





City Recorder's Office  
925 S. Main Street  
Lebanon, Oregon 97355

TEL: 541.258.4905  
city.recorder@lebanonoregon.gov  
www.lebanonoregon.gov

## CITY OF LEBANON RESPONSE TO PUBLIC RECORDS REQUEST

To: Jessica Anderson  
Date: 04-09-2024  
From: Donna Trippett, Deputy City Recorder

Please be advised that:

- Copies of all available requested public records for which the City of Lebanon does not claim an exemption from disclosure are attached.
- The records have been withheld or redacted based on the following statute or exemption:  
\_\_\_\_\_.
- The City of Lebanon does not possess/is not the custodian of the requested record(s).
- We require additional information/clarification regarding your request before we can complete it: \_\_\_\_\_ *(Failure to respond to this within 60 days will require the request to be closed)*
- The City of Lebanon is still processing the request and estimates the request to be complete by \_\_\_\_\_.
- The City of Lebanon is the custodian of at least some of the requested public records. We estimate that the fee for making the records available is \$\_\_\_\_\_. Fees over \$25 must be approved prior to starting request being started. If fee exceeds \$100, a deposit may be required prior to the request being completed. *(Fees not paid within 60 days will require the request to be closed.)*
- State/Federal law prohibits the City of Lebanon from acknowledging whether the requested record(s) exist(s) \_\_\_\_\_.

***For questions regarding this request, please contact the City Recorder at 541.258.4905 or at city.recorder@lebanonoregon.gov***

**FOR CITY OFFICE USE ONLY:**

Date Request Received: 04-02-2024

Date Acknowledgement Response was Emailed: 04-09-2024

Staff Person: DT/JB

Date Response was Emailed: 04-09-2024

Level 2 Request (30 min. or less)

Level 3 (30+ min.)

**From:** [Community Development Center](#)  
**To:** [Donna Trippett](#); [Community Development Center](#)  
**Subject:** RE: Records for 1211 Harrison Street  
**Date:** Tuesday, April 9, 2024 10:09:45 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[COMPLETED APPLICATION - Reduced File Size.pdf](#)  
[COMPLETED APPLICATION - Reduced File Size.pdf](#)

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Good morning Donna; the last time I did research, Tammy had me just email it back to Julie.

Unfortunately, the City will not have many of these records. We do not have any building permits, but we do have three Land Use files, which I have attached. The files are too large to send in one email, so I will reply back with another email.

The current Zoning is Industrial.

Any aspect of Haz-Mat would be through the Oregon DEQ; they can be reached at 503-229-5475 or <https://www.oregon.gov/deq/about-us/pages/request-public-record.aspx>

Any aspect of Septic Tanks would be through Linn County Environmental Health; they can be reached at 541-967-3821 or <https://www.linncountyhealth.org/eh/page/septic-systems>

Any aspect of Underground Storage Tanks would be through Oregon DEQ; they can be reached at 503-229-6652 or <https://www.oregon.gov/deq/tanks/pages/ust.aspx>

Any aspect of Aboveground Storage Tanks would be through The Office of the State Fire Marshal; they can be reached at 877-476-0583 or <https://www.oregon.gov/deq/tanks/Pages/Above-ground-Storage-Tanks.aspx>

We don't track Code Violations at this office; that would be Kevin Buchheit at the Police Department at 541-258-4928 x 4361

Thank you

**Josh Bacher**  
Community Development Assistant  
925 S. Main St, Lebanon OR 97355  
541-258-4906



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**From:** Donna Trippett <dtrippett@ci.lebanon.or.us>  
**Sent:** Tuesday, April 9, 2024 9:21 AM  
**To:** Community Development Center <cdc@ci.lebanon.or.us>  
**Subject:** FW: Records for 1211 Harrison Street

Public records request for your department.

Thank you,

**Donna Trippett, CMC**  
Deputy City Recorder  
925 Main Street, Lebanon OR 97355  
Tel: 541.258.4211 or 541.258.4905

[donna.trippett@lebanonoregon.gov](mailto:donna.trippett@lebanonoregon.gov)  
[www.lebanonoregon.gov](http://www.lebanonoregon.gov)

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**From:** Jessica Anderson <[jessica.anderson@oneatlas.com](mailto:jessica.anderson@oneatlas.com)>  
**Sent:** Tuesday, April 2, 2024 4:00 PM  
**To:** City Recorder <[city.recorder@lebanonoregon.gov](mailto:city.recorder@lebanonoregon.gov)>  
**Subject:** Records for 1211 Harrison Street

Caution! This message was sent from outside your organization.

Hello—Atlas Technical is a consulting firm conducting a Phase I ESA of the industrial property at 1211 Harrison Street, Lebanon, OR (Acct. 932150). We request that you provide us with the following information about this property through the Freedom of Information Act.

- Records of hazardous material storage/releases/disposal, environmental contamination or clean-up records, environmental investigations, solid and/or hazardous waste permits, landfill or disposal activities, dry cleaning activities; any complaints, inspections, violations, incidents (including fires), permits, applications, hazardous material spills, and/or inspections that may have occurred on-site.
- Records related to septic systems (current or historical), underground or aboveground

storage tanks (USTs/ASTs; current or historical), oil/water separators, clarifiers, or similar subsurface equipment (current or historical), and drinking water or groundwater monitoring well records.

- Building permit records (recent and historical) related to the following: the original permit/construction date, permits for major additions, a building permit list, and any open permits. Building code violations and Certificates of Occupancy.
- Land use and zoning information (current and historical); records related to zoning code violations.

Thank you in advance for your cooperation. We look forward to receiving the requested information at your earliest convenience.

Best,

**Jessica C. Anderson, PMP**  
Client Program Manager



15115 SW Sequoia Parkway, Suite 130  
Portland, OR 97224

C: 503.442.2337

[OneAtlas.com](http://OneAtlas.com) | [LinkedIn](#) | [Facebook](#) | [Twitter](#)



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**BEFORE THE LEBANON PLANNING COMMISSION**

**PLANNING FILE No. PD-08-04**

In the Matter of the	)	
	)	Preliminary Planned Development
Application of	)	AND
	)	General Planned Development
City of Lebanon.	)	

**ORDER**

**I. NATURE OF THE APPLICATION**

This matter comes before the Lebanon Planning Commission on the application of City of Lebanon for approval of a Preliminary and General Planned Development proposal to establish a dimensional finish lumber reload facility, office, and a switch yard spur on a 5.65 site zoned Limited Industrial (ML).

**II. GENERAL INFORMATION**

**A. Site Location**

The site is located north of Highway 34, south of the Southern Pacific Railroad tracks, north of the intersection of 13<sup>th</sup> Street and Highway 34. The Linn County Assessor map places this property within Township 12 South, Range 2 West, Section 10 B; Tax Lot 300.

**B. Site Development and Zoning**

The 5.65 acre site is vacant. The land is zoned Limited Industrial (ML) on the City's zoning map, and has a Comprehensive Plan designation of Industrial (C-IND).

Public sanitary sewer, storm sewer and water are or can be made available to the site.

**C. Adjacent Zoning and Land Uses**

The properties to the north and east of the site are zoned Limited Industrial and include Lowe's Distribution Center and Laticrete International, respectively. The properties to the south and west have agricultural uses outside of Lebanon's city limits, however they are within the City's Urban Growth Boundary and have Comprehensive Plan designations of Industrial (C-IND).

**D. Proposal**

The Preliminary and General Planned Development proposal is to establish a dimensional finish lumber reload facility, office, and a switch yard spur.

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## III. PUBLIC HEARING

### A. Planning Commission Action

A public hearing was duly held on both the Preliminary and General Planned Development applications before the Lebanon Planning Commission on July 16, 2008, and Planning File PD-08-04 was made a part of the record. Notice of the hearing was provided pursuant to Section 2.100 of the Lebanon Zoning Ordinance. No ex parte contacts were declared and no objection was raised as to jurisdiction, conflicts of interest, or to evidence or testimony presented at the hearing.

At the conclusion of the hearing, the Planning Commission deliberated on the issue and approved the Preliminary Planned Development application. The Commission found the request complied with the applicable decision criteria, and directed the applicant to prepare the final plan and program in accordance with the applicable elements in Zoning Ordinance Section 4.416, addressing conditions and requirements identified by staff.

### B. City Council Action

The decision of the Planning Commission is final unless an appeal is filed in accordance with the provisions in the Lebanon Zoning Ordinance Sections 2.060(2) and 2.070 within fifteen (15) calendar days from the date of the decision. The appeal would be heard by the Lebanon City Council.

## IV. FINDINGS OF FACT

The Lebanon Planning Commission, after careful consideration of the testimony and evidence in the record, adopts the following General Findings of Fact:

- A. The applicant is the City of Lebanon.
- B. The site is located in north of Highway 34, south of the Southern Pacific Railroad tracks, north of the intersection of 13<sup>th</sup> Street and Highway 34. The Linn County Assessor map places this property within Township 12 South, Range 2 West, Section 10 B; Tax Lot 300.
- C. The project contains 5.65 acres.
- D. The site is vacant. The land is zoned Limited Industrial (ML) on the City's zoning map, and has a Comprehensive Plan designation of Industrial (C-IND).
- E. Public sanitary sewer, storm sewer and water are or can be made available to the site.
- F. The properties to the north and east of the site are zoned Limited Industrial and include Lowe's Distribution Center and Laticrete International, respectively. The properties to the south and west have agricultural uses outside of Lebanon's city limits, however they are within the City's Urban Growth Boundary and have Comprehensive Plan designations of Industrial (C-IND).
- G. Approval or denial of the application shall be based on decision criteria contained in:

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- (a) 1980 LEBANON ZONING ORDINANCE (LZO): LZO Section 4.210 lists the development opportunities, standards and requirements for the Limited Industrial (ML) zone; LZO Section 4.210(5)(a) indicates that the proposed use is permitted with a conditional Use Review, however because the size of the development exceeds 2.0 acres in size, it is required to be processed as a Planned Development (PD) as per LZO Section 2.110; LZO Section 4.410-Planned Development.
- (2) 2004 LEBANON COMPREHENSIVE PLAN: (a) Chapter 1 (Introduction) General Goals G-1, G-5, G-9; Chapter 2 -Natural Environment Policy P-24; Chapter 4-Land Uses Goal G-2; Policies P-34, 35, 36, and 39; Chapter 5 - Population & Economy Goals G-1 through G-8, and G-17, and Policies P-26, P-27; Chapter 8 Transportation Goal G-1; Policies P-67, P-70. Chapter 9-Public Facilities General Goal G-4; Policies P-8, P-9, P-10, P-59, P-71.

## V. APPLICATION SUMMARY

The Preliminary and General Planned Development proposal is to establish a dimensional finish lumber reload facility, office, and a switch yard spur on a 5.65 acre site zoned Limited Industrial (ML).

## VI. CRITERIA AND FINDINGS

### PRELIMINARY PLANNED DEVELOPMENT

1980 LEBANON ZONING ORDINANCE (LZO):

1. LZO Section 2.110 requires that all proposed development of land greater than two acres shall be reviewed as a Planned Development utilizing the requirements and procedures outlined in the Planned Development section of this ordinance.

*Finding #1: This development request to establish a dimensional finish lumber reload facility (with an office) and a switch yard spur on 5.6.5 acres is being processed as a Planned Development, and is thus in compliance with the above noted criteria.*

2. LZO Section 4.210

In a MU zone the following regulations shall apply:

- (1) Purpose: To provide areas suitable for limited manufacturing which will help support the economic base of the community and surrounding area, and to provide areas suitable for limited manufacturing, warehousing and similar activities which have a minimal effect on the surrounding areas of the community.
- (3) Uses Permitted in Accordance with Administrative Review Procedures – (g) Offices
- (5) Conditional Uses Listed -- (a) Railroad tracks and facilities necessary to serve other permitted uses.

*Finding #2: This PD development request includes a dimensional finish lumber reload facility (with an office) and a switch yard spur.*

- (a) *This type of industrial use exemplifies the purposes of the ML Zone, and is thus in compliance with this criterion LZO Section 4.210 (1).*
- (b) *As per LZO Section 4.210 (3) and (5), all of the land uses cited in this Preliminary PD proposal are permitted uses in the ML zone, and is thus in compliance with this criterion. Because the subject property is greater than 2 acres, the Planned Development process takes precedence over the Conditional Use and Administrative Review processes for the proposed land uses (see*

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*Finding #1 above). Accordingly, this development proposal is in compliance with the above noted criteria regarding uses permitted in the ML Zone.*

Development Standards: LZO Section 4.210 lists the development standards and requirements for Limited Industrial (ML) for any limited industrial uses.

Accordingly, requirements for Limitations on Use, Lot Size, Width, Coverage, Setbacks, Clear Vision, and Open Space are listed in this section of the LZO.

*Finding #3: The applicant's proposal indicates that all such applicable standards and requirements will be met by the various components of the development proposal. The Planning Commission finds this the applicant's proposal acceptable and thus achieves compliance with the above noted criteria. Compliance with these criteria will be verified when the applicant submits engineering plans and applies for Building Permits.*

Steps	Action	LZO Section
1	Submit preliminary plans and program	4.413
2	Planning Commission/Public Hearing on plans and program (Preliminary Approval)	4.413(3)
3	Submit general development plan and program (Preliminary plan modified by Planning Commission review and recommendations)	4.414
4	Planning Commission/Public Hearing on general development plans and program	4.414(2)
5	Planning Commission action and findings on general development plan (Planning Commission approval of Planned Development)	4.415
6	Planned Development final plan and program	4.416

### 3. LZO Section 5.200 – Off Street Parking Requirements:

*Finding #4: The applicant indicates that all private driveway aprons, drive aisles and parking stall configurations will be designed and constructed to meet City standards, including 1 parking space per employee, 1 ADA space, and approximately 3.5 acres of paved surface. The Planning Commission finds this conceptual proposal acceptable at this stage. Details of compliance will be assessed at both the time of review of the General PD Development application, and compliance with these criteria will be verified when the applicant submits engineering plans and applies for Building Permits.*

### 4. LZO Section 4.410 -- An outline of the Steps of the Planned Development process is as follows:

*Finding #5: This preliminary planned development request proposes to build a dimensional finish lumber reload facility (with an office) and a switch yard spur. The Planning Commission finds that:*

- A. *The applicant submitted all of the elements required of a Preliminary Development Plan submittal thereby enabling staff and the Planning Commission adequate evaluation materials to determine whether or not the application can achieve approval of the Preliminary Development Plan.*
- B. *The review of the Preliminary Development Plan indicates that the applicant demonstrated that the proposed project, can achieve compliance with the Comprehensive Plan, Zoning Ordinance (LZO), Public Improvement standards, and other site development requirements. These requirements include ensuring that the requirements of LZO are satisfied.*
- C. *The applicant shall fully comply with the Conditions of Approval to ensure that the general development plan submittal will conform to the cited requirements thereby further demonstrating compliance with Comprehensive Plan, Zoning Ordinance, Public Improvement standards, and*

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*other site development requirements. These requirements include ensuring that "public facilities are available and have adequate capacity to accommodate the proposed development, or that such facilities and their capacities can be made available through appropriate extensions and/or enhancements concurrent with or prior to proposed developments".*

- D. *The applicant shall prepare the General Development Plan as per the requirements of LZO Section 4.410.*

## 2004 LEBANON COMPREHENSIVE PLAN (LCP) CRITERIA

LZO Section 4.415(1)(a) stipulates, as one of the conditions of approval for a PD, the Planning Commission must find that the proposed development is in substantial conformance with the Lebanon Comprehensive Plan (LCP). Listed below are the provisions of the LCP that have been identified as being relevant for the approval of this proposed PD.

### LCP Chapter 1 – Introduction:

- G-1: Encouraging development in a planned and considered manner consistent with the community's general health, safety and welfare.
- G-5: Broadening opportunities for economic expansion and diversification.
- G-9: Encouraging a mix of commercial and industrial development that will provide a sustainable economic base for the City.

### LCP Chapter 2 – Natural Environment:

- P-24: Require that development proposals with significant noise generating elements demonstrate compliance with City noise standards.

### LCP Chapter 4 - Land Uses:

#### General Goals:

- G-2: Promoting the orderly development and conservation of lands for urban uses, such as homes, businesses, industries, and streets, as well as parks, open space, and wetlands.

#### Policies – The City shall:

#### Policies for Industrial Uses

- P-34: Designate industrial areas with adequate infrastructure improvements to serve new industrial development and actively encourage industry to locate in these designated areas.
- P-35: Encourage industries that are compatible with City's livability and that minimally disrupt residential adjacent areas due to excessive traffic, noise, pollution, or other impacts that would impair the livability of the community.
- P-36: Require that all industrial development strictly comply with the environmental quality standards of the State of Oregon, including all applicable standards and regulations of the Oregon State Board of Health, the Oregon Department of Environmental Quality and any other public agency having regulatory jurisdiction.
- P-39: Require that review criteria for industrial development proposals include adequacy of site size for the proposed use, the practical utilization of the natural features of the site, relationship to the City's transportation and utility systems, relationship to other land uses and adequacy of landscaping proposals for the proposed use.

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## LCP Chapter 5 - Population & Economy:

The City's Economic Goals include the following:

- G-1: Providing employment opportunities for its citizens.
- G-2: Providing a viable tax base for the community in order to pay for essential community services.
- G-3: Encouraging a diversified economic base for the community which broadens and improves long-term employment opportunities in all sectors, including, retail, service, and industrial.
- G-4: Providing the opportunity for a full range of commercial, cultural, recreational, educational, health services, and other professional services to meet the needs of the City's residents and visitors.
- G-5: Supporting the establishment of new employment and the expansion of existing employment to strengthen the City's economic base in order to provide adequate employment opportunities and maintain community livability.
- G-6: Seeking balanced, concurrent growth in the commercial, industrial and residential sectors that are within the carrying capacity of community resources.
- G-7: Diversifying the economic base of the community through: (a) expansion of existing industries, (b) recruitment of new clean industries, and (c) expansion of the light manufacturing.
- G-8: Taking into consideration availability of renewable and non-renewable resources, the availability of land, and pollution control requirements when planning for the economic growth of the community.
- G-17: Planning for the anticipated employment growth through the year 2025 and all of the land and services needs required by such growth, as well as employment and associated needs generated by any additional major industrial or commercial growth, as indicated in the 2004 Lebanon Urbanization Study (ECONorthwest).

The City's Economic Policies include the following-- The City shall:

- P-26: Plan for at least 3,700 new jobs by the year 2025 and all of the land and services needs required by such growth, as well as employment and associated needs generated by any additional major industrial or commercial growth, as indicated in the 2004 Lebanon Urbanization Study (ECONorthwest).
- P-27: Plan for the projected population of the year 2025.

## Chapter 8 Transportation:

The City's Transportation Goals include:

- G-1: Developing and maintaining a well-planned, comprehensive transportation system that balances the needs of future land development with a system that serves all users.

### Rail Policies

- P-67: The City shall work with industry and rail service providers to retain and enhance rail service to this community's industrial areas.
- P-70: In considering potential development of industrial sites, the City shall consider the unique opportunities offered by sites with railroad access.

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## Chapter 9 - Public Facilities:

- G-4: Ensuring that essential public facilities and service capabilities (transportation, storm drainage, sewer and water service) are either in place before new development occurs and/or are constructed concurrently with such development.

### Public Facilities Policies – The City shall:

- P-8: Review all development proposals to ensure that public facilities are available and have adequate capacity to accommodate the proposed development, or that such facilities and their capacities can be made available through appropriate extensions and/or enhancements concurrent with or prior to proposed developments. (Duplicated in Chapter 3, Urbanization)
- P-9: Require that new developments are either served by existing and/or proposed public infrastructure improvements, and/or are served by privately funded infrastructure extensions and improvements. (Duplicated in Chapter 3, Urbanization)
- P-10: Consider impacts on key City-provided urban utility services (water, storm drainage, wastewater, and streets) and any other community facilities that are identified by service providers as substantially impacted by the proposal before development proposals, or rezoning applications are approved.
- P-59: Require that, as part of the City's project review process, private development plans address surface drainage issues.
- P-63: Provide notice, as part of the City's project review process, to the Lebanon School District when major development projects are proposed that may impact the Lebanon School District.
- P-71: Require applicants of development projects (land use) to comply with all Fire District regulations and practices.

Summary of Intent of the Above Noted Comprehensive Plan Policies and Goals: Collectively these goals and policies from LCP Chapters 1, 4, and 5, 8, 9 encourage and promote residential/commercial development that in general [is]:

- a. planned and considered in a manner consistent with the community's general health, safety and welfare.
- b. encourages a diversified economic base of the community through: (a) expansion of existing industries, (b) recruitment of new clean industries, and (c) expansion of the light manufacturing.
- c. orderly and conserves land for urban uses, such as homes, businesses, industries, and streets, as well as parks, open space, and wetlands.
- d. planned to facilitate the efficient extension of public facilities and services and accommodate land development at planned urban densities.
- e. designed in ways that discourage impacts from heavy through traffic, conflicting land uses, or other encroachments that would impair a safe, quiet living environment.
- f. encourages development patterns that make efficient use of land and energy resources, provide a variety of housing choices, and create multiple transportation options.
- g. complies with all applicable Statewide Planning Goal 12 requirements for transportation.
- h. provides employment opportunities for its citizens.

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- i. encourages a diversified economic base for the community which broadens and improves long-term employment opportunities in all sectors, including, retail, service, and industrial.
- j. ensures that private development plans address surface drainage issues.
- k. supports and encourages the continued improvement of industrial sites and development that enhances and makes use of the City's rail network.

*Finding #6: This preliminary planned development request to establish a dimensional finish lumber reload facility (with an office) and a switch yard spur is substantially in compliance with the Goals and Policies of the 2004 Comprehensive Plan cited above from Chapters 1, 4, and 5, 8, 9.*

**GENERAL PLANNED DEVELOPMENT:**

LZO Section 4.410 -- An outline of the Steps of the Planned Development process is as follows:

Steps	Action	Ordinance
1	Submit preliminary plans and program	Section 4.413
2	Planning Commission/Public Hearing on plans and program (Preliminary Approval)	Section 4.413(3)
3	Submit general development plan and program (Preliminary plan modified by Planning Commission review and recommendations)	Section 4.414
4	Planning Commission/Public Hearing on general development plans and program	Section 4.414(2)
5	Planning Commission action and findings on general development plan (Planning Commission approval of Planned Development)	Section 4.415
6	Planned Development final plan and program	Section 4.416

**LZO SECTION 4.415:**

- (1) Planning Commission Action: The Planning Commission, after public hearing on the General Development Plan and Program, shall either approve the application, with or without modifications and conditions, or deny it. A decision for approval of a PD shall be based on the following findings:
- (a) That the proposed development is in substantial conformance with the Lebanon Comprehensive Plan.
  - (b) That exceptions from the standards of the underlying zone are warranted by the design and amenities incorporated in the development plan program.
  - (c) That the proposed development, or a unit thereof, can be substantially completed within 1 year of the final approval.
  - (d) That the streets are adequate to support the anticipated traffic and that the development will not overload the streets outside the planned area.
  - (e) That the proposed utility and drainage facilities are adequate for the population densities and type of development proposed and will not create a drainage or pollution problem outside the planned area. That the timing of installation of utility and drainage facilities will be closely coordinated with development construction and that it will not create a hardship to residents either within or outside the planned area.
  - (f) That the density in the proposed development will not result in any substantial negative impact on any public facility or utility.

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LZO 4.415(1)(a) is addressed in Finding #6. LZO 4.415(1)(b) is not addressed since the application seeks no exceptions.

*Finding #7: The Planning Commission finds that as proposed, Planned Development request PD-08-04: (1) can be substantially completed within 1 year of the final approval; (2) includes plans for transportation improvements so that the streets will be adequate to support the anticipated traffic and that the development will not overload the streets outside the planned area; (3) the proposed utility and drainage facilities are adequate for the type of development proposed and will not create a drainage or pollution problem outside the planned area, and the timing of installation of utility and drainage facilities will be closely coordinated with development construction and that it will not create a hardship to residents either within or outside the planned area; (4) the density in the proposed development will not result in any substantial negative impact on any public facility or utility. Therefore, the proposed development meets the Decision Criteria listed above in LZO 4.415(1)(c-f).*

*Finding #8:*

*The Planning Commission finds that:*

- a. The applicant submitted all of the elements required of a General Development Plan submittal thereby enabling staff and the Planning Commission adequate evaluation materials to determine whether or not the application can achieve approval of the Preliminary Development Plan.*
- b. The review of the General Development Plan indicates that the applicant demonstrated that the proposed project, can achieve compliance with the Comprehensive Plan, Zoning Ordinance (LZO), Public Improvement standards, and other site development requirements. These requirements include ensuring that the requirements of LZO are satisfied.*
- c. The applicant shall fully comply with the Conditions of Approval to ensure that the Final Development Plan submittal will conform to the cited requirements thereby further demonstrating compliance with Comprehensive Plan, Zoning Ordinance, Public Improvement standards, and other site development requirements. These requirements include ensuring that "public facilities are available and have adequate capacity to accommodate the proposed development, or that such facilities and their capacities can be made available through appropriate extensions and/or enhancements concurrent with or prior to proposed developments" (cited above from Chapter 9 of the 2004 Comprehensive Plan).*
- d. The applicant shall prepare the Final Development Plan as per the requirements of LZO Section 4.416.*

## **VII. DECISION AND CONDITIONS OF APPROVAL**

The Lebanon Planning Commission finds the Preliminary Planned Development application complies with the Lebanon Zoning Ordinance and Comprehensive Plan criteria provided certain conditions are made part of the approval. Therefore, the Planning Commission APPROVES the request subject to the following Conditions of Approval:

### **A. Planning Division**

1. Submit a revised (if necessary) photocopy reproducible General Development Plan including all setbacks, building dimensions, landscape and common areas, sign location (if any), vehicle and pedestrian access, parking areas, trash dumpster locations, site improvements and other relevant information as per Zoning Ordinance Section 4.414(4)(a).
2. Submit a General Development Program as per Zoning Ordinance Section 4.414(4)(b).

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3. The applicant's General Plan must demonstrate compliance with all applicable criteria and with all conditions of approval established by the Planning Commission's review of the Preliminary PD.
4. Provide an updated site map (if necessary).
5. Provide a drainage plan, including a description of how the development of this site does not adversely impact the historic surface drainage patterns of adjacent properties.
6. Identify where the storm water detention areas are located.
7. Provide irrigation plan if site irrigation is proposed. Otherwise, identify how required street trees will be established and maintained.
8. Provide signage plan, if any. Any proposed signage must be located outside of the front yard setback and outside of the clear vision areas.
9. Provide an illumination plan identifying proposed on-site lighting. The plan must demonstrate that on-site lighting will not shine or glare on adjacent residences or streets.
10. Contact Allied Waste Services regarding the accessibility of the trash bin locations. Provide a copy of such correspondence in the General Plan program. Explain trash area/dumpster pickup operations.
11. Comply with the Fire District comments pertaining to fire lanes, site maps, fire hydrant placement, fire flow requirements, and so on.

## **B. Building Division:**

1. Provide a complete Building Code Analysis of the various structures.
2. Due in part to the magnitude of the proposed project, provide separate plan sheets delineating ADA requirements in regards to proportional distribution requirements. OSSC Section (106) and Chapter 11.
3. Site accessibility to all portions of the site must meet the intent of OSSC Section (1103). Marked crossings with the appropriate curb cuts and tactile warning will be required to provide complete connectivity throughout the site boundaries (including public parking) to public streets.
4. Provide documentation, preferably on the cover sheet, of all proposed phased construction approval practices along with an anticipated submittal date(s) as applicable. OSSC Section (106.3.3).
5. Provide a foundation and soils investigation in accordance with the applicable OSSC Sections (1802.2) through (1802.6).

## **C. Engineering Services Division:**

1. GENERAL
  - a. This proposal requires installation of new public improvements. All public improvements shall:
    - (1) conform to the latest City of Lebanon Standards for Public Improvements.
    - (2) require completion of a Drawing Review Application and a Public Improvements permit prior to beginning construction.
    - (3) be designed by a professional engineer registered in the State of Oregon.

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- b. An engineered site plan must be submitted for review and approval for each site development project. The site plans must be submitted with an Application for Site Plan Review and associated fee. The site plans shall detail all site improvements necessary for the proposed development together with a grading and drainage plan.
  - c. All elevations shown on plans submitted to the City must be on the NAVD 88 vertical datum to provide compatibility with the City computer aided mapping system.
  - c. The developer shall provide engineering drawings to the City for final review and approval prior to permit issuance.
  - d. Appropriate easements must be provided over public utilities prior to acceptance of public improvements. Public utility and access easements must be provided to and over public utilities and access ways.
  - e. The developer shall make necessary arrangements with utility companies or other persons or corporations affected for the installation of underground lines and facilities. Electrical lines and other wires, including, but not limited to communication, street lighting and cable television, shall be placed underground.
2. TRANSPORTATION
- a. Indicate location of any proposed sign on the site plans.
  - b. Provide safe traffic sight vision clearance with appropriate landscaping and fencing near public rights of way.
3. WATER
- a. Per City of Lebanon Municipal Code 13.06, all public meters 2-inch or larger shall have an approved backflow assembly on the private side of the meter. Approved backflow prevention assembly may be required for a smaller meter per OAR 333.
  - b. The Fire Marshal must approve the number and locations of existing and proposed fire hydrants. All new hydrants and locations shall be approved by the Lebanon Fire Marshal prior to approval of public improvement drawings and site plans. All new hydrants must be operational and approved by the City prior to storage of combustible materials on site. Contact the Fire Marshal for additional requirements.
  - c. Provide fixture counts and water meter demand calculations with the site plan.
  - d. The proposed water system shall be designed and constructed in accordance with City engineering standards. Further refinement will be established during the design submittal and review.
4. SANITARY SEWER
- a. The public sanitary sewer to serve this site shall be designed and constructed in accordance with City engineering standards. Further refinement will be established during the design submittal and review.
5. STORM DRAINAGE
- a. The proposed storm drainage system shall be designed and constructed in accordance with City engineering standards. Further refinement will be established during the design submittal and review.
  - b. The drainage system and grading plan shall be designed so as not to adversely impact drainage to or from adjacent properties. Storm drainage facilities must be designed and

# CITY OF LEBANON

constructed to ensure historical rates are not exceeded. A detailed design including engineering calculations shall be submitted as part of public improvement drawing and site plan review. With the engineering drawings, provide a grading plan for the site that indicates existing and proposed elevations. Drainage improvements (ditches and or piping) may be required at the site boundaries to prevent adverse impacts. The engineering drawings must provide a detailed design (including calculations) of the drainage improvements and mitigation of any impacts to adjacent properties.

- c. Provide onsite storm detention with discharge to the public storm drain system limited to the historic run-off during a 10 year event. Storm detention system must be privately owned and maintained and not be in separate tracts. Provide a City standard emergency access and maintenance easement over any proposed detention areas for public streets.

## D. Lebanon Fire District

1. The owner/occupant shall comply with all requirements of the Oregon Fire Code as they pertain to this particular type of occupancy or development. (OFC Sec. 109)
2. Fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction when any portion of the facility or any portion of an exterior wall of the first story of the building is located more than 150 feet from fire apparatus access as measured by an approved route around the exterior of the building or facility. (OFC Sec. 503.1.1)
  - A. Plans for the fire apparatus access roads shall be submitted to the fire department for review and approval prior to construction. (OFC Sec. 501.3)
  - B. Access roadways shall not be closer than 20 feet to a structure unless topographical restrictions dictate the location. (OFC Sec. 503.1.1)
  - C. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13 feet 6 inches. Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26 feet. (OFC Sec. 503.2.1 and D103.1)
  - D. Fire apparatus access roads shall be of an all-weather surface that is easily distinguishable from the surrounding area and is capable of supporting not less than 12,500 pounds point load (wheel load) and 60,000 pounds live load (gross vehicle weight). You may need to provide documentation from a registered engineer that the design will be capable of supporting such loading. Documentation from a registered engineer that the finished construction is in accordance with the approved plans or the requirements of the Fire Code may be requested. (OFC Sec. 503.2.3 and D102.1)
  - E. Where a bridge or an elevated surface is part of a fire apparatus access road, the bridge shall be constructed and maintained in accordance with AASHTO *Standard Specification for Highway Bridges*. Bridges and elevated surfaces shall be designed for a live load sufficient to carry the imposed loads of fire apparatus, (60,000 lbs). Vehicle load limits shall be posted at both entrances to bridges when required by the fire code official. Where elevated surfaces designed for emergency vehicle use are adjacent to surfaces which are not designed for such use, approved barriers, approved signs or both shall be installed and maintained when required by the fire code official. (OFC Sec. 503.2.6)

# CITY OF LEBANON

- F. Private fire apparatus access roadway grades shall not exceed an average grade of 10 percent with a maximum grade of 15 percent for lengths of no more than 200 feet. Intersections and turnarounds shall be level (maximum 5%) with the exception of crowning for water run-off. Public streets shall have a maximum grade of 15%. (OFC Sec. 503.2.7 and D103.2)

Note: The maximum grade may be exceeded when an automatic fire sprinkler system is installed, but in no case shall the grade exceed 15 percent.

