/Planning
853 Main Street
Lebanon, Oregon 97355-3211

MEMORANDUM

TO: Jim Ruef, Public Works Director **DATE:** September 27, 2004

FROM: Doug Parker, Community Development Manager
Phone: 541-258-4252; Fax: 541-258-4955
Email Address: dparker@ci.Lebanon.or.us

SUBJECT: Assessment of Capabilities of Providing **Parks** Services for the Proposed Annexation Territory and Development Proposal

The City of Lebanon has received the attached proposal for the annexation of a 53 acre site, located on the southwest corner of Reeves Parkway and Highway 20 (Map 12S-2W-3D, Tax Lot 1200) [see attached vicinity map].

This proposed annexation is accompanied by a site plan (also attached) as a proposed development on this site. This annexation will not approve this use and in fact the proposed development shown on the site plan is not required and may never develop.

This site plan would potentially add 62 independent living units, an 80 bed nursing facility, an 80 bed assisted living facility, 170 apartments, a mini-mall, office complex, restaurant, hotel, conference center, and wellness center, thus adding new housing and a myriad of new jobs to the City of Lebanon.

As part of the City's review process, and for inclusion in the annexation Staff Report for the City Council, we need to have your assessment of your organization, company, or agency's ability to provide services should this site plan be developed.

Please fill out and fax and/or email this form back to us at your earliest convenience -- our staff report needs to be completed by Thursday, September 30, 2004. It would be most useful to include comments explaining your assessment – please attach additional sheets as needed.

Thank you for your assistance in helping City Staff, the City Council, and the applicants successfully complete the review process.

Check One	Assessment of the City of Lebanon's Ability to Provide **Parks** Services to this Proposed Annexation Territory and Development Now and for the Foreseeable Future
X	***YES**, can provide Service for this Proposed Annexation & Development*
	***NO**, cannot provide Service for this Proposed Annexation & Development*

Comments:

[illegible]

CITY OF LEBANON
Community Development/Planning
853 Main Street
Lebanon, Oregon 97355-3211

MEMORANDUM

TO: Denise Lee, Lebanon Library Director **DATE:** September 27, 2004

FROM: Doug Parker, Community Development Manager
Phone: 541-258-4252; Fax: 541-258-4955
Email Address: dparker@ci.Lebanon.or.us

SUBJECT: Assessment of Capabilities of Providing **Library** Services for the Proposed Annexation Territory and Development Proposal

The City of Lebanon has received the attached proposal for the annexation of a 53 acre site, located on the southwest corner of Reeves Parkway and Highway 20 (Map 12S-2W-3D, Tax Lot 1200) [see attached vicinity map].

This proposed annexation is accompanied by a site plan (also attached) as a proposed development on this site. This annexation will not approve this use and in fact the proposed development shown on the site plan is not required and may never develop.

This site plan would potentially add 62 independent living units, an 80 bed nursing facility, an 80 bed assisted living facility, 170 apartments, a mini-mall, office complex, restaurant, hotel, conference center, and wellness center, thus adding new housing and a myriad of new jobs to the City of Lebanon.

As part of the City's review process, and for inclusion in the annexation Staff Report for the City Council, we need to have your assessment of your organization, company, or agency's ability to provide services should this site plan be developed.

Please fill out and fax and/or email this form back to us at your earliest convenience -- our staff report needs to be completed by Thursday, September 30, 2004. It would be most useful to include comments explaining your assessment – please attach additional sheets as needed.

Thank you for your assistance in helping City Staff, the City Council, and the applicants successfully complete the review process.

Check One	Assessment of the City of Lebanon's Ability to Provide **Library** Services to this Proposed Annexation Territory and Development Now and for the Foreseeable Future
✓	***YES**, can provide Service for this Proposed Annexation & Development*
	***NO**, cannot provide Service for this Proposed Annexation & Development*

Comments:

The Lebanon Public Library provides library services to the City of Lebanon and the surrounding area. This annexation is within the "surrounding area" and is currently receiving library services through a non-resident registration fee. The library has the capacity to provide services to this area.

CITY OF LEBANON
Community Development/Planning
853 Main Street
Lebanon, Oregon 97355-3211

MEMORANDUM

TO: Susan Tipton, Senior Services Director **DATE:** September 27, 2004

FROM: Doug Parker, Community Development Manager
Phone: 541-258-4252; Fax: 541-258-4955
Email Address: dparker@ci.Lebanon.or.us

SUBJECT: Assessment of Capabilities of Providing **Senior** Services for the Proposed Annexation Territory and Development Proposal

The City of Lebanon has received the attached proposal for the annexation of a 53 acre site, located on the southwest corner of Reeves Parkway and Highway 20 (Map 12S-2W-3D, Tax Lot 1200) [see attached vicinity map].

This proposed annexation is accompanied by a site plan (also attached) as a proposed development on this site. This annexation will not approve this use and in fact the proposed development shown on the site plan is not required and may never develop.

This site plan would potentially add 62 independent living units, an 80 bed nursing facility, an 80 bed assisted living facility, 170 apartments, a mini-mall, office complex, restaurant, hotel, conference center, and wellness center, thus adding new housing and a myriad of new jobs to the City of Lebanon.

As part of the City's review process, and for inclusion in the annexation Staff Report for the City Council, we need to have your assessment of your organization, company, or agency's ability to provide services should this site plan be developed.

Please fill out and fax and/or email this form back to us at your earliest convenience -- our staff report needs to be completed by Thursday, September 30, 2004. It would be most useful to include comments explaining your assessment – please attach additional sheets as needed.

Thank you for your assistance in helping City Staff, the City Council, and the applicants successfully complete the review process.

Check One	Assessment of the City of Lebanon's Ability to Provide **Senior** Services to this Proposed Annexation Territory and Development Now and for the Foreseeable Future
X	***YES**, can provide Service for this Proposed Annexatión & Development*
	***NO**, cannot provide Service for this Proposed Annexation & Development*

Comments: yes we already serve people in this area - our Dial-a-Bus does not go to this area though

CITY OF LEBANON
Community Development/Planning
853 Main Street
Lebanon, Oregon 97355-3211

MEMORANDUM

TO: Perry Palmer, Lebanon Fire Chief **DATE:** September 27, 2004

FROM: Doug Parker, Community Development Manager
Phone: 541-258-4252; Fax: 541-258-4955
Email Address: dparker@ci.Lebanon.or.us

SUBJECT: Assessment of Capabilities of Providing **Emergency** Services for the Proposed Annexation Territory and Development Proposal

The City of Lebanon has received the attached proposal for the annexation of a 53 acre site, located on the southwest corner of Reeves Parkway and Highway 20 (Map 12S-2W-3D, Tax Lot 1200) [see attached vicinity map].

This proposed annexation is accompanied by a site plan (also attached) as a proposed development on this site. This annexation will not approve this use and in fact the proposed development shown on the site plan is not required and may never develop.

This site plan would potentially add 62 independent living units, an 80 bed nursing facility, an 80 bed assisted living facility, 170 apartments, a mini-mall, office complex, restaurant, hotel, conference center, and wellness center, thus adding new housing and a myriad of new jobs to the City of Lebanon.

As part of the City's review process, and for inclusion in the annexation Staff Report for the City Council, we need to have your assessment of your organization, company, or agency's ability to provide services should this site plan be developed.

Please fill out and fax and/or email this form back to us at your earliest convenience -- our staff report needs to be completed by Thursday, September 30, 2004. It would be most useful to include comments explaining your assessment – please attach additional sheets as needed.

Thank you for your assistance in helping City Staff, the City Council, and the applicants successfully complete the review process.

Check One	Assessment of the City of Lebanon's Ability to Provide **Emergency** Services to this Proposed Annexation Territory and Development Now and for the Foreseeable Future
✓	***YES**, can provide Service for this Proposed Annexation & Development*
	***NO**, cannot provide Service for this Proposed Annexation & Development*

Comments: THE FIRE DISTRICT WOULD NOT HAVE ANY ISSUES WITH THIS PROVIDED ADEQUATE WIDTH OF ROAD AND HYDRANT SPACING EXISTS AS WE ARE CONFIDENT IT WOULD.
Perry S Palmer
FIRE CHIEF 9-28-04

CITY OF LEBANON
Community Development/Planning
853 Main Street
Lebanon, Oregon 97355-3211

MEMORANDUM

TO: Jim Robinson, Lebanon School District **DATE:** September 27, 2004

FROM: Doug Parker, Community Development Manager
Phone: 541-258-4252; Fax: 541-258-4955
Email Address: dparker@ci.Lebanon.or.us

SUBJECT: Assessment of Capabilities of Providing **Education** Services for the Proposed Annexation Territory and Development Proposal

The City of Lebanon has received the attached proposal for the annexation of a 53 acre site, located on the southwest corner of Reeves Parkway and Highway 20 (Map 12S-2W-3D, Tax Lot 1200) [see attached vicinity map].

This proposed annexation is accompanied by a site plan (also attached) as a proposed development on this site. This annexation will not approve this use and in fact the proposed development shown on the site plan is not required and may never develop.

This site plan would potentially add 62 independent living units, an 80 bed nursing facility, an 80 bed assisted living facility, 170 apartments, a mini-mall, office complex, restaurant, hotel, conference center, and wellness center, thus adding new housing and a myriad of new jobs to the City of Lebanon.

As part of the City's review process, and for inclusion in the annexation Staff Report for the City Council, we need to have your assessment of your organization, company, or agency's ability to provide services should this site plan be developed.

Please fill out and fax and/or email this form back to us at your earliest convenience -- our staff report needs to be completed by Thursday, September 30, 2004. It would be most useful to include comments explaining your assessment -- please attach additional sheets as needed.

Thank you for your assistance in helping City Staff, the City Council, and the applicants successfully complete the review process.

Check One	Assessment of the City of Lebanon's Ability to Provide **Education** Services to this Proposed Annexation Territory and Development Now and for the Foreseeable Future
	YES, can provide Service for this Proposed Annexation & Development
	NO, cannot provide Service for this Proposed Annexation & Development

Comments:
As the 170 apartments are single family units we will adjust attendance boundaries between [illegible] to accommodate the increase of students [illegible]

CITY OF LEBANON
Community Development/Planning
853 Main Street
Lebanon, Oregon 97355-3211

MEMORANDUM

TO: Albany-Lebanon Sanitation **DATE:** September 27, 2004

FROM: Doug Parker, Community Development Manager
Phone: 541-258-4252; Fax: 541-258-4955
Email Address: dparker@ci.Lebanon.or.us

SUBJECT: Assessment of Capabilities of Providing Solid Waste Services for the Proposed Annexation Territory and Development Proposal

The City of Lebanon has received the attached proposal for the annexation of a 53 acre site, located on the southwest corner of Reeves Parkway and Highway 20 (Map 12S-2W-3D, Tax Lot 1200) [see attached vicinity map].

This proposed annexation is accompanied by a site plan (also attached) as a proposed development on this site. This annexation will not approve this use and in fact the proposed development shown on the site plan is not required and may never develop.

This site plan would potentially add 62 independent living units, an 80 bed nursing facility, an 80 bed assisted living facility, 170 apartments, a mini-mall, office complex, restaurant, hotel, conference center, and wellness center, thus adding new housing and a myriad of new jobs to the City of Lebanon.

As part of the City's review process, and for inclusion in the annexation Staff Report for the City Council, we need to have your assessment of your organization, company, or agency's ability to provide services should this site plan be developed.

Please fill out and fax and/or email this form back to us at your earliest convenience – our staff report needs to be completed by Thursday, September 30, 2004. It would be most useful to include comments explaining your assessment – please attach additional sheets as needed.

Thank you for your assistance in helping City Staff, the City Council, and the applicants successfully complete the review process.

Check One	Assessment of the City of Lebanon's Ability to Provide Solid Waste Services to this Proposed Annexation Territory and Development Now and for the Foreseeable Future
	YES, can provide Service for this Proposed Annexation & Development
	NO, cannot provide Service for this Proposed Annexation & Development

Comments:

CITY OF LEBANON
Community Development/Planning
853 Main Street
Lebanon, Oregon 97355-3211

MEMORANDUM

TO: Pacific Power

DATE: September 27, 2004

FROM: Doug Parker, Community Development Manager

Phone: 541-258-4252; Fax: 541-258-4955
Email Address: dparker@ci.Lebanon.or.us

SUBJECT: Assessment of Capabilities of Providing **Electricity** Services for the Proposed Annexation Territory and Development Proposal

The City of Lebanon has received the attached proposal for the annexation of a 53 acre site, located on the southwest corner of Reeves Parkway and Highway 20 (Map 12S-2W-3D, Tax Lot 1200) [see attached vicinity map].

This proposed annexation is accompanied by a site plan (also attached) as a proposed development on this site. This annexation will not approve this use and in fact the proposed development shown on the site plan is not required and may never develop.

This site plan would potentially add 62 independent living units, an 80 bed nursing facility, an 80 bed assisted living facility, 170 apartments, a mini-mall, office complex, restaurant, hotel, conference center, and wellness center, thus adding new housing and a myriad of new jobs to the City of Lebanon.

As part of the City's review process, and for inclusion in the annexation Staff Report for the City Council, we need to have your assessment of your organization, company, or agency's ability to provide services should this site plan be developed.

Please fill out and fax and/or email this form back to us at your earliest convenience -- our staff report needs to be completed by Thursday, September 30, 2004. It would be most useful to include comments explaining your assessment – please attach additional sheets as needed.

Thank you for your assistance in helping City Staff, the City Council, and the applicants successfully complete the review process.

Check One	Assessment of the City of Lebanon's Ability to Provide **Electricity** Services to this Proposed Annexation Territory and Development Now and for the Foreseeable Future
	***YES**, can provide Service for this Proposed Annexation & Development*
	***NO**, cannot provide Service for this Proposed Annexation & Development*

Comments:

Pacific Power is not a problem in this proposed annexation. Based upon current load forecasts

CITY OF LEBANON
Community Development/Planning
853 Main Street
Lebanon, Oregon 97355-3211

MEMORANDUM

TO: Century Tel **DATE:** September 27, 2004

FROM: Doug Parker, Community Development Manager
Phone: 541-258-4252; Fax: 541-258-4955
Email Address: dparker@ci.Lebanon.or.us

SUBJECT: Assessment of Capabilities of Providing **Telephone** Services for the Proposed Annexation Territory and Development Proposal

The City of Lebanon has received the attached proposal for the annexation of a 53 acre site, located on the southwest corner of Reeves Parkway and Highway 20 (Map 12S-2W-3D, Tax Lot 1200) [see attached vicinity map].

This proposed annexation is accompanied by a site plan (also attached) as a proposed development on this site. This annexation will not approve this use and in fact the proposed development shown on the site plan is not required and may never develop.

This site plan would potentially add 62 independent living units, an 80 bed nursing facility, an 80 bed assisted living facility, 170 apartments, a mini-mall, office complex, restaurant, hotel, conference center, and wellness center, thus adding new housing and a myriad of new jobs to the City of Lebanon.

As part of the City's review process, and for inclusion in the annexation Staff Report for the City Council, we need to have your assessment of your organization, company, or agency's ability to provide services should this site plan be developed.

Please fill out and fax and/or email this form back to us at your earliest convenience – our staff report needs to be completed by Thursday, September 30, 2004. It would be most useful to include comments explaining your assessment – please attach additional sheets as needed.

Thank you for your assistance in helping City Staff, the City Council, and the applicants successfully complete the review process.

Check One	Assessment of the City of Lebanon's Ability to Provide **Telephone** Services to this Proposed Annexation Territory and Development Now and for the Foreseeable Future
X	*YES, can provide Service for this Proposed Annexation & Development*
	NO, cannot provide Service for this Proposed Annexation & Development

Comments: DEVELOPER WOULD BE REQUIRED TO PLACE PVC SCH 40 CONDUIT TO CENTURYTEL'S DESIGN. FACILITIES ARE ADJACENT TO SUBJECT PROPERTY.

[signature] 9/29/04

Attachment "3"

Oregon
John A. Kitzhaber, M.D., Governor

Department of Transportation
Region 2
455 Airport Rd. SE, Bldg. B
Salem, Oregon 97301-5395
Telephone (503) 986-2836
FAX (503) 986-2840
Code: PLA

RECEIVED
OCT 13 2004
LEBANON
CITY COUNCIL

March 11, 2003

Doug Parker
Community Development Manager
City of Lebanon
853 Main Street
Lebanon, OR 97355-3220

SUBJECT: Mid-Valley Healthcare, Inc., Annexation A-03-02

Dear Mr. Parker:

Thank you for notifying and involving the Oregon Department of Transportation (ODOT) in the land use action identified above. The purpose of this letter is to inform you that ODOT has concerns about the proposed zone change associated with this annexation, and its potential impacts to area transportation facilities.

The proposed annexation would involve 53 acres located on the west side of Highway 20 directly across from the Lebanon Community Hospital. This property is currently designated as Special Development District on the City of Lebanon Comprehensive Plan Map, and would be assigned a Mixed Use zoning designation upon annexation.

The potential traffic generated from eventual development of this site would impact Highway 20 and a potential future signal located at the Highway 20/Reeves Parkway intersection. ODOT assumes that this zone change will result in an increased density that may significantly impact area transportation facilities; therefore, this action is subject to the requirements of the Transportation Planning Rule (TPR - OAR 660-12), which implements Goal 12 of the Statewide Planning Goals and Guidelines. Specifically, the requirements of OAR 660-12-060 would apply here, including:

660-12-060

(1) Amendments to functional plans, acknowledged comprehensive plans, and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the identified function, capacity, and level of service of the facility. This may be accomplished by either:

(a) Limiting allowed land uses to be consistent with the planned function, capacity and level of service of the transportation facility;

(b) Amending the TSP to provide transportation facilities adequate to support the proposed land uses consistent with the requirements of this division; or

(c) Altering land use designations, densities, or design requirements to reduce the demand for automobile travel to meet travel needs through other modes.

The City must require a traffic impact study to evaluate traffic generation and the potential impacts and mitigation measures needed for eventual development build-out of the site. This impact study would indicate if a signal would be generated in the future. Before a signal could be installed, traffic signal warrants would have to be met, support from Region 2 Traffic would be required, and ultimate approval by the State Traffic Engineer would have to be obtained. Signals must comply with all of the requirements in OAR 734 Division 20.

It will be important for the city to ensure any potential access from the property to Reeves Parkway is located as far as possible from the Highway 20 intersection. If access is provided via Twin Oaks Drive, it will also be imperative to move the access location as far as possible from the Highway 20 intersection.

It is unlikely that access would be permitted from the site directly to Highway 20. ODOT recommends early discussion with Gene Walton, District 4 Permit Specialist, regarding any potential request for a permit to access Highway 20.