- G. The inside turning radius and outside turning radius shall not be less than 28 feet and 48 feet respectively, measured from the same center point. (OFC Sec. 503.2.4 and D103.3)
  - H. When access roads are subject to run-off damage, approved drainage shall be provided. (OFC Sec. D103.3.2)
- 3. Dead end fire apparatus access roads in excess of 150 feet in length shall be provided with an approved turnaround. (OFC Sec. 503.2.5 and D103.4)
  - 4. Where fire apparatus roadways are not of sufficient width to accommodate parked vehicles and 20 feet of unobstructed driving surface, "No Parking" signs shall be installed on one or both sides of the roadway and in turnarounds as needed for private access roads and yellow curbing as per city or county road standards for public access roads. (OFC Sec. 503.3 and D103.6)
    - A. Fire apparatus access roads 20 to 26 feet wide shall be posted on both sides as a fire lane. (OFC Sec. D103.6.1)
    - B. Fire apparatus access roads more than 26 feet wide to 32 feet wide shall be posted on one side of the road as a fire lane. (OFC Sec. D103.6.2)
    - C. Signs shall read "NO PARKING - FIRE LANE" and shall be installed with a clear space above grade level of 7 feet. Signs shall be 12 inches wide by 18 inches high and shall have red letters and border on a white background. (OFC Sec. D103.6)
  - 5. Where required, fire apparatus access roadway curbs shall be painted red and marked "NO PARKING FIRE LANE" at each 25 feet. Lettering shall have a stroke of not less than one inch wide by six inches high. Lettering shall be white on red background. (OFC Sec. 503.3)
  - 6. An approved water supply capable of supplying the required fire flow for fire protection shall be provided to premises upon which facilities, buildings or portions of buildings are hereafter constructed or moved into or within the jurisdiction. (OFC Sec. 508.1)

Exception: One and two family dwellings with a fire area less than 3600 square feet.

- 7. The required fire flow for the building shall not exceed 3,000 gallons per minute (GPM) or the available GPM in the water delivery system at 20 psi, whichever is less. A worksheet for calculating the required fire flow is available from the Fire Marshal's Office at 541-451-1901 or online at [www.lebanonfire.org](http://www.lebanonfire.org). Complete the worksheet and submit for review and approval prior to construction. (OFC Sec. 508.3)
- 8. Municipal Water Supply - Provide fire hydrants capable of supplying required fire flow. (OFC Sec. 508.5 & Appendix C)

# CITY OF LEBANON

- A. No portion of the exterior of a commercial building shall be located more than 400 feet from a fire hydrant when measured in an approved manner around the outside of the building and along an approved fire apparatus access roadway. Any hydrants that are left over from the minimum number of hydrant calculations may be fulfilled by hydrants that are up to 500 feet from any point of the building. (OFC Sec. 508.5.1)
- Exception: Buildings equipped throughout with an approved automatic sprinkler system installed in accordance with NFPA 13 or 13R, the distance requirement shall be 600 feet.
- B. The minimum number of fire hydrants for a commercial building shall be based on the required fire flow and spacing limitations. (OFC Appendix C, Sec. C103.1, Table C105.1)
- C. Fire hydrant placement shall be approved by the fire district. All measurements are as the hose is laid by fire fighting personnel and apparatus. (OFC Sec. 508.5 & Appendix C)
- D. Fire hydrants shall have a 5-inch HYDRA-STORZ® connection on the steamer port. (OFC Sec. 508.5 & Appendix C)
- E. Existing hydrants in the area may be used to meet the required number of hydrants; however, hydrants that are over 500 feet away from the nearest point of the subject building shall not contribute to the required number of hydrants. Existing fire hydrants shall comply with the 5-inch HYDRA-STORZ® connection requirement listed above. (OFC Sec. 508.5 & Appendix C)
- F. Fire hydrants that are separated from the subject building by railroad tracks shall not contribute to the required number of hydrants. (OFC Sec. 508.5 & Appendix C)
- G. Fire hydrants that are separated by divided highway, freeway or heavily traveled collector streets shall not contribute to the required number of hydrants. (OFC Sec. 508.5 & Appendix C)
- H. Hydrants that are accessible only by a bridge shall be acceptable to contribute to the required number of hydrants only if approved by the Chief.
- I. Private hydrants or public hydrants that are on adjacent private property shall not contribute to the required number of hydrants for the subject building. (OFC Sec. 508.5 & Appendix C)
- J. Where fire hydrants are subject to impact by a motor vehicle, guard posts or other approved means of protection shall be provided. (OFC Sec. 508.5.6)
- K. When evaluating the placement of hydrants at apartment or industrial complexes the first hydrant(s) to be placed shall be at the main entrance and any secondary access to the site. After these hydrants have been placed other hydrants shall be sited to meet the requirements for spacing and minimum number of hydrants. (OFC Sec. 508.5 & Appendix C)
- L. Fire hydrants shall be located not more than 15 feet from an approved fire apparatus access roadway. (OFC Sec. 508.5 & Appendix C)
- M. Fire hydrants on a public street shall be clearly identified with a yellow curb to prevent obstruction by parking and other obstructions. No parking within 10-feet of a fire hydrant. (OFC Sec. 508.5.5)

# CITY OF LEBANON

- N. A 3-foot clear space shall be maintained around the circumference of fire hydrants. 4-feet from any supporting structure for electrical equipment, such as transformers and poles. (OFC Sec. 508.5.5)
9. Required fire apparatus access roads, water supplies, fire hydrants and water mains shall be installed and made serviceable prior to and during the time of onsite combustible construction. (OFC Sec. 501.4, 1410.1 and 1412.1)
10. Prior to opening for business, approved portable fire extinguishers shall be provided at approved locations. Contact the Lebanon Fire District Fire Marshal, at 451-1901, for assistance. (OFC Sec. 906)
11. New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches (102 mm) high with a minimum stroke width of 0.5 inch. Flag lot addresses shall be posted on a minimum 4 x 4 post at the entrance to the driveway from the public street. (OFC Sec. 505.1)
- A. Addressing for multi-family dwelling developments shall provide approved signs at each site access point with a map of the complex, identifying the location of each address in the complex.
12. Streets and roads shall be identified with approved signs. Street names shall be checked and approved with the Public Safety Answering Point, (PSAP – 911 Dispatch Center), covering the geographic area which includes the Lebanon Fire District. Approval is required to avoid duplication and/or similar sounding street names to prevent the possible delay of emergency service response. (OFC Sec. 505.2)
13. A fire and life safety inspection by the Fire Department is required, prior to occupancy of the building, or, within 30 days after the operational stage of the occupancy. (OFC Sec. 106.2)

## VIII. ORDER

THEREFORE, it is the decision of the Lebanon Planning Commission to APPROVE the application, subject to the conditions of approval specified above.

## IX. OTHER PERMITS AND RESTRICTIONS

The Applicant is herein advised that the use of the property involved in this application may require additional permits from the City or other local, State or Federal agencies.

The City of Lebanon land use and review and approval process does not take the place of, or relieve the Applicant of responsibility for acquiring such other permits, or satisfy any restrictions or conditions thereon. The land use permit approval herein does not remove, alter or impair in any way any covenants or restrictions imposed on this property by deed or other instrument.

# CITY OF LEBANON

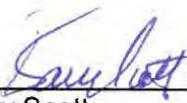
## X. APPEAL DATE

Under the provisions of the Lebanon Zoning Ordinance, the action taken by the Planning Commission may be appealed to the City Council within fifteen (15) calendar days from the date the Planning Commission rendered its decision. **The appeal must be received by the City Recorder by 5 pm on Thursday, July 31, 2008.** Only the applicant and/or a party receiving a copy of this order may appeal this land use decision. The appeal must be submitted on the form prescribed by City Council, include the required appeal fee of \$500.00, and state the purpose of the appeal, identifying specific criteria that the application fails to meet.

**APPROVED BY A UNANIMOUS VOTE OF THE LEBANON PLANNING COMMISSION ON THE 16<sup>TH</sup> DAY OF JULY, 2008.**

**DATED** at Lebanon, Oregon, this 23<sup>RD</sup> day of July, 2008.

SIGNED:

  
\_\_\_\_\_  
Barry Scott  
Planning Commission Chairperson

7-23-08

Date

ATTEST:

  
\_\_\_\_\_  
Jamie Bilyeu-Libra  
Community Development Administrative Assistant  
City of Lebanon

7-23-08

Date



Planning Commission  
Notice of Decision  
CERTIFICATE OF MAILING

**Planning File No.: PD-08-04**

**Applicant: Lebanon Reload Facility**

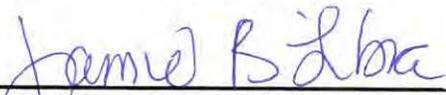
I, Jamie Bilyeu-Libra, of the City of Lebanon Planning Division, HEREBY CERTIFY that on July 23, 2008, I did personally mail, via US mail with first class postage prepaid, the following:

**Notice Planning Commission Decision** regarding Preliminary & General Planned Development request PD-08- 04 regarding property at Township 12S – Range 2W – Section 10B, Tax Lot 301;

Which decision was made by the Planning Commission after a public hearing on July 16, 2008;

The **Notice of Decision** was mailed to the following:

1. The applicant and representatives;
2. Citizens and entities who provided testimony : none

  
\_\_\_\_\_  
Jamie Bilyeu-Libra, Administrative Assistant  
Planning Division - City of Lebanon

**Chair:**  
Barry Scott

**Vice Chair:**  
Don Robertson

**Community Development  
Manager:**  
Walter Wendolowski, AICP

**Senior Planner:**  
Terry M. Lewis



**Commissioners:**  
Jamie Bennett  
John Brown  
Brian Daniels  
Lita Dyson  
Aaron Falotico  
Shelly Garrett  
Tom Owen  
Walt Rebmann  
Mike Reineccius

**Meeting Location:**  
Santiam Travel Station  
750 Third Street

## PLANNING COMMISSION

July 16, 2008

Regular Meeting: 6:30 pm

# AGENDA

1. FLAG SALUTE
2. CALL TO ORDER / ROLL CALL
3. APPROVAL OF MINUTES June 18, 2008
4. CITIZEN COMMENTS (restricted to items not on the Agenda)
5. PUBLIC HEARING

### Preliminary Planned Development PD-08-03: Samaritan Campus – N. Santiam Hwy 20

**Request:** A Preliminary Planned Development application for a Samaritan Healthcare Lebanon Campus is a proposed mixed use development located in north Lebanon across Highway 20 from the existing Samaritan Lebanon Community Hospital. The uses identified in the plan include a college campus, an event center, commercial/retail space, office space, a research/industrial park and a hotel/conference center. The subject property contains approximately 55.5 acres or 2,417,580 square feet, and is bordered by Reeves Parkway on the north, Santiam Highway (Highway 20) on the east, Twin Oaks Drive on the south, and Pioneer Elementary School to the west. The property is designated as Mixed Use (C-MU) on the City of Lebanon Comprehensive Plan Map and is zoned Mixed Use (MU). Assessor's Map T12S - R2W - Section 3 D, Tax Lot 1200.

### 6. PUBLIC MEETING

#### North Gateway Urban Renewal Plan

The City of Lebanon Urban Renewal Agency is proposing an urban renewal area at the north end of Lebanon, called the "North Gateway Urban Renewal Area". The Planning Commission will review and discuss the proposed Plan and Report, and make a recommendation to the Lebanon City Council. The main focus of the urban renewal plan is to provide infrastructure to support future development of the area.

### 7. PUBLIC HEARING

#### Preliminary and General Planned Development PD-08-04: Lebanon Reload Facility

**Request:** A Preliminary and a General Planned Development request to establish a dimensional finish lumber reload facility and a switchyard spur on a 5.65 acre territory comprised of the northeast portion of T12S-R2W-Section 10B, Tax Lot 300 and a flag access strip. The subject property is located north of Highway 34, south of the Southern Pacific Railroad tracks, north of the intersection of 13<sup>th</sup> Street and Highway 34. The property is designated as Industrial (C-IND) on the City of Lebanon Comprehensive Plan Map and as Limited Industrial (Z-ML) on the Zoning Map. Approval of the General Planned Development request is contingent upon a preceding approval of the Preliminary Planned Development request.

### 8. NEW BUSINESS

- a. Next PC Meeting date – August 20, 2008
- b. Public Official Disclosure Report – due July 15.

### 9. COMMISSIONER COMMENTS

### 10. ADJOURNMENT



## CITY OF LEBANON PLANNING COMMISSION STAFF REPORT

### I. SUMMARY OF PRELIMINARY AND GENERAL PLANNED DEVELOPMENT REQUEST

**Note:** This is a combined land use request and staff report, both a Preliminary Planned Development and a General Planned Development request. There will be two separate motions, one for each request. Approval of the General Planned Development request is contingent upon a preceding approval of the Preliminary Planned Development request. The City is able to combine these two requests and actions given the lack of complexity in the development proposal. In the past, the Planning Commission conducted hearings on both a preliminary (PPD) and general (GPD) planned development request at the same Planning Commission meeting. The most recent example of this precedent occurred on November 13, 2007 when the Commission heard and approved both the PPD and GPD request for the Raceway Mini-Storage development (PD-07-3).

**NATURE OF REQUEST:** A Preliminary Planned Development and a General Planned Development request to establish a dimensional finish lumber reload facility (with an office) and a switch yard spur on 5.65 acre territory, including a flag access strip.

**APPLICANT:** Norman Steckley

**PROPERTY LOCATION:** The subject property is located north of Highway 34, south of the Southern Pacific Railroad tracks, north of the intersection of 13<sup>th</sup> Street and Highway 34.

**ASSESSOR'S MAP AND TAX LOT #:** Northeast portion of T12S-R2W-Section 10B, Tax Lot 300

**COMPREHENSIVE PLAN MAP DESIGNATION:** Industrial (C-IND)

**ZONE DESIGNATION:** Limited Industrial (ML)

**SUB-ZONE:** None

**120 DAY DEADLINE:** 10/21/08      **LAST REGULAR MEETING DATE FOR A PC DECISION:** 9/17/08

**NOTICE SENT:** **Date:** 6/25/08      **Number:** 57 (18 SPOs)      **Replies Received:** None  
 (SPOs = Surrounding Property Owners)

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VI. Decision Criteria and Proposed Findings - Preliminary PD Application & Hearing	9
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XI. EXHIBITS: (A) Applicant's Narrative; (B) Fire Marshals' Comments; (C) City's Notice Mailing List;	19f

## II. INTRODUCTION

A Preliminary and a General Planned Development request to establish a dimensional finish lumber reload facility and a switch yard spur on 5.65 acre territory comprised of the northeast portion of T12S-R2W-Section 10B, Tax Lot 300 and a flag access strip. The subject property is located north of Highway 34, south of the Southern Pacific Railroad tracks, north of the intersection of 13<sup>th</sup> Street and Highway 34. The property is designated as Industrial (C-IND) on the City of Lebanon Comprehensive Plan Map and as Limited Industrial (Z-ML) on the Zoning Map. Approval of the General Planned Development request is contingent upon a preceding approval of the Preliminary Planned Development request.

## III. SITE DESCRIPTION

The subject property is 5.65 +/- acres identified as Parcel 1 on Linn County Partition Plat 2008-43. The property is vacant.

### Summary of Area Surrounding the Subject Property:

	<u>Current Land Use</u>	<u>Land Use Designations</u>
North:	Railroad and Lowe's Distribution Center	Zoning Map Designation is Limited Industrial (ML)
West:	Agricultural	Comprehensive Plan Map: Industrial (IND)
South:	Agricultural	Comprehensive Plan Map: Industrial (IND)
East:	Western Warehouse	Zoning Map Designation is Limited Industrial (ML)

## IV. KEY FEATURES OF THE APPLICANT'S PROPOSAL

Excerpts (in italics) from the Applicant's narrative (**See Exhibit A for full details**):

*The applicants have received a ConnectOregon Program Grant from Oregon Department of Transportation to relocate a dimensional finish lumber reload facility from the central business commercial district in Lebanon to the northwest industrial area. The project will also relocate a switch yard spur from an area in south Lebanon to the northwest site. The rail track in the switch yard and reload facilities will be 133 pound rail. The project includes:*

- *Construction of an approximately 1,450 foot private access road from the corner of 12<sup>th</sup> Street and Harrison Street north to the proposed reload yard;*
- *Construction of a 3.50 acre more or less paved surface for temporary storage of products and to facilitate efficient movement of forklifts and other equipment;*
- *Installation of public sewer main and sewer lateral;*
- *Installation of public water main and one fire hydrant; and*
- *Construction of approximately 2,500 feet of railroad switching track.*
- *A 28' x 40' modular office building, accessory to the reloading and switching activities, will be constructed in the southwest corner of the subject property at this time. . . .*

*The project will start as soon after final planning approval as possible. . . .*

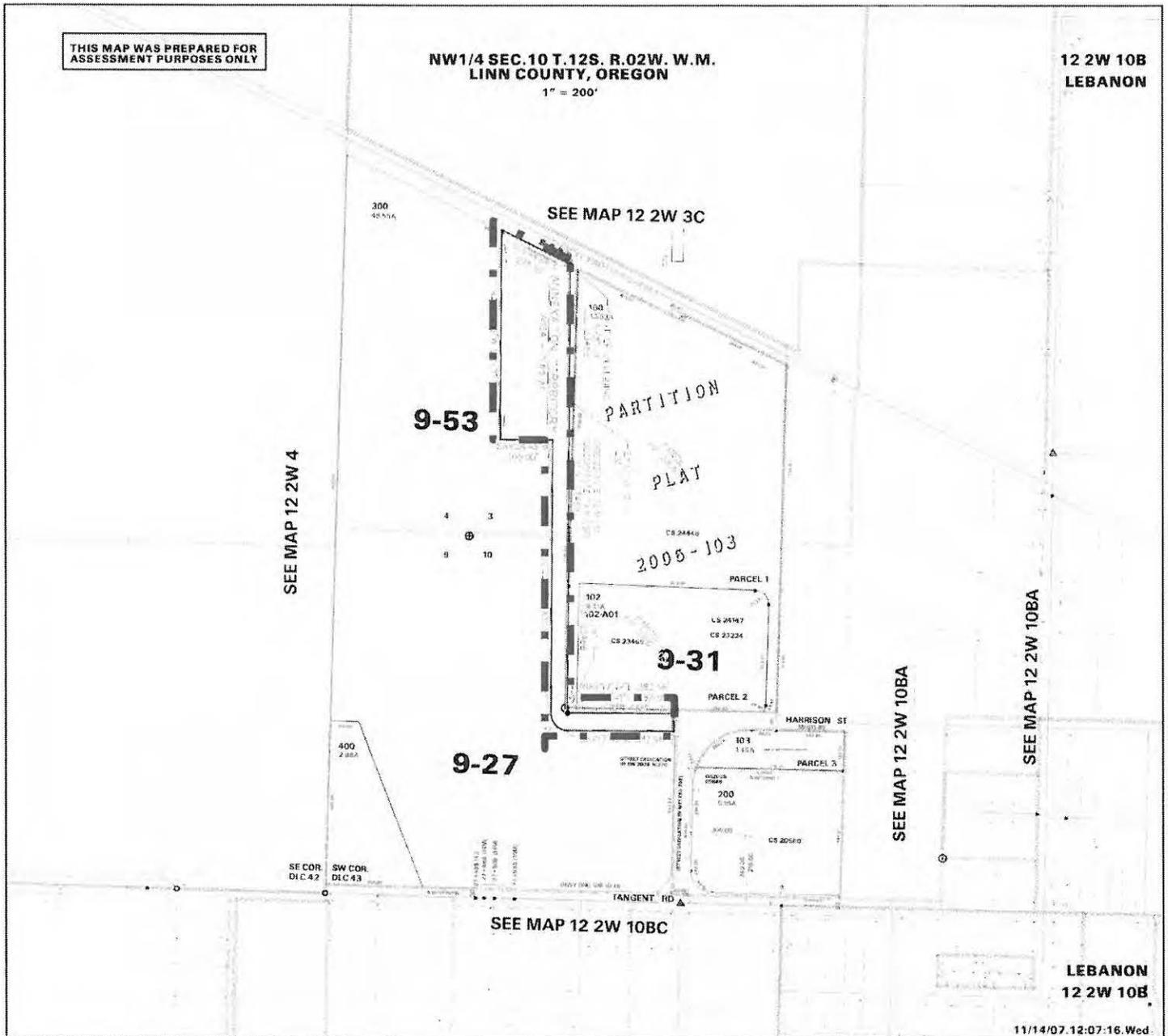
*The subject property has been designated Limited Industrial by the City because it is ideally located to provide access to an existing rail line; can be provided with street access, sewer and water; and is surrounded by industrially designated land, minimizing the potential for conflicts with adjacent uses. The proposed development meets or exceeds all City standards for lot size, width, parking, site area and open space.*

*The proposed use will provide employment opportunities for the citizens of Lebanon and will enhance the local tax base. It will diversify the economic base of the community. The property is uniquely located adjacent to an existing rail line. The proposed project will enhance rail service to the community's industrial areas. . .*

*The proposed use requires one parking space per each employee. It is anticipated that 10 employees will be working at the reload facility and therefore require 10 parking spaces. One of the ten spaces will be a handicapped space. . .*

*Any modifications recommended by the Planning Commission [during the Preliminary PD portion of the hearing] will be incorporated into the General Development Plan and Program to the extent practicable.*

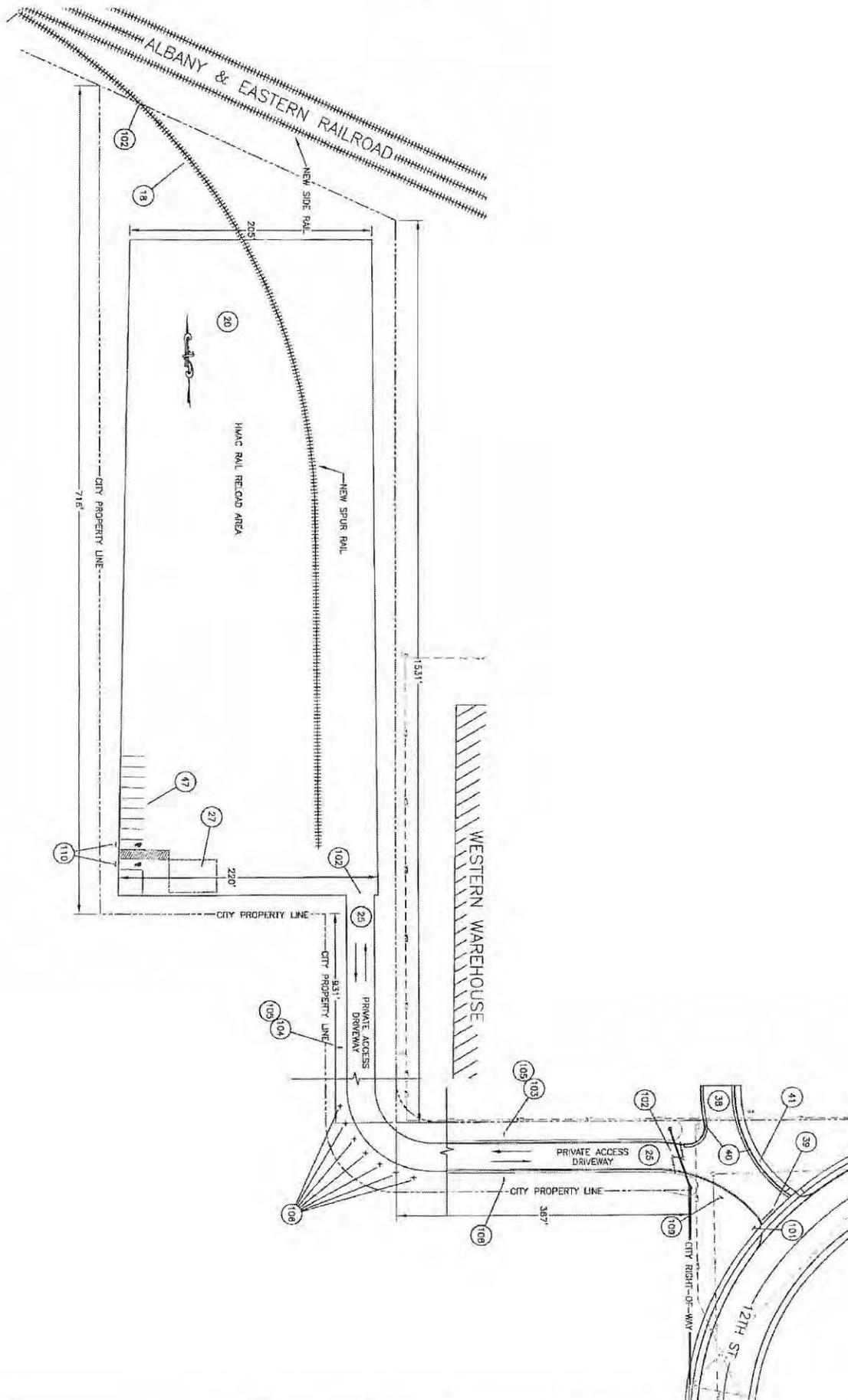
# Assessor's Map



Land Cover Map - GIS with Aerial Photography Overlay



# Site Plan



**V. CITY STAFF AND AGENCY COMMENTS**

**A. City Planning**

1. The subject property is designated Industrial (C-IND) on the Comprehensive Plan Map, and is zoned Limited Industrial (ML). The proposed development is permitted if in compliance with the provisions, development opportunities, standards and requirements of **LZO Section 4.210 - Limited Industrial (ML) zone**.

As per **LZO Section 4.210 (3) and (5)**, all of the land uses cited in this Preliminary PD proposal are AR permitted or conditionally permitted uses in the ML zone. However, because the subject property is greater than two acres, the proposal must be reviewed (**LZO Section 2.110**) as a Planned Development (PD) under the provisions in **LZO Section 4.410**, which allow modifications of the standards and requirements of the underlying zone.

**LZO Section 4.411** states that *the purpose of the Planned Development is to provide opportunities to create more desirable environments through the application of flexible and diversified land development standards under a comprehensive plan and program professionally prepared.*

**LZO Section 4.413(3)(a)** notes that the Planning Commission may approve, require modification, or deny the Preliminary Development Plan and Program. The Lebanon Comprehensive Plan, Zoning Ordinance and other regulations are the basis for such actions [e.g., LZO Sections 4.415, 4.417, 4.020, as well as those sections listed below].

**LZO Section 4.410** -- An outline of the Steps of the Planned Development process is as follows:

Steps	Action	LZO Section
1	Submit preliminary plans and program	4.413
2	Planning Commission/Public Hearing on plans and program (Preliminary Approval)	4.413(3)
3	Submit general development plan and program (Preliminary plan modified by Planning Commission review and recommendations)	4.414
4	Planning Commission/Public Hearing on general development plans and program	4.414(2)
5	Planning Commission action and findings on general development plan (Planning Commission approval of Planned Development)	4.415
6	Planned Development final plan and program	4.416

The issue before the Planning Commission at this time is **Step 2, request for Preliminary Approval**. If approved, then the proceedings will progress to **Step 4**.

**LZO Section 4.415** notes that the Planning Commission may approve, require modification, or deny the General Development Plan and Program. The Lebanon Comprehensive Plan, Zoning Ordinance and other regulations are the basis for such actions [e.g., LZO Sections 4.415, 4.417, 4.020, as well as those sections listed below].

2. **Decision Criteria:** The following Criteria are used by the Planning Commission to make a decision on this Planned Development request:

(a) **1980 LEBANON ZONING ORDINANCE (LZO):** **LZO Section 4.210** lists the development opportunities, standards and requirements for the Limited Industrial (ML) zone; **LZO Section 4.210(5)(a)** indicates that the proposed use is permitted with a **conditional Use Review**, however because the size of the development exceeds 2.0 acres in size, it is required to be processed as a Planned Development (PD) as per **LZO Section 2.110**; **LZO Section 4.410-Planned Development**.

(2) **2004 LEBANON COMPREHENSIVE PLAN:** (a) **Chapter 1 (Introduction)** General Goals G-1, G-5, G-9; **Chapter 2 -Natural Environment** Policy P-24; **Chapter 4-Land Uses** Goal G-2; Policies P-34, 35, 36, and 39; **Chapter 5 - Population & Economy** Goals G-1 through G-8, and G-17, and Policies P-26, P-27; **Chapter 8 Transportation** Goal G-1; Policies P-67, P-70. **Chapter 9-Public Facilities** General Goal G-4; Policies P-8, P-9, P-10, P-59, P-71.

**3. Summary of Key City Requirements for Proposed Development --(LZO)Section 4.210 - Limited Industrial (ML):**

- (6) Limitations on Use: Except as provided in Article 5 and 6, the following limitations shall apply:
- (a) All service, repair, fabrication or processing shall be conducted wholly within an enclosed building unless otherwise specified by the Planning Commission.
  - (b) Open storage of materials or products may be allowed when natural or artificial screening can be provided to obscure from view at eye-level from the property line. Such storage shall not be permitted in required yards.
  - (c) Uses which possess nuisance characteristics or those potentially detrimental to the public health, safety and general welfare of the community such as noise, vibration, smoke, odor, fumes, dust, heat, glare or electromagnetic interference shall not be permitted unless additional safeguards are specified by the Planning Commission. The applicant shall accurately specify the extent of emissions and nuisance characteristics relative to the proposed use. Misrepresentation or omission of required data shall be grounds for termination of a conditional use.
  - (d) All uses shall meet all applicable standards and regulations of the Oregon State Board of Health, the Oregon Department of Environmental Quality, and any other public agency having appropriate regulatory jurisdiction. Prior to approval of conditional use applications or building permits, evidence shall be submitted to the City indicating that the proposed activity has been approved by all appropriate regulatory agencies.
- (7) Yards: Except as provided in Article 5 and 6, in a ML zone yards shall be as follows:
- (a) Front yards and street side yards shall be 20 feet (6.09 m.) unless otherwise specified by the Planning Commission.
  - (b) Other yards shall be a minimum of 20 feet (6.09 m.) where the lot abuts a residential zone.
  - (c) Yards shall be landscaped as provided in Section 5.120.
- (8) Clear Vision Area: A clear vision area shall be maintained as provided in Section 5.030. A 20 foot (6.09 m.) triangle at intersections.
- (9) Lot Coverage: In a ML zone a building shall not occupy more than 50 percent of the lot area.

- 4. Basis of Planning Commission Approval:** Ultimately, the decisions of the Planning Commission regarding final approval as well as the design specifics of a Planned Development proposal are guided by the following provisions of the Lebanon Zoning Ordinance (LZO).

**LZO SECTION 4.415:** (1) Planning Commission Action: The Planning Commission, after public hearing on the General Development Plan and Program, shall either approve the application, with or without modifications and conditions, or deny it.

A decision for approval of a PD shall be based on the following findings:

- (a) That the proposed development is in substantial conformance with the Lebanon Comprehensive Plan.
- (b) That exceptions from the standards of the underlying zone are warranted by the design and amenities incorporated in the development plan program.
- (c) That the proposed development, or a unit thereof, can be substantially completed within 1 year of the final approval.
- (d) That the streets are adequate to support the anticipated traffic and that the development will not overload the streets outside the planned area.
- (e) That the proposed utility and drainage facilities are adequate for the population densities and type of development proposed and will not create a drainage or pollution problem outside the planned area. That the timing of installation of utility and drainage facilities will be closely coordinated with development construction and that it will not create a hardship to residents either within or outside the planned area.

- (f) That the density in the proposed development will not result in any substantial negative impact on any public facility or utility.
- (2) Conditions for Approval: The Planning Commission may require conditions for approval which may include, but are not limited to the following:
  - (a) Increasing the required setbacks.
  - (b) Limiting the height of buildings.
  - (c) Controlling the location and number of vehicular access points.
  - (d) Establishing new streets, increasing the right-of-way or roadway width of existing streets, requiring curbs and sidewalks, and, in general, improving the traffic circulation system.
  - (e) Requiring additional improvements for utilities or storm drainage facilities.
  - (f) Increasing the number of parking spaces and improving design standards for parking areas.
  - (g) Limiting the number, size, location, and lighting of signs.
  - (h) Designating sites for open space and recreation.
  - (i) Requiring additional view obscuring screening or fencing.
  - (j) Establishing any special time limits for completion of all or any portion of the project, including, but not limited to utilities, drainage facilities, streets, curbs, gutters, sidewalks, parking areas, landscaping, fencing, screening, recreation areas or community buildings.
  - (k) Requiring a special contractual agreement with the City to assure development of streets, sidewalks, drainage facilities, utilities, and other improvements to standards which are acceptable to the City.
  - (l) Requiring the placement of building and roadways in such a manner that;
    - (1) Would provide for utilization of the solar potential of the site and protect the solar access of adjacent sites, and
    - (2) Would buffer and minimize any adverse noise impacts.
- (3) Any condition specified shall be placed on the official design plan and signed by the owners. Where applicable the requirements may be made part of any existing or future deed as a covenant.

**LZO SECTION 4.417: [PD] DEVELOPMENT STANDARDS**

- (1) Minimum Site Size: A PD shall not be established on less than (2) acres unless the Planning Commission finds less area suitable by virtue of its unique character, but at no time shall a Planned Development be considered on less than one acre.
- (2)
  - (a) The plans and programs shall present an organized arrangement of buildings, service facilities, open spaces and improvements such as recreation facilities and fencing to insure compatibility with the Lebanon Comprehensive Plan.
  - (b) Periphery yards of a PD shall be at least as deep as those required by the yard regulations of the underlying zone unless the Planning Commission finds that equal protection will be accorded through specific features of the approved plan.
- (3) Lot Coverage and Building Height: Lot coverage and building height shall be no greater than for the underlying zone unless the Planning Commission finds that an exception is warranted in terms of the character and amenities proposed in the total development.
- (4) Open Space: Open space in a PD means the land area to be used for scenic or open recreational purposes within the development.
  - (a) Open space does not include street right-of-way, driveways, parking areas, required setbacks, or public service easements unless these areas have some special recreational design or purpose.
  - (b) Open space shall be adequate for the recreational and leisure use of the population occupying the planned unit development and designed to enhance the present and future value of the development.
  - (c) To the maximum extent possible, the plan and program shall assure that natural features of the land are preserved and landscaping is provided.
  - (d) In order to assure that open space will be permanent, dedication of development rights to the city for other than open space use may be required.

- (e) Instruments guaranteeing the maintenance of open space shall be reviewed and approved by the Planning Commission. Documents dedicating development rights and provision for maintenance of open space shall be approved as to form by the City Attorney.
- (5) Subdivision Lot Sizes: Minimum area, width, depth and frontage requirements for subdivision lots in a PD may be less than the minimum specified in the basic zone if in accordance with the approved General Development Plan and Program and the density standards of this section.

**B. City Building Official Comments: None**

(See Building Conditions of Approval following Findings)

**C. City Engineering (Services Division) -- Current Status of Infrastructure: None**

(See Engineering Conditions of Approval following Findings)

**D. Lebanon Fire District: See Exhibit B**

**VI. Decision Criteria and Proposed Findings - Preliminary Planned Development**

***THE FOLLOWING DETAILED CRITERIA ARE USED IN MAKING A DECISION ON THIS PRELIMINARY PLANNED DEVELOPMENT REQUEST. CRITERIA ARE FOLLOWED BY THE APPLICABLE FINDINGS.***

**1980 LEBANON ZONING ORDINANCE (LZO):**

- 1. **LZO Section 2.110** requires that *all proposed development of land greater than two acres shall be reviewed as a Planned Development utilizing the requirements and procedures outlined in the Planned Development section of this ordinance.*

**Finding #1:** This development request to establish a dimensional finish lumber reload facility (with an office) and a switch yard spur on 5.6.5 acres is being processed as a Planned Development, and is thus in compliance with the above noted criteria.

**2. LZO Section 4.210**

In a MU zone the following regulations shall apply:

- (1) Purpose: To provide areas suitable for limited manufacturing which will help support the economic base of the community and surrounding area, and to provide areas suitable for limited manufacturing, warehousing and similar activities which have a minimal effect on the surrounding areas of the community.
- (3) Uses Permitted in Accordance with Administrative Review Procedures - (g) Offices
- (5) Conditional Uses Listed -- (a) Railroad tracks and facilities necessary to serve other permitted uses.

**Finding #2:** This PD development request includes a dimensional finish lumber reload facility (with an office) and a switch yard spur.

**(a)** This type of industrial use exemplifies the purposes of the ML Zone, and is thus in compliance with this criterion LZO Section 4.210 (1).

**(b)** As per LZO Section 4.210 (3) and (5), all of the land uses cited in this Preliminary PD proposal are permitted uses in the ML zone, and is thus in compliance with this criterion. Because the subject property is greater than 2 acres, the Planned Development process takes precedence over the Conditional Use and Administrative Review processes for the proposed land uses (see Finding #1 above). Accordingly, this development proposal is in compliance with the above noted criteria regarding uses permitted in the ML Zone.

**Development Standards:** LZO Section 4.210 lists the development standards and requirements for Limited Industrial (ML) for any limited industrial uses.

Accordingly, requirements for Limitations on Use, Lot Size, Width, Coverage, Setbacks, Clear Vision, and Open Space are listed in this section of the LZO.

**Finding #3:** The applicant's proposal indicates that all such applicable standards and requirements will be met by the various components of the development proposal. The Planning Commission finds this the applicant's proposal acceptable and thus achieves compliance with the above noted criteria. Compliance with these criteria will be verified when the applicant submits engineering plans and applies for Building Permits.

3. LZO Section 5.200 - Off Street Parking Requirements:

**Finding #4:** The applicant indicates that all private driveway aprons, drive aisles and parking stall configurations will be designed and constructed to meet City standards, including 1 parking space per employee, 1 ADA space, and approximately 3.5 acres of paved surface. The Planning Commission finds this conceptual proposal acceptable at this stage. Details of compliance will be assessed at both the time of review of the General PD Development application, and compliance with these criteria will be verified when the applicant submits engineering plans and applies for Building Permits.

4. LZO Section 4.410 -- An outline of the Steps of the Planned Development process is as follows:

Steps	Action	LZO Section
1	Submit preliminary plans and program	4.413
2	Planning Commission/Public Hearing on plans and program (Preliminary Approval)	4.413(3)
3	Submit general development plan and program (Preliminary plan modified by Planning Commission review and recommendations)	4.414
4	Planning Commission/Public Hearing on general development plans and program	4.414(2)
5	Planning Commission action and findings on general development plan (Planning Commission approval of Planned Development)	4.415
6	Planned Development final plan and program	4.416

The issue before the Planning Commission at this time is Step 2, Hearing for Preliminary PD Approval.

**Finding #5:** This preliminary planned development request proposes to build a dimensional finish lumber reload facility (with an office) and a switch yard spur. The Planning Commission finds that:

- a. The applicant submitted all of the elements required of a Preliminary Development Plan submittal thereby enabling staff and the Planning Commission adequate evaluation materials to determine whether or not the application can achieve approval of the Preliminary Development Plan.
- b. The review of the Preliminary Development Plan indicates that the applicant demonstrated that the proposed project, can achieve compliance with the Comprehensive Plan, Zoning Ordinance (LZO), Public Improvement standards, and other site development requirements. These requirements include ensuring that the requirements of LZO are satisfied.
- c. The applicant **shall** fully comply with the **Conditions of Approval in this staff report** to ensure that the general development plan submittal will conform to the cited requirements thereby further demonstrating compliance with Comprehensive Plan, Zoning Ordinance, Public Improvement standards, and other site development requirements. These requirements include ensuring that "public facilities are available and have adequate capacity to accommodate the proposed development, or that such facilities and their capacities can be made available through appropriate extensions and/or enhancements concurrent with or prior to proposed developments" (From Chapter 9 of the 2004 Comprehensive Plan, cited later in this Staff Report).
- d. The applicant **shall** prepare the General Development Plan as per the requirements of LZO Section 4.410.

## **2004 LEBANON COMPREHENSIVE PLAN (LCP) CRITERIA**

LZO Section 4.415(1)(a) stipulates, as one of the conditions of approval for a PD, the Planning Commission must find that the proposed development is in substantial conformance with the Lebanon Comprehensive Plan (LCP). Listed below are the provisions of the LCP that have been identified as being relevant for the approval of this proposed PD.

### **LCP Chapter 1 - Introduction:**

- G-1:** Encouraging development in a planned and considered manner consistent with the community's general health, safety and welfare.
- G-5:** Broadening opportunities for economic expansion and diversification.
- G-9:** Encouraging a mix of commercial and industrial development that will provide a sustainable economic base for the City.

### **LCP Chapter 2 - Natural Environment:**

- P-24:** Require that development proposals with significant noise generating elements demonstrate compliance with City noise standards.

### **LCP Chapter 4 - Land Uses:**

#### **General Goals:**

- G-2:** Promoting the orderly development and conservation of lands for urban uses, such as homes, businesses, industries, and streets, as well as parks, open space, and wetlands.

#### **Policies - The City shall:**

#### ***Policies for Industrial Uses***

- P-34:** Designate industrial areas with adequate infrastructure improvements to serve new industrial development and actively encourage industry to locate in these designated areas.
- P-35:** Encourage industries that are compatible with City's livability and that minimally disrupt residential adjacent areas due to excessive traffic, noise, pollution, or other impacts that would impair the livability of the community.
- P-36:** Require that all industrial development strictly comply with the environmental quality standards of the State of Oregon, including all applicable standards and regulations of the Oregon State Board of Health, the Oregon Department of Environmental Quality and any other public agency having regulatory jurisdiction.
- P-39:** Require that review criteria for industrial development proposals include adequacy of site size for the proposed use, the practical utilization of the natural features of the site, relationship to the City's transportation and utility systems, relationship to other land uses and adequacy of landscaping proposals for the proposed use.

### **LCP Chapter 5 - Population & Economy:**

#### **The City's Economic Goals include the following:**

- G-1:** Providing employment opportunities for its citizens.
- G-2:** Providing a viable tax base for the community in order to pay for essential community services.
- G-3:** Encouraging a diversified economic base for the community which broadens and improves long-term employment opportunities in all sectors, including, retail, service, and industrial.
- G-4:** Providing the opportunity for a full range of commercial, cultural, recreational, educational, health services, and other professional services to meet the needs of the City's residents and visitors.
- G-5:** Supporting the establishment of new employment and the expansion of existing employment to strengthen the City's economic base in order to provide adequate employment opportunities and maintain community livability.
- G-6:** Seeking balanced, concurrent growth in the commercial, industrial and residential sectors that are within the carrying capacity of community resources.
- G-7:** Diversifying the economic base of the community through: (a) expansion of existing industries, (b) recruitment of new clean industries, and (c) expansion of the light manufacturing.
- G-8:** Taking into consideration availability of renewable and non-renewable resources, the availability of land, and pollution control requirements when planning for the economic growth of the community.
- G-17:** Planning for the anticipated employment growth through the year 2025 and all of the land and services needs required by such growth, as well as employment and associated needs generated by any additional major industrial or commercial growth, as indicated in the *2004 Lebanon Urbanization Study* (ECONorthwest).

**The City's Economic Policies include the following-- The City shall:**

**P-26:** Plan for at least 3,700 new jobs by the year 2025 and all of the land and services needs required by such growth, as well as employment and associated needs generated by any additional major industrial or commercial growth, as indicated in the *2004 Lebanon Urbanization Study* (ECONorthwest).

**P-27:** Plan for the projected population of the year 2025.

**Chapter 8 Transportation:**

**The City's Transportation Goals include:**

**G-1:** Developing and maintaining a well-planned, comprehensive transportation system that balances the needs of future land development with a system that serves all users.

**Rail Policies**

**P-67:** The City shall work with industry and rail service providers to retain and enhance rail service to this community's industrial areas.

**P-70:** In considering potential development of industrial sites, the City shall consider the unique opportunities offered by sites with railroad access.

**LCP Chapter 9 - Public Facilities:**

**G-4:** Ensuring that essential public facilities and service capabilities (transportation, storm drainage, sewer and water service) are either in place before new development occurs and/or are constructed concurrently with such development.

**Public Facilities Policies - The City shall:**

**P-8:** Review all development proposals to ensure that public facilities are available and have adequate capacity to accommodate the proposed development, or that such facilities and their capacities can be made available through appropriate extensions and/or enhancements concurrent with or prior to proposed developments. *(Duplicated in Chapter 3, Urbanization)*

**P-9:** Require that new developments are either served by existing and/or proposed public infrastructure improvements, and/or are served by privately funded infrastructure extensions and improvements. *(Duplicated in Chapter 3, Urbanization)*

**P-10:** Consider impacts on key City-provided urban utility services (water, storm drainage, wastewater, and streets) and any other community facilities that are identified by service providers as substantially impacted by the proposal before development proposals, or rezoning applications are approved.

**P-59:** Require that, as part of the City's project review process, private development plans address surface drainage issues.

**P-63:** Provide notice, as part of the City's project review process, to the Lebanon School District when major development projects are proposed that may impact the Lebanon School District.

**P-71:** Require applicants of development projects (land use) to comply with all Fire District regulations and practices.

**Summary of Intent of the Above Noted Comprehensive Plan Policies and Goals:** Collectively these goals and policies from LCP Chapters 1, 4, and 5, 8, 9 encourage and promote residential/commercial development that in general [is]:

- a. planned and considered in a manner consistent with the community's general health, safety and welfare.
- b. encourages a diversified economic base of the community through: (a) expansion of existing industries, (b) recruitment of new clean industries, and (c) expansion of the light manufacturing.
- c. orderly and conserves land for urban uses, such as homes, businesses, industries, and streets, as well as parks, open space, and wetlands.
- d. planned to facilitate the efficient extension of public facilities and services and accommodate land development at planned urban densities.
- e. designed in ways that discourage impacts from heavy through traffic, conflicting land uses, or other encroachments that would impair a safe, quiet living environment.
- f. encourages development patterns that make efficient use of land and energy resources, provide a variety of housing choices, and create multiple transportation options.
- g. complies with all applicable Statewide Planning Goal 12 requirements for transportation.
- h. provides employment opportunities for its citizens.

- i. encourages a diversified economic base for the community which broadens and improves long-term employment opportunities in all sectors, including, retail, service, and industrial.
- j. ensures that private development plans address surface drainage issues.
- k. supports and encourages the continued improvement of industrial sites and development that enhances and makes use of the City's rail network.

**Finding #6:** This preliminary planned development request to establish a dimensional finish lumber reload facility (with an office) and a switch yard spur **is substantially in compliance with the Goals and Policies of the 2004 Comprehensive Plan** cited above from Chapters 1, 4, and 5, 8, 9.

## VII. STAFF RECOMMENDATION: PRELIMINARY PLANNED DEVELOPMENT APPLICATION & HEARING

The Planning Commission shall either approve the application, with or without modifications and conditions, or deny this Preliminary Planned Development request. The Planning Commission shall adopt appropriate findings in support of its action. Staff prepared and provided proposed findings. The Planning Commission may exercise its discretion to adopt the appropriate proposed findings, modify findings, delete findings, create new findings, and/or request that staff draft and bring new findings to the next Planning Commission meeting in support of its action.

Staff recommends that the Planning Commission approve the Preliminary Development Plan and Program based upon demonstrated compliance with Comprehensive Plan and Zoning Ordinance policies, standards and requirements. Staff recommends that the Planning Commission direct the applicant to prepare the General Development Plan and Program according to Zoning Ordinance Section 4.414. The General Development Plan and Program shall contain all applicable elements listed in Section 4.414(4)(a) as well as comply with the following Conditions of Approval (listed in **Section X** of this staff report<sup>1</sup>).

**PROPOSED ACTION:** The Planning Commission approves the Preliminary Development Plan and Program (PD-08-04) based upon demonstrated compliance in principal with Comprehensive Plan and Zoning Ordinance policies, standards and requirements. The Planning Commission directs the applicant to prepare and submit: General Development Plan and Program according to Zoning Ordinance Section 4.414. The General Development Plan and Program shall contain all applicable elements listed in Section 4.414(4)(a) as well demonstrate compliance with the City Department Conditions of Approval (listed in **Section X** of this staff report<sup>1</sup>).

**THE PLANNING COMMISSION ADOPTS THE FOLLOWING FINDINGS IN SUPPORT OF THIS ACTION: 1 - 6** (as contained in the immediately preceding Section of this Staff Report).

<sup>1</sup> Since this is a combined land use request and staff report for both the Preliminary Planned Development and General Planned Development requests and hearings, the Conditions of Approval are combined and listed in Section X, beginning on page 16.

## VIII. Decision Criteria and Proposed Findings - General Planned Development

**THE FOLLOWING DETAILED CRITERIA ARE USED IN MAKING A DECISION ON THIS GENERAL PLANNED DEVELOPMENT REQUEST. CRITERIA ARE FOLLOWED BY THE APPLICABLE FINDINGS.**

### A. 1980 LEBANON ZONING ORDINANCE (LZO):

LZO Section 2.110 and Finding #1 - Same as for Preliminary Hearing (above)

LZO Section 4.210 and Findings #2 and #3 - Same as for Preliminary Hearing (above)

LZO Section 5.200 and Findings #4 - Same as for Preliminary Hearing (above)

### B. Comprehensive Plan Goals and Polices, and Finding # 6 - Same as for Preliminary Hearing (above)

### C. Additional Decision Criteria and Findings for the General Planned Development

LZO Section 4.410 -- An outline of the Steps of the Planned Development process is as follows:

Steps	Action	Ordinance
1	Submit preliminary plans and program	Section 4.413
2	Planning Commission/Public Hearing on plans and program (Preliminary Approval)	Section 4.413(3)
3	Submit general development plan and program (Preliminary plan modified by Planning Commission review and recommendations)	Section 4.414
4	Planning Commission/Public Hearing on general development plans and program	Section 4.414(2)
5	Planning Commission action and findings on general development plan (Planning Commission approval of Planned Development)	Section 4.415
6	Planned Development final plan and program	Section 4.416

The issue before the Planning Commission at this time is Step 4, Hearing for General PD Approval.

#### **LZO SECTION 4.415:**

- (1) Planning Commission Action: The Planning Commission, after public hearing on the General Development Plan and Program, shall either approve the application, with or without modifications and conditions, or deny it. A decision for approval of a PD shall be based on the following findings:
  - (a) That the proposed development is in substantial conformance with the Lebanon Comprehensive Plan.
  - (b) That exceptions from the standards of the underlying zone are warranted by the design and amenities incorporated in the development plan program.
  - (c) That the proposed development, or a unit thereof, can be substantially completed within 1 year of the final approval.
  - (d) That the streets are adequate to support the anticipated traffic and that the development will not overload the streets outside the planned area.
  - (e) That the proposed utility and drainage facilities are adequate for the population densities and type of development proposed and will not create a drainage or pollution problem outside the planned area. That the timing of installation of utility and drainage facilities will be closely coordinated with development construction and that it will not create a hardship to residents either within or outside the planned area.
  - (f) That the density in the proposed development will not result in any substantial negative impact on any public facility or utility.

**LZO 4.415(1)(a)** is addressed in **Finding #6**. **LZO 4.415(1)(b)** is not addressed since the application seeks no exceptions.

**Finding #7:** The Planning Commission finds that as proposed, Planned Development request PD-08-04: **(1)** can be substantially completed within 1 year of the final approval; **(2)** includes plans for transportation improvements so that the streets will be adequate to support the anticipated traffic and that the development will not overload the streets outside the planned area; **(3)** the proposed utility and drainage facilities are adequate for the type of development proposed and will not create a drainage or pollution problem outside the planned area, and the timing of installation of utility and drainage facilities will be closely coordinated with development construction and that it will not create a hardship to residents either within or outside the planned area; **(4)** the density in the proposed development will not result in any substantial negative impact on any public facility or utility. Therefore, the proposed development meets the Decision Criteria listed above in **LZO 4.415(1)(c-f)**.

**Finding #8:**

The Planning Commission finds that:

- a. The applicant submitted all of the elements required of a **General** Development Plan submittal thereby enabling staff and the Planning Commission adequate evaluation materials to determine whether or not the application can achieve approval of the Preliminary Development Plan.
- b. The review of the **General** Development Plan indicates that the applicant demonstrated that the proposed project, can achieve compliance with the Comprehensive Plan, Zoning Ordinance (LZO), Public Improvement standards, and other site development requirements. These requirements include ensuring that the requirements of LZO are satisfied.
- c. The applicant **shall** fully comply with the **Conditions of Approval in this staff report** to ensure that the **Final** Development Plan submittal will conform to the cited requirements thereby further demonstrating compliance with Comprehensive Plan, Zoning Ordinance, Public Improvement standards, and other site development requirements. These requirements include ensuring that "public facilities are available and have adequate capacity to accommodate the proposed development, or that such facilities and their capacities can be made available through appropriate extensions and/or enhancements concurrent with or prior to proposed developments" (cited above from Chapter 9 of the 2004 Comprehensive Plan).
- d. The applicant **shall** prepare the **Final Development Plan** as per the requirements of LZO Section 4.416.

**IX. STAFF RECOMMENDATION: GENERAL PLANNED DEVELOPMENT APPLICATION & HEARING**

The Planning Commission shall either approve the application, with or without modifications and conditions, or deny this General Planned Development request. The Planning commission shall adopt appropriate findings in support of its action. The Planning Commission may exercise its discretion to adopt the appropriate proposed findings, modify findings, delete findings, create new findings, and/or request that staff draft and bring new findings to the next Planning Commission meeting in support of its action.

Staff recommends that the Planning Commission grant approval to the GENERAL Development Plan and Program based upon demonstrated compliance with Comprehensive Plan and Zoning Ordinance policies, standards and requirements. Staff recommends that the Planning Commission direct the applicant to prepare the FINAL Development Plan and Program according to Zoning Ordinance Section 4.416. The FINAL Development Plan and Program shall contain all applicable elements listed in Section 4.416 as well demonstrate compliance with the City Department Conditions of Approval (listed in **Section X**, pages 16-following).

**Approval:** The Planning Commission approves the **General** Development Plan and Program (PD-08-04) based upon demonstrated compliance with Comprehensive Plan and Zoning Ordinance policies, standards and requirements. Staff recommends that the Planning Commission direct the applicant to prepare the **FINAL** Development Plan and Program according to Zoning Ordinance Section 4.416. The **FINAL** Development Plan and Program shall contain all applicable elements listed in Section 4.416 as well as demonstrate compliance with the City Department Conditions of Approval.

**THE PLANNING COMMISSION ADOPTS THE FOLLOWING FINDINGS IN SUPPORT OF THIS ACTION: 1 - 4, 6, 7, AND 8** (as contained in the immediately preceding Sections of this Staff Report)

**VIII. PROPOSED CONDITIONS OF APPROVAL – THE APPLICANT SHALL MEET ALL OF THE FOLLOWING CONDITIONS OF APPROVAL:**

**A. Planning**

1. Submit a revised (if necessary) photocopy reproducible General Development Plan including all setbacks, building dimensions, landscape and common areas, sign location (if any), vehicle and pedestrian access, parking areas, trash dumpster locations, site improvements and other relevant information as per Zoning Ordinance Section 4.414(4)(a).
2. Submit a General Development Program as per Zoning Ordinance Section 4.414(4)(b).
3. The applicant's General Plan must demonstrate compliance with all applicable criteria and with all conditions of approval established by the Planning Commission's review of the Preliminary PD.
4. Provide an updated site map (if necessary).
5. Provide a drainage plan, including a description of how the development of this site does not adversely impact the historic surface drainage patterns of adjacent properties.
6. Identify where the storm water detention areas are located.
7. Provide irrigation plan if site irrigation is proposed. Otherwise, identify how required street trees will be established and maintained.
8. Provide signage plan, if any. Any proposed signage must be located outside of the front yard setback and outside of the clear vision areas.
9. Provide an illumination plan identifying proposed on-site lighting. The plan must demonstrate that on-site lighting will not shine or glare on adjacent residences or streets.
10. Contact Allied Waste Services regarding the accessibility of the trash bin locations. Provide a copy of such correspondence in the General Plan program. Explain trash area/dumpster pickup operations.
11. Comply with the Fire District comments pertaining to fire lanes, site maps, fire hydrant placement, fire flow requirements, and so on.

**B. Building:**

1. Provide a complete Building Code Analysis of the various structures.
2. Due in part to the magnitude of the proposed project, provide separate plan sheets delineating ADA requirements in regards to proportional distribution requirements. OSSC Section (106) and Chapter 11.
3. Site accessibility to all portions of the site must meet the intent of OSSC Section (1103). Marked crossings with the appropriate curb cuts and tactile warning will be required to provide complete connectivity throughout the site boundaries (including public parking) to public streets.
4. Provide documentation, preferably on the cover sheet, of all proposed phased construction approval practices along with an anticipated submittal date(s) as applicable. OSSC Section (106.3.3).
5. Provide a foundation and soils investigation in accordance with the applicable OSSC Sections (1802.2) through (1802.6).

**C. Engineering Services Division:**

**1. GENERAL**

- a. This proposal requires installation of new public improvements. All public improvements shall:
  - (1) conform to the latest City of Lebanon Standards for Public Improvements.
  - (2) require completion of a Drawing Review Application and a Public Improvements permit prior to beginning construction.
  - (3) be designed by a professional engineer registered in the State of Oregon.
- b. An engineered site plan must be submitted for review and approval for each site development project. The site plans must be submitted with an Application for Site Plan Review and associated fee. The site plans shall detail all site improvements necessary for the proposed development together with a grading and drainage plan.
- c. All elevations shown on plans submitted to the City must be on the NAVD 88 vertical datum to provide compatibility with the City computer aided mapping system.
- c. The developer shall provide engineering drawings to the City for final review and approval prior to permit issuance.
- d. Appropriate easements must be provided over public utilities prior to acceptance of public improvements. Public utility and access easements must be provided to and over public utilities and access ways.
- e. The developer shall make necessary arrangements with utility companies or other persons or corporations affected for the installation of underground lines and facilities. Electrical lines and other wires, including, but not limited to communication, street lighting and cable television, shall be placed underground.

**2. TRANSPORTATION**

- a. Indicate location of any proposed sign on the site plans.
- b. Provide safe traffic sight vision clearance with appropriate landscaping and fencing near public rights of way.

**3. WATER**

- a. Per City of Lebanon Municipal Code 13.06, all public meters 2-inch or larger shall have an approved backflow assembly on the private side of the meter. Approved backflow prevention assembly may be required for a smaller meter per OAR 333.
- b. The Fire Marshal must approve the number and locations of existing and proposed fire hydrants. All new hydrants and locations shall be approved by the Lebanon Fire Marshal prior to approval of public improvement drawings and site plans. All new hydrants must be operational and approved by the City prior to storage of combustible materials on site. Contact the Fire Marshal for additional requirements.
- c. Provide fixture counts and water meter demand calculations with the site plan.
- d. The proposed water system shall be designed and constructed in accordance with City engineering standards. Further refinement will be established during the design submittal and review.

**4. SANITARY SEWER**

- a. The public sanitary sewer to serve this site shall be designed and constructed in accordance with City engineering standards. Further refinement will be established during the design submittal and review.

## 5. STORM DRAINAGE

- a. The proposed storm drainage system shall be designed and constructed in accordance with City engineering standards. Further refinement will be established during the design submittal and review.
- b. The drainage system and grading plan shall be designed so as not to adversely impact drainage to or from adjacent properties. Storm drainage facilities must be designed and constructed to ensure historical rates are not exceeded. A detailed design including engineering calculations shall be submitted as part of public improvement drawing and site plan review. With the engineering drawings, provide a grading plan for the site that indicates existing and proposed elevations. Drainage improvements (ditches and or piping) may be required at the site boundaries to prevent adverse impacts. The engineering drawings must provide a detailed design (including calculations) of the drainage improvements and mitigation of any impacts to adjacent properties.
- c. Provide onsite storm detention with discharge to the public storm drain system limited to the historic run-off during a 10 year event. Storm detention system must be privately owned and maintained and not be in separate tracts. Provide a City standard emergency access and maintenance easement over any proposed detention areas for public streets.

**Lebanon Fire District Conditions:** See Exhibit B.

# EXHIBIT A: APPLICANT'S NARRATIVES

## ConnectOregon 1 – Lebanon Reload Facility

### PLANNED DEVELOPMENT - PRELIMINARY PLAN ~~and~~ ~~CONDITIONAL USE PERMIT~~

#### GENERAL INFORMATION

**NATURE OF REQUEST:** Application for a Planned Development Preliminary Plan and Conditional Use Permit to establish a dimensional finish lumber reload facility and a switch yard spur on 5.65 +/- acres.

**APPLICANT /** City of Lebanon  
**OWNER:** 925 Main St., Lebanon, OR 97355  
Albany and Eastern Railroad  
1782 S. Main St., Lebanon, OR 97355

**PROPERTY LOCATION:** North of Highway 34, south of the Southern Pacific Railroad tracks, north of the intersection of 13<sup>th</sup> Street and Highway 34 (T12S-R2W-Section 10B, Tax Lot 300 – part) (Parcel 1 of Partition Plat 2008-43)

**COMP. PLAN DESIGNATION:** Industrial (C-IND)  
**ZONING DESIGNATION:** Limited Industrial (Z-ML)  
**CURRENT LAND USE:** Vacant

#### BACKGROUND

The subject property is 5.65 +/- acres identified as Parcel 1 on Linn County Partition Plat 2008-43. The property is vacant. The Comprehensive Plan designation for the property is Industrial. The Zoning designation is Limited Industrial.

The applicants have received a ConnectOregon Program Grant from Oregon Department of Transportation to relocate a dimensional finish lumber reload facility from the central business commercial district in Lebanon to the northwest industrial area. The project will also relocate a switch yard spur from an area in south Lebanon to the northwest site. The rail track in the switch yard and reload facilities will be 133 pound rail. The project includes:

- Construction of an approximately 1,450 foot private access road from the corner of 12<sup>th</sup> Street and Harrison Street north to the proposed reload yard;
- Construction of a 3.50 acre more or less paved surface for temporary storage of products and to facilitate efficient movement of forklifts and other equipment;
- Installation of public sewer main and sewer lateral;
- Installation of public water main and one fire hydrant; and
- Construction of approximately 2,500 feet of railroad switching track.
- A 28' x 40' modular office building, accessory to the reloading and switching activities, will be constructed in the southwest corner of the subject property at this time.

The purpose of the Limited Industrial Zone is:

*“To provide areas suitable for limited manufacturing which will help support the economic base of the community and surrounding area, and to provide areas suitable for limited manufacturing, warehousing and similar activities which have a minimal affect on the surrounding areas of the community. (LZO 4.210(1))”*

The proposed uses are consistent with the purpose of the zone. Railroad tracks and facilities necessary to serve other permitted uses are allowed as a conditional use in the Limited Industrial Zone (LZO 4.210(5)). The property is surrounded by industrial and Agricultural zoning and land uses. The project will have a minimal affect on the surrounding area.

## **APPLICABLE CRITERIA**

### **LZO 4.413 PROCEDURE FOR PRELIMINARY APPROVAL**

**(1) Elements of the Plan**

Applicants' Statement:

A development plan containing the elements required in LZO 4.413(1) has been submitted.

**(2) Elements of the Program**

**(a) Proposed ownership patterns.**

**(b) Operation and maintenance proposal, such as condominium, co-op, or Homeowners Association.**

Applicants' Statement:

The property will be in a single ownership. It will be operated and maintained by the owner.

**(c) Commercial facilities such as shopping, community facilities such as schools or parks.**

Applicants' Statement:

There will be no commercial facilities, shopping, community facilities, schools or parks.

**(d) Time table of the development, to include expected starting dates, projection of completion time and project phasing, if anticipated.**

Applicants' Statement:

The project will start as soon after final planning approval as possible.

**(e) Method of public improvements financing, if any.**

Applicants' Statement:

The applicants have received grant funds from ConnectOregon Program (ODOT).

**(f) The proposal shall be prepared by two or more persons with professional qualifications in such design related fields as Architecture, Landscape Architecture, Urban Planning and Civil Engineering.**

Applicants' Statement:

The proposal has been prepared by Brian Vandetta, Civil Engineer with Udell Engineering and Land Surveying, LLC, Lebanon, Oregon and Bob Speaker with Bob Speaker Land Use Planning Consulting, LLC, Corvallis, Oregon.

**(3) Planning Commission Review of Preliminary Development Plan**

**(a) The Planning Commission shall review the Preliminary Development Plan and Program and may recommend either preliminary approval in principle, with or without modifications or denial. Such action shall be based upon the Lebanon Comprehensive Plan, the standards of this ordinance and other regulations.**

Applicants' Statement:

Compliance with the Lebanon Comprehensive Plan, the standards of the Zoning Ordinance and other regulations is demonstrated by the information provided in this narrative and the accompanying plan design sheets and information.

**Applicable Policies of the Lebanon Comprehensive Plan**

The criteria and standards in the Lebanon Zoning Ordinance are designed to implement the goals and policies of the Comprehensive Plan. The information submitted in this narrative and the accompanying plan maps demonstrates compliance with the applicable ordinance provisions. The Plan Policies listed below directly relate to the proposed Limited Industrial Planned Development. Plan Policies are shown in *italic type*.

*Chapter 4, Section 2.2 - Purpose of the Limited Industrial Zone.*

*To provide lands suitable for manufacturing and related activities, warehousing and similar activities.*

*Industrial Use Policy # 35. Encourage industries that are compatible with City's livability and that minimally disrupt residential adjacent areas due to excessive traffic, noise, pollution, or other impacts that would impair the livability of the community.*

*Industrial Use Policy #36. Require that all industrial development strictly comply with the environmental quality standards of the State of Oregon, including all applicable standards and regulations of the Oregon State Board of Health, the Oregon Department of Environmental Quality and any other public agency having regulatory jurisdiction.*

*Economic Goal #1. Providing employment opportunities for its citizens.*

*Economic Goal #2. Providing a viable tax base for the community in order to pay for essential community services.*

*Economic Goal #3. Encouraging a diversified economic base for the community which broadens and improves long-term employment opportunities in all sectors, including, retail, service, and industrial.*

*Rail Policy #67. The City shall work with industry and rail service providers to retain and enhance rail service to the community's industrial areas.*

*Rail Policy #69. The City shall recognize the importance of the railroad to the economy of the area when considering any proposal that could have an adverse or disruptive impact on the railroad.*

*Rail Policy #70. In considering potential development of industrial sites, the City shall consider the unique opportunities offered by sites with railroad access.*

The subject property has been designated Limited Industrial by the City because it is ideally located to provide access to an existing rail line; can be provided with street access, sewer and water; and is surrounded by industrially designated land, minimizing the potential for conflicts with adjacent uses. The proposed development meets or exceeds all City standards for lot size, width, parking, site area and open space.

The proposed use will provide employment opportunities for the citizens of Lebanon and will enhance the local tax base. It will diversify the economic base of the community. The property is uniquely located adjacent to an existing rail line. The proposed project will enhance rail service to the community's industrial areas.

The site and proposed project are consistent with the applicable Comprehensive Plan Policies.

#### Applicable Standards of the Lebanon Zoning Ordinance

LZO 4.210(5) Uses. Railroad tracks and facilities necessary to serve other permitted uses are allowed as a conditional use in the Limited Industrial Zone.

LZO 4.210(7) Yards and Landscaping. The property is 5.65 acres. The proposed improvements are shown on the plan maps. They include rail spurs, a street, a paved area, sewer and water lines, and an office building, accessory to the existing uses to be built some time in the future. All yard and landscaping provisions will be met.

LZO 4.210(6) Clear Vision Area: Twenty foot clear vision triangles will be maintained at all appropriate intersections.

LZO 5.020 Access. The property will be accessed from an extension of Harrison Street as shown on the plan maps. Newly constructed streets will be fully improved to the required city standards, including dedication of right-of-way if necessary.