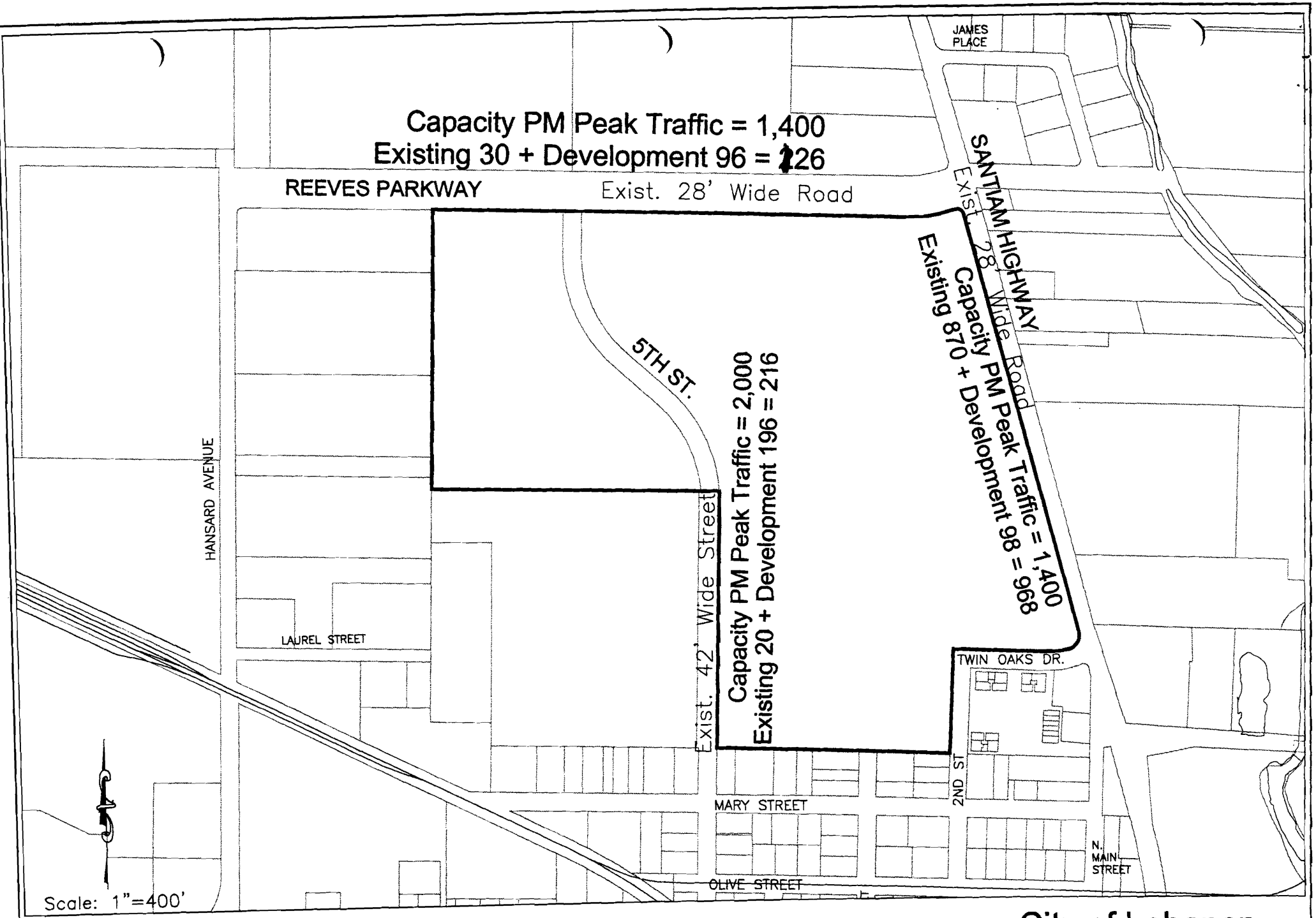
This letter should be included in the hearing record as ODOT testimony. ODOT should be considered a party to the hearing and be entitled to notices of future hearings, or hearing continuances or extensions. Please provide me with a copy of the City's decision, including findings and conclusions.

Please contact Gerry Juster (503-986-2732) if you have any questions regarding traffic impact analysis, and Gene Walton (541-757-4211) if you have questions regarding ODOT's permit process.

Sincerely,

Nancy Reynolds
Senior Transportation Planner

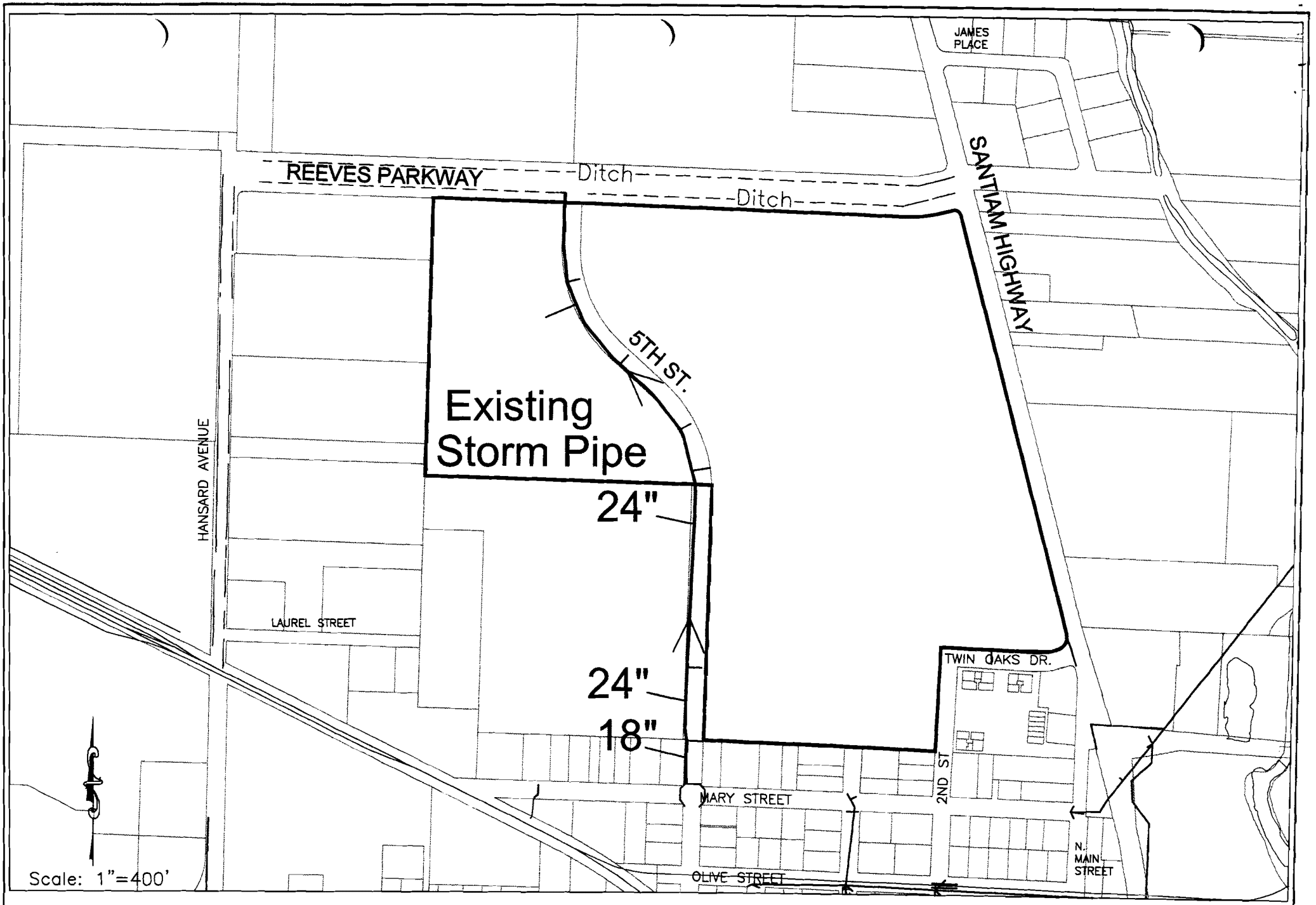
cc: Bob Wood, District 4 Manager
Dick Upton, Area 4 Manager
Gerry Juster, Access Management
Gene Walton, District 4 Permit Specialist



Subject Property
T12S R2W Sec 3D
Tax Lot 1200

Mid-Valley Health

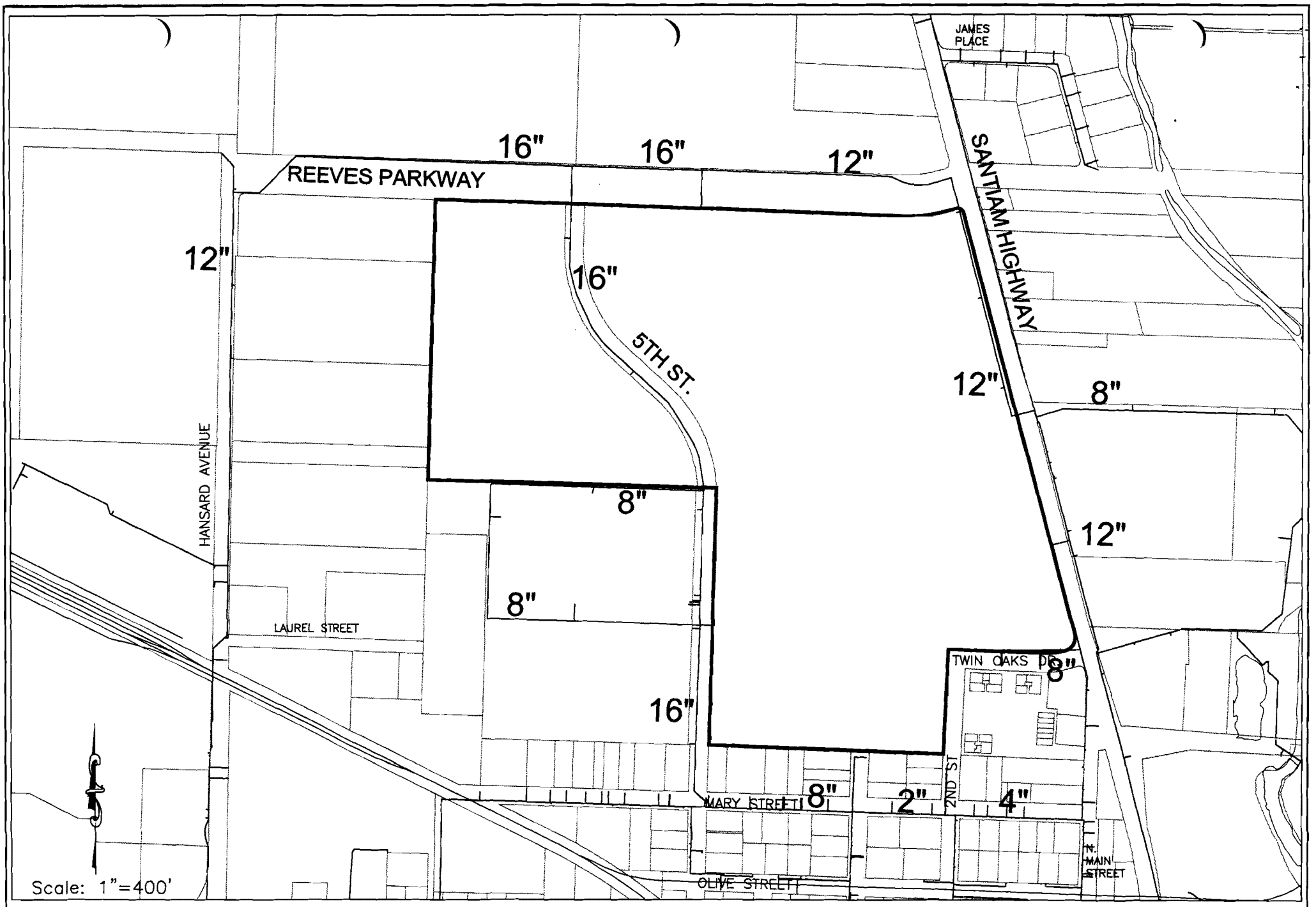
City of Lebanon
Transportation



Subject Property
T12S R2W Sec 3D
Tax Lot 1200

Mid-Valley Health

City of Lebanon
Drainage System



Subject Property
T12S R2W Sec 3D
Tax Lot 1200

Mid-Valley Health

City of Lebanon
Water System

CITY OF LEBANON - WATER SYSTEM FLOW CALCULATIONS
RESERVOIRS AT 503 FT. ELEVATION 2004 MAXIMUM DAILY DEMAND (PUMPS 1 & 2 ON)
Fire Hydrant on Reeves Parkway, 16" & 12" Water Mains

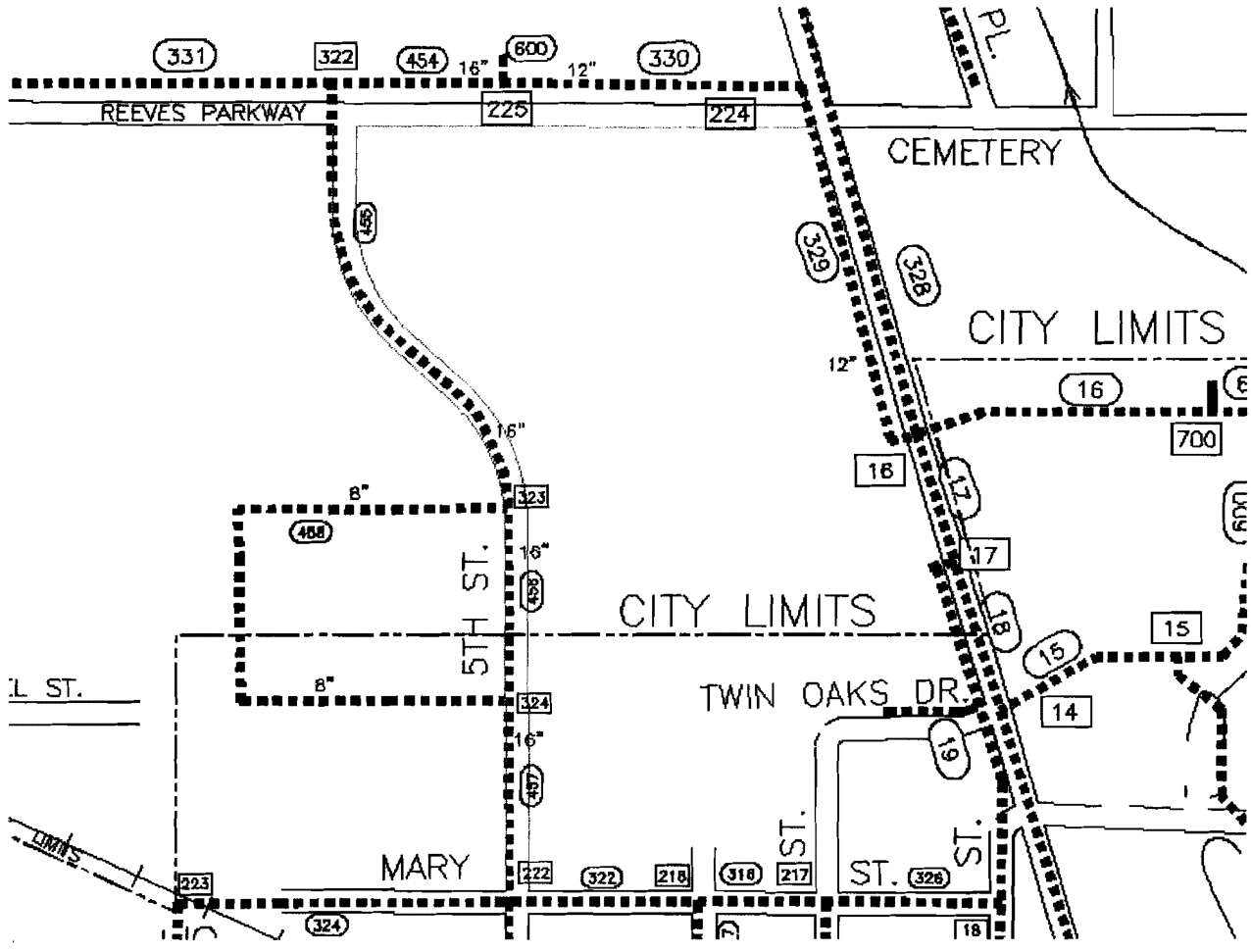
PIPE	NODES	FLOWRATE	HEAD LOSS	PUMP HEAD	MINOR LOSS	VELOCITY	HL/1000
179	0 182	1390.95	4.30	193.67	46.41	15.78	429.99
268	0 183	1337.89	2.51	188.50	42.93	15.18	251.21
600	225 0	3687.10	9.64	.00	27.17	41.84	963.88

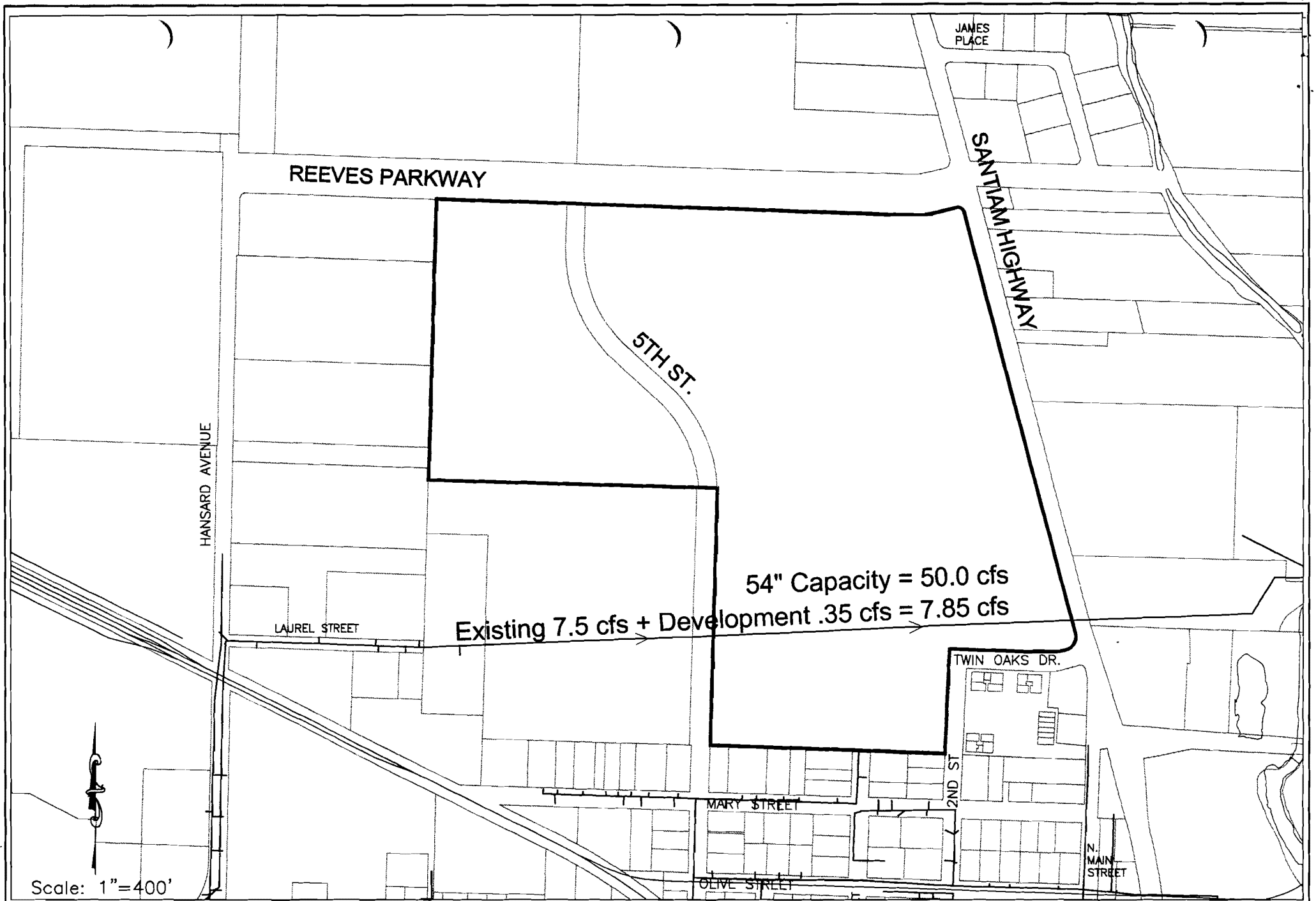
JUNCTION NUMBER	DEMAND	GRADE LINE	ELEVATION	PRESSURE
225	.00	417.92	334.91	35.97
	MAXIMUM PRESSURES			
201	.00	482.37	332.40	64.99
	MINIMUM PRESSURES			
1	8.75	500.99	460.00	17.76

THE NET SYSTEM DEMAND = 2105.25
SUMMARY OF INFLOWS(+) AND OUTFLOWS(-) FROM FIXED GRADE NODES

PIPE NUMBER	FLOWRATE	LOCATION
1	1634.38	E. Grant Reservoir
56	1429.30	S. 5th Reservoir
179	1390.95	WTP Pump
268	1337.89	WTP Pump
600	-3687.10	Existing F.H. on Reeves Parkway

THE NET FLOW INTO THE SYSTEM FROM FIXED GRADE NODES = 5792.52
THE NET FLOW OUT OF THE SYSTEM INTO FIXED GRADE NODES = -3687.10





Subject Property
T12S R2W Sec 3D
Tax Lot 1200

Mid-Valley Health

City of Lebanon
Sanitary System

Friends of Linn County

PO Box 113
Lebanon OR 97355
Ph/Fax: 541-258-6074
goal1@pacifier.com

RECEIVED
OCT 13 2004
LEBANON
CITY COUNCIL

October 13, 2004

Lebanon City Council
925 Main Street
Lebanon, OR 97355

RE: A-03-02, Mid Valley Health Care Annexation Request Remand

Mayor Toombs and Councilors:

Friends of Linn County (FOLC) is pleased to see the efforts the city has made to address FOLC's concerns on voluntary remand.