LZO 5.200 Off-Street Parking Requirements: The reload facility will have approximately 3.50 acres developed with paved surface. The proposed use requires one parking space per each employee. It is anticipated that 10 employees will be working at the reload facility and therefore require 10 parking spaces.

One of the ten spaces will be a handicapped space.

LZO 4.417(1) Minimum Site Size: The proposed PD site is 5.65 acres. This is larger than the minimum of two acres required to establish a PD.

**(b) Approval in principle of the Preliminary Development Plan and Program shall be limited to the preliminary acceptability of the land uses proposed and their interrelationships and shall not be construed to endorse the precise location of uses nor engineering feasibility. The Planning Commission may require the submission of other information than that specified for submittal as part of the General Development Plan and Program.**

Applicants' Statement:

Any additional information necessary for review of the General Development Plan and Program will be provided.

**(c) Informal review of the Preliminary Development Plan and Program shall be held at a regular**

**Planning Commission meeting and requires a public hearing.**

Applicants' Statement:

A public hearing has been scheduled.

- (d) **The Planning Commission shall review and may recommend expansion, additions or modifications in the proposed design team for the preparation of the General Development Plan and Program.**

Applicants' Statement:

Any modifications recommended by the Planning Commission will be incorporated into the General Development Plan and Program to the extent practicable.

#### **ARTICLE 6 – CONDITIONAL USES**

##### **SECTION 6.010 – Purpose of Conditional Use Procedure**

~~A conditional use is a use of land or a structure which is normally appropriate in the district where it is permitted, but due to the specifics of that use could cause a potential nuisance, health, or safety problem. It is the intent of this Article to provide standards and procedures so that uses which are classified as conditional can fit into a particular zone in a manner so that the best interests of surrounding property, the neighborhood, and the City are safeguarded.~~

##### **SECTION 6.020 – Authorization to Grant or Deny a Conditional Use Permit**

~~Conditional uses listed in this Ordinance may be permitted, altered, or enlarged when in conformance with the Lebanon Comprehensive Plan, and upon authorization of the Planning Commission in accordance with the standards and procedures set forth in Sections 6.010 to 6.080 of this Ordinance.~~

~~In taking action on a conditional use permit application, the Planning Commission may either approve or deny the application.~~

~~If an application is denied, the action must be based on reasons related to the appropriate development and best interests of the surrounding property, the neighborhood, and the City as a whole; considering such items as the bulk, coverage, or density of proposed development, the availability of public utilities and facilities, the generation of traffic, environmental quality impacts, and health, safety, or general welfare concern.~~

~~In approving a conditional use permit application, the Planning Commission may impose, in addition to those standards and requirements expressly specified by this Ordinance, additional conditions which the Planning Commission considers necessary to protect the appropriate development and best interest of the surrounding property, the neighborhood, and the City as a whole. These conditions may include the following:~~

- (a) **Regulating yard dimensions to protect solar access.**
- (b) **Regulating the height of buildings to protect solar access.**
- (c) **Controlling the location and number of vehicle access points.**
- (d) **Requiring dedication of additional street right-of-way or increasing the street width.**
- (e) **Increasing the number of required off-street parking or off-street loading spaces.**
- (f) **Requiring fencing, screening, landscaping, or other facilities to protect adjacent or nearby property.**
- (g) **Limiting the number, size, location, and lighting of signs.**
- (h) **Designating sites for open space or outdoor recreation areas.**
- (i) **Requiring ongoing maintenance of buildings and grounds, including the Provision of an irrigation system.**
- (j) **Regulating noise, vibration, odors, and similar factors which may have a substantial negative effect on the development of the surrounding area or the City as a whole.**
- (k) **Providing internal property improvements such as utilities, drainage facilities, streets, curbs, gutters, walkways, parking areas, landscaping, fencing, screening, or recreation areas in order to enhance the area and to protect adjacent or nearby property.**
- (l) **Regulating time periods for the conduct of certain activities.**
- (m) **Setting a time limit for which the conditional use is approved.**
- (n) **Requiring the providing of public improvements such as streets, sidewalks, public utility facilities, drainage facilities, and other basic services which are directly benefiting the proposed development, or requiring participation in an improvement district to insure provision of basic services, parks, or streets and sidewalks directly benefiting the proposed development.**
- (o) **Requiring the staggering of units to avoid a barrack-like effect.**

- (p) **Requiring the installation of fire and intrusive alarm systems.**
- (q) **Requiring the dedication or granting of an easement adjacent to any drainage ways.**
- (r) **Requiring easements over existing or proposed public utilities.**
- (s) **Requiring the placement of buildings in a manner which would fully utilize the solar potential of the site or protect the solar access of an adjacent site.**

Applicant's Statement:

The proposed uses are permitted as conditional uses in the Limited Industrial Zone. They are consistent with the purpose of the zone.

Surrounding land uses and zoning are:

Surrounding Land Uses

North Railroad then Industrial (Lowe's Distribution Center)  
 East Industrial (Western Warehouse)  
 South Agricultural  
 West Agricultural

Surrounding Zoning

North Limited Industrial  
 East Limited Industrial  
 South UGA-EFU-80 (Linn County Zoning)  
 West Exclusive Farm Use (Linn County Zoning)

The proposed dimensional finish lumber reload facility and switch yard spur and associated infrastructure improvements will not have any adverse impact on existing or potential future land uses on adjacent lands.

XX

**ConnectOregon 1 – Lebanon Reload Facility**

**PLANNED DEVELOPMENT - GENERAL DEVELOPMENT PLAN**

**GENERAL INFORMATION**

**NATURE OF REQUEST:** Application for a Planned Development General Development Plan to establish a dimensional finish lumber reload facility and a switch yard spur on 5.65 +/- acres.

**APPLICANT / OWNER:** City of Lebanon  
 925 Main St., Lebanon, OR 97355  
 Albany and Eastern Railroad  
 1782 S. Main St., Lebanon, OR 97355

**PROPERTY LOCATION:** North of Highway 34, south of the Southern Pacific Railroad tracks, north of the intersection of 13<sup>th</sup> Street and Highway 34 (T12S-R2W-Section 10B, Tax Lot 300 – part) (Parcel 1 of Partition Plat 2008-43)

**COMP. PLAN DESIGNATION:** Industrial (C-IND)

**ZONING DESIGNATION:** Limited Industrial (Z-ML)

**CURRENT LAND USE:** Vacant

## BACKGROUND

The Lebanon Planning Commission conducted a public hearing on a preliminary planned development for "ConnectOregon 1 – Lebanon Reload Facility" on July 16, 2008 (PD-08-\_\_\_). The Planning Commission approved a Preliminary Planned Development on the property. The applicant is submitting an application for a General Development Plan and Program under the provisions of LZO 4.414.

The subject property is 5.65 +/- acres identified as Parcel 1 on Partition Plat 2008-43. The property is vacant. The Comprehensive Plan designation for the property is Industrial. The Zoning designation is Limited Industrial.

The applicants have received a ConnectOregon Program Grant from Oregon Department of Transportation to relocate a dimensional finish lumber reload facility from the central business commercial district in Lebanon to the northwest industrial area. The project will also relocate a switch yard spur from an area in south Lebanon to the northwest site. The rail track in the switch yard and reload facilities will be 133 pound rail. The project includes:

- Construction of an approximately 1,450 foot private access road from the corner of 12<sup>th</sup> Street and Harrison Street north to the proposed reload yard;
- Construction of a 3.50 acre more or less paved surface for temporary storage of products and to facilitate efficient movement of forklifts and other equipment;
- Installation of public sewer main and sewer lateral;
- Installation of public water main and one fire hydrant; and
- Construction of approximately 2,500 feet of railroad switching track.
- A 28' x 40' modular office building, accessory to the reloading and switching activities, will be constructed in the southwest corner of the subject property at this time.

The purpose of the Limited Industrial Zone is:

*"To provide areas suitable for limited manufacturing which will help support the economic base of the community and surrounding area, and to provide areas suitable for limited manufacturing, warehousing and similar activities which have a minimal affect on the surrounding areas of the community. (LZO 4.210(1))"*

The proposed uses are consistent with the purpose of the zone. Railroad tracks and facilities necessary to serve other permitted uses are allowed as a conditional use in the Limited Industrial Zone (LZO 4.210(5)). The property is surrounded by industrial and Agricultural zoning and land uses. The project will have a minimal affect on the surrounding area.

## APPLICABLE CRITERIA

### **LZO SECTION 4.414 GENERAL DEVELOPMENT PLAN AND PROGRAM**

- (1) After receiving approval in principle of the Preliminary Development Plan and Program, the applicant shall have a General Development Plan and Program prepared by the professional design team.**
- (2) Ten copies of the General Development Plan and Program shall be submitted to the Building and Planning Official at least 30 days prior to the date of the public hearing.**
- (3) Upon receipt of the General Development Plan and Program the Planning Commission shall hold a public hearing where the applicant shall present his General Development Plan and Program.**

Applicant's Statement:

The applicant has received approval of a Preliminary Development Plan and Program from the Planning Commission (PD-08-\_\_\_). An application for a General Development Plan, pursuant to the provisions of LZO 4.414(a) has been submitted. The Plan contains all of the elements required in LZO 4.414(a) and by the Conditions of Approval contained in the Planning Commission's approval of the Preliminary Planned Development application.

- (4) The General Development Plan and Program shall contain the following elements:**

#### **(a) Plan Elements**

Maps and narrative information addressing the required elements have been submitted with the application documents.

#### **(b) Program Elements:**

- (1) Narrative statement of the basic purposes of the planned development.**

Applicant's Statement:

The applicants have received a ConnectOregon Program Grant from Oregon Department of Transportation to relocate a dimensional finish lumber reload facility from the central business commercial district in Lebanon to the northwest industrial area. The project will also relocate a switch yard spur from an area in south Lebanon to the northwest site. The rail track in the switch yard and reload facilities will be 133 pound rail. The project includes:

- Construction of an approximately 1,450 foot private access road from the corner of 12<sup>th</sup> Street and Harrison Street north to the proposed reload yard;
- Construction of a 3.50 acre more or less paved surface for temporary storage of products and to facilitate efficient movement of forklifts and other equipment;
- Installation of public sewer main and sewer lateral;
- Installation of public water main and one fire hydrant; and
- Construction of approximately 2,500 feet of railroad switching track.
- A 28' x 40' modular office building, accessory to the reloading and switching activities, will be constructed in the southwest corner of the subject property at this time.

**(2) A completed environmental assessment if required by the Planning Commission.**

Applicant's Statement:

An environmental assessment was not required by the Planning Commission.

**(3) Tables showing the total number of acres and the percentage of the total area which is designated for each type of use including each dwelling type, off-street parking, streets, parks, playgrounds, schools and open spaces as shown on the proposed development plan.**

Applicant's Statement:

The property is 5.65 acres. The project includes only infrastructure improvements, as described, at this time. An office, accessory to the reload facility and switch yard spur, will be built at this time. No dwellings, parks, playgrounds, schools or open spaces are proposed. A private access road will be built (approximately 1,450 feet).

**(4) Tables showing the overall density of the proposed residential development and showing density by dwelling types and any proposals for the limitation of density.**

Applicant's Statement:

There will be no residential development.

**(5) Drafts of appropriate restrictive covenants, including those regarding the maintenance of vegetation to protect the development's solar access and drafts of documents providing for the maintenance of any common open space, or required dedications or reservations of public open spaces and of any dedications of development rights.**

Applicant's Statement:

No restrictive covenants are proposed.

**(6) A timetable indicating when utility and drainage facilities intended to serve the development are to be installed. If the development is to be constructed in stages, the timetable shall reflect this.**

Applicant's Statement:

Utility and drainage facilities will be installed following final planning approval.

**(7) A statement regarding the proposed energy impacts and noise impacts of the development.**

Applicant's Statement:

The proposed development is a dimensional finish lumber reload facility and switch yard spur. These uses will not have any significant energy or noise impacts. The area is surrounded by land zoned and used for industrial purposes and agriculture.

**LZO 4.415 Action and Findings by the Planning Commission**

**(1) ... .. A decision for approval of a PD shall be based on the following findings:**

**(a) That the proposed development is in substantial conformance with the Lebanon Comprehensive Plan.**

Applicant's Statement:

Applicable Policies of the Lebanon Comprehensive Plan

The criteria and standards in the Lebanon Zoning Ordinance are designed to implement the goals and policies of the Comprehensive Plan. The information submitted in this narrative and the

accompanying plan maps demonstrates compliance with the applicable ordinance provisions. The Plan Policies listed below directly relate to the proposed Limited Industrial Planned Development. Plan Policies are shown in *italic type*.

*Chapter 4, Section 2.2 - Purpose of the Limited Industrial Zone.*

*To provide lands suitable for manufacturing and related activities, warehousing and similar activities.*

*Industrial Use Policy # 35. Encourage industries that are compatible with City's livability and that minimally disrupt residential adjacent areas due to excessive traffic, noise, pollution, or other impacts that would impair the livability of the community.*

*Industrial Use Policy #36. Require that all industrial development strictly comply with the environmental quality standards of the State of Oregon, including all applicable standards and regulations of the Oregon State Board of Health, the Oregon Department of Environmental Quality and any other public agency having regulatory jurisdiction.*

*Economic Goal #1. Providing employment opportunities for its citizens.*

*Economic Goal #2. Providing a viable tax base for the community in order to pay for essential community services.*

*Economic Goal #3. Encouraging a diversified economic base for the community which broadens and improves long-term employment opportunities in all sectors, including, retail, service, and industrial.*

*Rail Policy #67. The City shall work with industry and rail service providers to retain and enhance rail service to the community's industrial areas.*

*Rail Policy #69. The City shall recognize the importance of the railroad to the economy of the area when considering any proposal that could have an adverse or disruptive impact on the railroad.*

*Rail Policy #70. In considering potential development of industrial sites, the City shall consider the unique opportunities offered by sites with railroad access.*

The subject property has been designated Limited Industrial by the City because it is ideally located to provide access to an existing rail line; can be provided with street access, sewer and water; and is surrounded by industrially designated land, minimizing the potential for conflicts with adjacent uses. The proposed development meets or exceeds all City standards for lot size, width, parking, site area and open space.

The proposed use will provide employment opportunities for the citizens of Lebanon and will enhance the local tax base. It will diversify the economic base of the community. The property is uniquely located adjacent to an existing rail line. The proposed project will enhance rail service to the community's industrial areas.

The site and proposed project are consistent with the applicable Comprehensive Plan Policies.

- (b) That exceptions from the standards of the underlying zone are warranted by the design and amenities incorporated in the development plan program.**

Applicant's Statement:

No exceptions from the standards of the Limited Industrial Zone are being requested.

- (c) That the proposed development, or unit thereof, can be substantially completed within one year of the final approval.**

Applicant's Statement:

The project is receiving substantial grant funding from ConnectOregon. It is the intention of the applicants to begin the project upon final approval of the PD by the City and to complete the project within one year.

- (d) That the streets are adequate to support the anticipated traffic.**

Applicant's Statement:

Street construction will be to standards required by the City. It is anticipated that vehicle traffic will be relatively light given the industrial uses proposed for the property.

- (e) That the proposed utility and drainage facilities are adequate for the population densities and type of development proposed and will not create a drainage or pollution problem outside the planned area. That the timing of installation of utility and drainage facilities will be closely coordinated with development construction and that it will not create a hardship to residents either within or outside the planned area,**

Applicant's Statement:

The proposed improvements are:

- Construction of an approximately 1,450 foot private access road from the corner of 12<sup>th</sup> Street and

- Harrison Street north to the proposed reload yard;
- Construction of a 3.50 acre more or less paved surface for temporary storage of products and to facilitate efficient movement of forklifts and other equipment;
- Installation of public sewer main and sewer lateral;
- Installation of public water main and one fire hydrant; and
- Construction of approximately 2,500 feet of railroad switching track.
- A 28' x 40' modular office building, accessory to the reloading and switching activities, will be constructed in the southwest corner of the subject property at this time.

These improvements are adequate for the type of development proposed and will be constructed to City required standards. They will not create a drainage or pollution problem outside the planned area. The development of the site will include an onsite detention ponding area to allow developed release rates to be metered to pre-developed rates. The timing of the installation of utility and drainage improvements will be closely coordinated and will not create a hardship for surrounding property owners.

**(f) That the density in the proposed development will not result in any substantial negative impact on any public facility or utility.**

Applicant's Statement:

The proposed development is industrial. There will be no residential units. It will be very low impact. It will not result in any substantial negative impact on any public facility or utility.

**APPLICABLE DEVELOPMENT STANDARDS FROM THE LEBANON ZONING ORDINANCE**

Applicant's Statement:

The following development standards in the Lebanon Zoning Ordinance are applicable to this application. LZO 4.210(5) Uses. Railroad tracks and facilities necessary to serve other permitted uses are allowed as a conditional use in the Limited Industrial Zone.

LZO 4.210(7) Yards and Landscaping. The property is 5.65 acres. The proposed improvements are shown on the plan maps. They include rail spurs, a street, a paved area, sewer and water lines, and an office building, accessory to the proposed uses. All yard and landscaping provisions will be met.

LZO 4.210(6) Clear Vision Area: Twenty foot clear vision triangles will be maintained at all appropriate intersections.

LZO 5.020 Access. The property will be accessed from an extension of Harrison Street as shown on the plan maps. Newly constructed streets will be fully improved to the required city standards, including dedication of right-of-way if necessary.

LZO 5.200 Off-Street Parking Requirements: The reload facility will have approximately 3.50 acres developed with paved surface. The proposed use requires one parking space per each employee. It is anticipated that 10 employees will be working at the reload facility and therefore require 10 parking spaces. One of the ten spaces will be a handicapped space.

LZO 4.417(1) Minimum Site Size: The proposed PD site is 5.65 acres. This is larger than the minimum of two acres required to establish a PD.



**Lebanon Fire District Requirements**  
Planning Department Case No. PD-08-04

Date: June 26, 2008

Address or Location: T12S, R2W, Section 10B, Tax Lot 300

WHERE PLANS AND DESIGN SUBMITTALS ARE REQUESTED THEY SHALL BE PREPARED BY, AND BEAR THE STAMP OF, A REGISTERED DESIGN PROFESSIONAL. (OFC SEC. 104.7.2)

*NOTE: IF A NUMBERED ITEM HAS LETTERS UNDER IT; ALL LETTERS APPLY AS CONDITIONS OF THAT ITEM.*

1. The owner/occupant shall comply with all requirements of the Oregon Fire Code as they pertain to this particular type of occupancy or development. (OFC Sec. 109)
2. Fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction when any portion of the facility or any portion of an exterior wall of the first story of the building is located more than 150 feet from fire apparatus access as measured by an approved route around the exterior of the building or facility. (OFC Sec. 503.1.1)
  - A. Plans for the fire apparatus access roads shall be submitted to the fire department for review and approval prior to construction. (OFC Sec. 501.3)
  - B. Access roadways shall not be closer than 20 feet to a structure unless topographical restrictions dictate the location. (OFC Sec. 503.1.1)
  - C. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13 feet 6 inches. Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26 feet. (OFC Sec. 503.2.1 and D103.1)
  - D. Fire apparatus access roads shall be of an all-weather surface that is easily distinguishable from the surrounding area and is capable of supporting not less than 12,500 pounds point load (wheel load) and 60,000 pounds live load (gross vehicle weight). You may need to provide documentation from a registered engineer that the design will be capable of supporting such loading. Documentation from a registered engineer that the finished construction is in accordance with the approved plans or the requirements of the Fire Code may be requested. (OFC Sec. 503.2.3 and D102.1)
  - E. Where a bridge or an elevated surface is part of a fire apparatus access road, the bridge shall be constructed and maintained in accordance with AASHTO *Standard Specification for Highway Bridges*. Bridges and elevated surfaces shall be designed for a live load sufficient to carry the imposed loads of fire apparatus, (60,000 lbs). Vehicle load limits shall be posted at both entrances to bridges when required by the fire code official. Where elevated surfaces designed for emergency vehicle use are adjacent to surfaces which are not designed for such use, approved barriers, approved signs or both shall be installed and maintained when required by the fire code official. (OFC Sec. 503.2.6)
  - F. Private fire apparatus access roadway grades shall not exceed an average grade of 10 percent with a maximum grade of 15 percent for lengths of no more than 200 feet. Intersections and turnarounds shall be level (maximum 5%) with the exception of crowning for water run-off. Public streets shall have a maximum grade of 15%. (OFC Sec. 503.2.7 and D103.2)

**Note:** The maximum grade may be exceeded when an automatic fire sprinkler system is installed, but in no case shall the grade exceed 15 percent.

- G. The inside turning radius and outside turning radius shall not be less than 28 feet and 48 feet respectively, measured from the same center point. (OFC Sec. 503.2.4 and D103.3)
  - H. When access roads are subject to run-off damage, approved drainage shall be provided. (OFC Sec. D103.3.2)
3. Dead end fire apparatus access roads in excess of 150 feet in length shall be provided with an approved turnaround. (OFC Sec. 503.2.5 and D103.4)
  4. Where fire apparatus roadways are not of sufficient width to accommodate parked vehicles and 20 feet of unobstructed driving surface, "No Parking" signs shall be installed on one or both sides of the roadway and in turnarounds as needed for private access roads and yellow curbing as per city or county road standards for public access roads. (OFC Sec. 503.3 and D103.6)
    - A. Fire apparatus access roads 20 to 26 feet wide shall be posted on both sides as a fire lane. (OFC Sec. D103.6.1)
    - B. Fire apparatus access roads more than 26 feet wide to 32 feet wide shall be posted on one side of the road as a fire lane. (OFC Sec. D103.6.2)
    - C. Signs shall read "NO PARKING - FIRE LANE" and shall be installed with a clear space above grade level of 7 feet. Signs shall be 12 inches wide by 18 inches high and shall have red letters and border on a white background. (OFC Sec. D103.6)
  5. Where required, fire apparatus access roadway curbs shall be painted red and marked "NO PARKING FIRE LANE" at each 25 feet. Lettering shall have a stroke of not less than one inch wide by six inches high. Lettering shall be white on red background. (OFC Sec. 503.3)
  6. An approved water supply capable of supplying the required fire flow for fire protection shall be provided to premises upon which facilities, buildings or portions of buildings are hereafter constructed or moved into or within the jurisdiction. (OFC Sec. 508.1)

**Exception:** One and two family dwellings with a fire area less than 3600 square feet.

7. The required fire flow for the building shall not exceed 3,000 gallons per minute (GPM) or the available GPM in the water delivery system at 20 psi, whichever is less. A worksheet for calculating the required fire flow is available from the Fire Marshal's Office at 541-451-1901 or online at [www.lebanonfire.org](http://www.lebanonfire.org). Complete the worksheet and submit for review and approval prior to construction. (OFC Sec. 508.3)
8. Municipal Water Supply - Provide fire hydrants capable of supplying required fire flow. (OFC Sec. 508.5 & Appendix C)
  - A. No portion of the exterior of a commercial building shall be located more than 400 feet from a fire hydrant when measured in an approved manner around the outside of the building and along an approved fire apparatus access roadway. Any hydrants that are left over from the minimum number of hydrant calculations may be fulfilled by hydrants that are up to 500 feet from any point of the building. (OFC Sec. 508.5.1)

**Exception:** Buildings equipped throughout with an approved automatic sprinkler system installed in accordance with NFPA 13 or 13R, the distance requirement shall be 600 feet.

- B. The minimum number of fire hydrants for a commercial building shall be based on the required fire flow and spacing limitations. (OFC Appendix C, Sec. C103.1, Table C105.1)

- C. Fire hydrant placement shall be approved by the fire district. All measurements are as the hose is laid by fire fighting personnel and apparatus. (OFC Sec. 508.5 & Appendix C)
  - D. Fire hydrants shall have a 5-inch HYDRA-STORZ® connection on the steamer port. (OFC Sec. 508.5 & Appendix C)
  - E. Existing hydrants in the area may be used to meet the required number of hydrants; however, hydrants that are over 500 feet away from the nearest point of the subject building shall not contribute to the required number of hydrants. Existing fire hydrants shall comply with the 5-inch HYDRA-STORZ® connection requirement listed above. (OFC Sec. 508.5 & Appendix C)
  - F. Fire hydrants that are separated from the subject building by railroad tracks shall not contribute to the required number of hydrants. (OFC Sec. 508.5 & Appendix C)
  - G. Fire hydrants that are separated by divided highway, freeway or heavily traveled collector streets shall not contribute to the required number of hydrants. (OFC Sec. 508.5 & Appendix C)
  - H. Hydrants that are accessible only by a bridge shall be acceptable to contribute to the required number of hydrants only if approved by the Chief.
  - I. Private hydrants or public hydrants that are on adjacent private property shall not contribute to the required number of hydrants for the subject building. (OFC Sec. 508.5 & Appendix C)
  - J. Where fire hydrants are subject to impact by a motor vehicle, guard posts or other approved means of protection shall be provided. (OFC Sec. 508.5.6)
  - K. When evaluating the placement of hydrants at apartment or industrial complexes the first hydrant(s) to be placed shall be at the main entrance and any secondary access to the site. After these hydrants have been placed other hydrants shall be sited to meet the requirements for spacing and minimum number of hydrants. (OFC Sec. 508.5 & Appendix C)
  - L. Fire hydrants shall be located not more than 15 feet from an approved fire apparatus access roadway. (OFC Sec. 508.5 & Appendix C)
  - M. Fire hydrants on a public street shall be clearly identified with a yellow curb to prevent obstruction by parking and other obstructions. No parking within 10-feet of a fire hydrant. (OFC Sec. 508.5.5)
  - N. A 3-foot clear space shall be maintained around the circumference of fire hydrants. 4-feet from any supporting structure for electrical equipment, such as transformers and poles. (OFC Sec. 508.5.5)
9. Required fire apparatus access roads, water supplies, fire hydrants and water mains shall be installed and made serviceable prior to and during the time of onsite combustible construction. (OFC Sec. 501.4, 1410.1 and 1412.1)
  10. Prior to opening for business, approved portable fire extinguishers shall be provided at approved locations. Contact the Lebanon Fire District Fire Marshal, at 451-1901, for assistance. (OFC Sec. 906)
  11. New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches (102 mm) high with a minimum stroke width of 0.5 inch. Flag lot addresses shall

be posted on a minimum 4 x 4 post at the entrance to the driveway from the public street. (OFC Sec. 505.1)

A. Addressing for multi-family dwelling developments shall provide approved signs at each site access point with a map of the complex, identifying the location of each address in the complex.

12. Streets and roads shall be identified with approved signs. Street names shall be checked and approved with the Public Safety Answering Point, (PSAP – 911 Dispatch Center), covering the geographic area which includes the Lebanon Fire District. Approval is required to avoid duplication and/or similar sounding street names to prevent the possible delay of emergency service response. (OFC Sec. 505.2)

13. A fire and life safety inspection by the Fire Department is required, prior to occupancy of the building, or, within 30 days after the operational stage of the occupancy. (OFC Sec. 106.2)

**IT SHALL BE THE RESPONSIBILITY OF THE APPLICANT / DEVELOPER / OWNER TO PROVIDE THE FIRE DISTRICT WITH THE APPROPRIATE PLANS AND DOCUMENTATION FOR REVIEW AND APPROVAL *PRIOR* TO CONSTRUCTION OF THE ACCESS ROADS AND WATER SUPPLIES. SUCH PLANS SHALL BEAR THE STAMP OF AN OREGON REGISTERED DESIGN PROFESSIONAL AS CERTIFICATION THAT PLANS COMPLY WITH THE OREGON FIRE CODE REQUIREMENTS AND SPECIFICATIONS.**

Respectfully,

Mark Wilson  
Division Chief - Fire Marshal  
Lebanon Fire District  
541.451.1901



# EXHIBIT C

## Planning Commission Public Hearing Notice Distribution List

**Applicant: Norman Steckley**

**File No.: PD-08-04**

**Entire Notice:**

1. Lee NW Publishing "To be published the Wednesday before meeting date."
2. Planning Commission (x11)
3. Albany Democrat Herald (will-call box)
4. Allied Waste Services, PO Box 1929 Albany, OR 97321
5. Bulletin Boards: City Hall, CDC, Library, Police, Senior Center
6. CenturyTel, PO Box 337, Lebanon, OR 97355
7. Consumer Powers, Inc., 36634 Oak Street, Lebanon, OR 97355
8. Dan Grassick, Director of Engineering Services / City Engineer
9. Donna Trippett, Public Hearing Secretary
10. Ed Patton, Senior Development Engineer
11. Jamie Libra, CD Administrative Assistant
12. Jason Yutzie, Director, Boys & Girls Club, 305 S. 5<sup>th</sup> Street, Lebanon, OR 97355
13. Jim Robinson, Superintendent, Lebanon School District, 485 S 5<sup>th</sup> ST., Lebanon, OR 97355
14. Jim Ruef, Public Works Director
15. John Hitt, City Manager
16. KGAL, PO Box 749, Albany, OR 97321
17. Lebanon Chamber of Commerce, 1040 Park Street, Lebanon, OR 97355
18. Lebanon Express (will-call box)
19. Linn Co. Board of Commissioners, PO Box 100, Albany, OR 97321
20. Mark Wilson, Fire Marshal, Lebanon Fire Department (mailbox at CDC)
21. Mike Healy, LPD Chief
22. Mike Schulte, LPD Captain
23. NW Natural Gas, P.O. Box 6017, Portland, Oregon 97228-6017
24. Pacific Power, PO Box 248, Albany, OR 97321
25. Steve Michael – Linn Co. Planning Dept., PO Box 100, Albany, OR 97321
26. Terry Lewis, Senior Planner
27. Thomas McHill, City Attorney
28. Walt Wendolowski, Community Development Manager

**Site Specific Notice:**

1. Surrounding Property Owners - (100 feet minimum) 20-days notice for land use hearing – ORS 197.763(3)(f)
2. Applicant(s) and Professional Representative(s)
3. Albany Canal, City of Albany, PO Box 490, Albany, OR 97321
4. Chris Cummings, OR Department of Aviation, 3040 25th St. SE Salem, OR 97302-1125
5. Darrin Lane, Linn Co. Roadmaster, 3010 Ferry Street SW, Albany, OR 97322
6. Federal Aviation Association, 3180 NW 229th Avenue, Hillsboro, Oregon 97124
7. Grand Prairie Water District, c/o Bob McCann, 201 W 1st Ave. Albany, OR 97321
8. John deTar, ODOT, 3700 SW Philomath Blvd, Corvallis, OR 97333

# AFFIDAVIT OF PUBLICATION

## NOTICE OF PUBLIC HEARING

### City of Lebanon Planning Commission

NOTICE IS HEREBY GIVEN that public hearings will be held before the Lebanon Planning Commission on Wednesday, July 16, 2008 at 6:30 P.M. in the Santiam Travel Station, 750 Third Street, to afford interested persons and the general public an opportunity to be heard and give testimony concerning the following matters:

- 1. Preliminary Planned Development PD-08-03: Samaritan Campus - N. Santiam Hwy. 20

Request: A Preliminary Planned Development application for a Samaritan Healthcare Lebanon Campus is a proposed mixed use development located in north Lebanon across Highway 20 from the existing Samaritan Lebanon Community Hospital. The uses identified in the plan include a college campus, an event center, commercial/retail space, office space, a research/industrial park and a hotel/conference center. The subject property contains approximately 55.5 acres or 2,417,580 square feet. The subject property is bordered by Reeves Parkway on the north, Santiam Highway (Highway 20) on the east, Twin Oaks Drive on the south, and Pioneer Elementary School to the west. The property is designated as Mixed Use (C-MU) on the City of Lebanon Comprehensive Plan Map and is zoned Mixed Use (MU). Assessor's Map T12S - R2W - Section 3 D, Tax Lot 1200.

Decision Criteria: The following criteria are used in making decisions on this planned development request:

(a) 1980 LEBANON ZONING ORDINANCE (LZO): LZO Section 2.110: size requirements for PD (greater than 2 acres ); LZO Section 4.410 (4.411 to 4.417): Planned Development, including Subsection 4.413 - (Preliminary Development Plan and Program), Subsection 4.415(2) - Conditions for Approval, Subsection 4.417 - Development Standards; LZO Section 4.310 lists the development opportunities, standards and requirements for the Mixed Use (MU) zone [also as per 4.310(5) see Residential Mixed Density (RM) requirements for residential buildings, Highway Commercial (CH) requirements for commercial use buildings, and Limited Industrial (ML) for any light industrial uses]; LZO Section 5.030 to Clear Vision Areas; LZO Section 5.120 - Landscaping; LZO Section 5.200 to Off Street Parking Requirements.

(b) 2004 LEBANON COMPREHENSIVE PLAN: Chapter 1 to Introduction General Goals G-1, G-5, G-9. Chapter 4 - Land Use Goal G-2, G-4; Policies P-7, P-20, P-21, P-27, P-35 and P-40. Chapter 5 Population & Economy Goal G-1, G-3 thru G-5; Policies P-3, P-4, P-8, P-26, P-27. Chapter 6 Housing Goal G-2; Policies P-5, P-6, P-12, P-14, P-16, P-18, P-19, P-21, P-23, P-24, P-25, P-26, P-28, P-37, P-38, P-40, P-42, P-43. Chapter 7 Community Friendly Development Goals G-1, G-5, G-6; Policy P-9, P-14, P-15, P-17, P-18. Chapter 8 Transportation Goals G-1 thru G-5; Policies P-19, P-29, P-32, P-33, P-35, P-44, P-47, P-51, P-53, P-55, P-58, P-62. Chapter 9 Public Facilities Goals G-4 & 5; Policies P-8, P-9, P-10, P-59, P-63, P-71, P-72 and P-75.

- 2. Preliminary and General Planned Development PD-08-04: Lebanon Reload Facility

Request: A Preliminary and a General Planned Development request to establish a dimensional finish lumber reload facility and a switchyard spur on a 5.65 acre territory comprised of the northeast portion of T12S-R2W-Section 10B, Tax Lot 300 and a flag access strip. The subject property is located north of Highway 34, south of the Southern Pacific Railroad tracks, north of the intersection of 13th Street and Highway 34. The property is designated as Industrial (C-IND) on the City of Lebanon Comprehensive Plan Map and as Limited Industrial (Z-ML) on the Zoning Map. Approval of the General Planned Development request is contingent upon a preceding approval of the Preliminary Planned Development request.

Decision Criteria: The following criteria are used in making decisions on this planned development request:

(1) 1980 LEBANON ZONING ORDINANCE (LZO): LZO Section 4.210 lists the development opportunities, standards and requirements for the Limited Industrial (ML) zone; LZO Section 4.210(5)(a) indicates that the proposed use is permitted with a Conditional Use Review, however because the size of the development exceeds

State of Oregon

SS )

County of Linn

I, Pam M. Burrigh, being first duly sworn deposes and says, that I am the Legal Clerk of the Lebanon Express, a newspaper of general circulation, as defined by section 193.010 O.R.S., published at Albany, OR, in the aforesaid county and state: that the advertisement number 2740636, for the account number 60001355 described as July 16 Public Hearing City Of, a copy is hereto Annexed, was published in the entire issue of sold newspaper.

Start Date: 07-09-08

Stop Date: 07-09-08

Insertions: 1

*Pam Burrigh*  
Subscribed and sworn to before me on **Wednesday, Jul 09, 2008.**

*Gail L. Compton*  
Subscribed and sworn to before me on **Wednesday, Jul 09, 2008.**





# AFFIDAVIT OF PUBLICATION

State of Oregon

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County of Linn

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2.0 acres in size, it is required to be processed as a Planned Development (PD) as per LZO Section 2 110; LZO Section 4.410-Planned Development.

(2) 2004 LEBANON COMPREHENSIVE PLAN: (a) Chapter 1 (Introduction) General Goals G-1, G-5, G-9; Chapter 2 -Natural Environment Policy P-24; Chapter 4-Land Uses Goal G-2; Policies P-34, 35, 36, and 39; Chapter 5 - Population & Economy Goals G-1 through G-8, and G-17, and Policies P-26, P-27; Chapter 8 Transportation Goal G-1; Policies P-67, P-70. Chapter 9-Public Facilities General Goal G-4; Policies P-8, P-9, P-10, P-59, P-71.

CITIZENS ARE INVITED TO ATTEND the public hearings and give written or oral testimony (after presentation of the staff report) that addresses applicable Zoning and Subdivision Ordinance and/or Comprehensive Plan evaluation criteria during that part of the hearing process designated for testimony in favor or opposition of the proposal. If additional documents or evidence are provided in support of the application subsequent to notice being sent, a party may, prior to the close of the hearing, request that the record remain open for at least seven (7) days so such material may be reviewed.

Failure to raise an issue in the hearings, in person or by letter, or failure to provide sufficient specificity to afford the decision makers an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue.

A copy of the application, all documents and evidence relied upon by the applicant, and applicable criteria are



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available for inspection at no cost and will be provided at the cost of 25 cents per single-sided page. If you have questions or would like additional information, please contact the Lebanon Planning Division, 853 Main Street, telephone 541-258-4906. Upon request, the City will provide an interpreter for hearing impaired persons. To request an interpreter, contact the City Administrator's Office at 258-4202 no less than 48 hours prior to the public hearing.

#2740636

PUBLISH: 07/09/08

-1 co





## Notice of Public Hearing

### City of Lebanon Planning Commission

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(a) **1980 LEBANON ZONING ORDINANCE (LZO):** LZO Section 2.110: size requirements for PD (greater than 2 acres ); LZO Section 4.410 (4.411– 4.417): Planned Development, including Subsection 4.413 – (Preliminary Development Plan and Program), Subsection 4.415(2) – Conditions for Approval, Subsection 4.417 – Development Standards; LZO Section 4.310 lists the development opportunities, standards and requirements for the Mixed Use (MU) zone [also as per 4.310(5) see Residential Mixed Density (RM) requirements for residential buildings, Highway Commercial (CH) requirements for commercial use buildings, and Limited Industrial (ML) for any light industrial uses]; LZO Section 5.030 – Clear Vision Areas; LZO Section 5.120 – Landscaping; LZO Section 5.200 – Off Street Parking Requirements.

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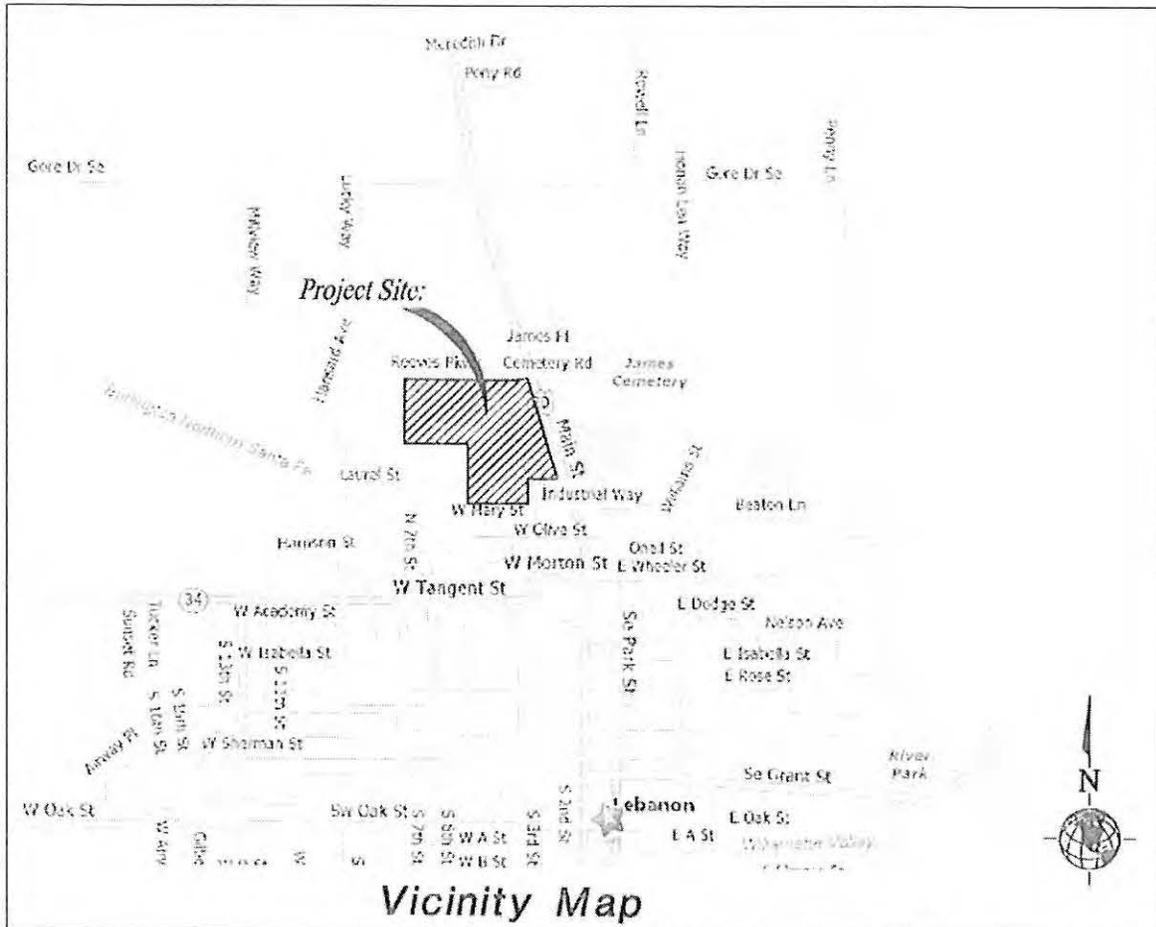
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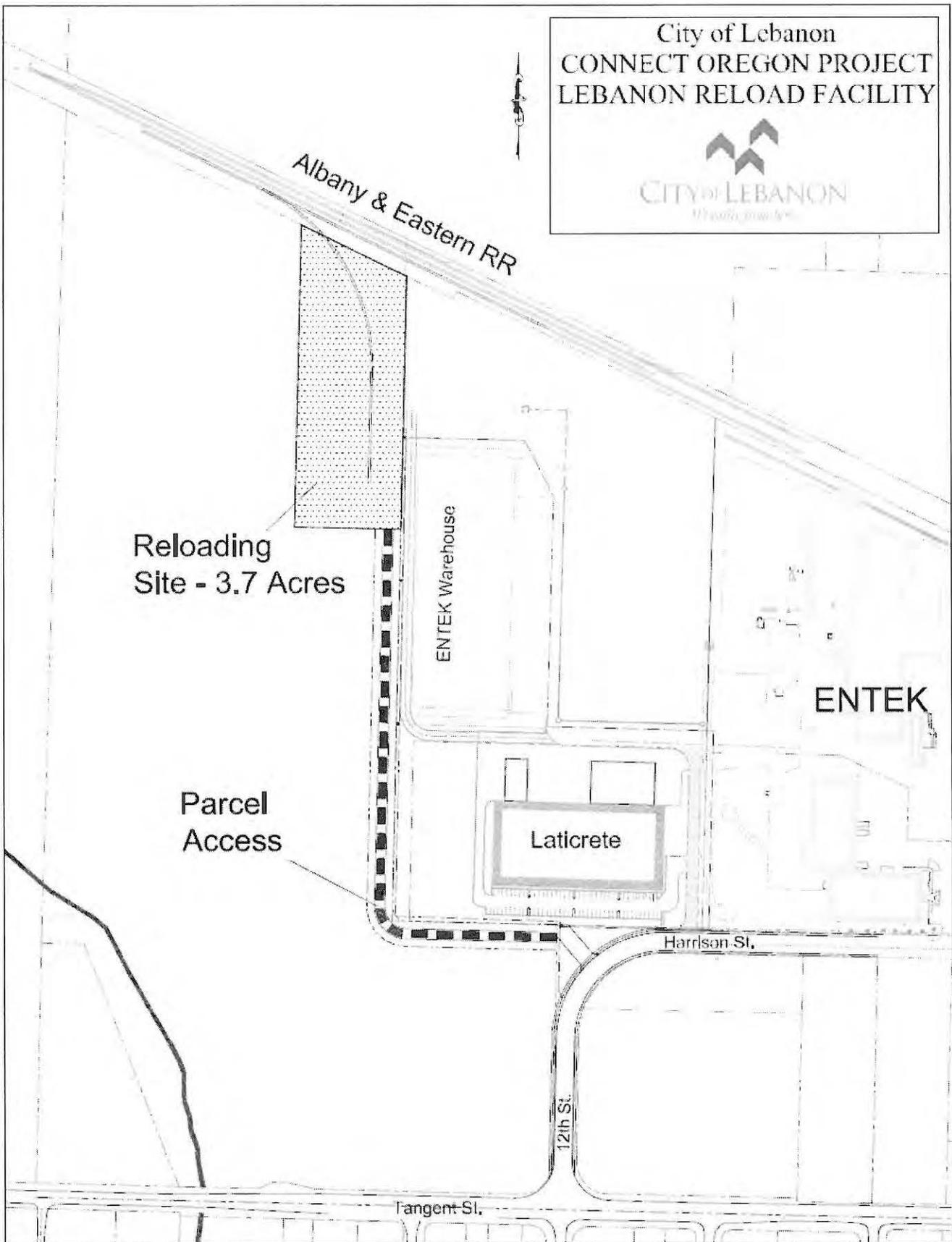
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1. **Preliminary Planned Development PD-08-03: Samaritan Campus – N. Santiam Hwy 34**



2. Preliminary and General Planned Development PD-08-04: Lebanon Reload Facility



SECTION 1 - TO BE COMPLETED BY APPLICANT (Continued)

Applicant Name: CITY OF LEBANON

Project Name: CONNECT OREGON I

D. Check the type of DEQ permit(s) or approval(s) being applied for at this time.

<input type="checkbox"/> Air Notice of Construction	<input type="checkbox"/> Pollution Control Bond Request
<input type="checkbox"/> Air Discharge Permit (excludes portable facility permits)	<input type="checkbox"/> Hazardous Waste Treatment, Storage, or Disposal Permit
<input type="checkbox"/> Title V Air Permit	<input type="checkbox"/> Clean Water State Revolving Fund Loan Request
<input type="checkbox"/> Parking/Traffic Circulation Plan	<input type="checkbox"/> Wastewater/Sewer Construction Plan/Specifications (includes review of plan changes that require use of new land)
<input type="checkbox"/> Air Indirect Source Permit	<input type="checkbox"/> Water Quality NPDES Individual Permit
<input type="checkbox"/> Solid Waste Disposal Permit	<input type="checkbox"/> Water Quality WPCF Individual Permit (for onsite construction-installation permits use DEQ's Onsite LUCS form)
<input type="checkbox"/> Solid Waste Treatment Permit	<input checked="" type="checkbox"/> Water Quality NPDES Stormwater General Permit (1200-A, 1200-C, 1200-CA, 1200-COLS, and 1200-Z)
<input type="checkbox"/> Solid Waste Compost Registration or Permit	<input type="checkbox"/> Water Quality General Permit (all general permits, except 600, 700-PM, 1700-A, and 1700-B when they are mobile.)
<input type="checkbox"/> Solid Waste Letter Authorization Permit	<input type="checkbox"/> Water Quality 401 Certification for federal permit
<input type="checkbox"/> Solid Waste Material Recovery Facility Permit	
<input type="checkbox"/> Solid Waste Transfer Station Permit	
<input type="checkbox"/> Solid Waste Tire Storage Permit	

E. This application is for:  permit renewal  new permit  permit modification  other: \_\_\_\_\_

SECTION 2 - TO BE COMPLETED BY CITY OR COUNTY PLANNING OFFICIAL

Please Note: A LUCS approval cannot be accepted by DEQ until all local requirements have been met. Written findings of fact for all local decisions addressed under Item C below are required. Written findings for an activity or use addressed by the acknowledged comprehensive plan in accordance with OAR 660-031-0020 may simply reference the specific plan policies, criteria, or standards that were relied upon in rendering the decision and indicate why the decision is justified based on the plan policies, criteria, or standards.

A. The facility proposal is located:  inside city limits  inside UGB  outside UGB

B. Name of the city or county that has land use jurisdiction (the legal entity responsible for land use decisions for the subject property or land use): CITY OF LEBANON

C. Does the activity or use comply with all applicable local land use requirements (as required by OAR Chapter 660, Division 31)?

YES, you must complete below or attach findings to support the affirmative compliance decision

i) Relevant specific plan policies, criteria, or standards:

ii) Provide the reasons for the decision:

USE ALLOWED SUBJECT TO PLANNED DEVELOPMENT REVIEW

NO, you must complete below or attach findings for noncompliance, and identify requirements the applicant must comply with before LUCS compatibility can be determined.

i) Relevant specific plan policies, criteria, or standards:

ii) Provide the reasons for the decision:

D. Planning Official Signature: [Signature] Title: COMMUNITY DEVELOPMENT MGR.  
Print Name: WALT WENDELOWSKI Telephone No.: 504-258-4252 Date: 6-16-2008

E. If necessary, depending upon city/county agreement on jurisdiction outside city limits but within UGB:

Planning Official Signature: \_\_\_\_\_ Title: \_\_\_\_\_  
Print Name: \_\_\_\_\_ Telephone No.: \_\_\_\_\_ Date: \_\_\_\_\_



**Department of Environmental Quality  
LAND USE COMPATIBILITY STATEMENT (LUCS)**



**WHAT IS A LUCS?** The Land Use Compatibility Statement is the process used by the DEQ to determine whether DEQ permits and other approvals affecting land use are consistent with local government comprehensive plans.

**WHY IS A LUCS REQUIRED?** Oregon law requires state agency activities that impact land use be consistent with local comprehensive plans. DEQ Oregon Administrative Rules (OAR) Chapter 340, Division 18 identifies agency activities or programs that significantly affect land use and must have a process for determining local plan consistency.

**WHEN IS A LUCS REQUIRED?** A LUCS is required for nearly all DEQ permits and certain approvals of plans or related activities that affect land use. These permits and activities are listed on p. 2 of this form. A single LUCS can be used if more than one DEQ permit/approval is being applied for concurrently.

A permit modification requires a LUCS when any of the following applies:

1. Physical expansion on the property or proposed use of additional land;
2. A significant increase in discharges to water;
3. A relocation of an outfall outside of the source property; or
4. Any physical change or change of operation of an air pollutant source that results in a net significant emission rate increase as defined in OAR 340-200-0020.

A permit renewal requires a LUCS if one has not previously been submitted, or if any of the above modification factors apply.

**HOW TO COMPLETE A LUCS:**

Step	Who Does It	What Happens
1	Applicant	Completes Section 1 of the LUCS and submits it to the appropriate city or county planning office.
2	City or County Planning Office	Completes Section 2 of the LUCS by determining if the activity or use meets all local planning requirements, and returns to the applicant the signed and dated LUCS form <b>with findings of fact for any local reviews or necessary planning approvals.</b>
3	Applicant	Includes the completed LUCS with <b>findings of fact</b> with the DEQ permit or approval submittal application to the DEQ.

**WHERE TO GET HELP:** For questions about the LUCS process, contact the DEQ staff responsible for processing the permit/approval. Headquarters and regional staff may be reached using DEQ's toll-free telephone number 1-800-452-4011. For general questions, please contact DEQ land use staff listed at: [www.deq.state.or.us/pubs/permithandbook/lucs.htm](http://www.deq.state.or.us/pubs/permithandbook/lucs.htm).

**CULTURAL RESOURCES PROTECTION LAWS:** Applicants involved in ground-disturbing activities should be aware of federal and state cultural resources protection laws. *ORS 358.920 prohibits the excavation, injury, destruction, or alteration of an archeological site or object, or removal of archeological objects from public and private lands without an archeological permit issued by the State Historic Preservation Office. 16 USC 470, Section 106, National Historic Preservation Act of 1966 requires a federal agency, prior to any undertaking, to take into account the effect of the undertaking that is included on or eligible for inclusion in the National Register. For further information, contact the State Historic Preservation Office at 503-378-4168, extension 232.*

**SECTION 1 - TO BE COMPLETED BY APPLICANT**

<p>A. Applicant Name: <u>CITY OF LEBANON</u></p> <p>Contact Name: <u>RON WITLACH</u></p> <p>Mailing Address: <u>820 MAIN ST.</u></p> <p>City, State, Zip: <u>LEBANON, OR. 97355</u></p> <p>Telephone: <u>541-258-4269</u></p> <p>Tax Account No.: _____</p>	<p>B. Project Name: <u>CONNECT OREGON 1</u></p> <p>Physical Address: <u>NONE</u></p> <p>City, State, Zip: _____</p> <p>Tax Lot No.: <u>300</u></p> <p>Township: <u>12S</u> Range: <u>2W</u> Section: <u>10B</u></p> <p>Latitude: <u>N 44°32'59"</u></p> <p>Longitude: <u>W 122°55'33"</u></p>
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For latitude/longitude, use the **DEQ Location Finder** at <http://deq12.deq.state.or.us/website/findloc>

C. Describe the type of business or facility and services or products provided:

\_\_\_\_\_





Planning Commission  
**CERTIFICATE OF MAILING  
OF LEGAL NOTICE**

**Planning File No.: PD-08-04**

**Applicant: Norman Steckley**

I, Jamie Bilyeu-Libra, of the City of Lebanon Planning Division, HEREBY CERTIFY that on June 25, 2008, I did personally mail, via US mail with first class postage prepaid, the **Notice Of Public Hearing** (Exhibit A) on the request for Preliminary & General Planned Development of the following property:

Township 12S – Range 2W – Section 10B; Tax Lot 301;

to the following:

1. Property owners within 150 feet of the subject tax lot as indicated on the attached list (Exhibit B); and
2. Persons and/or Entities on the City of Lebanon's standards notice distribution list (Exhibit C).

\_\_\_\_\_  
Jamie Bilyeu-Libra, Administrative Assistant  
Planning Division - City of Lebanon





# EXHIBIT C

## Planning Commission Public Hearing Notice Distribution List

**Applicant: Norman Steckley**

**File No.: PD-08-04**

**Entire Notice:**

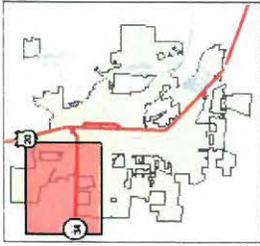
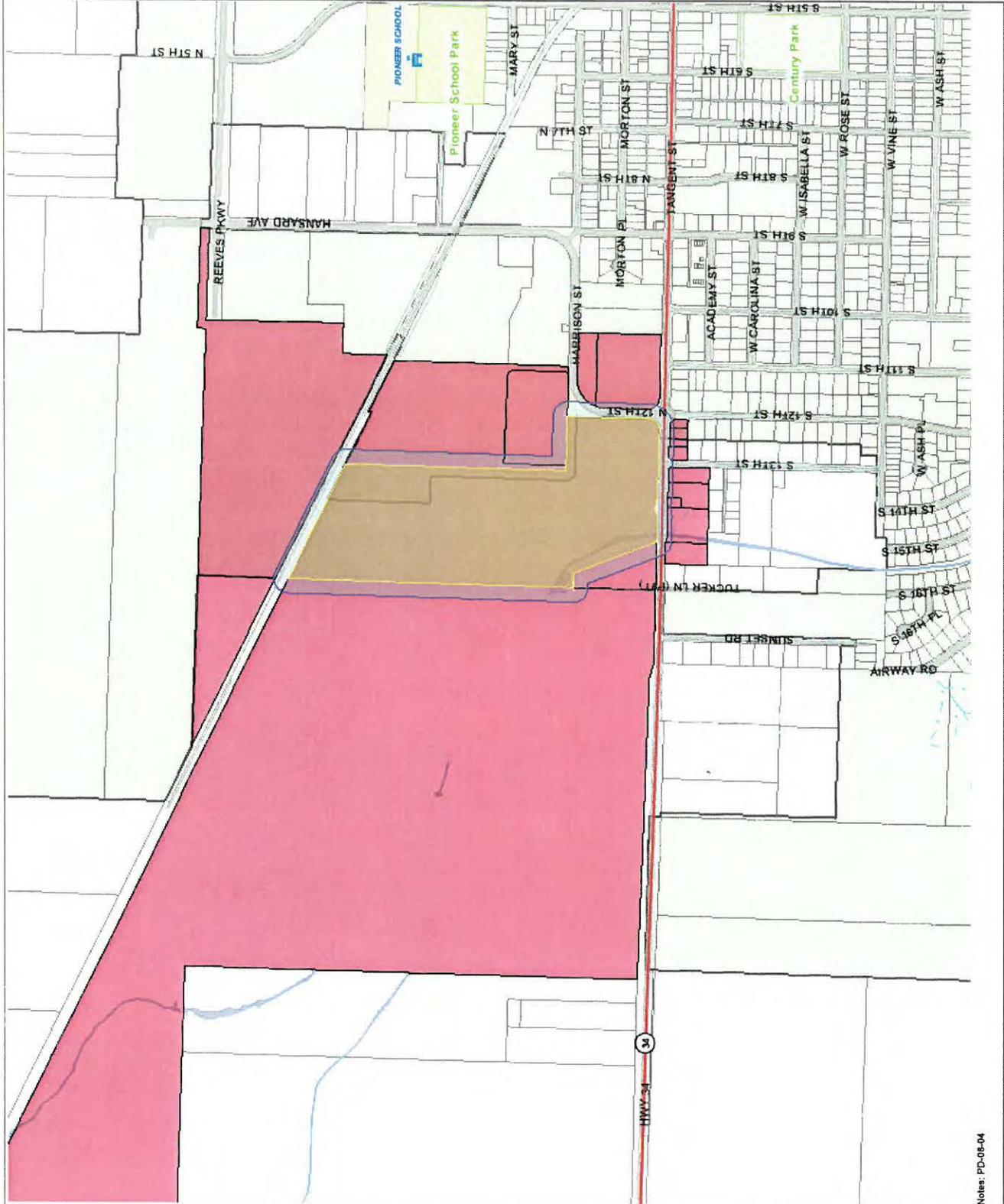
1. Lee NW Publishing "To be published the Wednesday before meeting date."
2. Planning Commission (x11)
3. Albany Democrat Herald (will-call box)
4. Allied Waste Services, PO Box 1929 Albany, OR 97321
5. Bulletin Boards: City Hall, CDC, Library, Police, Senior Center
6. CenturyTel, PO Box 337, Lebanon, OR 97355
7. Consumer Powers, Inc., 36634 Oak Street, Lebanon, OR 97355
8. Dan Grassick, Director of Engineering Services / City Engineer
9. Donna Trippett, Public Hearing Secretary
10. Ed Patton, Senior Development Engineer
11. Jamie Libra, CD Administrative Assistant
12. Jason Yutzie, Director, Boys & Girls Club, 305 S. 5<sup>th</sup> Street, Lebanon, OR 97355
13. Jim Robinson, Superintendent, Lebanon School District, 485 S 5<sup>th</sup> ST., Lebanon, OR 97355
14. Jim Ruef, Public Works Director
15. John Hitt, City Manager
16. KGAL, PO Box 749, Albany, OR 97321
17. Lebanon Chamber of Commerce, 1040 Park Street, Lebanon, OR 97355
18. Lebanon Express (will-call box)
19. Linn Co. Board of Commissioners, PO Box 100, Albany, OR 97321
20. Mark Wilson, Fire Marshal, Lebanon Fire Department (mailbox at CDC)
21. Mike Healy, LPD Chief
22. Mike Schulte, LPD Captain
23. NW Natural Gas, P.O. Box 6017, Portland, Oregon 97228-6017
24. Pacific Power, PO Box 248, Albany, OR 97321
25. Steve Michael – Linn Co. Planning Dept., PO Box 100, Albany, OR 97321
26. Terry Lewis, Senior Planner
27. Thomas McHill, City Attorney
28. Walt Wendolowski, Community Development Manager

**Site Specific Notice:**

1. Surrounding Property Owners - (100 feet minimum) 20-days notice for land use hearing – ORS 197.763(3)(f)
2. Applicant(s) and Professional Representative(s)
3. Albany Canal, City of Albany, PO Box 490, Albany, OR 97321
4. Chris Cummings, OR Department of Aviation, 3040 25th St. SE Salem, OR 97302-1125
5. Darrin Lane, Linn Co. Roadmaster, 3010 Ferry Street SW, Albany, OR 97322
6. Federal Aviation Association, 3180 NW 229th Avenue, Hillsboro, Oregon 97124
7. Grand Prairie Water District, c/o Bob McCann, 201 W 1st Ave. Albany, OR 97321
8. John deTar, ODOT, 3700 SW Philomath Blvd, Corvallis, OR 97333



# Reload Facility



## Legend



Scale 1:10,000  
1 in = 833 ft

Coordinate System: State Plane, Oregon North  
Vertical Datum: NAVD83 (1988)  
Aerial Photo: March, 2006



Notes: PD-05-04

This map is for informational purposes only. The City of Lebanon does not warrant the accuracy, completeness and timeliness of the information displayed.

925 S Main St., Lebanon, Oregon 97136-4000  
www.cityoflebanon.org



	PIN	ACTNAME	OWNADDR1	OWNADDR2	OWNADDR3	OWNADDR4	OWNADDR5
1	12S02W03C 02000	ALBANY LEBANON INVESTMENTS LLC	ALBANY LEBANON INVESTMENTS LLC	C/O BRIAN LOOPER	PO BOX 127	LEBANON OR 97355-0000	
2	12S02W10BC05500	BIRRUETA, CELESTINO O	BIRRUETA, CELESTINO O	36802 HIGHWAY 34	LEBANON OR 97355-0000		
3	12S02W10BC05600	BIRRUETA, ESPERANZA S	BIRRUETA, ESPERANZA S	2389 STEIWER RD SE	JEFFERSON OR 97352-0000		
4	12S02W10BC05300	CALDWELL, ROBERT E	CALDWELL, ROBERT E	1190 TANGENT ST	LEBANON OR 97355-2158		
5	12S02W10BC02601	DEPIERO, STEVE	DEPIERO, STEVE	DEPIERO, MICHELLE	PO BOX 52	LEBANON OR 97355-0000	
6	12S02W10BC05700	EVANS, ELIZABETH L	EVANS, ELIZABETH L	1929 GRAND PRAIRIE RD SE APT 212	ALBANY OR 97322-0000		
7	12S02W10BC05400	GRIMES, DANNY J	GRIMES, DANNY J	GRIMES, SHIRLEY A	36816 HIGHWAY 34	LEBANON OR 97355-9660	
8	12S02W10BC05800	JONES, SIDNEY O, TR	JONES, SIDNEY O, TR	295 RUSSELL DR	LEBANON OR 97355-0000		
9	12S02W10BC02600	LUSBY, BILLIE E	LUSBY, BILLIE E	ERTL, KENNETH AGT	PO BOX 2009	LEBANON OR 97355-0000	
10	12S02W10BC05301	LUSBY, BILLIE E	LUSBY, BILLIE E	ERTL, KENNETH AGT	C/O KENNETH ERTL	PO BOX 2009	LEBANON OR 97355-0983
11	12S02W04 00400	STECKLEY, NORMAN B, TR	STECKLEY, NORMAN B, TR	STECKLEY, MILDRED, TR	2850 HERON LOOP SE	ALBANY OR 97322-0000	
12	12S02W04 00401	STECKLEY, NORMAN B, TR	STECKLEY, NORMAN B, TR	STECKLEY, MILDRED, TR	2850 HERON LOOP SE	ALBANY OR 97322-0000	
13	12S02W10B 00300	STECKLEY, NORMAN B, TR	STECKLEY, NORMAN B, TR	STECKLEY, MILDRED, TR	2850 HERON LOOP SE	ALBANY OR 97322-0000	
14	12S02W10B 00400	SUTER, PAUL	SUTER, PAUL	SUTER, VIRGINIA M	285 NW 35TH ST SPC 53	CORVALLIS OR 97330-0000	
15	12S02W10B 00200	WEATHERLY, ROBERT E, SR, TR	WEATHERLY, ROBERT E, SR, TR	WEATHERLY, MARY J, TR	PO BOX 535	LEBANON OR 97355-0000	
16	12S02W10B 00100	WESTERN WAREHOUSING LLC	WESTERN WAREHOUSING LLC	C/O LARRY KEITH	250 HANSARD AVE	LEBANON OR 97355-0000	
17	12S02W10B 00102	WESTERN WAREHOUSING LLC	WESTERN WAREHOUSING LLC	C/O LARRY KEITH	PO BOX 39	LEBANON OR 97355-0000	
18	12S02W10B 00103	WESTERN WAREHOUSING LLC	WESTERN WAREHOUSING LLC	C/O LARRY KEITH	PO BOX 39	LEBANON OR 97355-0000	





Community Development  
853 Main Street  
Lebanon, Oregon 97355  
(541) 258-4906 (phone)  
(541) 258-4955 (fax)

## General Planned Development Application

After receiving approval in principle of the Preliminary Development Plan and Program, the applicant shall have a General Development Plan and Program (GDPP) prepared by the professional design team.

Seven copies of the GDPP shall be submitted to the Planning Division at least 30 days prior to the date of the public hearing.

Upon receipt of the GDPP a public hearing will be scheduled where the applicant shall present the GDPP.