For the most part, FOLC is satisfied that its previous objections have been satisfactorily met. A specific development plan has been submitted, and findings addressing the ability of the city to provide the necessary urban facilities and services have been made.

FOLC remains concerned with the adequacy of the storm drainage system to serve the proposed development. In the relevant finding, comments attributed to Public Works Director James Ruef state:

> "The natural drainage channel which flows northwest from the intersection of Hansard Avenue and Reeve's Parkway will need to be improved to convey drainage to Burkhart Creek."

Similarly, comments at p. 13 of the Staff Report state that "[s]ubstantial improvements to the existing system(s) may be required to drain the proposed annexation area."

Evidence in the record indicates that adequate storm water drainage is not currently available to serve the subject site. Necessary improvements have not been identified or discussed. No finding has been made that the required improvements are feasible, and no condition of approval ensures that adequate storm water drainage will be provided.

The Transportation Planning Rule (TPR) OAR 660-012-0060(1) requires that amendments to land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility by taking one or more of the four actions identified in OAR 660-012-0060(1)(a)-(d). The change in zoning designation of the subject property would allow for the development as outlined in the accompanying development proposal. The city must demonstrate compliance with the TPR. Comments attributed to Public Works Director James Ruef state:

> "Reeves Parkway on the north is presently underutilized. U.S. Highway 20 borders the east side of the site. More than sufficient traffic capacity can be provided for this site."

No information is presented addressing the current performance of transportation facilities, including the Hwy 20/Reeves Parkway –Cemetery Rd. intersection; the Hwy 20/James Place intersection; the Hwy 20/Twin Oaks intersection; the Hwy 20/MainSt.-Industrial Way intersection; the Hwy 20/Wheeler St. intersection; the intersections of Olive St. with Main, 2nd, 3rd and 5th; and the intersections of Tangent-Morton St. with Main, 2nd, and 5th. Projections of additional traffic resulting from allowed development are not provided, nor is performance of these facilities projected, compared to the applicable performance standards. No finding is made or can be made that the capacity of these transportation facilities will not be exceeded as a result of the allowed land uses. None of the actions required by OAR 660-012-0060(1)(a)-(d) have been proposed.

Material in the record does indicate that improvements to Hwy 20 to include a turn lane from approximately Reeves Parkway to the UPRR and curbs, gutters, sidewalks, shoulders and storm drainage improvements are currently an OHP Policy G.1 Priority Two project eligible for funding under OTIA; and that project development and construction "can" be completed before October 2008. The city does not assert that the project will be completed by that date. There is no evidence presented that the proposed improvements will result in satisfactory performance of the affected transportation facilities. Assuming without conceding the project will be completed by 2008 and that the improvements will result in satisfactory performance of Hwy 20 intersections, no measures have been proposed that would limit allowed land uses to those consistent with satisfactory transportation system performance until the transportation system improvements have been completed.

FOLC also believes the "public need" criterion has been inadequately addressed. The staff report relies upon Multiple Listing Service data for residential and commercial land. This is simply not adequate to address the issue of whether a public need exists for the proposed annexation and zoning of Mixed Use land. It is not asserted and no evidence is presented that there is a public need for multiple listings or that the number or acreage of multiple listings serve as a proxy for land needs. The required inquiry asks how much mixed use land is currently available within the city; at what rate is that available land being consumed; considering those factors, how much additional land is needed within an identified planning horizon; and whether the subject site is best situated to meet the identified need, considering the requirements to maintain a compact urban form and to efficiently provide urban services.

CONCLUSION

FOLC requests that the city adopt measures to ensure the capacity of the storm water drainage system serving the subject area.

FOLC requests that transportation system impacts resulting from allowed land uses be evaluated and that compliance with the TPR be addressed.

There is not substantial evidence in the record to support a finding that there is a public need for additional Mixed Use land. FOLC requests that public need be adequately addressed.

Respectfully submitted,

Jim Just
for Friends of Linn County and as an individual

Attachment:

OREGON ECONOMIC & COMMUNITY DEVELOPMENT DEPARTMENT

October 11, 2004

REGIONAL OFFICE
Benton • Lane • Lincoln • Linn counties

City of Lebanon Planning Commission
Lebanon, Oregon

Dear Planning Commission:

It has come to my attention the City of Lebanon is considering the annexation of approximately 70 acres of land known as the Gilbert property. It is my professional opinion that the annexation of this land for potential industrial use would be a benefit to the City of Lebanon and to the State of Oregon.

Currently there is a shortage of usable, flat, large industrial sites in western Oregon, especially in the Willamette Valley. The proximity of this property to a recognized truck route, a State Airport, rail, and Interstate 5 makes it an extremely attractive site for industrial development and job creation opportunities.

The competitive nature of many business recruitment efforts increases the importance of a site being "ready to go." The annexation of this site would eliminate one unknown from the process and make the site more attractive for job creation potential.

As the Regional Business Development Officer for the Oregon Economic and Community Development Department, I urge you to support the annexation of this property.

Sincerely,

Bob Warren

Bob Warren
Business Development Officer
Oregon Economic & Community Development Department

1401 Willamette St. ■ Eugene, OR 97401 ■ http://www.econ.state.or.us
541-242-2380 ■ Fax 541-686-2325

Attachment "4"

Doug Parker

From: Larry Walsh [lwalsh@wvi.com]
Sent: Wednesday, October 13, 2004 10:38 AM
To: Doug Parker
Cc: James Ramseyer
Subject: Gilbert Limited Partnership, 70 Acre Industrial Site

October 13, 2004

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

Re: Gilbert Limited Partnership, 70-Acre Industrial Site

Dear Doug:

On behalf of PNGC Power and Consumers Power, I would like to strongly recommend the annexation of the 70-acre site owned by Gilbert Limited Partnership.

This spring and summer have proven, without a doubt, the need of large sites of 50 acres or more in the Lebanon area. At least six major companies have been interested in 15-minute access to I-5 without traffic congestion and proximity to water and sewer. Just one of these companies would add 200 jobs.

Companies today want a 90-day ready-to-go site and the ability to choose from two or three major sites for evaluation comparison. Most perspective developers are sensitive to land prices; therefore, it is essential to have comparisons on land prices.

The State of Oregon, the city, the owner and we have actively marketed this property.

The above factors point to the public need in annexing the property in order to finish the process of having the site ready for industrial development.

Regards,

Larry Walsh, Manager
Regional Economic and Community Development
PNGC Power

(Hard copy in the mail)

Attachment "5"

RECEIVED
OCT 13 2004
LEBANON
CITY COUNCIL

RECEIVED
OCT 11 2004
CITY OF LEBANON

October 11, 2004

Doug Parker, Planner
City of Lebanon

Oregon Pilots Association, Lebanon Chapter, would like to go on record regarding the Gilbert partnership annexation application A-02-05, of supporting this application. We believe the light industrial zoning to be compatible with the airport.

Due to the subject property abutting the Lebanon State Airport, we would ask for a condition of approval that is similar to the one the county uses when development occurs next to farm land.

This condition would be a covenant attached to the deed of the property and basically states that the owner realizes the property is next to the existing State Airport and agrees not to contest or object to standard activities conducted at the airport. Also agrees not to take any legal action against the airport or any of its users. Attached is a farm use covenant that could be modified to airport usage.

We would also like to be notified anytime there is a land use application within the notification boundary of the entire airport property.

Sincerely,

John McKinney, Co-President Lebanon Chapter
Oregon Pilots Association
P.O. Box 727
Lebanon, OR 97355

Attachment "6"

CPI

CONSUMERS POWER INC.

P.O. Box 1180 6990 West Hills Rd.
Philomath, OR 97370
www.consumerspower.org
jamesra@consumerspower.org

Fax

To:	Doug Parker/Terry Lewis	**From:**	James Ramseyer Manager, Energy Services
Fax:	541-258-4955	**Pages:**	3
Phone:		**Date:**	10/11/2004

☐ **Urgent** x **For Review** ☐ **Please Comment** ☐ **Please Reply** ☐ **Please Recycle**

Correct Site, wrong tax lot reference

CITY OF LEBANON
Community Development/Planning
853 Main Street
Lebanon, Oregon 97355-3211

MEMORANDUM # 2

October 11, 2004

TO: James Ramseyer, Energy Services Manager for Consumer Power, Inc.

FROM: Terry Lewis, Community Development Assistant Planner (& an Emergency Management Planning and Training Coordinator)
Phone: 541-258-4256; Fax: 541-258-4955
Email Address: tlewis@ci.Lebanon.or.us

SUBJECT: Assessment of Capabilities of Providing **Electricity** Services for the Proposed Annexation Territory and Development Proposal

The City of Lebanon has received the attached proposal for the annexation of a 70.02 acre site, located on the south side of Oak Street and directly west of the airport (Map 12S-2W-3C, Tax Lot 1900) [see attached vicinity map].

This proposed annexation is accompanied by a site plan (also attached) as a proposed development on this site. This annexation will not approve this use and in fact the proposed development shown on the site plan is not required and may never develop.

This site plan shows proposed commercial and industrial uses, thus potentially adding a myriad of new jobs to the City of Lebanon.

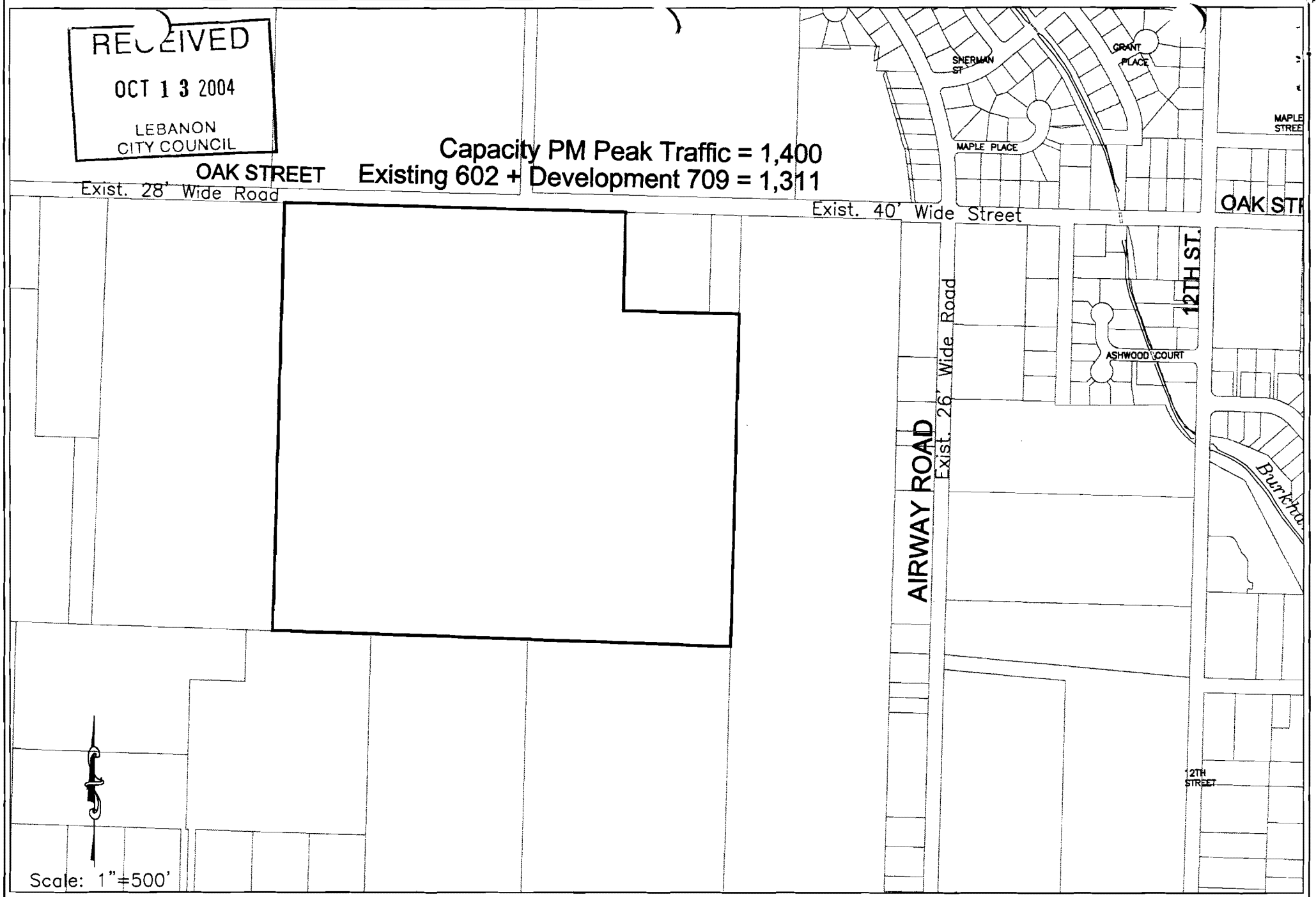
As part of the City's review process, and for inclusion in the annexation Staff Report for the City Council, we need to have your assessment of your organization, company, or agency's ability to provide services should this site plan be developed.

Please fill out and fax and/or email this form back to us at your earliest convenience -- our staff report needs to be completed by Thursday, September 30, 2004. It would be most useful to include comments explaining your assessment – please attach additional sheets as needed.

Thank you for your assistance in helping City Staff, the City Council, and the applicants successfully complete the review process.

Check One	Assessment of the City of Lebanon's Ability to Provide **Electricity** Services to this Proposed Annexation Territory and Development Now and for the Foreseeable Future
X	***YES**, can provide Service for this Proposed Annexation & Development*
	***NO**, cannot provide Service for this Proposed Annexation & Development*

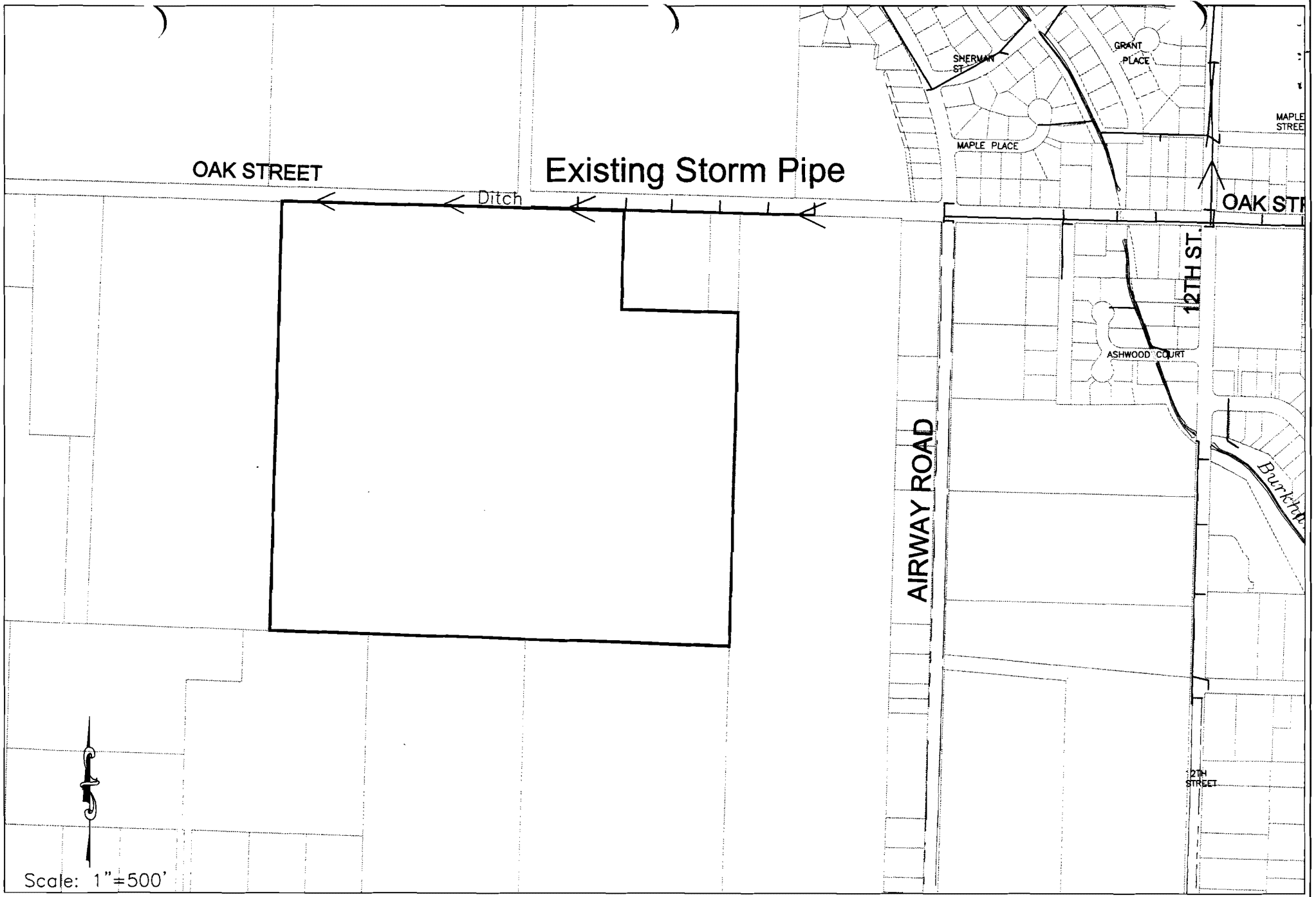
Comments:



Subject Property
T12S R2W Sec 16
Tax Lot 300

Gilbert LLC

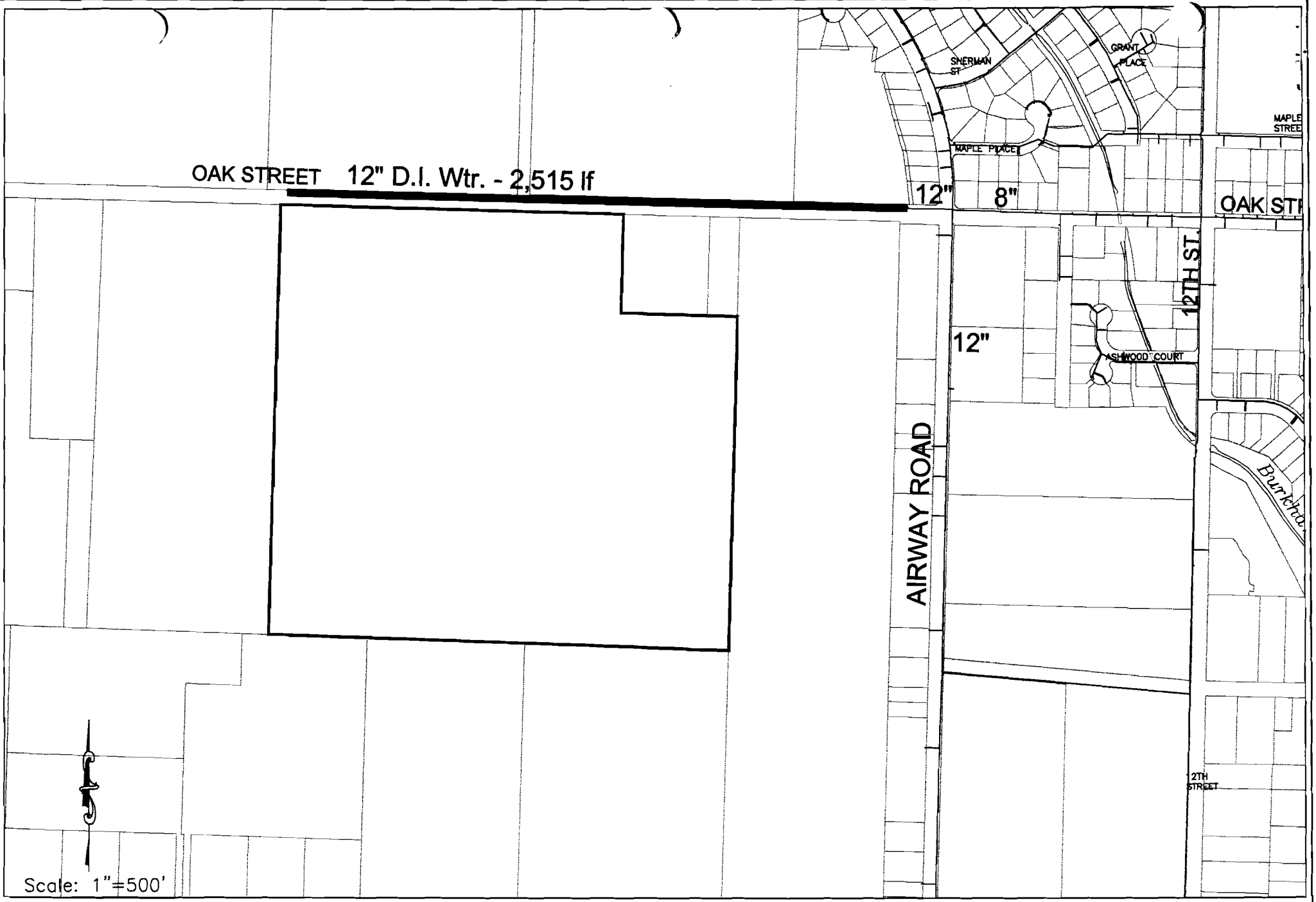
City of Lebanon
Transportation



Subject Property
T12S R2W Sec 16
Tax Lot 300

Gilbert LLC

City of Lebanon
Drainage System



Subject Property
T12S R2W Sec 16
Tax Lot 300

Gilbert LLC

City of Lebanon
Water System

CITY OF LEBANON - WATER SYSTEM FLOW CALCULATIONS
RESERVOIRS AT 503 FT. ELEVATION 2004 MAXIMUM DAILY DEMAND (PUMPS 1 & 2 ON)

OAK STREET FIRE FLOW FROM FIRE HYDRANT ON END OF 12" MAIN

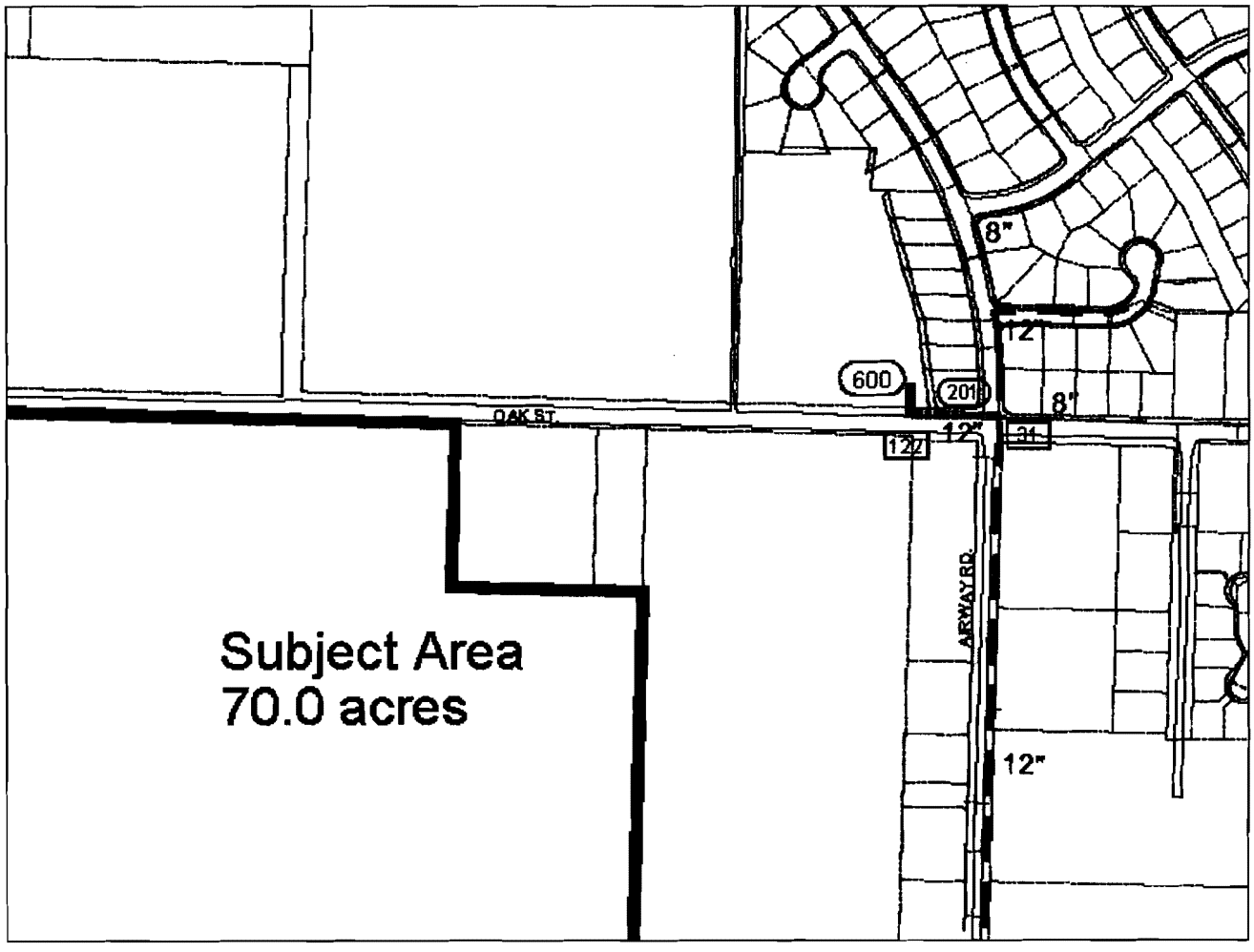
PIPE NO	NODE NOS		FLOWRATE	HEAD LOSS	PUMP HEAD	MINOR LOSS	VELOCITY	HL/1000
179	0	182	1405.95	4.39	193.09	47.41	15.95	438.62
268	0	183	1356.84	2.58	188.12	44.16	15.40	257.84
600	122	0	3812.84	4.42	.00	29.06	43.26	884.34

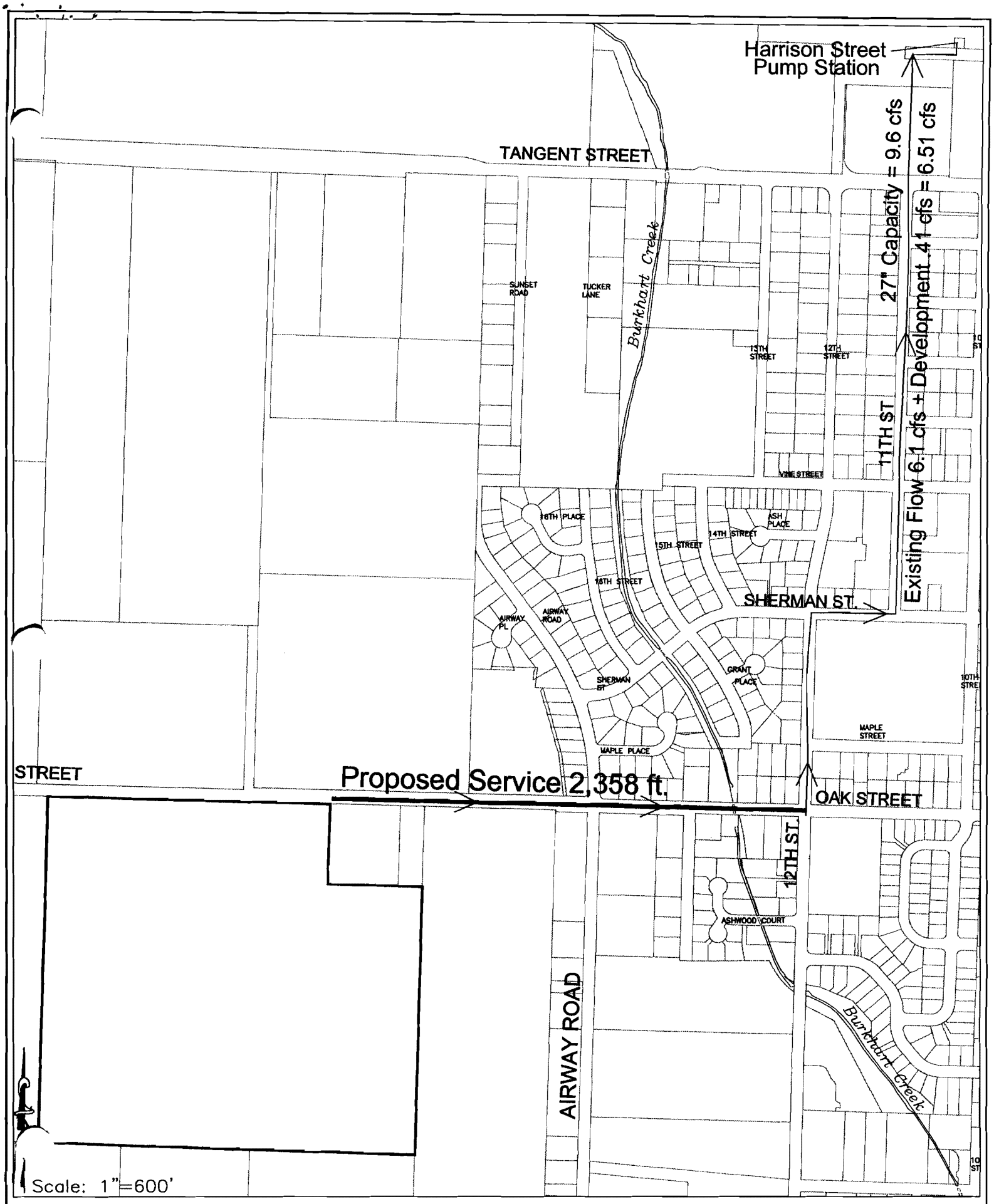
JUNCTION NUMBER	DEMAND	GRADE LINE	ELEVATION	PRESSURE
122	8.75	420.51	340.83	34.53
	MAXIMUM PRESSURES			
197	.00	488.80	339.00	64.91
	MINIMUM PRESSURES			
1	8.75	501.30	460.00	17.90

THE NET SYSTEM DEMAND = 2105.25
SUMMARY OF INFLOWS(+) AND OUTFLOWS(-) FROM FIXED GRADE NODES

PIPE NUMBER	FLOWRATE	LOCATION
1	1494.80	E. Grant Reservoir
56	1660.49	5th St. Reservoir
179	1405.95	WTP Pump
268	1356.84	WTP Pump
600	-3812.84	Fire flow from fire hydrant in gallon per minute.

THE NET FLOW INTO THE SYSTEM FROM FIXED GRADE NODES = 5918.07
THE NET FLOW OUT OF THE SYSTEM INTO FIXED GRADE NODES = -3812.84





Subject Property
T12S R2W Sec 16
Tax Lot 300

Gilbert LLC

City of Lebanon
Sanitary System

Friends of Linn County

PO Box 113
Lebanon OR 97355
Ph/Fax: 541-258-6074
goal1@pacifier.com

RECEIVED
OCT 13 2004
LEBANON
CITY COUNCIL

October 13, 2004

Lebanon City Council
925 Main Street
Lebanon, OR 97355

RE: A-02-05, Gilbert Limited Partnership Remand

Mayor Toombs and Councilors:

Friends of Linn County (FOLC) is pleased to see the efforts the city has made to address LUBA's remand order, and to address FOLC's concerns reflected in that order.

For the most part, FOLC is satisfied that its previous objections have been satisfactorily met. A specific development plan has been submitted, and findings addressing the ability of the city to provide the necessary urban facilities and services have been made.

FOLC remains concerned with the adequacy of the sewage system to serve the proposed development. The subject property is served by the Westside Interceptor. In the relevant finding, comments attributed to Public Works Director James Ruef state:

> "This site may be served by a shallow gravity line or force main connecting into the existing sanitary system at the intersection of Airway Road and Oak Street. The existing system has sufficient capacity to serve the proposed development."

Statements by Mr. Ruef and others in other public forums contradict the finding that adequate sewage system capacity is available. For example, at the Citizen's Advisory Committee on SDCs meeting of June 22, 2004 Mr. Ruef states that the pump station at the end of the 54-inch pipe is inadequate, and that there's a problem just upstream of it: "It just depends on how much it rains, whether or not there's sewage on the surface of the ground there[.]" Other statements question the current adequacy of elements of the treatment system. A transcript of the relevant testimony is attached. Thus it appears that the existing system is already inadequate to handle peak loads. FOLC requests that the city take steps to ensure the capacity and the public health safety of the city's sewer collection system before approving any additional load to that admittedly inadequate system.

Respectfully submitted,

Jim Just
for Friends of Linn County and as an individual

CAC MEETING JUNE 22, 2004

TAPE #3 SIDE B

Unident. female: Collection, there are some improvements that are addressing infiltration and inflow issues similar to, on the water side, the analogy in dealing with the fire flow issues there. So, again, related to dealing to existing customer or system needs, as well as replacing lines that serve the customers now. You also have, similar to storage on the water side, you have a portion of the plant that can't handle the existing peak flows, so you have a deficiency in terms of certain processes _____ and secondary treatment (____) understanding the wastewater treatment process.

Some of the improvements are really regulatory driven or such that they benefit all users, and so have been allocated accordingly. And you'll see some projects that aren't allocated (_) at all, and that includes the septic receiving station and then I & I removal and rehabilitation. Because that's working to maintain existing capacity and deal with the existing issues.

OK, so here again, to try to summarize, two things happened. Summarizing the material that was sent out and also introducing some new information that was not available. And here I've broken it out separate, (_____), what that information brings in, versus the master plan projects show for reimbursement.

So, starting at the top with the improvements, we've got this west side interceptor. And if anybody, I don't know how, Jim, it might be helpful because I didn't touch on a significant part of the equation here, just so everybody understands just what that is and what it's trying to do?

Jim Ruef: (_____) one through six. 54-inch pipe starts at the pump station. I guess that pump station must be (___), am I right? (muffled exchange). And what we're trying to do is get all the way around town so that there's quite a bit of (_____). It is flowing fairly empty right now. It's extremely important to the future of Lebanon that this thing gets filled and gets filled soon, because if there's one area of any piece of infrastructure that we're close to capacity on, it's sewer. So (__) we're trying to get out there. Right now, there's a problem right now, right at the end of the SR-6, just beyond it. There's a pump station there that is over capacity. It just depends on how much it rains, whether or not there's sewage on the surface of the ground there because of the – we're trying to get the pipe at least that far, so we can actually remove that pump station and (___) with some

pipes. That will increase the capacity (_____) and will stop, at least temporarily, the overflows.

If we're going to continue seeing grow in town, this 54-inch up to SR-1, (_____) that's as small as you go up there, has got to get built. And I don't mean in the next fifty years, it's got to get built in the next ten, fifteen, twenty years.

Attachment "2"

CITY OF LEBANON
Community Development/Planning
853 Main Street
Lebanon, Oregon 97355-3211

MEMORANDUM

TO: Jim Ruef, Public Works Director **DATE:** September 27, 2004

FROM: Doug Parker, Community Development Manager
Phone: 541-258-4252; Fax: 541-258-4955
Email Address: dparker@ci.Lebanon.or.us

SUBJECT: Assessment of Capabilities of Providing **Waste Water** Service for the Proposed Annexation Territory and Development Proposal

The City of Lebanon has received the attached proposal for the annexation of a 70.02 acre site, located on the south side of Oak Street and directly west of the airport (Map 12S-2W-~~8C~~ 16, Tax Lot ~~1000~~ 300) [see attached vicinity map].

This proposed annexation is accompanied by a site plan (also attached) as a proposed development on this site. This annexation will not approve this use and in fact the proposed development shown on the site plan is not required and may never develop.

This site plan shows proposed commercial and industrial uses, thus potentially adding a myriad of new jobs to the City of Lebanon.

As part of the City's review process, and for inclusion in the annexation Staff Report for the City Council, we need to have your assessment of your organization, company, or agency's ability to provide services should this site plan be developed.

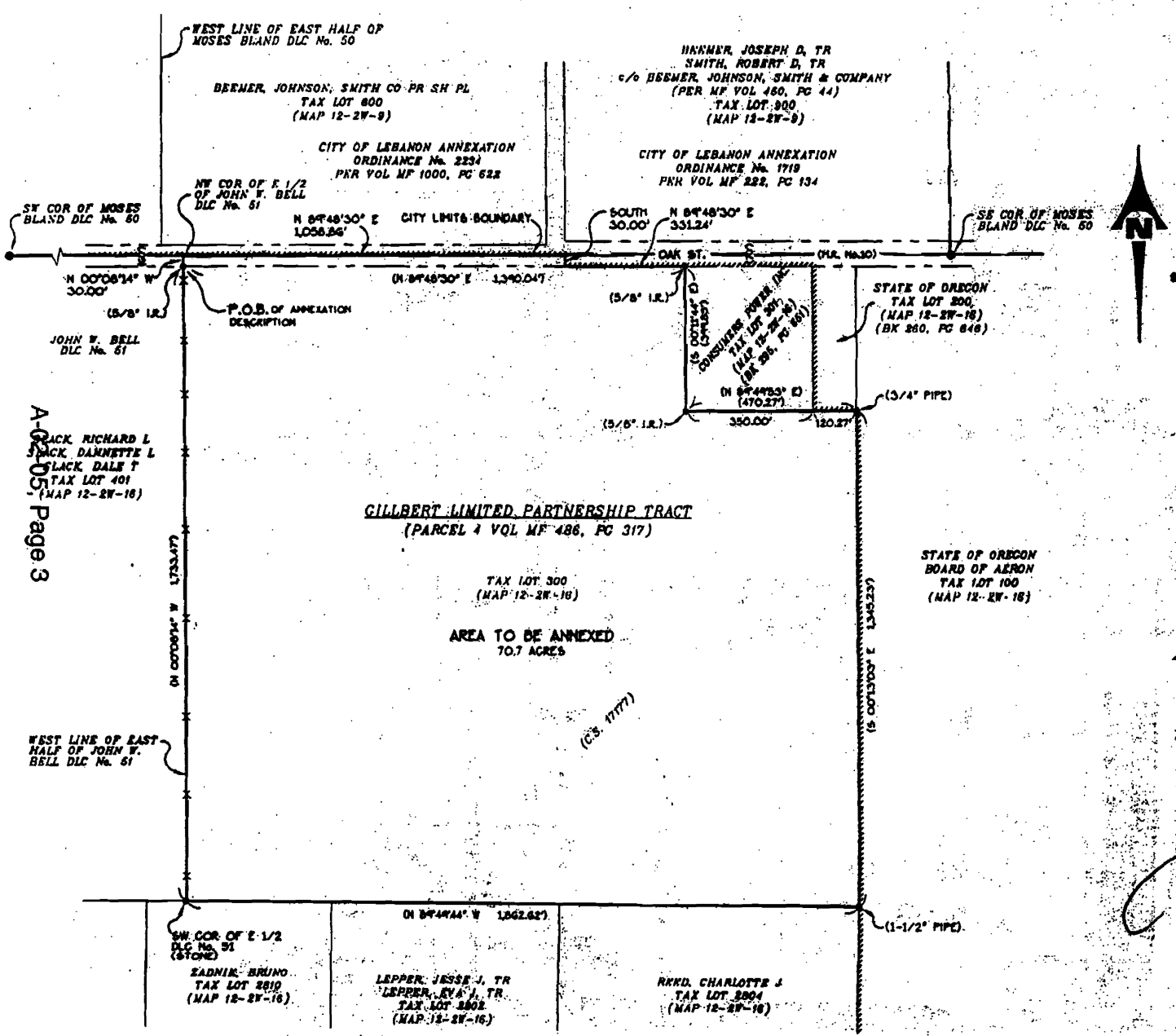
Please fill out and fax and/or email this form back to us at your earliest convenience -- our staff report needs to be completed by Thursday, September 30, 2004. It would be most useful to include comments explaining your assessment – please attach additional sheets as needed.

Thank you for your assistance in helping City Staff, the City Council, and the applicants successfully complete the review process.

Check One	Assessment of the City of Lebanon's Ability to Provide **Waste Water** Service to this Proposed Annexation Territory and Development Now and for the Foreseeable Future
	***YES**, can provide Service for this Proposed Annexation & Development*
	***NO**, cannot provide Service for this Proposed Annexation & Development*

ANNEXATION MAP
FOR
GILBERT LIMITED PARTNERSHIP
LOCATED IN
SOUTH 1/2 OF SEC. 4, AND NORTH 1/2 OF SEC. 16
T. 12 S., R. 2 W., W.M.
CITY OF LEBANON, LINN COUNTY, OREGON

NOVEMBER 1, 2002



SCALE 1" = 200'

LEGEND

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

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Jack R. Burrell

OREGON
JACK R. BURRELL
1890

RENEWAL DATE 12/31/03

K&D

D-02-05

A-02-05, Page 3

CITY OF LEBANON

Community Development/Planning

853 Main Street

Lebanon, Oregon 97355-3211

MEMORANDUM

TO: Jim Ruef, Public Works Director

DATE: September 27, 2004

FROM: Doug Parker, Community Development Manager

Phone: 541-258-4252; Fax: 541-258-4955
Email Address: dparker@ci.Lebanon.or.us

SUBJECT: Assessment of Capabilities of Providing **Water** Service for the Proposed Annexation Territory and Development Proposal

The City of Lebanon has received the attached proposal for the annexation of a 70.02 acre site, located on the south side of Oak Street and directly west of the airport (Map 12S-2W-~~36~~ 16, Tax Lot ~~1000~~ 300) [see attached vicinity map].

This proposed annexation is accompanied by a site plan (also attached) as a proposed development on this site. This annexation will not approve this use and in fact the proposed development shown on the site plan is not required and may never develop.

This site plan shows proposed commercial and industrial uses, thus potentially adding a myriad of new jobs to the City of Lebanon.

As part of the City's review process, and for inclusion in the annexation Staff Report for the City Council, we need to have your assessment of your organization, company, or agency's ability to provide services should this site plan be developed.

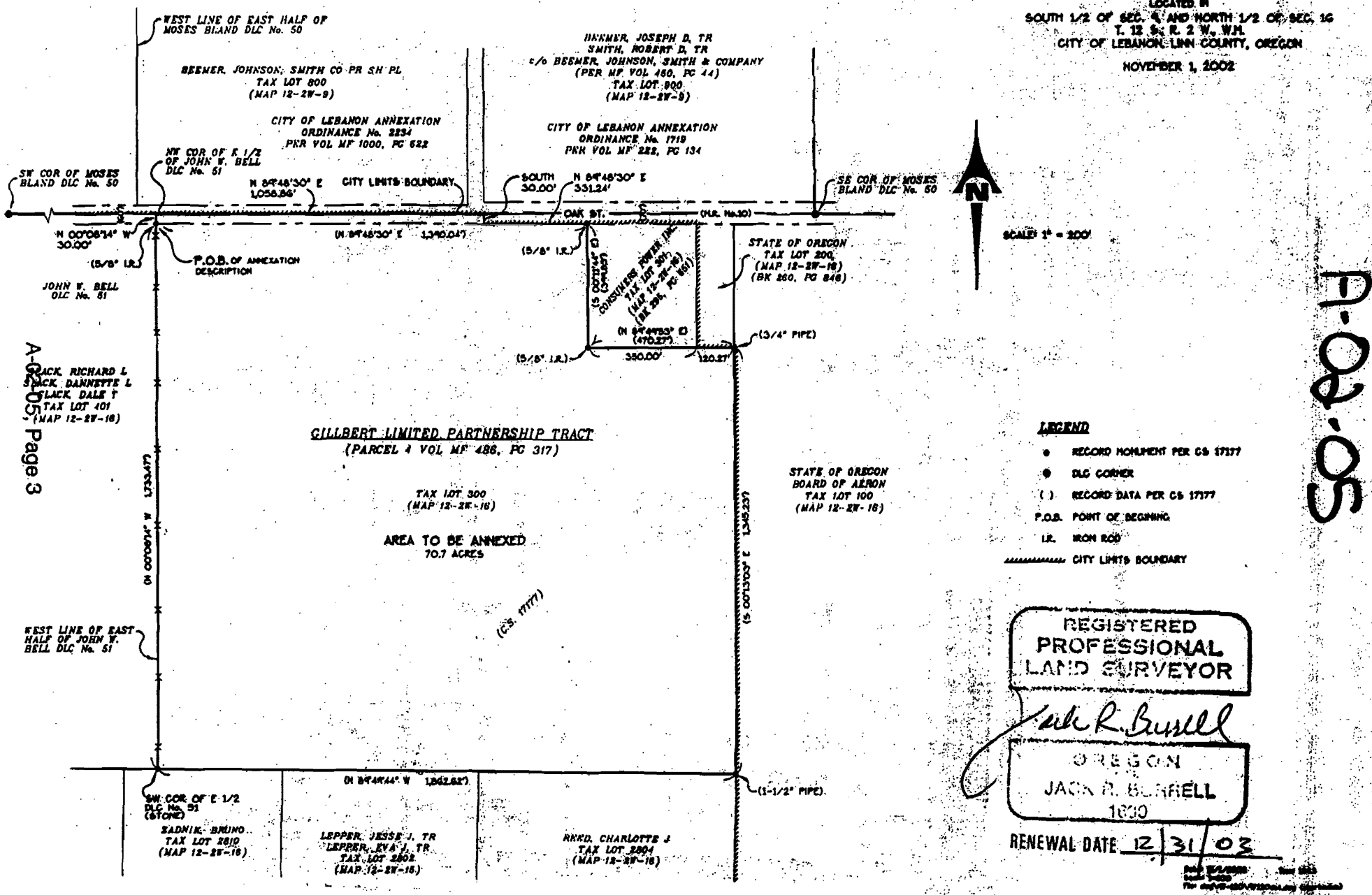
Please fill out and fax and/or email this form back to us at your earliest convenience -- our staff report needs to be completed by Wednesday, September 29, 2004. It would be most useful to include comments explaining your assessment – please attach additional sheets as needed.

Thank you for your assistance in helping City Staff, the City Council, and the applicants successfully complete the review process.

Check One	Assessment of the City of Lebanon's Ability to Provide **Water** Service to this Proposed Annexation Territory and Development Now and for the Foreseeable Future
	***YES**, can provide Service for this Proposed Annexation & Development*
	***NO**, cannot provide Service for this Proposed Annexation & Development*

ANNEXATION MAP
FOR
GILBERT LIMITED PARTNERSHIP
LOCATED IN
SOUTH 1/2 OF SEC. 4, AND NORTH 1/2 OF SEC. 16
T. 12 S., R. 2 W., W.M.
CITY OF LEBANON, LINN COUNTY, OREGON

NOVEMBER 1, 2002



LEGEND

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

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Jack R. Burrell

OREGON
JACK R. BURRELL
1830

RENEWAL DATE 12/31/03

K&D

A-02-05, Page 3

D-02-05

CITY OF LEBANON

Community Development/Planning

853 Main Street

Lebanon, Oregon 97355-3211

MEMORANDUM

TO: Jim Ruef, Public Works Director **DATE:** September 27, 2004

FROM: Doug Parker, Community Development Manager

Phone: 541-258-4252; Fax: 541-258-4955
Email Address: dparker@ci.Lebanon.or.us

SUBJECT: Assessment of Capabilities of Providing **Storm Drainage** Service for the Proposed Annexation Territory and Development Proposal

The City of Lebanon has received the attached proposal for the annexation of a 70.02 acre site, located on the south side of Oak Street and directly west of the airport (Map 12S-2W-~~3C~~ 16, Tax Lot ~~1900~~ 300) [see attached vicinity map].

This proposed annexation is accompanied by a site plan (also attached) as a proposed development on this site. This annexation will not approve this use and in fact the proposed development shown on the site plan is not required and may never develop.

This site plan shows proposed commercial and industrial uses, thus potentially adding a myriad of new jobs to the City of Lebanon.

As part of the City's review process, and for inclusion in the annexation Staff Report for the City Council, we need to have your assessment of your organization, company, or agency's ability to provide services should this site plan be developed.

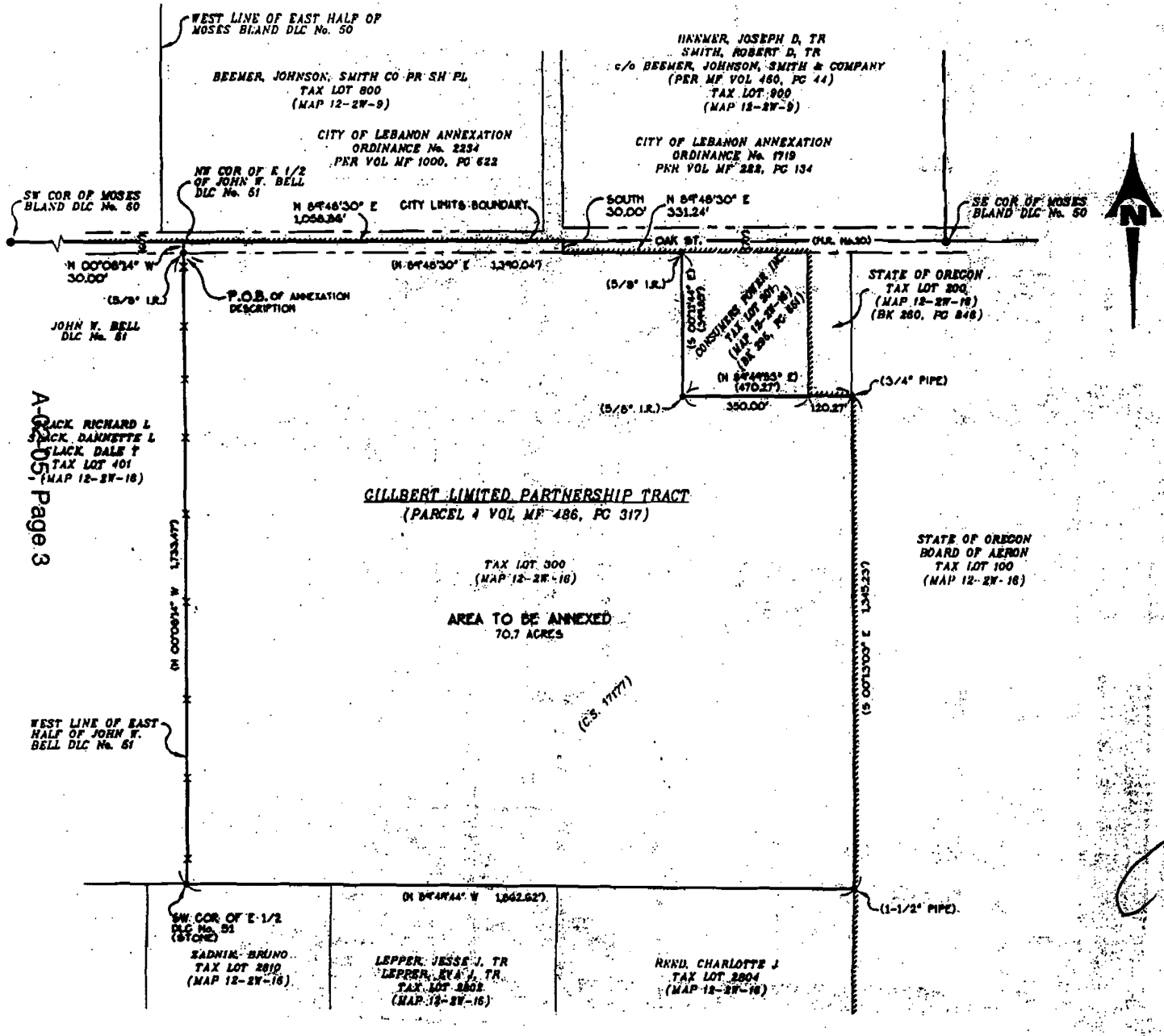
Please fill out and fax and/or email this form back to us at your earliest convenience -- our staff report needs to be completed by Thursday, September 30, 2004. It would be most useful to include comments explaining your assessment – please attach additional sheets as needed.

Thank you for your assistance in helping City Staff, the City Council, and the applicants successfully complete the review process.

Check One	Assessment of the City of Lebanon's Ability to Provide **Storm Drainage** Service to this Proposed Annexation Territory and Development Now and for the Foreseeable Future
	***YES**, can provide Service for this Proposed Annexation & Development*
	***NO**, cannot provide Service for this Proposed Annexation & Development*

ANNEXATION MAP
FOR
GILBERT LIMITED PARTNERSHIP
LOCATED IN
SOUTH 1/2 OF SEC. 4, AND NORTH 1/2 OF SEC. 16
T. 12 S., R. 2 W., W.M.
CITY OF LEBANON, LINN COUNTY, OREGON

NOVEMBER 1, 2002



LEGEND

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

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Jack R. Burrell

OREGON
JACK R. BURRELL
1830

RENEWAL DATE 12/31/03

K&D

D-02-05

A-02-05, Page 3

CITY OF LEBANON

Community Development/Planning

853 Main Street

Lebanon, Oregon 97355-3211

MEMORANDUM

TO: Jim Ruef, Public Works Director **DATE:** September 27, 2004

FROM: Doug Parker, Community Development Manager
Phone: 541-258-4252; Fax: 541-258-4955
Email Address: dparker@ci.Lebanon.or.us

SUBJECT: Assessment of Capabilities of Providing **Streets** Service for the Proposed Annexation Territory and Development Proposal

The City of Lebanon has received the attached proposal for the annexation of a 70.02 acre site, located on the south side of Oak Street and directly west of the airport (Map 12S-2W-~~3C,~~ 16 Tax Lot ~~1900~~ 300) [see attached vicinity map].

This proposed annexation is accompanied by a site plan (also attached) as a proposed development on this site. This annexation will not approve this use and in fact the proposed development shown on the site plan is not required and may never develop.

This site plan shows proposed commercial and industrial uses, thus potentially adding a myriad of new jobs to the City of Lebanon.

As part of the City's review process, and for inclusion in the annexation Staff Report for the City Council, we need to have your assessment of your organization, company, or agency's ability to provide services should this site plan be developed.

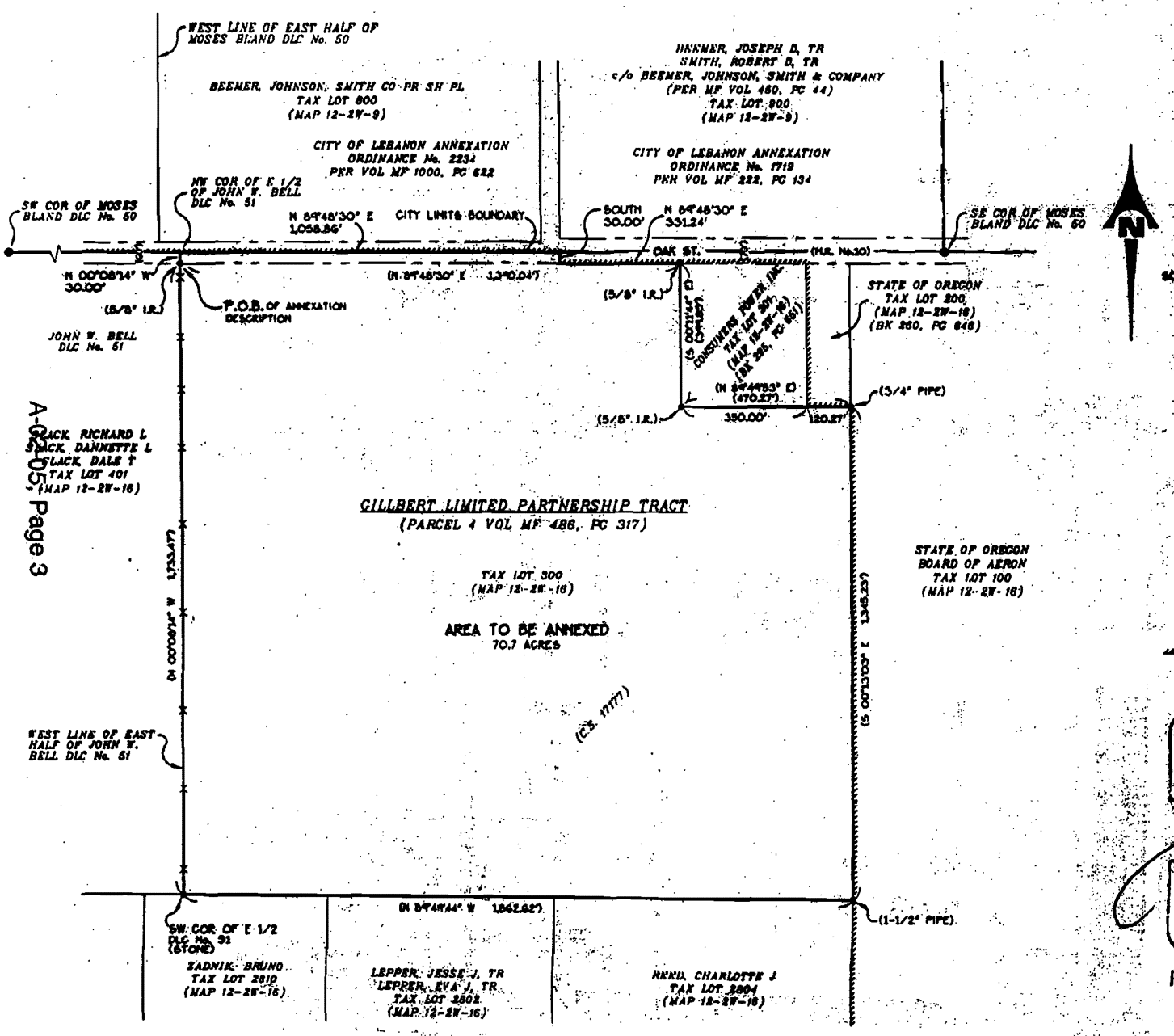
Please fill out and fax and/or email this form back to us at your earliest convenience -- our staff report needs to be completed by Thursday, September 30, 2004. It would be most useful to include comments explaining your assessment – please attach additional sheets as needed.

Thank you for your assistance in helping City Staff, the City Council, and the applicants successfully complete the review process.

Check One	Assessment of the City of Lebanon's Ability to Provide **Streets** Service to this Proposed Annexation Territory and Development Now and for the Foreseeable Future
	***YES**, can provide Service for this Proposed Annexation & Development*
	***NO**, cannot provide Service for this Proposed Annexation & Development*

ANNEXATION MAP
FOR
GILBERT LIMITED PARTNERSHIP
LOCATED IN
SOUTH 1/2 OF SEC. 4 AND NORTH 1/2 OF SEC. 16
T. 12 S., R. 2 W., W.M.
CITY OF LEBANON, LINN COUNTY, OREGON

NOVEMBER 1, 2002



LEGEND

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

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Jack R. Burrell

OREGON
JACK R. BURRELL
1600

RENEWAL DATE 12/31/03

K&D

A-02-05, Page 3

A-02-05

CITY OF LEBANON

Community Development/Planning

853 Main Street

Lebanon, Oregon 97355-3211

MEMORANDUM

TO: Mike Healy, Lebanon Police Chief **DATE:** September 27, 2004

FROM: Doug Parker, Community Development Manager
Phone: 541-258-4252; Fax: 541-258-4955
Email Address: dparker@ci.Lebanon.or.us

SUBJECT: Assessment of Capabilities of Providing **Safety and Emergency** Services for the Proposed Annexation Territory and Development Proposal

The City of Lebanon has received the attached proposal for the annexation of a 70.02 acre site, located on the south side of Oak Street and directly west of the airport (Map 12S-2W-~~3C~~ 16, Tax Lot ~~1900~~ 300) [see attached vicinity map].