**Please submit all of the following:**

1. A complete Plan and Program Element Requirements Checklist (attached).
2. A complete Conditions of Approval Checklist (included with Preliminary PD decision letter).
2. One (1) copy of a written statement that describes the Planned Development proposal.
3. Seven (7) full-size copies and one (1) photocopy reproducible copy (11" x 17" max.) of the site plan and other materials essential to understanding the proposal.
4. A filing fee: Residential \$1850 + \$10/unit / Non-Residential \$1850 + \$5/100 sf

**Note: The application, required materials and fee must be filed at least thirty (30) calendar days prior to the next regularly scheduled Planning Commission meeting.**

**FOR OFFICE USE ONLY:**

Preliminary Planned Development File # PD-08-04 Preliminary Planned Development Approval \_\_\_\_\_  
Date Received: 6/23/08 Payment Info: \_\_\_\_\_ Receipt No: \_\_\_\_\_

## Plan and Program Element Requirements Checklist

As per section 4.414 the General Development Plan and Program shall contain the following elements:  
(If applicable under comments please identify location on plans)

### Plan Elements:

- General Development Plan in conformance with the approved preliminary plan  
comments: \_\_\_\_\_
- Existing and proposed contour map of the site to a scale commensurate with the size of the development.  
comments: \_\_\_\_\_
- Location, widths and names of all existing or platted streets or other public ways, railroad and utility right-of-way, parks, or other public open spaces and land uses within 300 feet (91.44 m.) of the development.  
comments: \_\_\_\_\_
- Existing sewers, water mains and other underground facilities within and adjacent to the development.  
comments: \_\_\_\_\_
- Proposed location and capacity of sewers or other disposal facilities, water mains and other underground utilities.  
comments: \_\_\_\_\_
- Proposed system for the handling of storm drainage.  
comments: \_\_\_\_\_
- A preliminary subdivision plan if the property is proposed to be subdivided.  
comments: \_\_\_\_\_
- A land use plan indicating the uses planned for the development.  
comments: \_\_\_\_\_
- Areas proposed to be dedicated or reserved for interior circulation, public parks, playgrounds, school sites, public buildings or other uses dedicated or reserved to the public, if any.  
comments: \_\_\_\_\_
- Open space that is to be maintained and controlled by the owners of the property and the proposed uses thereof.  
comments: \_\_\_\_\_
- A traffic flow map showing the circulation pattern within and adjacent to the proposed development.  
comments: \_\_\_\_\_
- Location and dimensions of bikeways, pedestrian walkways, malls, trails or easements.  
comments: \_\_\_\_\_
- Location, arrangement, number and dimensions of automobile garages and parking spaces, width or aisles, bays or angle of parking.  
comments: \_\_\_\_\_
- Location, arrangement and dimensions of truck loading and unloading spaces, if any.  
comments: \_\_\_\_\_
- Preliminary architectural plans and elevations of typical buildings and structures, indicating the general height, bulk, appearance and number of dwelling units.  
comments: \_\_\_\_\_

- A preliminary tree planting and landscaping plan. All existing trees over 4 inches (.15 m.) in diameter and groves of trees shall be shown. Trees to be removed by development shall be so marked.  
comments: \_\_\_\_\_
- The approximate location, height, materials of all walls, fences and screen plantings. Elevation drawings of typical walls and fences shall be included.  
comments: \_\_\_\_\_
- The stages, if any, of development construction. Such stages shall be clearly marked on the General Development Plan.  
comments: \_\_\_\_\_
- A shadow projection, if the developer is taking advantage of the solar density bonus.  
comments: \_\_\_\_\_

**Program Elements:**

- Narrative Statement of the basic purposes of the planned development.  
comments: \_\_\_\_\_
- A completed environmental assessment if required by the planning commission.  
comments: \_\_\_\_\_
- Tables showing the total number of acres and the percentage of the total area which is designated for each type of use including each dwelling type, off-street parking, streets, parks, playgrounds, schools and open spaces as shown on the proposed development plan.  
comments: \_\_\_\_\_
- Tables showing the overall density of the proposed residential development and showing density by dwelling types and any proposals for the limitation of density.  
comments: \_\_\_\_\_
- Drafts of appropriate restrictive covenants, including those regarding the maintenance of vegetation to protect the development's solar access and drafts of documents providing for the maintenance of any common open space, or required dedications or reservations of public open spaces and of any common open space, or required dedications or reservations of public open spaces and or any dedications of development rights.  
comments: \_\_\_\_\_
- A timetable indicating when utility and drainage facilities intended to serve the development are to be installed. If the development is to be constructed in stages, the timetable shall reflect this.  
comments: \_\_\_\_\_
- A statement regarding the proposed energy impacts and noise impacts of the development.  
comments: \_\_\_\_\_

**Ownership**

Name of Applicant: NORMAN B. AND MILDRED STECKLEY Phone: 541-928-5084  
Address: 2850 HERON LP SE City: ALBANY State: OR Zip: 97322  
Applicant's interest in property (owner, buyer, lessee, etc.): \_\_\_\_\_

Applicant's Agent or Representative: ED SCHULTZ Phone: 541-926-2255  
Address: 130 1ST AVE SW City: ALBANY State: OR Zip: 97322

Architect/Planner: \_\_\_\_\_ Business Name: \_\_\_\_\_  
Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Engineer/Surveyor: BRIAN VANDETTA Business Name: UOEU ENG. AND LAND SURV., LLC  
Address: 63 E. ASH ST. City: LEB. State: OR. Zip: 97355

**Each current property owner of record must sign the application, or provide a letter authorizing an agent or representative to act on his or her behalf.**

In signing this application, I hereby grant the City of Lebanon or its representative my permission to enter and evaluate my property for the purpose of processing this application.

Signature of All Owners:

1. Edward F. Schultz Edward F. Schultz 541-926-2255  
Signature Printed Name Phone  
attorney for owners

Address

2. \_\_\_\_\_  
Signature Printed Name Phone

Address

3. \_\_\_\_\_  
Signature Printed Name Phone

Address

4. \_\_\_\_\_  
Signature Printed Name Phone

Address

## **EXHIBIT A - APPLICATION NARRATIVE**

### **ConnectOregon 1 – Lebanon Reload Facility**

## **PLANNED DEVELOPMENT - GENERAL DEVELOPMENT PLAN**

### **GENERAL INFORMATION**

**NATURE OF REQUEST:** Application for a Planned Development General Development Plan to establish a dimensional finish lumber reload facility and a switch yard spur on 5.65 +/- acres.

**APPLICANT / OWNER:** City of Lebanon  
925 Main St., Lebanon, OR 97355  
  
Albany and Eastern Railroad  
1782 S. Main St., Lebanon, OR 97355

**PROPERTY LOCATION:** North of Highway 34, south of the Southern Pacific Railroad tracks, north of the intersection of 13<sup>th</sup> Street and Highway 34 (T12S-R2W-Section 10B, Tax Lot 300 – part) (Parcel 1 of Partition Plat 2008-43)

**COMP. PLAN DESIGNATION:** Industrial (C-IND)

**ZONING DESIGNATION:** Limited Industrial (Z-ML)

**CURRENT LAND USE:** Vacant



## BACKGROUND

The Lebanon Planning Commission conducted a public hearing on a preliminary planned development for “ConnectOregon 1 – Lebanon Reload Facility” on July 16, 2008 (PD-08-\_\_\_). The Planning Commission approved a Preliminary Planned Development on the property. The applicant is submitting an application for a General Development Plan and Program under the provisions of LZO 4.414.

The subject property is 5.65 +/- acres identified as Parcel 1 on Partition Plat 2008-43. The property is vacant. The Comprehensive Plan designation for the property is Industrial. The Zoning designation is Limited Industrial.

The applicants have received a ConnectOregon Program Grant from Oregon Department of Transportation to relocate a dimensional finish lumber reload facility from the central business commercial district in Lebanon to the northwest industrial area. The project will also relocate a switch yard spur from an area in south Lebanon to the northwest site. The rail track in the switch yard and reload facilities will be 133 pound rail. The project includes:

- Construction of an approximately 1,450 foot private access road from the corner of 12<sup>th</sup> Street and Harrison Street north to the proposed reload yard;
- Construction of a 3.50 acre more or less paved surface for temporary storage of products and to facilitate efficient movement of forklifts and other equipment;
- Installation of public sewer main and sewer lateral;
- Installation of public water main and one fire hydrant; and
- Construction of approximately 2,500 feet of railroad switching track.
- A 28' x 40' modular office building, accessory to the reloading and switching activities, will be constructed in the southwest corner of the subject property at this time.

The purpose of the Limited Industrial Zone is:

*“To provide areas suitable for limited manufacturing which will help support the economic base of the community and surrounding area, and to provide areas suitable for limited manufacturing, warehousing and similar activities which have a minimal affect on the surrounding areas of the community. (LZO 4.210(1))”*

The proposed uses are consistent with the purpose of the zone. Railroad tracks and facilities necessary to serve other permitted uses are allowed as a conditional use in the Limited Industrial Zone (LZO 4.210(5)).

The property is surrounded by industrial and Agricultural zoning and land uses. The project will have a minimal affect on the surrounding area.



## APPLICABLE CRITERIA

### LZO SECTION 4.414 GENERAL DEVELOPMENT PLAN AND PROGRAM

- (1) **After receiving approval in principle of the Preliminary Development Plan and Program, the applicant shall have a General Development Plan and Program prepared by the professional design team.**
- (2) **Ten copies of the General Development Plan and Program shall be submitted to the Building and Planning Official at least 30 days prior to the date of the public hearing.**
- (3) **Upon receipt of the General Development Plan and Program the Planning Commission shall hold a public hearing where the applicant shall present his General Development Plan and Program.**

#### Applicant's Statement:

The applicant has received approval of a Preliminary Development Plan and Program from the Planning Commission (PD-08-\_\_\_). An application for a General Development Plan, pursuant to the provisions of LZO 4.414(a) has been submitted. The Plan contains all of the elements required in LZO 4.414(a) and by the Conditions of Approval contained in the Planning Commission's approval of the Preliminary Planned Development application.

- (4) **The General Development Plan and Program shall contain the following elements:**

- (a) **Plan Elements**

Maps and narrative information addressing the required elements have been submitted with the application documents.

- (b) **Program Elements:**

- (1) **Narrative statement of the basic purposes of the planned development.**

#### Applicant's Statement:

The applicants have received a ConnectOregon Program Grant from Oregon Department of Transportation to relocate a dimensional finish lumber reload facility from the central business commercial district in Lebanon to the northwest industrial area. The project will also relocate a switch yard spur from an area in south Lebanon to the northwest site. The rail track in the switch yard and reload facilities will be 133 pound rail. The project includes:



- Construction of an approximately 1,450 foot private access road from the corner of 12<sup>th</sup> Street and Harrison Street north to the proposed reload yard;
- Construction of a 3.50 acre more or less paved surface for temporary storage of products and to facilitate efficient movement of forklifts and other equipment;
- Installation of public sewer main and sewer lateral;
- Installation of public water main and one fire hydrant; and
- Construction of approximately 2,500 feet of railroad switching track.
- A 28' x 40' modular office building, accessory to the reloading and switching activities, will be constructed in the southwest corner of the subject property at this time.

**(2) A completed environmental assessment if required by the Planning Commission.**

Applicant's Statement:

An environmental assessment was not required by the Planning Commission.

**(3) Tables showing the total number of acres and the percentage of the total area which is designated for each type of use including each dwelling type, off-street parking, streets, parks, playgrounds, schools and open spaces as shown on the proposed development plan.**

Applicant's Statement:

The property is 5.65 acres. The project includes only infrastructure improvements, as described, at this time. An office, accessory to the reload facility and switch yard spur, will be built at this time. No dwellings, parks, playgrounds, schools or open spaces are proposed. A private access road will be built (approximately 1,450 feet).

**(4) Tables showing the overall density of the proposed residential development and showing density by dwelling types and any proposals for the limitation of density.**

Applicant's Statement:

There will be no residential development.

**(5) Drafts of appropriate restrictive covenants, including those regarding the maintenance of vegetation to protect the development's solar access and drafts of documents providing for the maintenance of any common open**



**space, or required dedications or reservations of public open spaces and of any dedications of development rights.**

Applicant's Statement:

No restrictive covenants are proposed.

- (6) A timetable indicating when utility and drainage facilities intended to serve the development are to be installed. If the development is to be constructed in stages, the timetable shall reflect this.**

Applicant's Statement:

Utility and drainage facilities will be installed following final planning approval.

- (7) A statement regarding the proposed energy impacts and noise impacts of the development.**

Applicant's Statement:

The proposed development is a dimensional finish lumber reload facility and switch yard spur. These uses will not have any significant energy or noise impacts. The area is surrounded by land zoned and used for industrial purposes and agriculture.

#### **LZO 4.415 Action and Findings by the Planning Commission**

- (1) ... .. A decision for approval of a PD shall be based on the following findings:**
- (a) That the proposed development is in substantial conformance with the Lebanon Comprehensive Plan.**

Applicant's Statement:

#### Applicable Policies of the Lebanon Comprehensive Plan

The criteria and standards in the Lebanon Zoning Ordinance are designed to implement the goals and policies of the Comprehensive Plan. The information submitted in this narrative and the accompanying plan maps demonstrates compliance with the applicable ordinance provisions. The Plan Policies listed below directly relate to the proposed Limited Industrial Planned Development. Plan Policies are shown in *italic type*.

*Chapter 4, Section 2.2 - Purpose of the Limited Industrial Zone.*

*To provide lands suitable for manufacturing and related activities, warehousing and similar activities.*



*Industrial Use Policy # 35. Encourage industries that are compatible with City's livability and that minimally disrupt residential adjacent areas due to excessive traffic, noise, pollution, or other impacts that would impair the livability of the community.*

*Industrial Use Policy #36. Require that all industrial development strictly comply with the environmental quality standards of the State of Oregon, including all applicable standards and regulations of the Oregon State Board of Health, the Oregon Department of Environmental Quality and any other public agency having regulatory jurisdiction.*

*Economic Goal #1. Providing employment opportunities for its citizens.*

*Economic Goal #2. Providing a viable tax base for the community in order to pay for essential community services.*

*Economic Goal #3. Encouraging a diversified economic base for the community which broadens and improves long-term employment opportunities in all sectors, including, retail, service, and industrial.*

*Rail Policy #67. The City shall work with industry and rail service providers to retain and enhance rail service to the community's industrial areas.*

*Rail Policy #69. The City shall recognize the importance of the railroad to the economy of the area when considering any proposal that could have an adverse or disruptive impact on the railroad.*

*Rail Policy #70. In considering potential development of industrial sites, the City shall consider the unique opportunities offered by sites with railroad access.*

The subject property has been designated Limited Industrial by the City because it is ideally located to provide access to an existing rail line; can be provided with street access, sewer and water; and is surrounded by industrially designated land, minimizing the potential for conflicts with adjacent uses. The proposed development meets or exceeds all City standards for lot size, width, parking, site area and open space.

The proposed use will provide employment opportunities for the citizens of Lebanon and will enhance the local tax base. It will diversify the economic base of the community. The property is uniquely located adjacent to an existing rail line. The proposed project will enhance rail service to the community's industrial areas.

The site and proposed project are consistent with the applicable Comprehensive Plan Policies.

- (b) That exceptions from the standards of the underlying zone are warranted by the design and amenities incorporated in the development**



**plan program.**

Applicant's Statement:

No exceptions from the standards of the Limited Industrial Zone are being requested.

- (c) That the proposed development, or unit thereof, can be substantially completed within one year of the final approval.**

Applicant's Statement:

The project is receiving substantial grant funding from ConnectOregon. It is the intention of the applicants to begin the project upon final approval of the PD by the City and to complete the project within one year.

- (d) That the streets are adequate to support the anticipated traffic.**

Applicant's Statement:

Street construction will be to standards required by the City. It is anticipated that vehicle traffic will be relatively light given the industrial uses proposed for the property.

- (e) That the proposed utility and drainage facilities are adequate for the population densities and type of development proposed and will not create a drainage or pollution problem outside the planned area. That the timing of installation of utility and drainage facilities will be closely coordinated with development construction and that it will not create a hardship to residents either within or outside the planned area,**

Applicant's Statement:

The proposed improvements are:

- Construction of an approximately 1,450 foot private access road from the corner of 12<sup>th</sup> Street and Harrison Street north to the proposed reload yard;
- Construction of a 3.50 acre more or less paved surface for temporary storage of products and to facilitate efficient movement of forklifts and other equipment;
- Installation of public sewer main and sewer lateral;
- Installation of public water main and one fire hydrant; and
- Construction of approximately 2,500 feet of railroad switching track.
- A 28' x 40' modular office building, accessory to the reloading and switching activities, will be constructed in the southwest corner of the subject property at this time.

These improvements are adequate for the type of development proposed and will be



constructed to City required standards. They will not create a drainage or pollution problem outside the planned area. The development of the site will include an onsite detention ponding area to allow developed release rates to be metered to pre-developed rates. The timing of the installation of utility and drainage improvements will be closely coordinated and will not create a hardship for surrounding property owners.

- (f) **That the density in the proposed development will not result in any substantial negative impact on any public facility or utility.**

Applicant's Statement:

The proposed development is industrial. There will be no residential units. It will be very low impact. It will not result in any substantial negative impact on any public facility or utility.

## **APPLICABLE DEVELOPMENT STANDARDS FROM THE LEBANON ZONING ORDINANCE**

Applicant's Statement:

The following development standards in the Lebanon Zoning Ordinance are applicable to this application.

LZO 4.210(5) Uses. Railroad tracks and facilities necessary to serve other permitted uses are allowed as a conditional use in the Limited Industrial Zone.

LZO 4.210(7) Yards and Landscaping. The property is 5.65 acres. The proposed improvements are shown on the plan maps. They include rail spurs, a street, a paved area, sewer and water lines, and an office building, accessory to the proposed uses. All yard and landscaping provisions will be met.

LZO 4.210(6) Clear Vision Area: Twenty foot clear vision triangles will be maintained at all appropriate intersections.

LZO 5.020 Access. The property will be accessed from an extension of Harrison Street as shown on the plan maps. Newly constructed streets will be fully improved to the required city standards, including dedication of right-of-way if necessary.

LZO 5.200 Off-Street Parking Requirements: The reload facility will have approximately 3.50 acres developed with paved surface. The proposed use requires one parking space per each employee. It is anticipated that 10 employees will be working at the reload facility and therefore require 10 parking spaces. One of the ten spaces will be a handicapped space.



LZO 4.417(1) Minimum Site Size: The proposed PD site is 5.65 acres. This is larger than the minimum of two acres required to establish a PD.





Planning Division  
Community Development Department

## Preliminary Planned Development Application

### Land Use

#### **Application for a Planned Development**

The purpose of the Planned Development (PD) is to provide opportunities to create more desirable environments through the application of flexible land development standards under a comprehensive plan and program that has been professionally prepared. This flexibility allows for creative design that facilitates the efficient use of land or promotes an economic arrangement of land use. The PD is intended to be used to encourage the application of new techniques and new technology development which will result in superior living or development arrangements with lasting values (Lebanon Municipal Code, Chapter 17.28).

PDs should be consistent with the goals, policies and land use designations of the Lebanon Comprehensive Plan and Lebanon Municipal Code. A PD may be established in combination with any basic zone. The review and approval of a PD is a multi-stage process, requiring at least two public hearings. The Planning Commission at a regularly scheduled meeting will review a preliminary application. At this meeting, the Preliminary Development application will be either approved or denied. In some cases, conditional approval will be granted assuming certain changes based on the scope, design, and/or environmental impact of the proposal. Upon Preliminary Development Plan approval, the applicant will be required to submit a General Development Plan that will be available for public comment at a hearing scheduled by the Planning Commission.

**Note: The application, required materials and fee must be filed at least thirty (30) calendar days prior to the next regularly scheduled Planning Commission meeting.**

#### **Please submit the following:**

- One (1) copy of this form.
- One (1) copy of a written statement that describes the Planned Development Proposal and addresses all of the attached review approval criteria.
- Five (5) full-size copies and one (1) photocopy reproducible copy (11" x 17" max.) of the site plan and other materials essential to understanding the proposal.
- A preliminary filing fee: \$3,150

#### **FOR OFFICE USE ONLY:**

File #: PD-03-01 Received By: [Signature] Completeness: \_\_\_\_\_ Fees: Preliminary \$3,150  
Date Received: 6/23/08 Date Complete: \_\_\_\_\_ Payment Info: \_\_\_\_\_ Receipt No: \_\_\_\_\_

**Basic Information about the Site and Proposal**

Current Site Address: NONE  
Nearest Cross Street or Road: 12TH & HARRISON  
Comprehensive Plan Designation: INDUSTRIAL  
Zoning Designation: ML (LIMITED INDUSTRIAL)

**Specific Information about the Site and Proposal**

Legal Description: (attach copy) PARCEL 1 OF LINN COUNTY PARTITION PLAT NO. 2008-43.  
Proposed name of Planned Development: CONNECT OREGON 1  
Present use of property: GRASS SEED FARMING  
Proposed development type:  Residential  Commercial  Industrial  
Total # of lots proposed: 1 Phasing proposed:  Y  N  
Total parcel(s) size: 5.65 acres or sq. ft.  
Total area of property involved in development: 5.65 acres or sq. ft.  
Assessor's Map and Tax Lot Number(s): 12S-2W-10B TL 300301

Present use of property: THE PROPERTY IS PRESENTLY VACANT AND BEING FARMED FOR GRASS SEED.

Proposed use of property: RELOAD FACILITY FOR THE ALBANY AND EASTERN RAILROAD.

Existing property uses adjacent to the site (North, South, East and West):

NORTH - LOWES DISTRIBUTION CENTER

WEST - GRASS SEED FARMING

SOUTH - GRASS SEED FARMING

EAST - WESTERN WAREHOUSE (STORAGE WAREHOUSE)

**Ownership**

Name of Applicant: NORMAN B. AND MILDRED STECKLEY Phone: 541-928-5084  
Address: 2850 HERON LP SE City: AL State: OR Zip: 97322  
Applicant's interest in property (owner, buyer, lessee, etc.): \_\_\_\_\_

Applicant's Agent or Representative: ED SCHULTZ Phone: 541-926-2255  
Address: 130 1<sup>ST</sup> AVE. SW City: AL State: OR. Zip: 97322

Architect/Planner: \_\_\_\_\_ Business Name: \_\_\_\_\_  
Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Engineer/Surveyor: BRIAN VANDEETA Business Name: UDELL ENG. AND LAND SURV. LLC  
Address: 63 E. ASH ST. City: LEB. State: OR. Zip: 97355

**Each current property owner of record must sign the application, or provide a letter authorizing an agent or representative to act on his or her behalf.**

In signing this application, I hereby grant the City of Lebanon or its representative my permission to enter and evaluate my property for the purpose of processing this application.

Signature of All Owners:

1. Edward F. Schultz Edward F. Schultz 541-926-2255  
Signature Printed Name Phone  
ATTORNEY FOR OWNERS  
\_\_\_\_\_  
Address
2. \_\_\_\_\_  
Signature Printed Name Phone  
\_\_\_\_\_  
Address
3. \_\_\_\_\_  
Signature Printed Name Phone  
\_\_\_\_\_  
Address
4. \_\_\_\_\_  
Signature Printed Name Phone  
\_\_\_\_\_  
Address

## Review Approval Criteria

In accordance with provisions and requirements of the Lebanon Zoning Ordinance and in order to facilitate a more comprehensive review, every application for Planned Development must include the following:

### General Information:

- Completed application form.
- Narrative describing the proposed planned development that specifically addresses the approval standards and criteria.
- Proposed development name.
- Appropriate identification as a preliminary plan.
- Date, north arrow and scale of drawing.
- Names, addresses and telephone numbers of the owners, developer and the professional development team and the date the development plan was prepared.

### Site Analysis - Existing Conditions:

- Vicinity Map showing the location of the property in relation to adjacent properties, roads, pedestrian and bikeways transit stops, utility lines and easements (within three hundred feet of the proposed development).
- Utilities, indicating the location and distance to the nearest water mains, sewers, septic tank(s) and well(s) on site or abutting the tract.
- Easements, showing the location, purpose and present width of all existing easements of record on or abutting the tract.
- Street(s)/Road(s), showing the location, name and present width of all **existing** streets, alleys and rights-of-way on or abutting the tract.
- Location and elevation of at least one temporary benchmark within the tract boundaries.
- Parcel boundaries, dimensions and total area of the proposed development.
- Existing land uses, including the location and present use of all existing structures proposed to remain on the property.
- Drainage patterns and drainage courses on the site and on adjacent parcels.
- Significant site features, including steep slopes, streams or stream corridors.
- Natural areas on the site including marshes, wetland and wildlife habitat.
- Trees, showing the location, size and variety of all trees (equal to or greater than 10 inches in diameter) affected by the proposed development.

### Landscape Plan:

- General description of proposed landscaped areas and their maintenance.
- Label and describe the location of the underground irrigation system or hose bibs(where applicable).
- Location and height of fences and other buffering or screening materials.
- Location, size and species of the existing and proposed plant materials, including trees.
-

## Review Approval Criteria (cont.)

### Development Plan:

- Proposed land uses, including housing unit densities (min., max. and avg. units per acre), type of residence and number of bedrooms per residence.
- Building unit types and approximate bulk.
- Boundary lines and dimensions for the perimeter of the property and approximate dimensions for all proposed property lines.
- Section lines, corners and monuments.
- Street(s)/Road(s), showing the location, name and present width of all proposed streets, alleys and rights-of-way on or abutting the tract.
- Proposed method for the handling of surface water drainage.
- Proposed method for provisions of water supply and sewage disposal.
- Location and description of all access to the site.
- Location and description of all parking and circulation areas, including pedestrian and bicycle circulation patterns.
- Location and description of all on-site outdoor recreation spaces and common areas.
- Location and description of all above and below ground utilities.
- Location and description of all areas to be landscaped.
- Location and description of proposed street and open-spacing lighting.

### Written Statements:

- Detailed description of the Planned Development program and how the development meets the criteria for Planned Development (Lebanon Zoning Ordinance Section 4.413(2) a-e).
- Description of proposed ownership pattern.
- Timetable of the development, including the expected starting date(s), projected completion date(s) and project phasing (if applicable).
- Description of the operation and maintenance proposal, such as a condominium, co-op or homeowner's association.
- Description of commercial facilities, such as shopping.
- Description of community facilities, such as schools and parks.

### Architectural Drawings:

- Detailed drawings of building elevations, sections and floor and site plans.
- Location and description of any on-building or freestanding signage, including dimensions height, color, materials and means of illumination.



## EXHIBIT A - APPLICATION NARRATIVE

### ConnectOregon 1 – Lebanon Reload Facility

## PLANNED DEVELOPMENT - PRELIMINARY PLAN and CONDITIONAL USE PERMIT

### GENERAL INFORMATION

**NATURE OF REQUEST:** Application for a Planned Development Preliminary Plan and Conditional Use Permit to establish a dimensional finish lumber reload facility and a switch yard spur on 5.65 +/- acres.

**APPLICANT / OWNER:** City of Lebanon  
925 Main St., Lebanon, OR 97355

Albany and Eastern Railroad  
1782 S. Main St., Lebanon, OR 97355

**PROPERTY LOCATION:** North of Highway 34, south of the Southern Pacific Railroad tracks, north of the intersection of 13<sup>th</sup> Street and Highway 34 (T12S-R2W-Section 10B, Tax Lot 300 – part) (Parcel 1 of Partition Plat 2008-43)

**COMP. PLAN DESIGNATION:** Industrial (C-IND)

**ZONING DESIGNATION:** Limited Industrial (Z-ML)

**CURRENT LAND USE:** Vacant



## BACKGROUND

The subject property is 5.65 +/- acres identified as Parcel 1 on Linn County Partition Plat 2008-43. The property is vacant. The Comprehensive Plan designation for the property is Industrial. The Zoning designation is Limited Industrial.

The applicants have received a ConnectOregon Program Grant from Oregon Department of Transportation to relocate a dimensional finish lumber reload facility from the central business commercial district in Lebanon to the northwest industrial area. The project will also relocate a switch yard spur from an area in south Lebanon to the northwest site. The rail track in the switch yard and reload facilities will be 133 pound rail. The project includes:

- Construction of an approximately 1,450 foot private access road from the corner of 12<sup>th</sup> Street and Harrison Street north to the proposed reload yard;
- Construction of a 3.50 acre more or less paved surface for temporary storage of products and to facilitate efficient movement of forklifts and other equipment;
- Installation of public sewer main and sewer lateral;
- Installation of public water main and one fire hydrant; and
- Construction of approximately 2,500 feet of railroad switching track.
- A 28' x 40' modular office building, accessory to the reloading and switching activities, will be constructed in the southwest corner of the subject property at this time.

The purpose of the Limited Industrial Zone is:

*"To provide areas suitable for limited manufacturing which will help support the economic base of the community and surrounding area, and to provide areas suitable for limited manufacturing, warehousing and similar activities which have a minimal affect on the surrounding areas of the community. (LZO 4.210(1))"*

The proposed uses are consistent with the purpose of the zone. Railroad tracks and facilities necessary to serve other permitted uses are allowed as a conditional use in the Limited Industrial Zone (LZO 4.210(5)).

The property is surrounded by industrial and Agricultural zoning and land uses. The project will have a minimal affect on the surrounding area.



## APPLICABLE CRITERIA

### LZO 4.413 PROCEDURE FOR PRELIMINARY APPROVAL

#### (1) Elements of the Plan

Applicants' Statement:

A development plan containing the elements required in LZO 4.413(1) has been submitted.

#### (2) Elements of the Program

- (a) **Proposed ownership patterns.**
- (b) **Operation and maintenance proposal, such as condominium, co-op, or Homeowners Association.**

Applicants' Statement:

The property will be in a single ownership. It will be operated and maintained by the owner.

- (c) **Commercial facilities such as shopping, community facilities such as schools or parks.**

Applicants' Statement:

There will be no commercial facilities, shopping, community facilities, schools or parks.

- (d) **Time table of the development, to include expected starting dates, projection of completion time and project phasing, if anticipated.**

Applicants' Statement:

The project will start as soon after final planning approval as possible.

- (e) **Method of public improvements financing, if any.**

Applicants' Statement:

The applicants have received grant funds from ConnectOregon Program (ODOT).



- (f) **The proposal shall be prepared by two or more persons with professional qualifications in such design related fields as Architecture, Landscape Architecture, Urban Planning and Civil Engineering.**

Applicants' Statement:

The proposal has been prepared by Brian Vandetta, Civil Engineer with Udell Engineering and Land Surveying, LLC, Lebanon, Oregon and Bob Speaker with Bob Speaker Land Use Planning Consulting, LLC, Corvallis, Oregon.

(3) **Planning Commission Review of Preliminary Development Plan**

- (a) **The Planning Commission shall review the Preliminary Development Plan and Program and may recommend either preliminary approval in principle, with or without modifications or denial. Such action shall be based upon the Lebanon Comprehensive Plan, the standards of this ordinance and other regulations.**

Applicants' Statement:

Compliance with the Lebanon Comprehensive Plan, the standards of the Zoning Ordinance and other regulations is demonstrated by the information provided in this narrative and the accompanying plan design sheets and information.

Applicable Policies of the Lebanon Comprehensive Plan

The criteria and standards in the Lebanon Zoning Ordinance are designed to implement the goals and policies of the Comprehensive Plan. The information submitted in this narrative and the accompanying plan maps demonstrates compliance with the applicable ordinance provisions. The Plan Policies listed below directly relate to the proposed Limited Industrial Planned Development. Plan Policies are shown in *italic type*.

*Chapter 4, Section 2.2 - Purpose of the Limited Industrial Zone.*

*To provide lands suitable for manufacturing and related activities, warehousing and similar activities.*

*Industrial Use Policy # 35. Encourage industries that are compatible with City's livability and that minimally disrupt residential adjacent areas due to excessive traffic, noise, pollution, or other impacts that would impair the livability of the community.*

*Industrial Use Policy #36. Require that all industrial development strictly comply with the environmental quality standards of the State of Oregon, including all applicable standards and regulations of the Oregon State Board of Health, the Oregon Department of*



*Environmental Quality and any other public agency having regulatory jurisdiction.*

*Economic Goal #1. Providing employment opportunities for its citizens.*

*Economic Goal #2. Providing a viable tax base for the community in order to pay for essential community services.*

*Economic Goal #3. Encouraging a diversified economic base for the community which broadens and improves long-term employment opportunities in all sectors, including, retail, service, and industrial.*

*Rail Policy #67. The City shall work with industry and rail service providers to retain and enhance rail service to the community's industrial areas.*

*Rail Policy #69. The City shall recognize the importance of the railroad to the economy of the area when considering any proposal that could have an adverse or disruptive impact on the railroad.*

*Rail Policy #70. In considering potential development of industrial sites, the City shall consider the unique opportunities offered by sites with railroad access.*

The subject property has been designated Limited Industrial by the City because it is ideally located to provide access to an existing rail line; can be provided with street access, sewer and water; and is surrounded by industrially designated land, minimizing the potential for conflicts with adjacent uses. The proposed development meets or exceeds all City standards for lot size, width, parking, site area and open space.

The proposed use will provide employment opportunities for the citizens of Lebanon and will enhance the local tax base. It will diversify the economic base of the community. The property is uniquely located adjacent to an existing rail line. The proposed project will enhance rail service to the community's industrial areas.

The site and proposed project are consistent with the applicable Comprehensive Plan Policies.

#### Applicable Standards of the Lebanon Zoning Ordinance

LZO 4.210(5) Uses. Railroad tracks and facilities necessary to serve other permitted uses are allowed as a conditional use in the Limited Industrial Zone.

LZO 4.210(7) Yards and Landscaping. The property is 5.65 acres. The proposed improvements are shown on the plan maps. They include rail spurs, a street, a paved area, sewer and water lines, and an office building, accessory to the existing uses to be built some time in the future. All yard and landscaping provisions will be met.



LZO 4.210(6) Clear Vision Area: Twenty foot clear vision triangles will be maintained at all appropriate intersections.

LZO 5.020 Access. The property will be accessed from an extension of Harrison Street as shown on the plan maps. Newly constructed streets will be fully improved to the required city standards, including dedication of right-of-way if necessary.

LZO 5.200 Off-Street Parking Requirements: The reload facility will have approximately 3.50 acres developed with paved surface. The proposed use requires one parking space per each employee. It is anticipated that 10 employees will be working at the reload facility and therefore require 10 parking spaces. One of the ten spaces will be a handicapped space.

LZO 4.417(1) Minimum Site Size: The proposed PD site is 5.65 acres. This is larger than the minimum of two acres required to establish a PD.

- (b) Approval in principle of the Preliminary Development Plan and Program shall be limited to the preliminary acceptability of the land uses proposed and their interrelationships and shall not be construed to endorse the precise location of uses nor engineering feasibility. The Planning Commission may require the submission of other information than that specified for submittal as part of the General Development Plan and Program.**

Applicants' Statement:

Any additional information necessary for review of the General Development Plan and Program will be provided.

- (c) Informal review of the Preliminary Development Plan and Program shall be held at a regular Planning Commission meeting and requires a public hearing.**

Applicants' Statement:

A public hearing has been scheduled.

- (d) The Planning Commission shall review and may recommend expansion, additions or modifications in the proposed design team for the preparation of the General Development Plan and Program.**

Applicants' Statement:



Any modifications recommended by the Planning Commission will be incorporated into the General Development Plan and Program to the extent practicable.

## **ARTICLE 6 CONDITIONAL USES**

### **SECTION 6.010 Purpose of Conditional Use Procedure**

A conditional use is a use of land or a structure which is normally appropriate in the district where it is permitted, but due to the specifics of that use could cause a potential nuisance, health, or safety problem. It is the intent of this Article to provide standards and procedures so that uses which are classified as conditional can fit into a particular zone in a manner so that the best interests of surrounding property, the neighborhood, and the City are safeguarded.