This proposed annexation is accompanied by a site plan (also attached) as a proposed development on this site. This annexation will not approve this use and in fact the proposed development shown on the site plan is not required and may never develop.

This site plan shows proposed commercial and industrial uses, thus potentially adding a myriad of new jobs to the City of Lebanon.

As part of the City's review process, and for inclusion in the annexation Staff Report for the City Council, we need to have your assessment of your organization, company, or agency's ability to provide services should this site plan be developed.

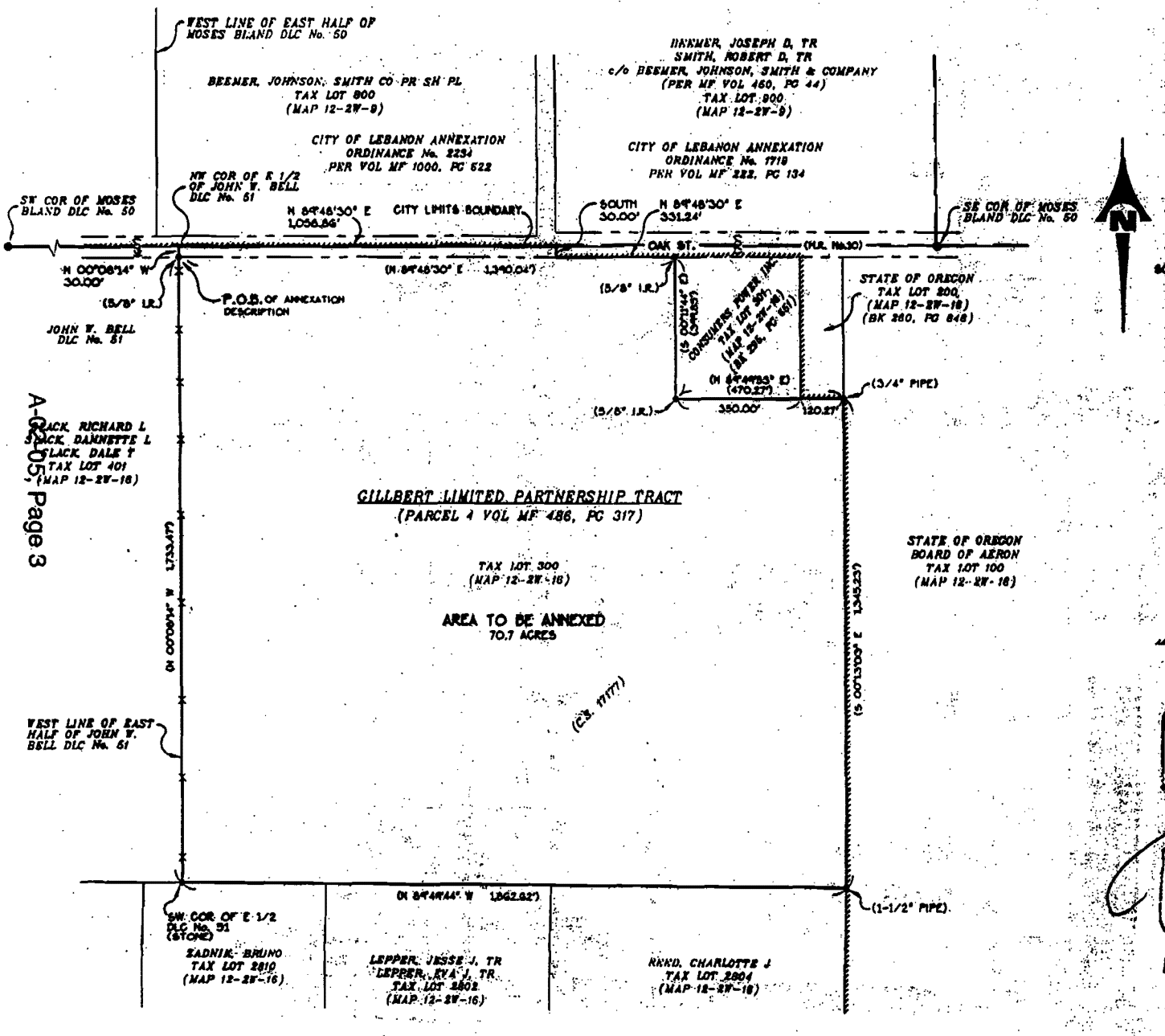
Please fill out and fax and/or email this form back to us at your earliest convenience -- our staff report needs to be completed by Thursday, September 30, 2004. It would be most useful to include comments explaining your assessment – please attach additional sheets as needed.

Thank you for your assistance in helping City Staff, the City Council, and the applicants successfully complete the review process.

Check One	Assessment of the City of Lebanon's Ability to Provide **Safety and Emergency** Services to this Proposed Annexation Territory and Development Now and for the Foreseeable Future
	***YES**, can provide Service for this Proposed Annexation & Development*
	***NO**, cannot provide Service for this Proposed Annexation & Development*

ANNEXATION MAP
FOR
GILBERT LIMITED PARTNERSHIP
LOCATED IN
SOUTH 1/2 OF SEC. 4 AND NORTH 1/2 OF SEC. 16
T. 12 S., R. 2 W., W.M.
CITY OF LEBANON, LINN COUNTY, OREGON

NOVEMBER 1, 2002



LEGEND

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

REGISTERED PROFESSIONAL LAND SURVEYOR
Jack R. Burrell
OREGON
JACK R. BURRELL
1690
RENEWAL DATE 12/31/03

K&D

D-02-05

A-02-05, Page 3

CITY OF LEBANON

Community Development/Planning

853 Main Street

Lebanon, Oregon 97355-3211

MEMORANDUM

TO: Jim Ruef, Public Works Director **DATE:** September 27, 2004

FROM: Doug Parker, Community Development Manager

Phone: 541-258-4252; Fax: 541-258-4955
Email Address: dparker@ci.Lebanon.or.us

SUBJECT: Assessment of Capabilities of Providing **Parks** Services for the Proposed Annexation Territory and Development Proposal

---

The City of Lebanon has received the attached proposal for the annexation of a 70.02 acre site, located on the south side of Oak Street and directly west of the airport (Map 12S-2W-~~30~~ 16; Tax Lot ~~1900~~ 300) [see attached vicinity map].

This proposed annexation is accompanied by a site plan (also attached) as a proposed development on this site. This annexation will not approve this use and in fact the proposed development shown on the site plan is not required and may never develop.

This site plan shows proposed commercial and industrial uses, thus potentially adding a myriad of new jobs to the City of Lebanon.

As part of the City's review process, and for inclusion in the annexation Staff Report for the City Council, we need to have your assessment of your organization, company, or agency's ability to provide services should this site plan be developed.

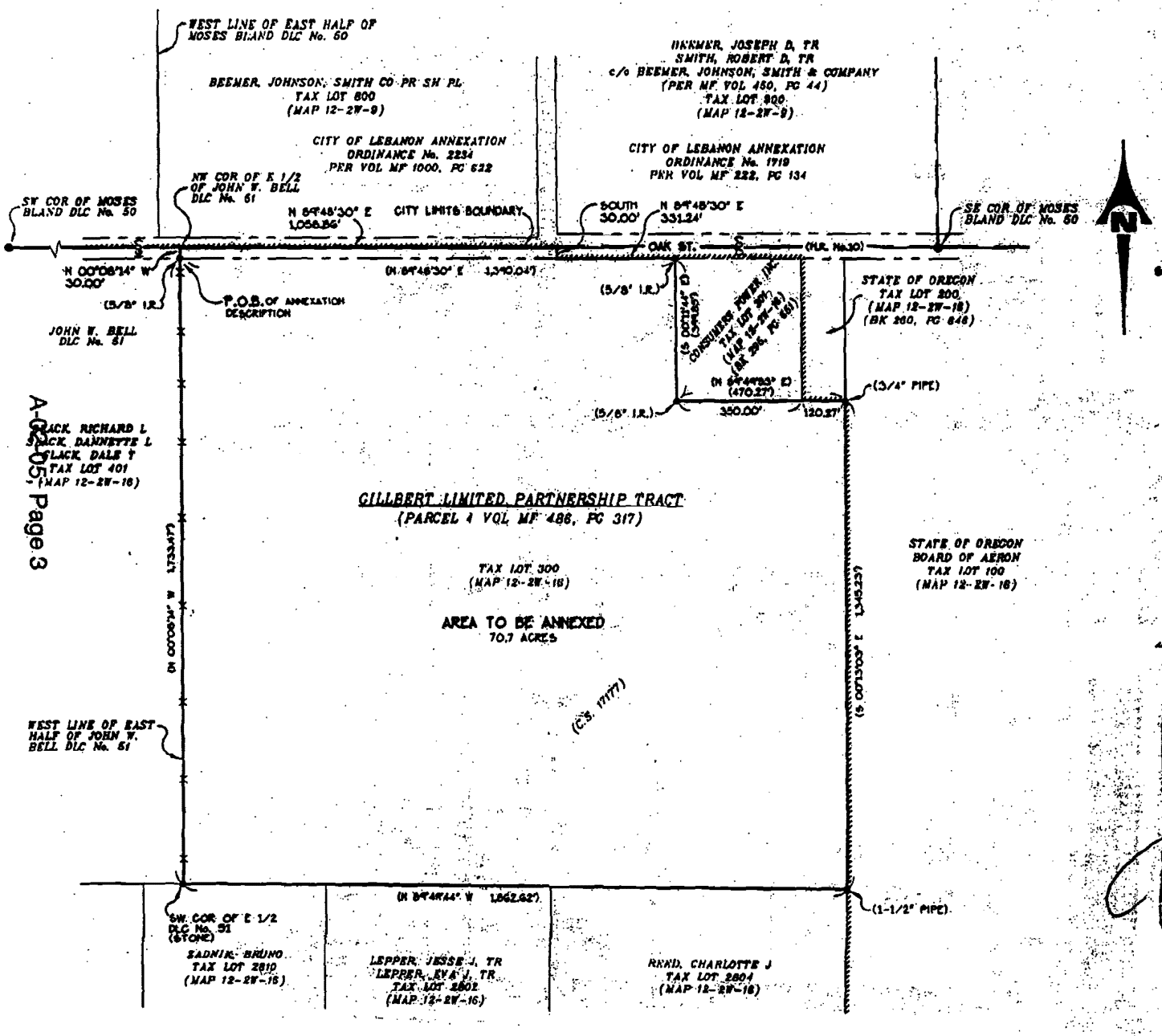
Please fill out and fax and/or email this form back to us at your earliest convenience -- our staff report needs to be completed by Thursday, September 30, 2004. It would be most useful to include comments explaining your assessment – please attach additional sheets as needed.

Thank you for your assistance in helping City Staff, the City Council, and the applicants successfully complete the review process.

Check One	Assessment of the City of Lebanon's Ability to Provide **Parks** Services to this Proposed Annexation Territory and Development Now and for the Foreseeable Future
	***YES**, can provide Service for this Proposed Annexation & Development*
	***NO**, cannot provide Service for this Proposed Annexation & Development*

ANNEXATION MAP
FOR
GILBERT LIMITED PARTNERSHIP
LOCATED IN
SOUTH 1/2 OF SEC. 4, AND NORTH 1/2 OF SEC. 16
T. 12 S., R. 2 W., W.M.
CITY OF LEBANON, LINN COUNTY, OREGON

NOVEMBER 1, 2002



LEGEND

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

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Jack R. Burrell

OREGON
JACK R. BURRELL
1830

RENEWAL DATE 12/31/03

K&D

D-02-05

A-02-05, Page 3

CITY OF LEBANON
Community Development/Planning
853 Main Street
Lebanon, Oregon 97355-3211

MEMORANDUM

TO: Denise Lee, Lebanon Library Director **DATE:** September 27, 2004

FROM: Doug Parker, Community Development Manager
Phone: 541-258-4252; Fax: 541-258-4955
Email Address: dparker@ci.Lebanon.or.us

SUBJECT: Assessment of Capabilities of Providing **Library** Services for the Proposed Annexation Territory and Development Proposal

The City of Lebanon has received the attached proposal for the annexation of a 70.02 acre site, located on the south side of Oak Street and directly west of the airport (Map 12S-2W-~~3C~~ 16, Tax Lot ~~1000~~ 300) [see attached vicinity map].

This proposed annexation is accompanied by a site plan (also attached) as a proposed development on this site. This annexation will not approve this use and in fact the proposed development shown on the site plan is not required and may never develop.

This site plan shows proposed commercial and industrial uses, thus potentially adding a myriad of new jobs to the City of Lebanon.

As part of the City's review process, and for inclusion in the annexation Staff Report for the City Council, we need to have your assessment of your organization, company, or agency's ability to provide services should this site plan be developed.

Please fill out and fax and/or email this form back to us at your earliest convenience -- our staff report needs to be completed by Thursday, September 30, 2004. It would be most useful to include comments explaining your assessment – please attach additional sheets as needed.

Thank you for your assistance in helping City Staff, the City Council, and the applicants successfully complete the review process.

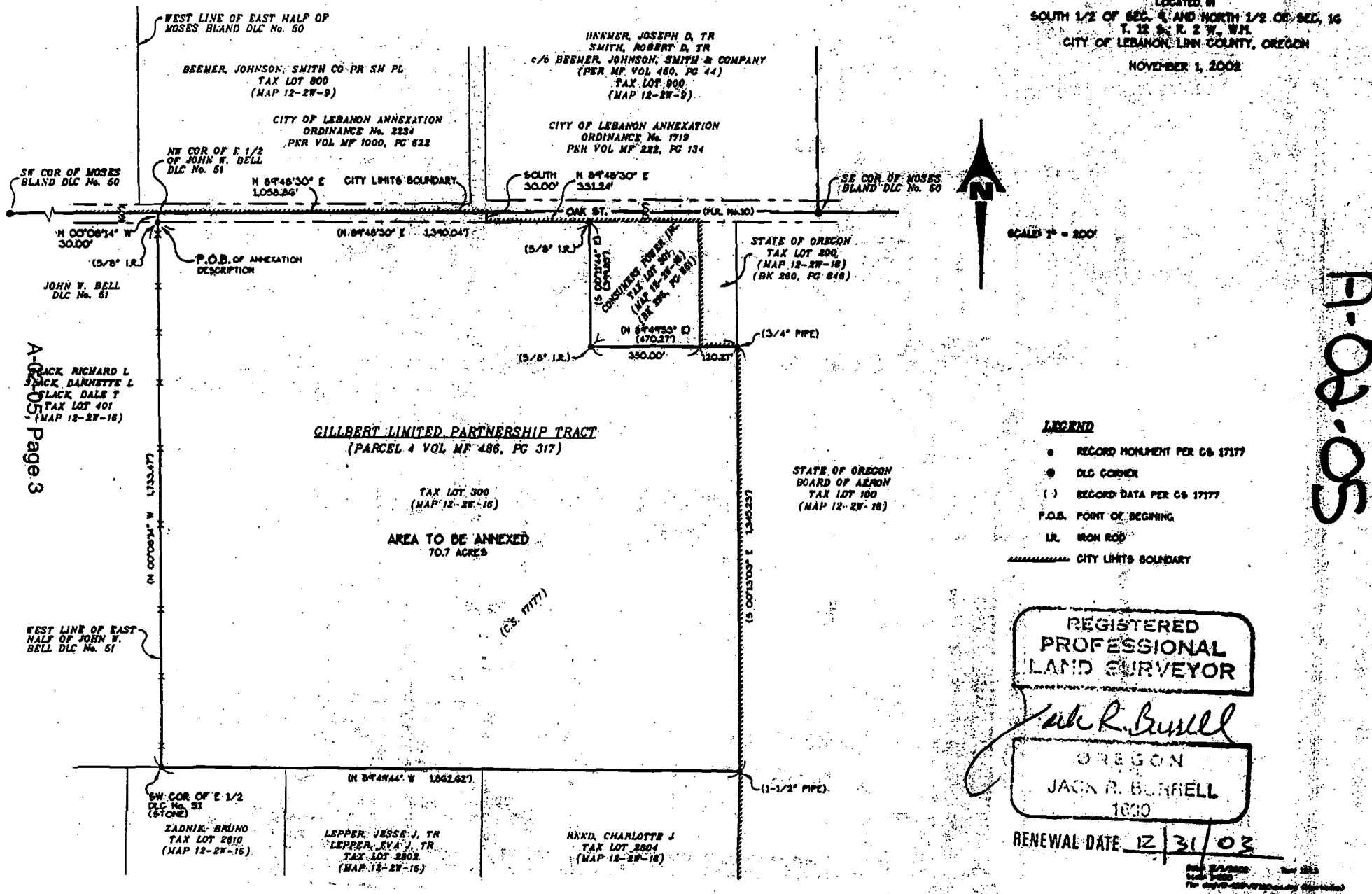
Check One	Assessment of the City of Lebanon's Ability to Provide **Library** Services to this Proposed Annexation Territory and Development Now and for the Foreseeable Future
✓	***YES**, can provide Service for this Proposed Annexation & Development*
	***NO**, cannot provide Service for this Proposed Annexation & Development*

Comments:

The Lebanon Public Library provides library services to the City of Lebanon and the surrounding area. This annexation is within the "surrounding area" and is currently receiving library services through a non-resident registration fee. The library has the capacity to provide services to this area.

ANNEXATION MAP
FOR
GILBERT LIMITED PARTNERSHIP
LOCATED IN
SOUTH 1/2 OF SEC. 4, AND NORTH 1/2 OF SEC. 16
T. 12 S., R. 2 W., W.M.
CITY OF LEBANON, LINN COUNTY, OREGON

NOVEMBER 1, 2002



LEGEND

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

REGISTERED PROFESSIONAL LAND SURVEYOR

Jack R. Burrell

OREGON
JACK R. BURRELL
1630

RENEWAL DATE 12/31/03

K&D

D-03-05

A-03-05, Page 3

CITY OF LEBANON
Community Development/Planning
853 Main Street
Lebanon, Oregon 97355-3211

MEMORANDUM

TO: Susan Tipton, Senior Center Director **DATE:** September 27, 2004

FROM: Doug Parker, Community Development Manager
Phone: 541-258-4252; Fax: 541-258-4955
Email Address: dparker@ci.Lebanon.or.us

SUBJECT: Assessment of Capabilities of Providing **Senior** Services for the Proposed Annexation Territory and Development Proposal

The City of Lebanon has received the attached proposal for the annexation of a 70.02 acre site, located on the south side of Oak Street and directly west of the airport (Map 12S-2W-~~30,~~ 16 Tax Lot ~~1900~~ 300) [see attached vicinity map].

This proposed annexation is accompanied by a site plan (also attached) as a proposed development on this site. This annexation will not approve this use and in fact the proposed development shown on the site plan is not required and may never develop.

This site plan shows proposed commercial and industrial uses, thus potentially adding a myriad of new jobs to the City of Lebanon.

As part of the City's review process, and for inclusion in the annexation Staff Report for the City Council, we need to have your assessment of your organization, company, or agency's ability to provide services should this site plan be developed.

Please fill out and fax and/or email this form back to us at your earliest convenience – our staff report needs to be completed by Thursday, September 30, 2004. It would be most useful to include comments explaining your assessment – please attach additional sheets as needed.

Thank you for your assistance in helping City Staff, the City Council, and the applicants successfully complete the review process.