### **SECTION 6.020 Authorization to Grant or Deny a Conditional Use Permit**

Conditional uses listed in this Ordinance may be permitted, altered, or enlarged when in conformance with the Lebanon Comprehensive Plan, and upon authorization of the Planning Commission in accordance with the standards and procedures set forth in Sections 6.010 to 6.080 of this Ordinance.

In taking action on a conditional use permit application, the Planning Commission may either approve or deny the application.

If an application is denied, the action must be based on reasons related to the appropriate development and best interests of the surrounding property, the neighborhood, and the City as a whole; considering such items as the bulk, coverage, or density of proposed development, the availability of public utilities and facilities, the generation of traffic, environmental quality impacts, and health, safety, or general welfare concern.

In approving a conditional use permit application, the Planning Commission may impose, in addition to those standards and requirements expressly specified by this Ordinance, additional conditions which the Planning Commission considers necessary to protect the appropriate development and best interest of the surrounding property, the neighborhood, and the City as a whole. These conditions may include the following:

- (a) Regulating yard dimensions to protect solar access.
- (b) Regulating the height of buildings to protect solar access.
- (c) Controlling the location and number of vehicle access points.



- (d) Requiring dedication of additional street right-of-way or increasing the street width.**
- (e) Increasing the number of required off-street parking or off-street loading spaces.**
- (f) Requiring fencing, screening, landscaping, or other facilities to protect adjacent or nearby property.**
- (g) Limiting the number, size, location, and lighting of signs.**
- (h) Designating sites for open space or outdoor recreation areas.**
- (i) Requiring ongoing maintenance of buildings and grounds, including the Provision of an irrigation system.**
- (j) Regulating noise, vibration, odors, and similar factors which may have a substantial negative effect on the development of the surrounding area or the City as a whole.**
- (k) Providing internal property improvements such as utilities, drainage facilities, streets, curbs, gutters, walkways, parking areas, landscaping, fencing, screening, or recreation areas in order to enhance the area and to protect adjacent or nearby property.**
- (l) Regulating time periods for the conduct of certain activities.**
- (m) Setting a time limit for which the conditional use is approved.**
- (n) Requiring the providing of public improvements such as streets, sidewalks, public utility facilities, drainage facilities, and other basic services which are directly benefiting the proposed development, or requiring participation in an improvement district to insure provision of basic services, parks, or streets and sidewalks directly benefiting the proposed development.**
- (o) Requiring the staggering of units to avoid a barrack-like effect.**
- (p) Requiring the installation of fire and intrusive alarm systems.**
- (q) Requiring the dedication or granting of an easement adjacent to any drainage ways.**
- (r) Requiring easements over existing or proposed public utilities.**
- (s) Requiring the placement of buildings in a manner which would fully utilize the solar potential of the site or protect the solar access of an adjacent site.**



Applicant's Statement:

The proposed uses are permitted as conditional uses in the Limited Industrial Zone. They are consistent with the purpose of the zone.

Surrounding land uses and zoning are:

Surrounding Land Uses

North	Railroad then Industrial (Lowe's Distribution Center)
East	Industrial (Western Warehouse)
South	Agricultural
West	Agricultural

Surrounding Zoning

North	Limited Industrial
East	Limited Industrial
South	UGA-EFU-80 (Linn County Zoning)
West	Exclusive Farm Use (Linn County Zoning)

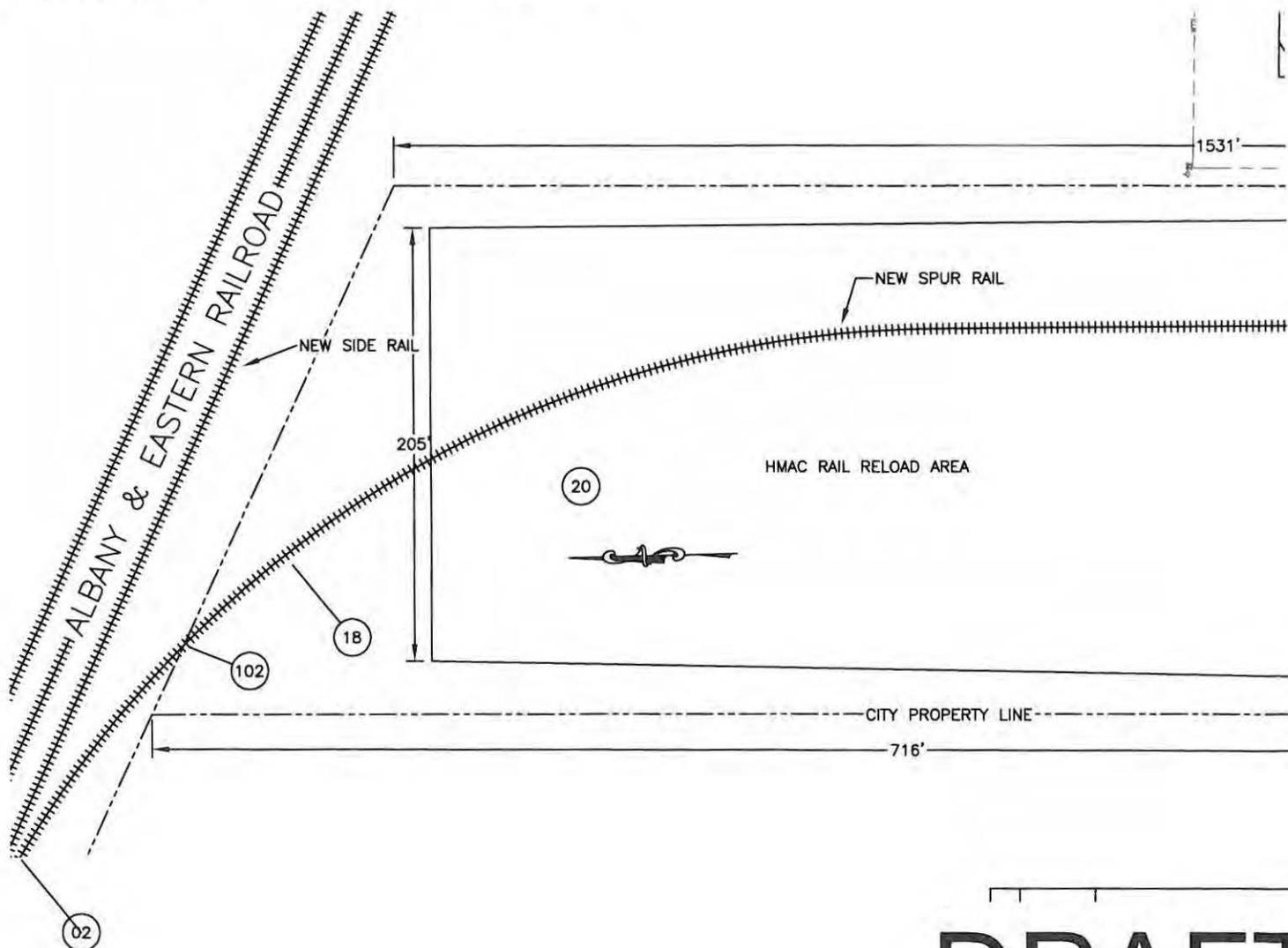
The proposed dimensional finish lumber reload facility and switch yard spur and associated infrastructure improvements will not have any adverse impact on existing or potential future land uses on adjacent lands.



**NOTES:**

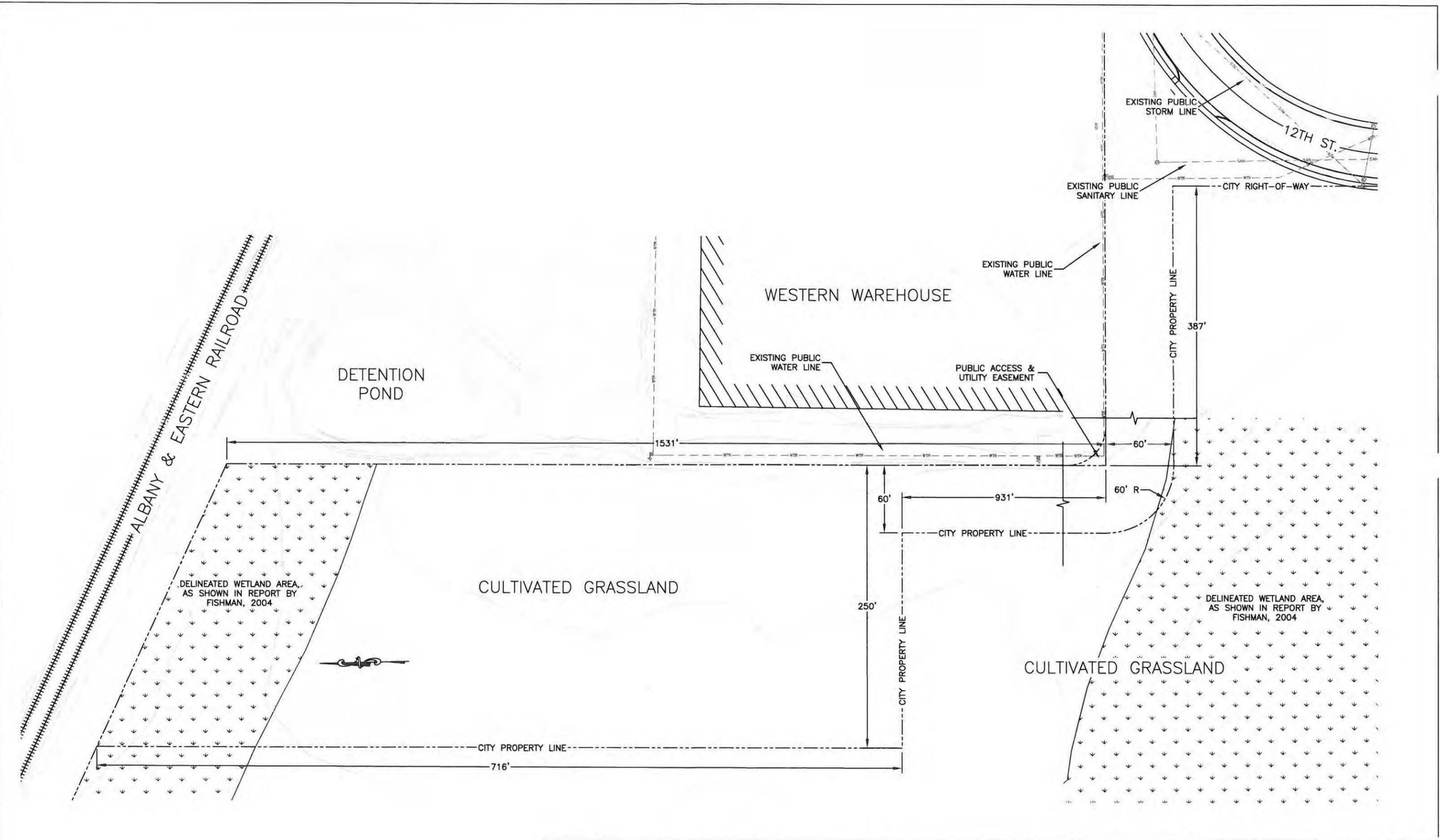
- (02) CONSTRUCT RAIL SPUR FROM NEW SIDE RAIL.
- (18) CONSTRUCT INDUSTRIAL TRACK ROADBED (USING SUB-BASE MATERIAL) OVER SCARIFIED/COMPACTED SUBGRADE.
- (20) CONSTRUCT RELOAD AREA ON SCARIFIED/COMPACTED SUBGRADE. SLOPE AWAY FROM RAIL SPUR AT 1% TO BIOSWALES (SEE SHEET PR-5).
- (25) CONSTRUCT 24.0' WIDE ACCESS ROAD ON SCARIFIED/COMPACTED SUBGRADE. TRANSITION ACCESS ROAD CROSS SLOPE FROM RELOAD AREA EOP TO STANDARD 2% CROSS SECTION.
- (27) 28'x40' (APPROXIMATE) MODULAR OFFICE BUILDING (TO BE INSTALLED BY OTHERS).
- (38) CUT AND REMOVE EXISTING TEMPORARY HMAC COMMERCIAL ACCESS AS DIRECTED BY THE ENGINEER. REPLACE WITH TYPICAL ACCESS ROAD SECTION.
- (39) TIE ACCESS ROAD INTO EXISTING 34' WIDE COMMERCIAL DRIVEWAY APPROACH.
- (40) INSTALL STANDARD CURB AND GUTTER ALONG BOTH SIDES OF COMMERCIAL ACCESS.
- (41) CONSTRUCT STANDARD 5.0' WIDE PCC SIDEWALK SECTION WITH ADA RAMP. TIE TO EXISTING SIDEWALKS AT BOTH ENDS.
- (47) PAINT OUT EMPLOYEE PARKING AREA AND ADA ACCESS AS SHOWN ON SHEET PR-4.

- (101) INSTALL STOP SIGN PER CITY STANDARDS (MUTCD R1-1).
- (102) INSTALL ROADWAY MARKERS (MUTCD OM4-1, TYPE R1) C GATES AS DIRECTED BY THE ENGINEER. FOUR MARKERS INSTALLATION, SEE SHEET PR-4 FOR FENCING DETAILS.
- (103) INSTALL RIGHT TURN AHEAD SIGN PER CITY STANDARDS (W1-1R, TYPE Y1).
- (104) INSTALL LEFT TURN AHEAD SIGN PER CITY STANDARDS (W1-1L, TYPE Y1).
- (105) INSTALL "15 MPH" RIDER PLACARD UNDER APPLICABLE TURN SIGN PER CITY STANDARDS (MUTCD W13-1(15), TYPE Y1).
- (106) INSTALL LEFT AND RIGHT ALIGNMENT CHEVRONS AS DIRECTED BY THE ENGINEER PER CITY STANDARDS (MUTCD W1-8R,L, TYPE Y4).
- (108) INSTALL STOP AHEAD SIGN PER CITY STANDARDS (MUTCD Y4).
- (109) REINSTALL SALVAGED NO PARKING/FIRE LANE SIGN AS DIRECTED BY THE ENGINEER (MUTCD R7-9F).
- (110) INSTALL DMV DISABLED PARKING PLACARD (OR 20-6B.D) ON ADA PARKING STALLS PER CITY STANDARDS. SEE SHEET PR-4 FOR DETAILS.



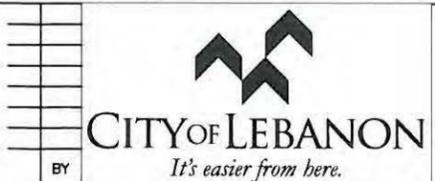
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LEBANON RAIL RELOAD FACILITY				SHEET	OF
Preliminary & General Development Plan				PR-2	PR-8
TITLE: EXISTING CONDITIONS AND LAND USE					
DESIGNED BY/DATE	M. Trippett	PROJECT NUMBER	07714	SCALE: NTS	
DRAWN BY/DATE	Mike Trippett	FILE NAME	00714 LRRF.dwg		
	April, 2008				
	May, 2008				

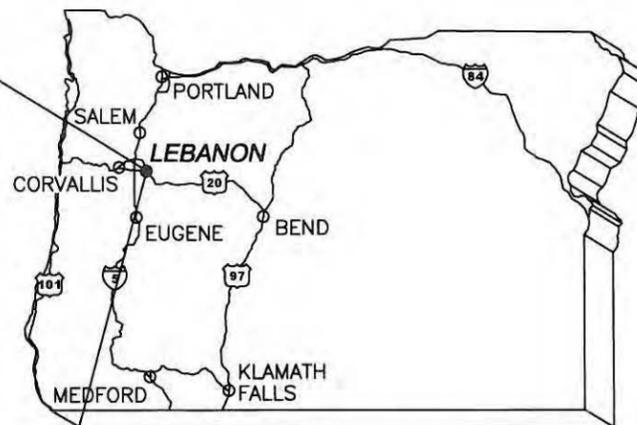
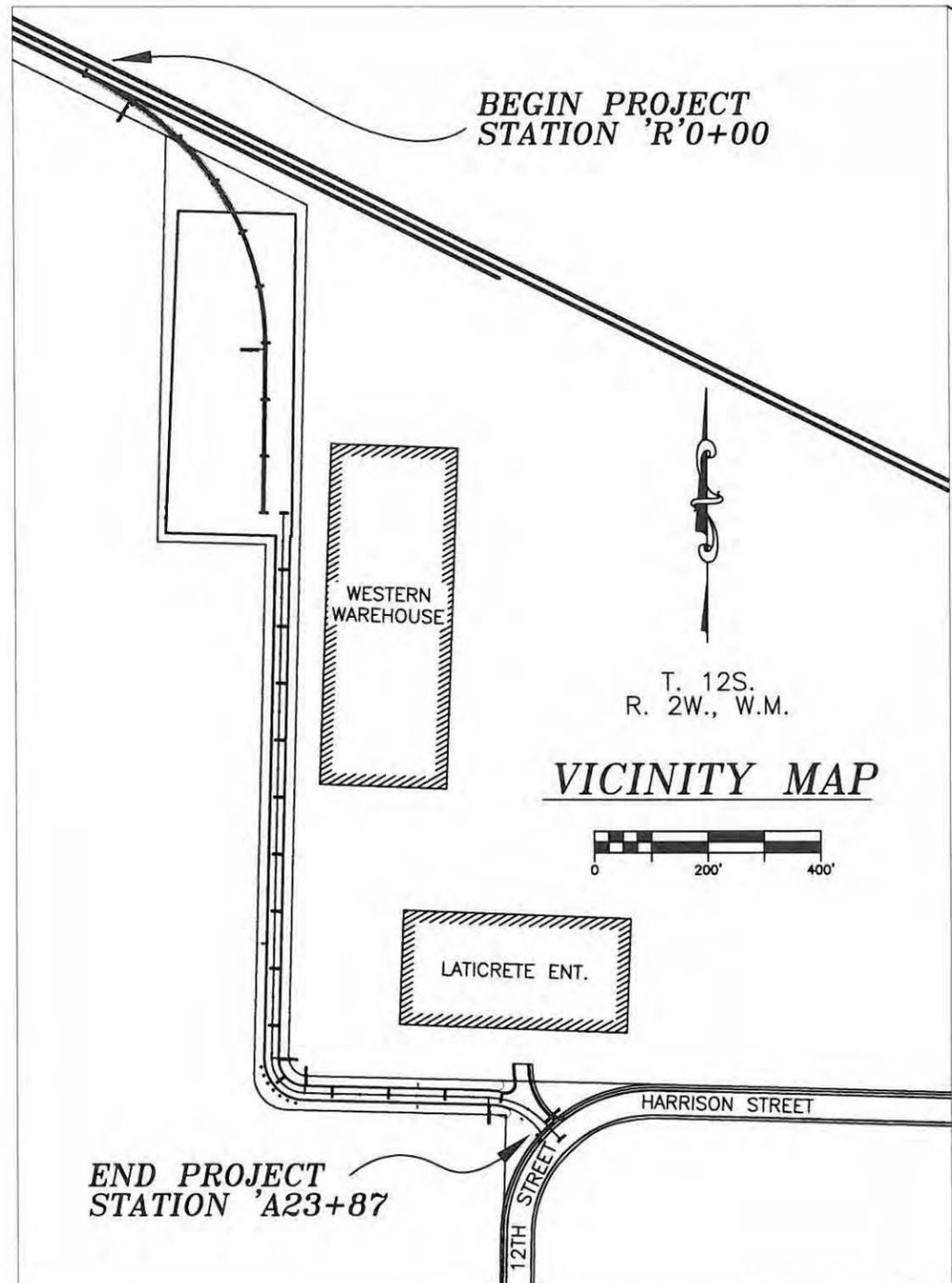
# LEBANON RAIL RELOAD FACILITY

## PRELIMINARY PLANS FOR PROJECT NO. 07714

JUNE 2008

CITY OF LEBANON

LINN COUNTY, OR



LOCATION MAP



**CALL BEFORE YOU DIG!**  
1-800-332-2344

ATTENTION:

OREGON LAW REQUIRES YOU TO FOLLOW RULES ADOPTED BY THE OREGON UTILITY NOTIFICATION CENTER. THOSE RULES ARE SET FORTH IN OAR 952-001-0010 THROUGH OAR 952-001-0090. YOU MAY OBTAIN COPIES OF THE RULES BY CALLING THE CENTER. (NOTE: THE TELEPHONE NUMBER FOR THE OREGON UTILITY NOTIFICATION CENTER IS (503) 232-1987).

GENERAL NOTES:

1. CONTRACTOR IS SOLELY RESPONSIBLE FOR PROCURING AND MAINTAINING ALL PERMITS REQUIRED BY AGENCIES HAVING JURISDICTION IN THE PROJECT AREA.
2. ALL CONSTRUCTION ACTIVITIES SHALL BE LIMITED TO THE HOURS BETWEEN 7:00 AM AND 7:00 PM, MONDAY THROUGH SATURDAY UNLESS OTHERWISE APPROVED BY THE ENGINEER.
3. CONTRACTOR SHALL PROVIDE ALL APPLICABLE PUBLIC AND PRIVATE CONSTRUCTION NOTIFICATION AS DETAILED IN THE PROJECT SPECIAL PROVISIONS.
4. CONTRACTOR IS RESPONSIBLE FOR MAINTAINING A CURRENT SET OF PLANS, SPECIFICATIONS AND SPECIAL PROVISIONS ON SITE AT ALL TIMES. CONTRACTOR IS REQUIRED TO RECORD ANY CONSTRUCTION DEVIATIONS TO THESE DRAWINGS AND NOTE THE LOCATION AND ELEVATION OF ALL EXISTING UTILITIES ENCOUNTERED.
5. LOCATIONS AND DESCRIPTIONS OF ALL EXISTING UTILITIES OR OTHER OBSTRUCTIONS SHOWN IN THE PROJECT PLANS ARE COMPILED FROM AVAILABLE RECORDS AND/OR FIELD SURVEYS. ACCURACY AND COMPLETENESS ARE NOT GUARANTEED; CONTRACTOR SHALL FIELD-VERIFY ALL UTILITY LOCATIONS PRIOR TO CONSTRUCTION.
6. CONTRACTOR IS RESPONSIBLE FOR PROTECTING ALL EXISTING SURVEY MONUMENTATION. MONUMENTS DISTURBED OR DESTROYED BY CONSTRUCTION ACTIVITIES SHALL BE RESET AT NO COST TO THE AGENCY BY A PROFESSIONAL LAND SURVEYOR CURRENTLY REGISTERED IN THE STATE OF OREGON.
7. CONSTRUCTION MAY RUN ADJACENT TO PRIVATE RESIDENCES OR PUBLIC FACILITIES. CONTRACTOR MAY BE REQUIRED TO LIMIT OR MODIFY CONSTRUCTION ACTIVITIES TO MEET NOISE OR ACCESS REQUIREMENTS. RESIDENTS AND BUSINESSES SHALL BE AFFORDED REASONABLE ACCESS TO THEIR PROPERTIES AT ALL TIMES DURING CONSTRUCTION.

#	INDEX OF SHEETS
PR-1	COVER SHEET
PR-2	EXISTING CONDITIONS AND LAND USE
PR-3	SITE PLAN: SURFACE IMPROVEMENTS
PR-4	SITE PLAN: UTILITIES/STRIPING/SIGNING
PR-5	GRADING, DRAINAGE & LANDSCAPING PLAN
PR-6-8	ILLUMINATION PLAN
file	07714 LRRF.dwg

PLANS PREPARED BY:  
LEBANON CAPITAL PROJECTS



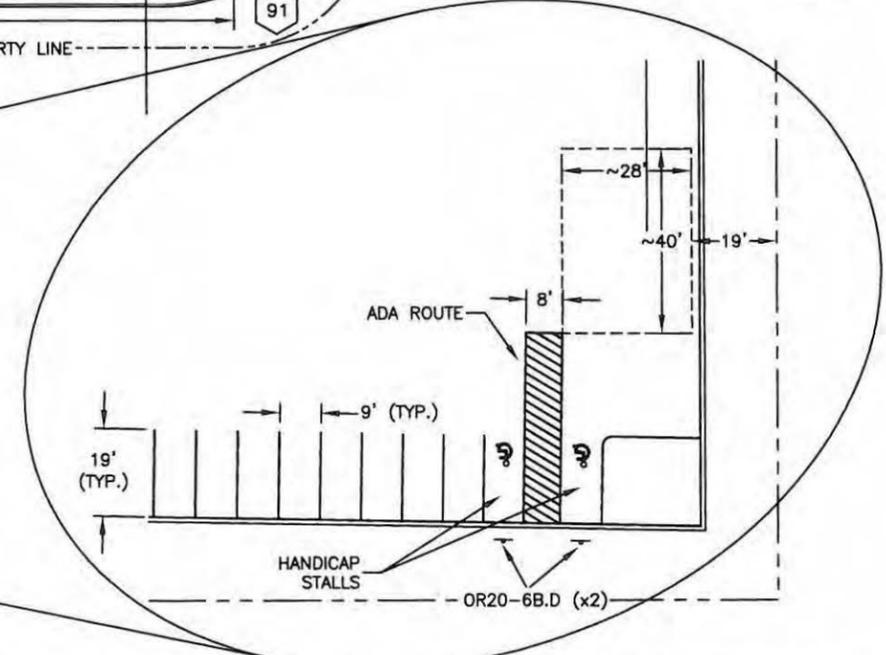
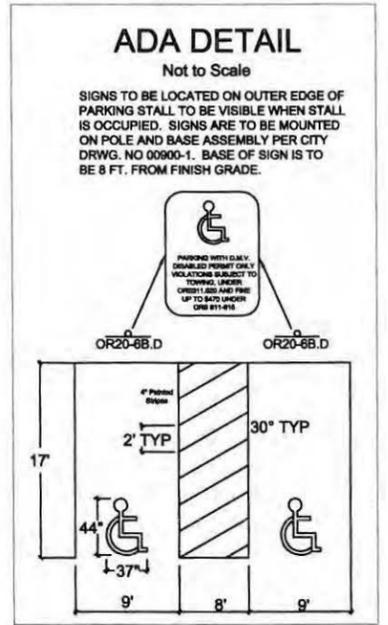
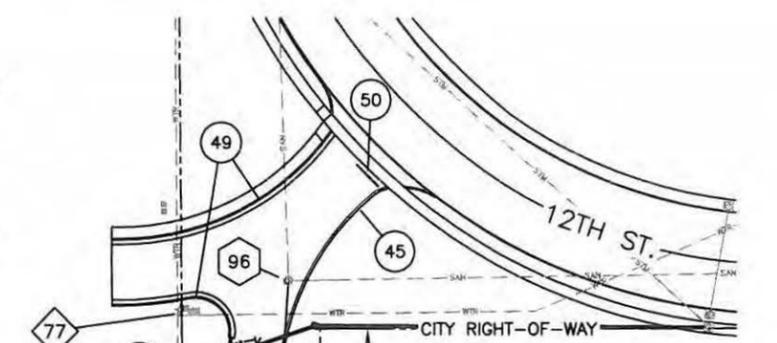
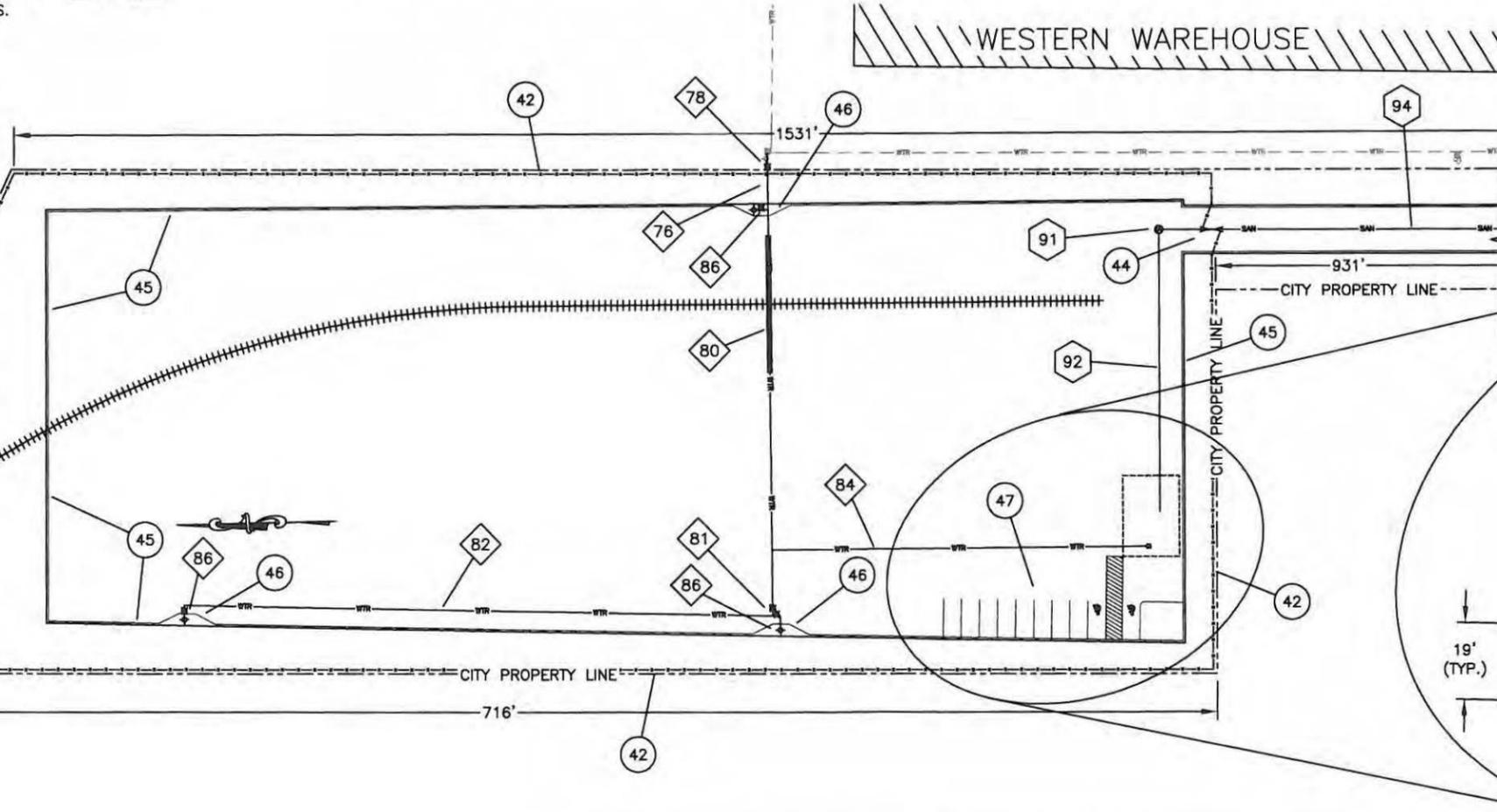
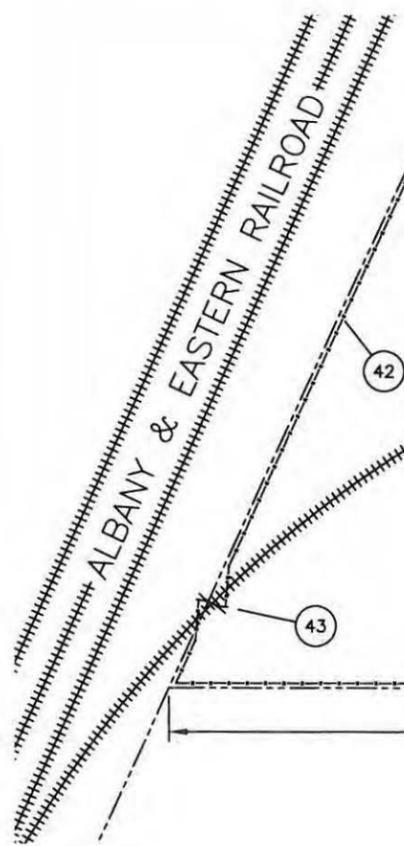
PP-08-04

**NOTES:**

- 42 INSTALL TYPE CL-6 CHAIN LINK PERIMETER FENCE 6" INSIDE PROPERTY LINE. INSTALL INTERMEDIATE END POST AT MID-RUN ON N-S SECTIONS. SEE STD. DWG. RDB15.
- 43 INSTALL 36.0' (2x18.0') LOCKABLE DOUBLE GATE CENTERED ON RAIL. INSTALL ONE M.U.T.C.D. OM4-1 MARKER ON BOTH SIDES OF EACH GATE PANEL AT A MINIMUM OF 4.0' OFF THE GROUND OR AS DIRECTED BY THE ENGINEER (TOTAL OF FOUR MARKERS PER GATE INSTALLATION).
- 44 INSTALL 26.0' (2x13.0') LOCKABLE DOUBLE GATE CENTERED ON ACCESS ROAD. INSTALL ONE M.U.T.C.D. OM4-1 MARKER ON BOTH SIDES OF EACH GATE PANEL AT A MINIMUM OF 4.0' OFF THE GROUND OR AS DIRECTED BY THE ENGINEER (TOTAL OF FOUR MARKERS PER GATE INSTALLATION).
- 45 FOLLOWING PAVEMENT CONSTRUCTION, PAINT WHITE 4" WIDE FOG LINE 1.0' IN FROM EOP AROUND ENTIRE PERIMETER OF RELOAD AREA AND ACCESS ROAD.
- 46 FOLLOWING PAVEMENT CONSTRUCTION, PAINT 4" WIDE YELLOW LINE AROUND HYDRANT INSTALLATIONS AS SHOWN (DIAGONALLY TO FOG LINE 10' NORTH AND SOUTH) AND INSTALL TWO BOLLARDS OFFSET A MINIMUM OF 3' FROM HYDRANT.
- 47 FOLLOWING PAVEMENT CONSTRUCTION, PAINT OUT PARKING LOT AS SHOWN IN DETAIL ON THIS SHEET.
- 49 PAINT NEW CURBS RED AND MARK WITH "NO PARKING FIRE LANE" AT 25' INTERVALS PER OFC SEC. 503.4.
- 50 INSTALL TYPE B THERMOPLASTIC STOP BAR 1.5' BEHIND BACK OF WALK 1' FROM FOG AND CENTERLINES.