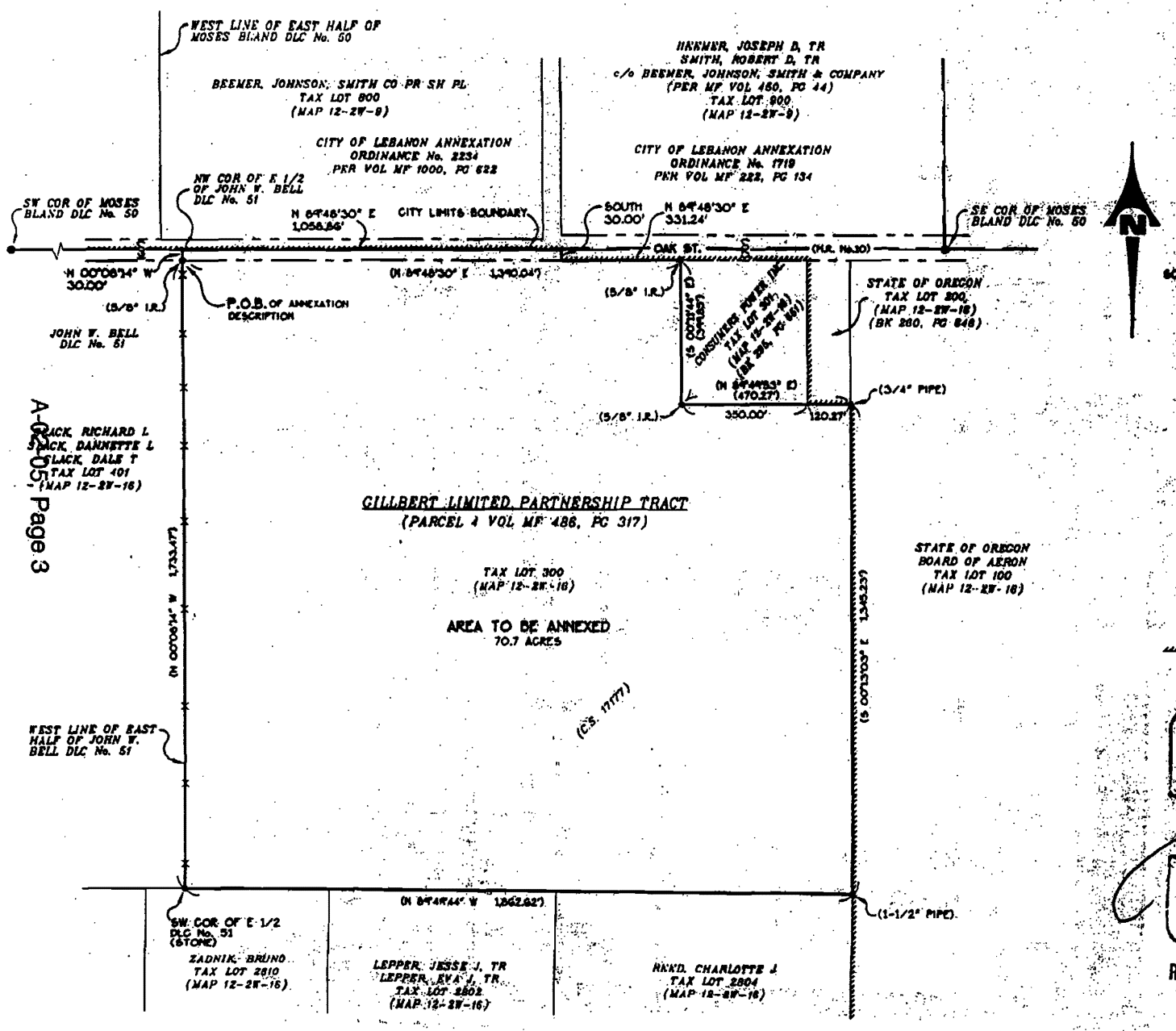
Check One	Assessment of the City of Lebanon's Ability to Provide **Senior** Services to this Proposed Annexation Territory and Development Now and for the Foreseeable Future
X	***YES**, can provide Service for this Proposed Annexation & Development*
	***NO**, cannot provide Service for this Proposed Annexation & Development*

Comments: We already serve people at the Senior Center in this area. We would also serve them ~~to~~ with the Dial-a-Bus

ANNEXATION MAP
for
GILBERT LIMITED PARTNERSHIP

LOCATED IN
SOUTH 1/2 OF SEC. 4 AND NORTH 1/2 OF SEC. 16
T. 12 S., R. 2 W., W.M.
CITY OF LEBANON, LINN COUNTY, OREGON

NOVEMBER 1, 2002



LEGEND

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

REGISTERED PROFESSIONAL LAND SURVEYOR
OREGON
JACK R. BURRELL
1830

RENEWAL DATE 12/31/03

K&D

A-02-05, Page 3

A-02-05

CITY OF LEBANON
Community Development/Planning
853 Main Street
Lebanon, Oregon 97355-3211

MEMORANDUM

TO: Perry Palmer, Lebanon Fire Chief **DATE:** September 27, 2004

FROM: Doug Parker, Community Development Manager
Phone: 541-258-4252; Fax: 541-258-4955
Email Address: dparker@ci.Lebanon.or.us

SUBJECT: Assessment of Capabilities of Providing **Emergency** Services for the Proposed Annexation Territory and Development Proposal

The City of Lebanon has received the attached proposal for the annexation of a 70.02 acre site, located on the south side of Oak Street and directly west of the airport Map 12S-2W-~~3C~~ 16, Tax Lot ~~1900~~ 300 [see attached vicinity map].

This proposed annexation is accompanied by a site plan (also attached) as a proposed development on this site. This annexation will not approve this use and in fact the proposed development shown on the site plan is not required and may never develop.

This site plan shows proposed commercial and industrial uses, thus potentially adding a myriad of new jobs to the City of Lebanon.

As part of the City's review process, and for inclusion in the annexation Staff Report for the City Council, we need to have your assessment of your organization, company, or agency's ability to provide services should this site plan be developed.

Please fill out and fax and/or email this form back to us at your earliest convenience -- our staff report needs to be completed by Thursday, September 30, 2004. It would be most useful to include comments explaining your assessment – please attach additional sheets as needed.

Thank you for your assistance in helping City Staff, the City Council, and the applicants successfully complete the review process.

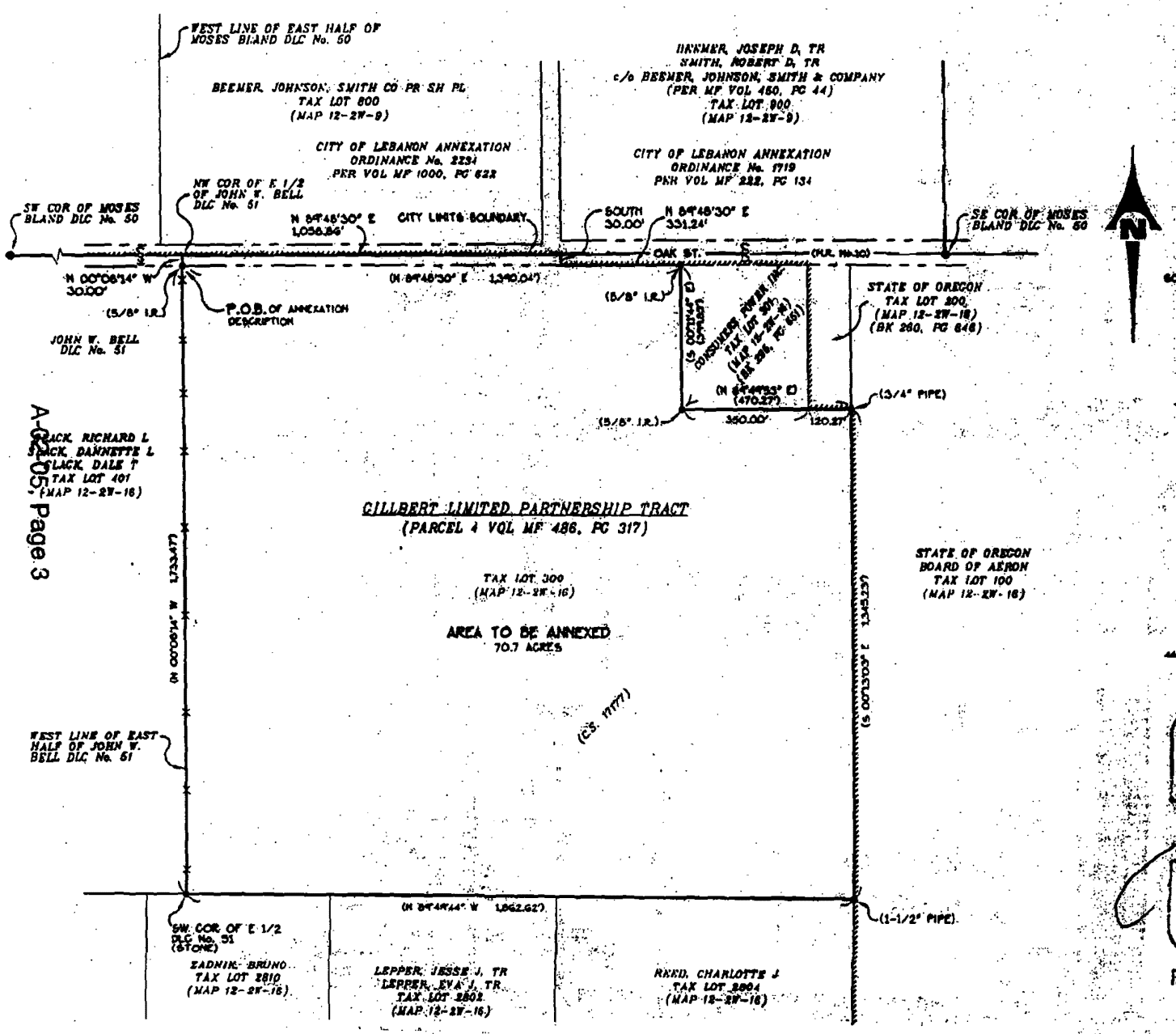
Check One	Assessment of the City of Lebanon's Ability to Provide **Emergency** Services to this Proposed Annexation Territory and Development Now and for the Foreseeable Future
✓	***YES**, can provide Service for this Proposed Annexation & Development*
	***NO**, cannot provide Service for this Proposed Annexation & Development*

Comments:
THE FIRE DISTRICT DOES NOT ANTICIPATE ANY ISSUES FOR US WITH THE PROPOSAL.

Perry S. Palmer
FIRE CHIEF
9-28-04

ANNEXATION MAP
FOR
GILBERT LIMITED PARTNERSHIP
LOCATED IN
SOUTH 1/2 OF SEC. 4 AND NORTH 1/2 OF SEC. 16
T. 12 S., R. 2 W., W.M.
CITY OF LEBANON, LINN COUNTY, OREGON

NOVEMBER 4, 2002



LEGEND

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

REGISTERED PROFESSIONAL LAND SURVEYOR
Jack R. Burrell
OREGON
JACK R. BURRELL
1830
RENEWAL DATE 12/31/03

K&D

D-02-05

A-02-05, Page 3

CITY OF LEBANON
Community Development/Planning
853 Main Street
Lebanon, Oregon 97355-3211

MEMORANDUM

TO: Jim Robinson, Lebanon School District **DATE:** September 27, 2004

FROM: Doug Parker, Community Development Manager
Phone: 541-258-4252; Fax: 541-258-4955
Email Address: dparker@ci.Lebanon.or.us

SUBJECT: Assessment of Capabilities of Providing **Education** Services for the Proposed Annexation Territory and Development Proposal

The City of Lebanon has received the attached proposal for the annexation of a 70.02 acre site, located on the south side of Oak Street and directly west of the airport (Map 12S-2W-~~30~~ 16; Tax Lot ~~1000~~ 300) [see attached vicinity map].

This proposed annexation is accompanied by a site plan (also attached) as a proposed development on this site. This annexation will not approve this use and in fact the proposed development shown on the site plan is not required and may never develop.

This site plan shows proposed commercial and industrial uses, thus potentially adding a myriad of new jobs to the City of Lebanon.

As part of the City's review process, and for inclusion in the annexation Staff Report for the City Council, we need to have your assessment of your organization, company, or agency's ability to provide services should this site plan be developed.

Please fill out and fax and/or email this form back to us at your earliest convenience -- our staff report needs to be completed by Thursday, September 30, 2004. It would be most useful to include comments explaining your assessment -- please attach additional sheets as needed.

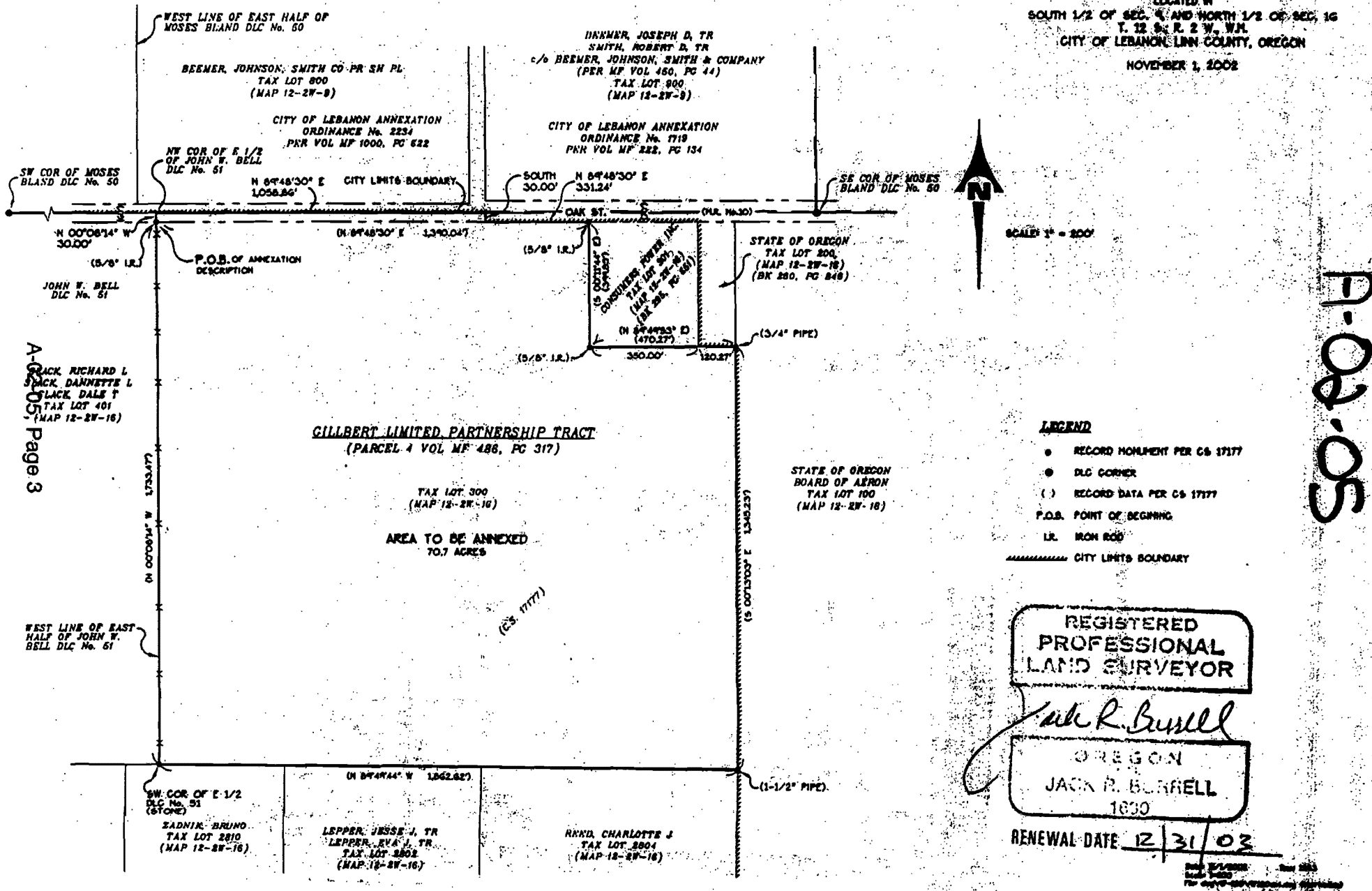
Thank you for your assistance in helping City Staff, the City Council, and the applicants successfully complete the review process.

Check One	Assessment of the City of Lebanon's Ability to Provide **Education** Services to this Proposed Annexation Territory and Development Now and for the Foreseeable Future
X	*YES, can provide Service for this Proposed Annexation & Development*
	NO, cannot provide Service for this Proposed Annexation & Development

Comments:
No problem

ANNEXATION MAP
FOR
GILBERT LIMITED PARTNERSHIP
LOCATED IN
SOUTH 1/2 OF SEC. 4, AND NORTH 1/2 OF SEC. 16
T. 12 S., R. 2 W., W.M.
CITY OF LEBANON, LINN COUNTY, OREGON

NOVEMBER 1, 2002



LEGEND

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

REGISTERED PROFESSIONAL LAND SURVEYOR

Jack R. Burrell

OREGON
JACK R. BURRELL
1630

RENEWAL DATE 12/31/03

K&D

A-02-05, Page 3

P-02-05

CITY OF LEBANON
Community Development/Planning
853 Main Street
Lebanon, Oregon 97355-3211

MEMORANDUM

TO: Albany-Lebanon Sanitation **DATE:** September 27, 2004

FROM: Doug Parker, Community Development Manager
Phone: 541-258-4252; Fax: 541-258-4955
Email Address: dparker@ci.Lebanon.or.us

SUBJECT: Assessment of Capabilities of Providing Solid Waste Services for the Proposed Annexation Territory and Development Proposal

The City of Lebanon has received the attached proposal for the annexation of a 70.02 acre site, located on the south side of Oak Street and directly west of the airport (Map 12S-2W-~~3C~~ 16, Tax Lot ~~1900~~ 300) [see attached vicinity map].

This proposed annexation is accompanied by a site plan (also attached) as a proposed development on this site. This annexation will not approve this use and in fact the proposed development shown on the site plan is not required and may never develop.

This site plan shows proposed commercial and industrial uses, thus potentially adding a myriad of new jobs to the City of Lebanon.

As part of the City's review process, and for inclusion in the annexation Staff Report for the City Council, we need to have your assessment of your organization, company, or agency's ability to provide services should this site plan be developed.

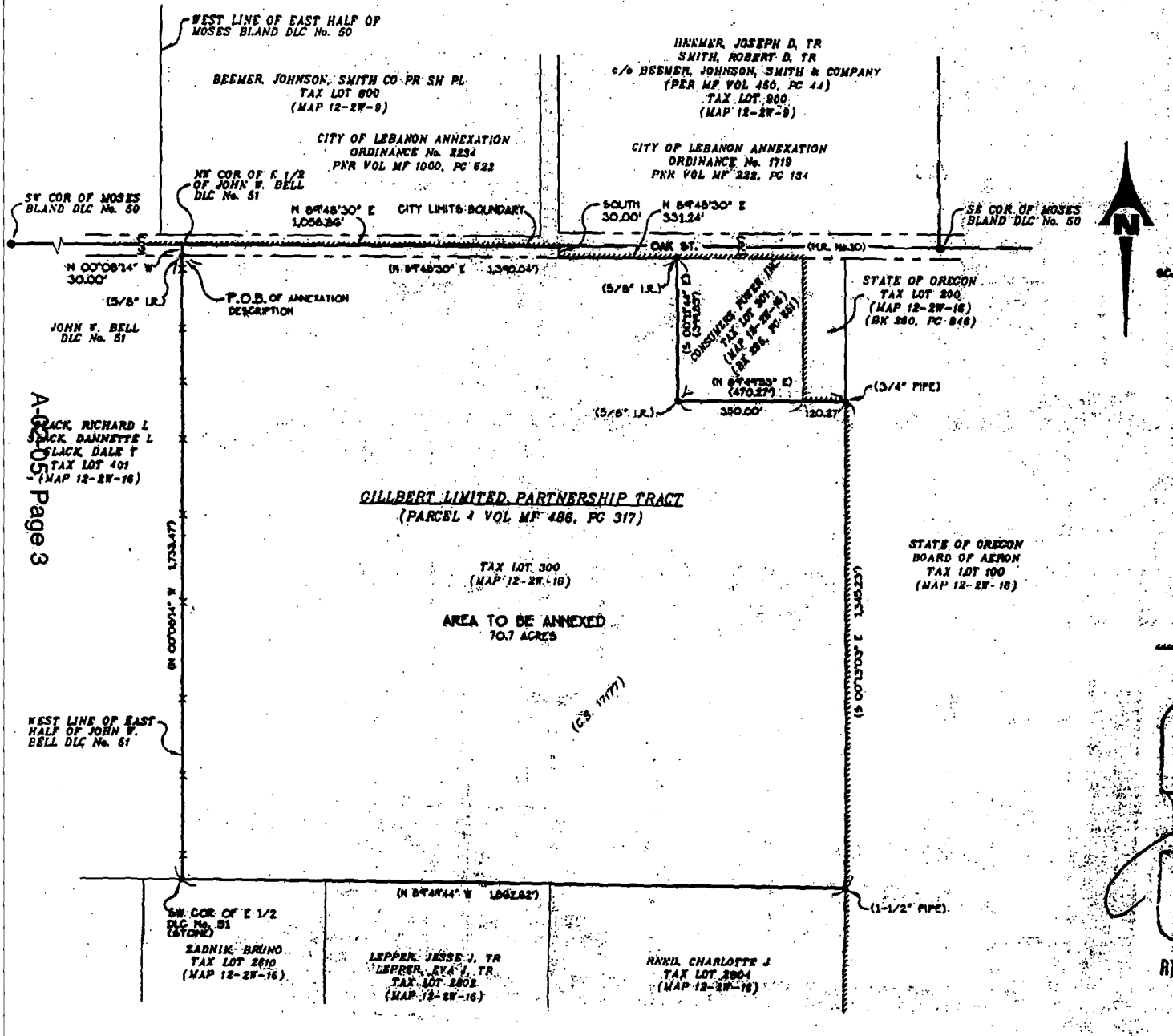
Please fill out and fax and/or email this form back to us at your earliest convenience – our staff report needs to be completed by Thursday, September 30, 2004. It would be most useful to include comments explaining your assessment – please attach additional sheets as needed.

Thank you for your assistance in helping City Staff, the City Council, and the applicants successfully complete the review process.

Check One	Assessment of the City of Lebanon's Ability to Provide Solid Waste Services to this Proposed Annexation Territory and Development Now and for the Foreseeable Future
	YES, can provide Service for this Proposed Annexation & Development
	NO, cannot provide Service for this Proposed Annexation & Development
Comments:	

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

NOVEMBER 1, 2002



LEGEND

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

REGISTERED PROFESSIONAL LAND SURVEYOR
OREGON
JACK R. BURRELL
1600

RENEWAL DATE 12/31/03

K&D

D-02-05

A-02-05, Page 3

CITY OF LEBANON
Community Development/Planning
853 Main Street
Lebanon, Oregon 97355-3211

MEMORANDUM

TO: Consumer Powers **DATE:** September 27, 2004

FROM: Doug Parker, Community Development Manager
Phone: 541-258-4252; Fax: 541-258-4955
Email Address: dparker@ci.Lebanon.or.us

SUBJECT: Assessment of Capabilities of Providing **Electricity** Services for the Proposed Annexation Territory and Development Proposal

The City of Lebanon has received the attached proposal for the annexation of a 70.02 acre site, located on the south side of Oak Street and directly west of the airport (Map 12S-2W-~~30~~ 16, Tax Lot ~~1900~~ 300) [see attached vicinity map].

This proposed annexation is accompanied by a site plan (also attached) as a proposed development on this site. This annexation will not approve this use and in fact the proposed development shown on the site plan is not required and may never develop.

This site plan shows proposed commercial and industrial uses, thus potentially adding a myriad of new jobs to the City of Lebanon.

As part of the City's review process, and for inclusion in the annexation Staff Report for the City Council, we need to have your assessment of your organization, company, or agency's ability to provide services should this site plan be developed.

Please fill out and fax and/or email this form back to us at your earliest convenience -- our staff report needs to be completed by Thursday, September 30, 2004. It would be most useful to include comments explaining your assessment – please attach additional sheets as needed.

Thank you for your assistance in helping City Staff, the City Council, and the applicants successfully complete the review process.

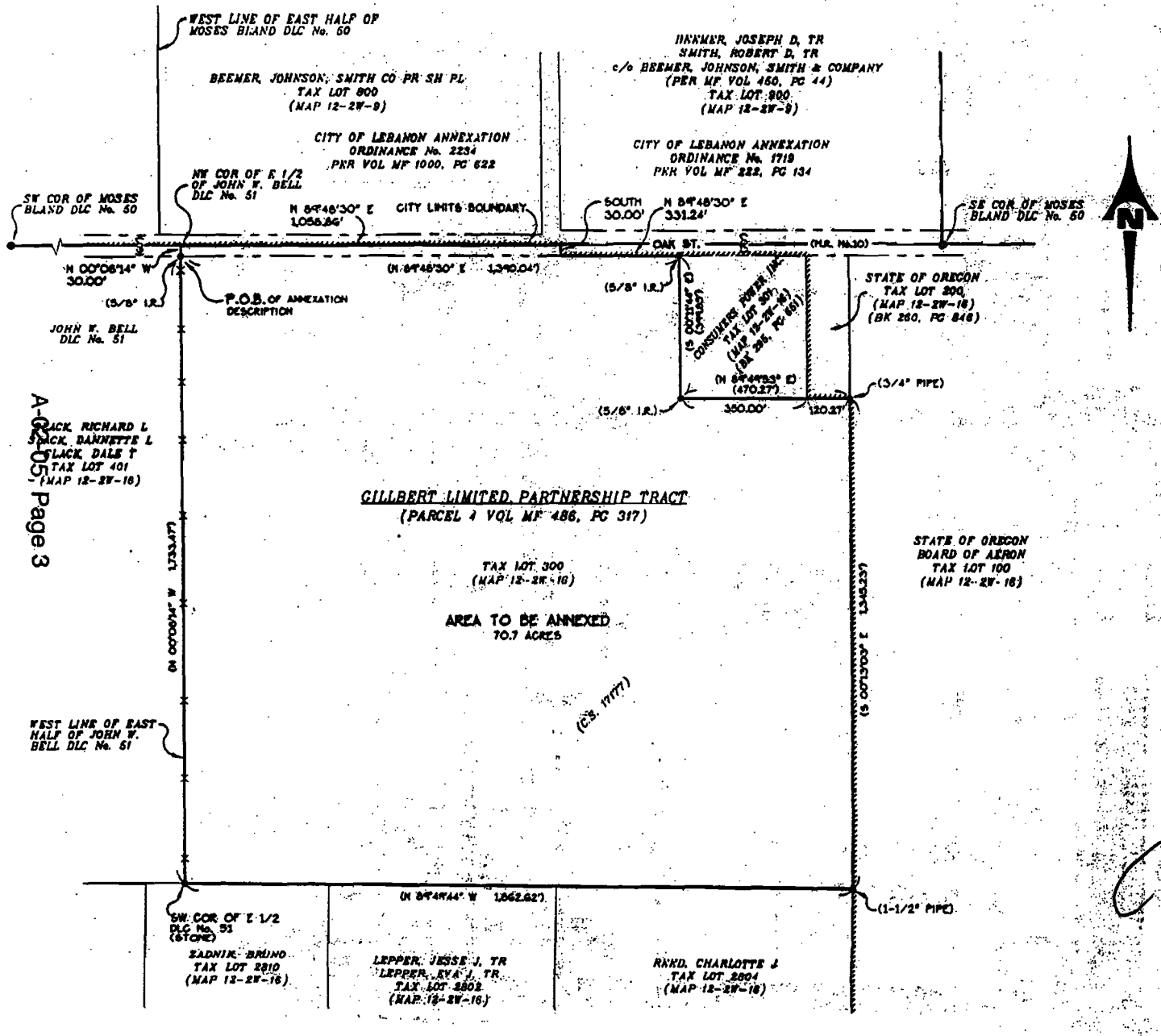
Check One	Assessment of the City of Lebanon's Ability to Provide **Electricity** Services to this Proposed Annexation Territory and Development Now and for the Foreseeable Future
X	*YES, can provide Service for this Proposed Annexation & Development*
	NO, cannot provide Service for this Proposed Annexation & Development

Comments:

A very large commercial or industrial [illegible] Construction [illegible] years.

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

NOVEMBER 1, 2002



LEGEND

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

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Jack R. Burrell

OREGON
JACK R. BURRELL
1830

RENEWAL DATE 12/31/03

K&D

D-03-05

A-02-05, Page 3

CITY OF LEBANON
Community Development/Planning
853 Main Street
Lebanon, Oregon 97355-3211

MEMORANDUM

TO: Century Tel **DATE:** September 27, 2004

FROM: Doug Parker, Community Development Manager
Phone: 541-258-4252; Fax: 541-258-4955
Email Address: dparker@ci.Lebanon.or.us

SUBJECT: Assessment of Capabilities of Providing **Telephone** Services for the Proposed Annexation Territory and Development Proposal

The City of Lebanon has received the attached proposal for the annexation of a 70.02 acre site, located on the south side of Oak Street and directly west of the airport (Map 12S-2W-~~3C,~~ 16 Tax Lot ~~1900~~ 300 [see attached vicinity map].

This proposed annexation is accompanied by a site plan (also attached) as a proposed development on this site. This annexation will not approve this use and in fact the proposed development shown on the site plan is not required and may never develop.

This site plan shows proposed commercial and industrial uses, thus potentially adding a myriad of new jobs to the City of Lebanon.

As part of the City's review process, and for inclusion in the annexation Staff Report for the City Council, we need to have your assessment of your organization, company, or agency's ability to provide services should this site plan be developed.

Please fill out and fax and/or email this form back to us at your earliest convenience -- our staff report needs to be completed by Thursday, September 30, 2004. It would be most useful to include comments explaining your assessment – please attach additional sheets as needed.

Thank you for your assistance in helping City Staff, the City Council, and the applicants successfully complete the review process.

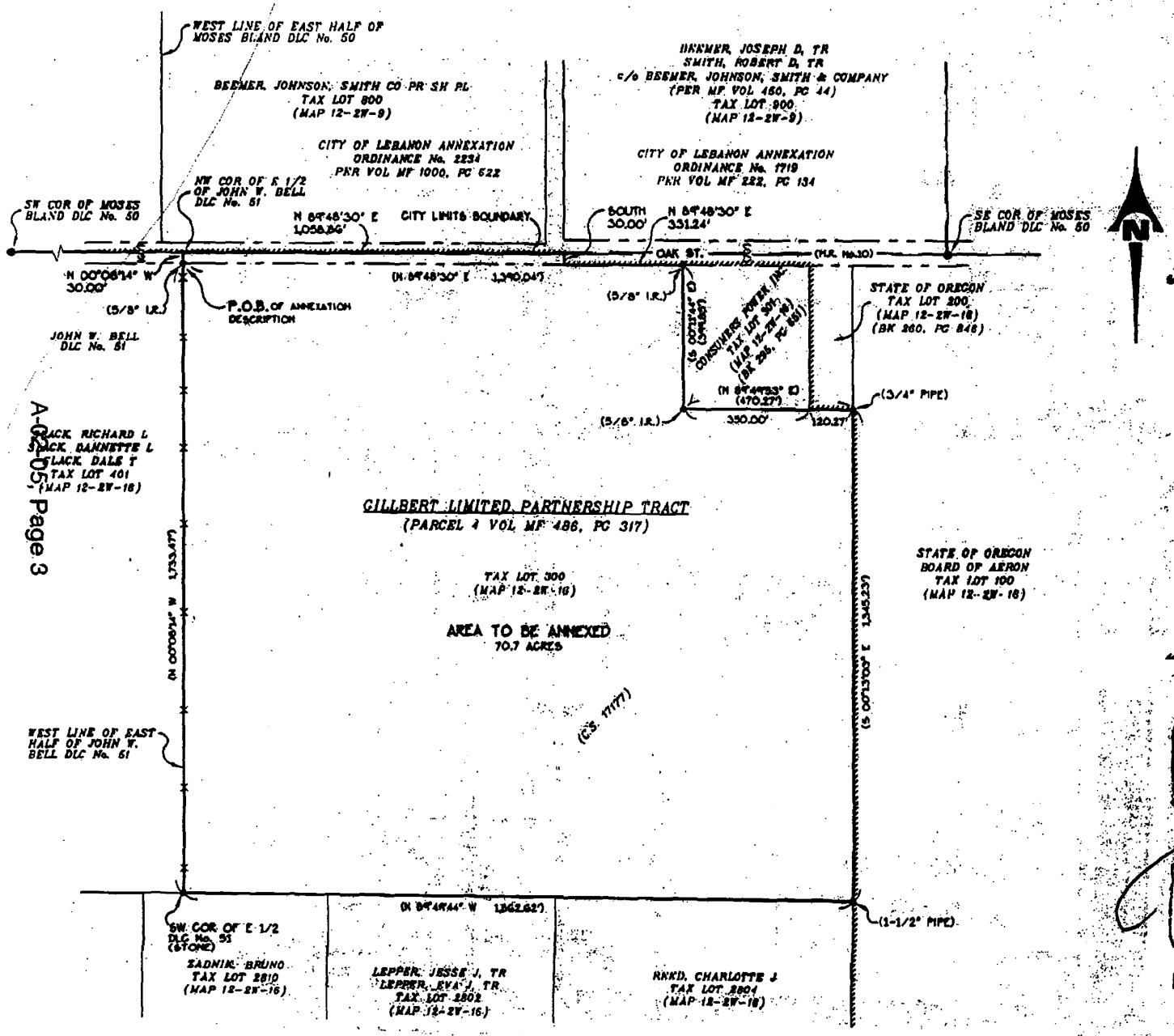
Check One	Assessment of the City of Lebanon's Ability to Provide **Telephone** Services to this Proposed Annexation Territory and Development Now and for the Foreseeable Future
X	***YES**, can provide Service for this Proposed Annexation & Development*
	***NO**, cannot provide Service for this Proposed Annexation & Development*

Comments: DEVELOPER WOULD BE REQUIRED TO PLACE PVC SCH40 CONDUIT TO CENTURYTEL'S DESIGN FACILITIES. THE ADJACENT TO SUBJECT PROPERTY. MAY BE REQUIRED TO PROVIDE 30'X30' EASEMENT AREA FOR EQUIPMENT CABINET.

[signature]
9/29/04

ANNEXATION MAP
FOR
GILBERT LIMITED PARTNERSHIP
LOCATED IN
SOUTH 1/2 OF SEC. 4 AND NORTH 1/2 OF SEC. 16
T. 12 S., R. 2 W., W.M.
CITY OF LEBANON, LINN COUNTY, OREGON

NOVEMBER 1, 2002



LEGEND

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

REGISTERED PROFESSIONAL LAND SURVEYOR
OREGON
JACK R. BURRELL
1830

RENEWAL DATE 12/31/03

K&D

A-02-05, Page 3

A-02-05

LEBANON CITY COUNCIL

DOCUMENTS / WRITTEN TESTIMONY RECORD

Gilbert Annexation A-02-05

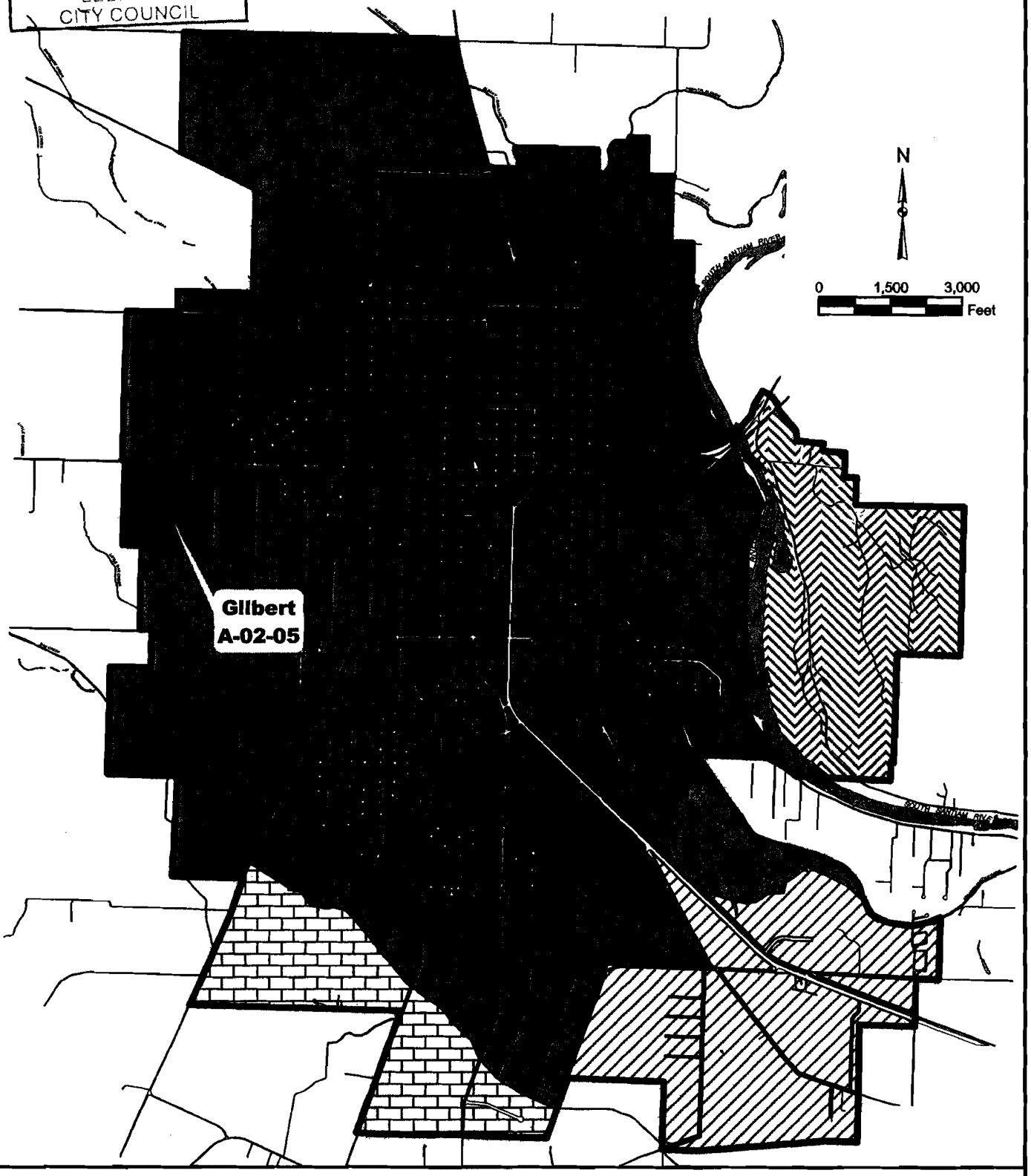
	SUBMITTED BY	Date & TYPE OF DOCUMENT (Include Project Number if Applicable)
1	Doug Parker Community Development Mgr.	Phased Growth Map
2	" "	Memo from Doug to Jim Ruef 9/27/04 Re: WW Service
3	" "	OECDD Letter dated 10/11/04 Bob Warren
4	" "	Emailed Letter dated 10/13/04 from Larry Walsh Reg Eco & Com Dev.
5	" "	John McKinney Letter dated 10/11/04 OR Pilots Association
6	" "	James Ramseyer 10/11/04 Consumers Power
7	Malcolm Bowd City Engineer	Transportation, Drainage System, Water System, Hydraulic Analysis & Sanitary Sewer.
8	Jim Just FOLC	Letter dated 10/13/04
9		
10		
11		
12		
13		
14		
15		
16		
17		

City Council Meeting Date: 10/13/04

Attachment "C"

Phased Growth Map
(1980 Comprehensive Plan, page 4-26)
Proposed GILBERT Annexation

City of Lebanon October 2004



Phased Growth Map with Proposed Annexations - October 2004
(1980 Comprehensive Plan, page 4-26)

Priority for Future Use

- High
- Medium
- Medium to Low
- Low
- Urban Growth Boundary
- Proposed Annexation