- 76 INSTALL 12" CL52 DI WATER LINE FROM EXISTING SYSTEM WITH VALVE AS SHOWN. ALL NEW WATER LINE FITTINGS AND JOINTS SHALL BE MECHANICALLY RESTRAINED BY APPROVED METHOD WITH A MINIMUM 3.0' BURY UNLESS OTHERWISE INDICATED.
- 77 ADJUST EXISTING FIRE HYDRANT AND VALVES TO GRADE AND INSTALL NEW 3.0'x3.0' PCC PAD. SEE SUPP. DWG. 01100-4.
- 78 REINSTALL EXISTING FIRE HYDRANT WITH WITH 3.0'x3.0' PCC PAD AND BOLLARDS. SEE SUPP. DWG. 01100-4.
- 80 INSTALL 12" CL 52 DI WATER LINE THROUGH 21"x3/8"x68.0' APPROVED STEEL CASING, CENTERED ON RAIL SPUR WITH A MINIMUM OF 4.5' COVER OVER CASING. SEE SUPP. DWG. 00400-24.
- 81 INSTALL 12" FLG. CROSS ASSEMBLY WITH ECCENTRIC REDUCER, VALVE AND BLIND FLANGE.
- 82 CONTINUE INSTALLATION OF 12" CL52 DI WATER LINE NORTH 300' TO HYDRANT LOCATION.
- 84 INSTALL 1" TYPE 'K' CU WATER SERVICE (SOUTH) TO MODULAR BUILDING LOCATION. SEE SUPP. DWG. 01100-9.
- 86 INSTALL STANDARD FH/VALVE ASSY. WITH 3.0'x3.0' PCC PAD AND BOLLARDS. SEE SUPP. DWG. 01100-4.

- 91 CONSTRUCT STD. 48" SANITARY SEWER MANHOLE (STANDARD COVER & FRAME) WITH CONNECTIONS SHOWN AT 325' INTERVALS. SEE SUPP. DWGS. 00400-14, 15, 16 & 19.
- 92 INSTALL 4" 3034 PVC SANITARY SEWER LATERAL (WEST, WITH TRACER) AT 1.0% TO MODULAR BUILDING LOCATION. USE ODOT/APWA CLASS 'B' BACKFILL. CAP AND MARK LATERAL. SEE SUPP. DWGS. #00400-8 & 9.
- 94 INSTALL 8" 3034 PVC SANITARY SEWER (WITH TRACER) AT 0.35%. USE ODOT/APWA CLASS 'B' BACKFILL. SEE SUPP. DWG. 00400-8.
- 96 CORE AND ADJUST TO GRADE EXISTING 96" SANITARY SEWER MANHOLE WITH CONNECTIONS AS SHOWN. SEE SUPP. DWGS. 00400-14, 15, 16 & 19.



**DRAFT**



LEBANON RAIL RELOAD FACILITY  
Preliminary & General Development Plan

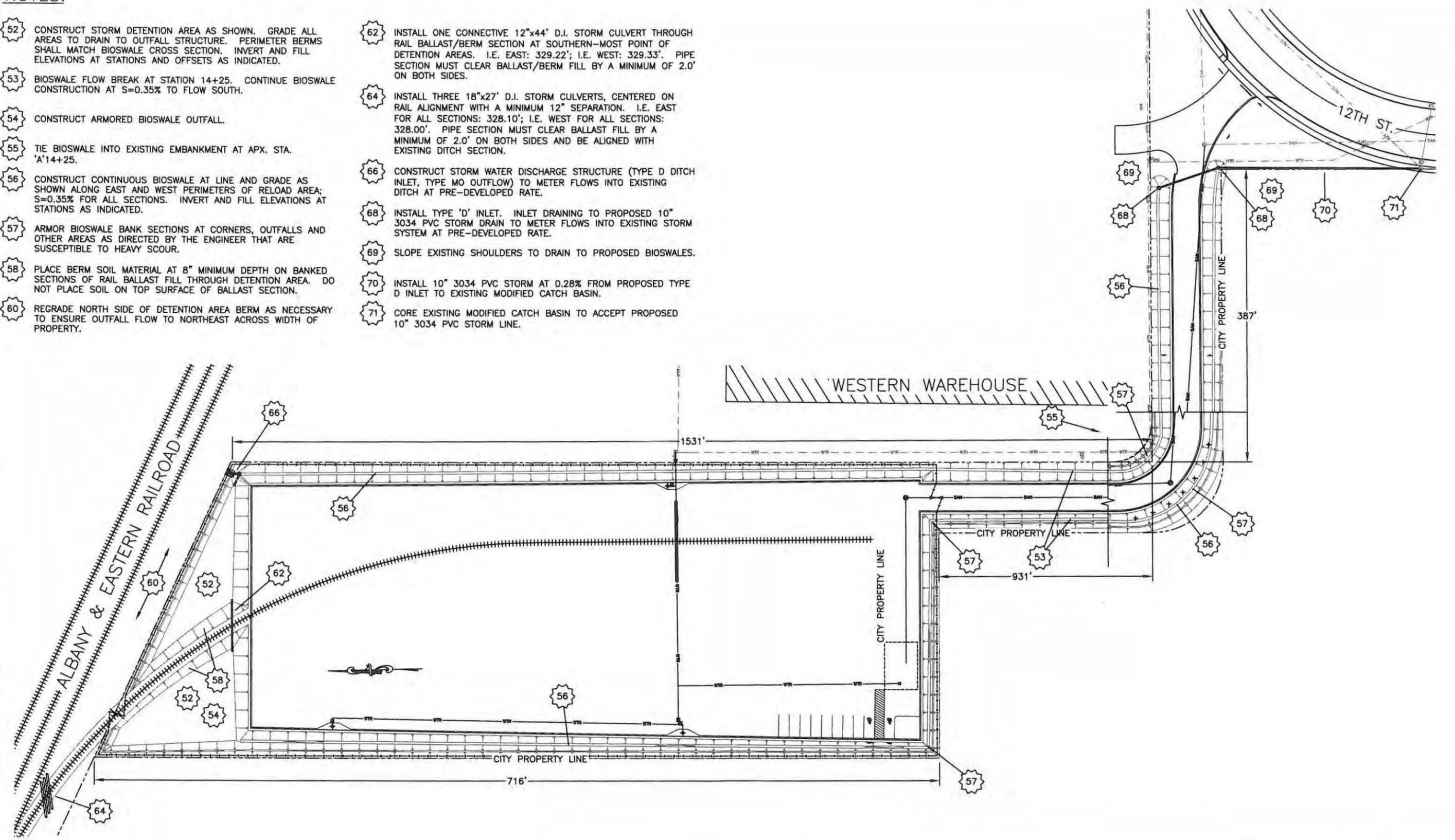
DESIGNED BY/DATE	M. Trippett April, 2008	PROJECT NUMBER	07714
DRAWN BY/DATE	Mike Trippett May, 2008	FILE NAME	00714 LRRF.dwg

SHEET OF	PR-4 / PR-8
TITLE:	SITE PLAN: UTILITIES/STRIPING/FENCING
SCALE:	NTS

**NOTES:**

- 52 CONSTRUCT STORM DETENTION AREA AS SHOWN. GRADE ALL AREAS TO DRAIN TO OUTFALL STRUCTURE. PERIMETER BERMS SHALL MATCH BIOSWALE CROSS SECTION. INVERT AND FILL ELEVATIONS AT STATIONS AND OFFSETS AS INDICATED.
- 53 BIOSWALE FLOW BREAK AT STATION 14+25. CONTINUE BIOSWALE CONSTRUCTION AT S=0.35% TO FLOW SOUTH.
- 54 CONSTRUCT ARMORED BIOSWALE OUTFALL.
- 55 TIE BIOSWALE INTO EXISTING EMBANKMENT AT APX. STA. 'A'14+25.
- 56 CONSTRUCT CONTINUOUS BIOSWALE AT LINE AND GRADE AS SHOWN ALONG EAST AND WEST PERIMETERS OF RELOAD AREA; S=0.35% FOR ALL SECTIONS. INVERT AND FILL ELEVATIONS AT STATIONS AS INDICATED.
- 57 ARMOR BIOSWALE BANK SECTIONS AT CORNERS, OUTFALLS AND OTHER AREAS AS DIRECTED BY THE ENGINEER THAT ARE SUSCEPTIBLE TO HEAVY SCOUR.
- 58 PLACE BERM SOIL MATERIAL AT 8" MINIMUM DEPTH ON BANKED SECTIONS OF RAIL BALLAST FILL THROUGH DETENTION AREA. DO NOT PLACE SOIL ON TOP SURFACE OF BALLAST SECTION.
- 60 REGRADE NORTH SIDE OF DETENTION AREA BERM AS NECESSARY TO ENSURE OUTFALL FLOW TO NORTHEAST ACROSS WIDTH OF PROPERTY.

- 62 INSTALL ONE CONNECTIVE 12"x44' D.I. STORM CULVERT THROUGH RAIL BALLAST/BERM SECTION AT SOUTHERN-MOST POINT OF DETENTION AREAS. I.E. EAST: 329.22'; I.E. WEST: 329.33'. PIPE SECTION MUST CLEAR BALLAST/BERM FILL BY A MINIMUM OF 2.0' ON BOTH SIDES.
- 64 INSTALL THREE 18"x27' D.I. STORM CULVERTS, CENTERED ON RAIL ALIGNMENT WITH A MINIMUM 12" SEPARATION. I.E. EAST FOR ALL SECTIONS: 328.10'; I.E. WEST FOR ALL SECTIONS: 328.00'. PIPE SECTION MUST CLEAR BALLAST FILL BY A MINIMUM OF 2.0' ON BOTH SIDES AND BE ALIGNED WITH EXISTING DITCH SECTION.
- 66 CONSTRUCT STORM WATER DISCHARGE STRUCTURE (TYPE D DITCH INLET, TYPE MO OUTFLOW) TO METER FLOWS INTO EXISTING DITCH AT PRE-DEVELOPED RATE.
- 68 INSTALL TYPE 'D' INLET. INLET DRAINING TO PROPOSED 10" 3034 PVC STORM DRAIN TO METER FLOWS INTO EXISTING STORM SYSTEM AT PRE-DEVELOPED RATE.
- 69 SLOPE EXISTING SHOULDERS TO DRAIN TO PROPOSED BIOSWALES.
- 70 INSTALL 10" 3034 PVC STORM AT 0.28% FROM PROPOSED TYPE D INLET TO EXISTING MODIFIED CATCH BASIN.
- 71 CORE EXISTING MODIFIED CATCH BASIN TO ACCEPT PROPOSED 10" 3034 PVC STORM LINE.



**DRAFT**



LEBANON RAIL RELOAD FACILITY  
Preliminary & General Development Plan

DESIGNED BY/DATE	M. Trippett April, 2008	PROJECT NUMBER	07714
DRAWN BY/DATE	Mike Trippett May, 2008	FILE NAME	00714 LRRF.dwg

SHEET	OF
PR-5	PR-8
TITLE: GRADING, DRAINAGE & LANDSCAPING PLAN	
SCALE:	NTS



**NOTICE OF DECISION**  
**Planning File No. MLP-08-04**  
**(Minor Partition)**

May 5, 2008

**I. BACKGROUND**

- A. **APPLICANT:** City of Lebanon (for Norman B. & Mildred Steckley).
- B. **PROPERTY LOCATION:** The subject property is located to the northwest corner of the intersection of Tangent Drive (Highway 34) and 12<sup>th</sup> Street. The Linn County Assessor Map places the property within Township 12 South; Range 2 West; Section 10B; Tax Lot 300.
- C. **PARCEL SIZE:** 46.55 acres.
- D. **EXISTING DEVELOPMENT:** The property is currently vacant with frontage along two public roads. Sewer and water services may be extended to the property.
- E. **ZONING:** The entire property is designated Industrial (C-IND) in the Lebanon Comprehensive Plan. A 5.65 acre portion is located within the City and zoned Limited Industrial (ML), with the remaining land located within Linn County.
- F. **REQUEST:** The applicant is requesting approval to divide the 46.55 acre parcel into two parcels of 5.65 acres and 40.90 acres.
- G. **DECISION CRITERIA:** Lebanon Subdivision Ordinance Section 5.06.

**II. DECISION CRITERIA AND FINDINGS**

- A. The applicants are requesting approval of a land division to divide the 46.55 acre parcel into two parcels of 5.65 acres (Parcel 1) and 40.90 acres (Parcel 2). Parcel 1 will include all the land recently annexed into the City (Annexation 08-01) and currently zoned Limited Industrial (ML). This Parcel is designed as a flag lot with the proposed access located at the intersection of Harrison and 12<sup>th</sup> Streets. Parcel 2 will include all remaining land located within Linn County and will retain frontage along Tangent Drive and 12<sup>th</sup> Street. Findings related to this partition apply solely to the proposed Parcel 1.



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

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

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

Passed by the Lebanon City Council by a vote of 6 for and 0 against and approved by the Mayor this 9<sup>th</sup> day of April, 2008.

  
Kenneth I. Toombs, Mayor   
Bob Elliott, Council President

Attested:

  
Linda Kaser, City Clerk / Recorder

310



## Notice of City Council Decision Request for Annexation

April 15, 2008

File No: A-08-01

**Nature Of Request:** Annexation of a 5.65 acre territory comprised of a portion of one tax lot and a flag strip

**Applicant:** Norman Steckley

**Property Location:** North of Highway 34, south of the Southern Pacific Railroad tracks, north of the intersection of 13<sup>th</sup> Street and Highway 34

**Assessor Information:** Map T12S-R2W-10B; Tax Lot 300

**Comp Plan Designation:** Industrial (C-IND)

**Zone Designation:** Limited Industrial (Z-ML)

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### Decision:

Your annexation application was acted upon by the Lebanon City Council on April 9, 2008. Upon conclusion of the public hearing, the Council approved the annexation request and assigned the respective zoning designation of Limited Industrial Density (Z-ML). Enclosed is a copy of the Ordinance No. 2753, which annexes and assigns the zoning to this property.

### Appeal:

This action is final unless appealed to the Land Use Board of Appeals (LUBA) within twenty-one (21) calendar days from the date of this decision. The appeal must be submitted to LUBA, 550 Capitol Street, NE, Suite 235, Salem, OR 97301-2552. Only the applicant and/or a party who receives a copy of this decision have rights to appeal this land use decision per ORS 197.830(2).

Contact the Planning Division at 541-258-4906 if you have any questions or need additional information.

Sincerely,

Walt Wendolowski, AICP  
Community Development Manager

cc: Ed Schultz, Attorney for Applicant  
Brian Vandetta, Udell Engineering



NORMAN B. AND MILDRED STECKLEY

Annexation Legal Description

Exhibit A

An area of land in the Southwest 1/4 of Section 3 and the Northwest 1/4 of Section 10, Township 12 South, Range 2 West, Willamette Meridian, Linn County, Oregon being more particularly described as follows:

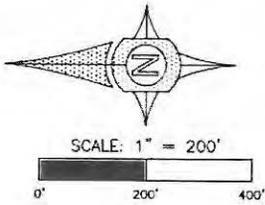
Beginning at a 5/8" iron rod marking the Northwest corner of Parcel 1 of Linn County Partition Plat 2006-103 and being on the South Right-of-Way of the Southern Pacific Railroad; thence South 00°35'15" East 1531.10 feet to a 5/8" iron rod marking the Southwest corner of said Parcel 1; thence North 89°17'47" East 382.56 feet to a 5/8" iron rod on the West Right-of-Way of 12<sup>th</sup> Street; thence South 00°42'13" East along said Right-of-Way 60.00 feet; thence Leaving said West Right-of-Way South 89°17'47" West 382.56 feet; thence along the arc of a 60.00 foot radius curve to the right 94.37 feet (chord bearing North 45°38'44" West 84.94 feet); thence North 00°35'15" West 931.10 feet; thence South 89°24'45" West 190.00 feet; thence North 00°35'15" West 715.77 feet to the South Right-of-Way of the Southern Pacific Railroad; thence along said South Right-of-Way South 65°44'26" East 275.50 feet to the point of beginning.



EXHIBIT A

**LEGEND**

- MONUMENT FOUND AS NOTED
- FD FOUND
- ( ) DATA OF RECORD PER C.S. 23465
- IR IRON ROD
- IP IRON PIPE



ANNEXATION MAP  
**NORMAN B. AND MILDRED STECKLEY**

SW 1/4 SEC. 3 AND NW 1/4 SEC. 10 T. 12 S., R. 2 W., W.M.  
 LINN COUNTY, OREGON

JANUARY 7, 2008

**PROPERTY:**

985 TANGENT STREET  
 LEBANON, OREGON 97355  
 A PORTION OF  
 MAP: 125-2W-10B  
 TAX LOT: 300

**OWNER:**

NORMAN B. STECKLEY  
 MILDRED STECKLEY  
 2850 HERON LOOP SE  
 ALBANY, OREGON 97322

**APPLICANT:**

NORMAN B. STECKLEY  
 MILDRED STECKLEY  
 2850 HERON LOOP SE  
 ALBANY, OREGON 97322

**SURVEYOR:**

BRIAN VANDETTA  
 UDELL ENGINEERING &  
 LAND SURVEYING, LLC  
 63 EAST ASAH STREET  
 LEBANON, OREGON 97355

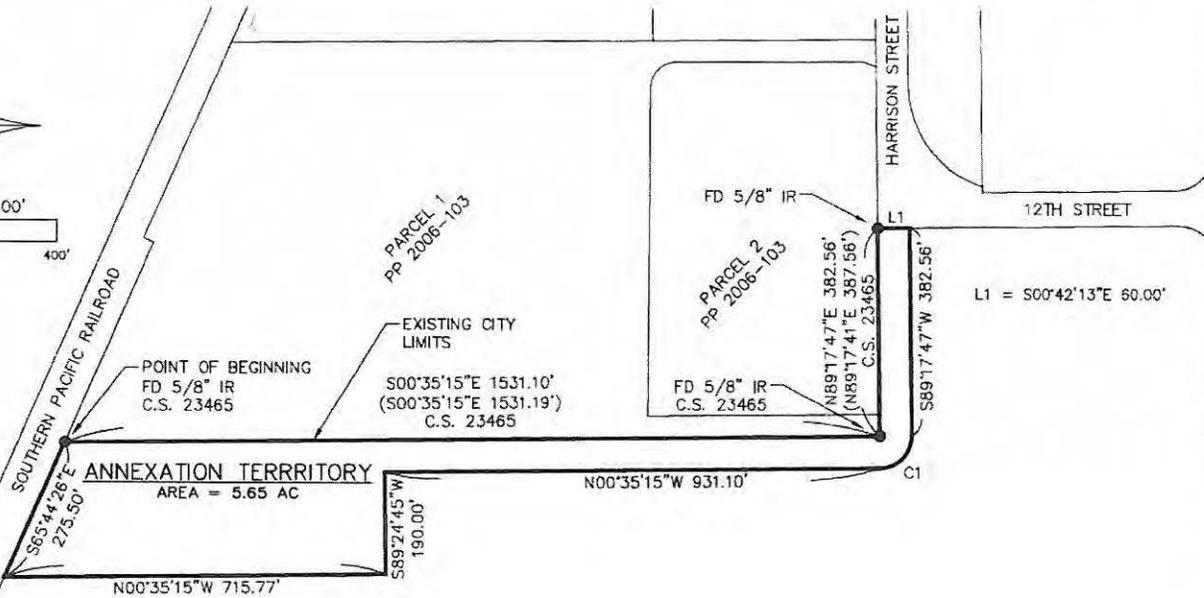
REGISTERED  
 PROFESSIONAL  
 LAND SURVEYOR

OREGON  
 JULY 13, 1999  
 BRIAN VANDETTA  
 51041-LS  
 EXPIRES 06-30-2008

**Udell**  
 ENGINEERING &  
 LAND SURVEYING, LLC  
 63 EAST ASH ST.  
 LEBANON, OREGON  
 97355

PH. (541) 451-5125  
 FAX (541) 451-1366

CONNECT OREGON - ANNEX.DWG  
 SHEET 1 OF 1



CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD	BEARING
C1	94.37'	60.00'	90°06'58"	84.94'	N45°38'44"W

## Findings

### Criteria 1

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

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

### Finding # 1:

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

### Criteria 2

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

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

### Finding # 2:

The annexation policies of the City's Annexation Ordinance are consistent with and closely follow (often having identical wording) the 2004 Lebanon Comprehensive Plan (LCP) Annexation Policies. The entire Comprehensive Plan has been acknowledged and accepted by the State as being in compliance with all applicable Statewide Planning Goals and statutes. Thus, the State recognizes the internal consistency of the LCP goals and policies. If this annexation proposal is consistent with all of the LCP annexation policies, it is *ipso facto* in compliance with the above noted LCP annexation policies of being consistent with *the goals and policies of the Lebanon Comprehensive Plan*. The proposed annexation complies with Annexation Ordinance Section 3 and LCP Annexation Policy #2 in that this proposal is consistent with the goals and policies of the Lebanon Comprehensive Plan, as the findings below detail this proposal's compliance with all the Annexation Policies.

### Criteria 3

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

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

**Finding # 3:**

The proposed annexation complies with the above noted criteria in that the annexation territory is within the City's Urban Growth Boundary UGB (see attached maps and legal description), and is therefore eligible for annexation and urban development. Because this annexation territory is included in the City's UGB, it has been identified as land needed by the City for urban development for more than a quarter of a century.

**Criteria 4**

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

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

**Finding # 4:**

The proposed annexation complies with Annexation Ordinance Section 5 and LCP Annexation Policy #P-22 in that the subject territory is both contiguous to the existing City Limits and within the City's Urban Growth Boundary, and is therefore eligible for annexation and urban development. For the record, the annexation territory is contiguous to the existing City Limits to the west (see annexation map and legal description, included on pages 4 & 5 of this Staff Report).

**Criteria 5**

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

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

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

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

**Finding # 5:**

The proposed annexation complies with the above noted criteria as follows:

(a) Since the annexation territory is contiguous to the existing City limits (see annexation map and legal description, included on pages 4 & 5 of this Staff Report), the annexation of this territory is deemed orderly.

(b) City staff examined the subject property and have determined that there are no impediments to the development of this property to urban uses under the provisions and

standards of LZO Section 4.020, Residential Mixed Density Zone (RM). Thus the annexation is efficient since the annexation territory can be developed to an urban use.

(c) City staff have examined the subject property and have determined that there are no *designated environmental constraints*.

**Criteria 6**

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

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

**Finding # 6:**

The proposed annexation complies with the above noted criteria in that no development proposal was required at the time of submittal.

**Criteria 7**

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

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

**Finding # 7:**

The proposed annexation complies with the above noted criteria in that this property is currently developed with a single family dwelling with on-site services. Access to City-provided services is not sought at this time, and therefore there are no anticipated needs on the key City-provided urban utility services of are water, storm drainage, sanitary sewerage, and streets. However, all City services can be made available to the territory given the current proximity of such services (see Engineering Comments).

**Criteria 8**

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

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

**Finding #8:**

The proposed annexation complies with the above noted criteria in that this territory is currently developed with a single family dwelling with on-site services. Access to City-provided services is not sought at this time as part of this annexation request, and therefore

there are no anticipated needs at this time on the key City-provided urban utility services. However, the City Engineer determined that City sewer and water service can be accessed by extending the existing lines when a developer is ready to connect to City Services. Engineering Comments -- City records indicate that: (1) **Sanitary Sewer:** City records indicate that an 8 inch sanitary sewer main exists along Stoltz Hill Road in front of the annexation territory; (2) **Potable Water:** City records indicate that an 8 inch water main exists along Stoltz Hill Road in front of the annexation territory; (3) **Storm Water:** City records indicate that the Burkhart Creek drainage way passes through the east side of the annexation territory. (4) **Roads:** City records indicate that Stoltz Hill Road is a Linn County paved road along the west side of the annexation territory and 8<sup>th</sup> Street is an unimproved right of way at the northeast corner of the annexation territory.

**Criterion 9**

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

**Finding #9:**

The proposed annexation complies with the above noted criterion in that annexation of this property is necessary to accommodate development:

- (a) It is reasonable to conclude that ongoing major economic development activity in the community over the past few years will generate population growth and additional opportunities for new job creation in the near future.
- (b) In addition, the adopted City/County Coordinated Population Growth rate obligates the City to plan for an increase in land available to accommodate economic and residential development. This need was well documented in the City's 2004 Comprehensive Plan (e.g., see Chapter 3, 4, 5, and 6) and in the City's 2004 Urbanization Study and Buildable Lands Inventory (see Planning Comment 13). Accordingly, land that provides opportunities for urban levels of development is required to accommodate projected population and economic growth over the adopted planning time frame (to the year 2025).
- (c) This annexation is therefore necessary to provide land needed for the planned future growth of the community by enabling urban levels of development in accordance with City Zoning regulations.

**Criterion 10**

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

**Finding # 10:**

The proposed annexation complies with Annexation Ordinance Section 10 in that any required additional rights-of-way will be identified and dedicated at time of development.

**Criteria 11**

*Annexation Ordinance Section 11: Upon annexation, the annexation territory shall be assigned zoning classifications in accordance with the adopted Comprehensive Plan*

*Map, as shown in the City's Annexation Zoning Matrix. Such zoning assignments in and of themselves are not a zoning map change and shall not require approval of a zoning map amendment, or a separate proceeding.*

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

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

**Finding # 11:**

This proposed Annexation is in compliance with Annexation Ordinance Sections 11 and 12, and Zoning Ordinance Section 3.050. Currently the subject property does not have a City zoning designation because it is not within the City limits. The property is designated as Residential Mixed Density (C-RM) on the City of Lebanon's Comprehensive Plan Map. Upon annexation, the Residential Mixed Density (RM) zone is consistent with this Comprehensive Plan Map designation; the applicant has not requested any change in this automatic first assignment of City zoning (see attached *City of Lebanon Land Use Matrix Showing Correspondence Between Comprehensive Plan Map Designations and Zoning Map Designations*, and see City Planning Staff Comment "11"). No change in zoning designation is being requested.

Therefore, a City zoning designation of Residential Mixed Density (RM) is automatically assigned at this time, without a separate hearing. This action is NOT a zoning map amendment.

**Criterion 12**

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

**Finding # 12:**

The proposed annexation complies with Annexation Ordinance Section 15 in that the applicant has not submitted a development proposal.





April 14, 2008

Office of the Secretary of State  
800 Summer Street  
Salem, Oregon 97310

Enclosed please find documentation regarding two annexation and zone changes to the City of Lebanon. The City Recorder, Linda Kaser has signed the Ordinances as Certification of True and Exact Copies.

---

File Number: A-07-12  
Location: Southwest corner of the intersection of Highway 20 and Weldwood Drive, including a portion of Weldwood Drive 12-2W-23B, Tax Lot 1900  
Zone Designation: Mixed Use (MU)  
Applicant: City of Lebanon  
Effective Date: April 9, 2008  
Ordinance Number: 2752

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File Number: A-08-01  
Location: North of Highway 34, south of the Southern Pacific Railroad tracks, north of the intersection of 13<sup>th</sup> Street and Highway 34 12-2W-10B, Tax Lot 300  
Zone Designation: Limited Industrial (ML)  
Applicant: Norman Steckley  
Effective Date: April 9, 2008  
Ordinance Number: 2753

---

Please contact me at 541-258-4254 if you have any questions or need additional information.

Sincerely,

Tammy L. Dickey  
Permit Specialist

OTG



April 16, 2008

Linn County Recorder  
PO Box 100  
Albany, Oregon 97321

Enclosed please find documentation regarding two annexation and zone changes to the City of Lebanon and a check for \$127.00 for recording fees. The City Recorder, Linda Kaser has signed the Ordinances as Certification of True and Exact Copies.

---

File Number:	A-07-12
Location:	Southwest corner of the intersection of Highway 20 and Weldwood Drive, including a portion of Weldwood Drive 12-2W-23B, Tax Lot 1900
Zone Designation:	Mixed Use (MU)
Applicant:	City of Lebanon
Effective Date:	April 9, 2008
Ordinance Number:	2752

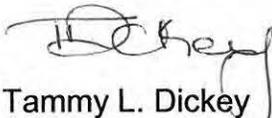
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File Number:	A-08-01
Location:	North of Highway 34, south of the Southern Pacific Railroad tracks, north of the intersection of 13 <sup>th</sup> Street and Highway 34 12-2W-10B, Tax Lot 300
Zone Designation:	Limited Industrial (ML)
Applicant:	Norman Steckley
Effective Date:	April 9, 2008
Ordinance Number:	2753

---

Please contact me at 541-258-4254 if you have any questions or need additional information.

Sincerely,



Tammy L. Dickey  
Permit Specialist

OTG

DOR 22-565-2008

# Notice to Taxing Districts

ORS 308.225



Cadastral Information Systems Unit  
PO Box 14380  
Salem, OR 97309-5075  
(503) 945-8297, fax 945-8737

**Description and Map Approved**  
**April 18, 2008**  
**As Per ORS 308.225**

City of Lebanon  
Planning  
853 Main Street  
Lebanon, OR 97355

Description     Map received from: CITY  
On: 4/15/2008

This is to notify you that your boundary change in Linn County for

ANNEX TO THE CITY OF LEBANON

A-07-12 - A-08-01

has been:     Approved    4/18/2008  
                   Disapproved

Notes:

Department of Revenue File Number: 22-565-2008

Prepared by: Rick Sandoval 503-945-8230

Boundary:     Change     Proposed Change  
The change is for:

- Formation of a new district
- Annexation of a territory to a district
- Withdrawal of a territory from a district
- Dissolution of a district
- Transfer
- Merge
- Establishment of Tax Zone





City Council  
CERTIFICATE OF MAILING  
OF LEGAL NOTICE

**Planning File No.:** A-08-01

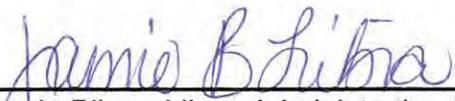
**Applicant:** Norman Steckley

I, Jamie Bilyeu-Libra, of the City of Lebanon Planning Division, HEREBY CERTIFY that on March 19, 2008, I did personally mail, via US mail with first class postage prepaid, the **Notice Of Public Hearing** (Exhibit A) on the request for Annexation of the following property:

Township 12S – Range 2W – Section 10B; Tax Lot 300;

to the following:

1. Property owners within 150 feet of the subject tax lot as indicated on the attached list (Exhibit B); and
2. Persons and/or Entities on the City of Lebanon's standards notice distribution list (Exhibit C).

  
\_\_\_\_\_  
Jamie Bilyeu-Libra, Administrative Assistant  
Planning Division - City of Lebanon

DTG



# EXHIBIT B

## Planning Commission Public Hearing Notice Distribution List

**Applicant: Norman Steckley**

**File No.: A-08-01**

**Entire Notice:**

1. Lee NW Publishing "To be published the Wednesday before meeting date."
2. Planning Commission (x11)
3. Albany Democrat Herald (will-call box)
4. Allied Waste Services, PO Box 1929 Albany, OR 97321
5. Bulletin Boards: City Hall, CDC, Library, Police, Senior Center
6. CenturyTel, PO Box 337, Lebanon, OR 97355
7. Consumer Powers, Inc., 36634 Oak Street, Lebanon, OR 97355
8. Donna Trippett, Public Hearing Secretary
9. Ed Patton, Senior Development Engineer
10. Jamie Libra, CD Administrative Assistant
11. Jason Yutzie, Director, Boys & Girls Club, 305 S. 5<sup>th</sup> Street, Lebanon, OR 97355
12. Jim Robinson, Superintendent, Lebanon School District, 485 S 5<sup>th</sup> ST., Lebanon, OR 97355
13. Jim Ruef, Public Works Director
14. John Hitt, City Manager
15. KGAL, PO Box 749, Albany, OR 97321
16. Lebanon Chamber of Commerce, 1040 Park Street, Lebanon, OR 97355
17. Lebanon Express (will-call box)
18. Linn Co. Board of Commissioners, PO Box 100, Albany, OR 97321
19. Mark Wilson, Fire Marshal, Lebanon Fire Department (mailbox at CDC)
20. Mike Healy, LPD Chief
21. Mike Schulte, LPD Captain
22. NW Natural Gas, P.O. Box 6017, Portland, Oregon 97228-6017
23. Pacific Power, PO Box 248, Albany, OR 97321
24. Steve Michael – Linn Co. Planning Dept., PO Box 100, Albany, OR 97321
25. Terry Lewis, Senior Planner
26. Thomas McHill, City Attorney
27. Walt Wendolowski, Community Development Manager

**Site Specific Notice:**

1. Surrounding Property Owners - (100 feet minimum) 20-days notice for land use hearing – ORS 197.763(3)(f)
2. Applicant(s) and Professional Representative(s)
3. Albany Canal, City of Albany, PO Box 490, Albany, OR 97321
4. Chris Cummings, OR Department of Aviation, 3040 25th St. SE Salem, OR 97302-1125
5. Darrin Lane, Linn Co. Roadmaster, 3010 Ferry Street SW, Albany, OR 97322
6. Federal Aviation Association, 3180 NW 229th Avenue, Hillsboro, Oregon 97124
7. Grand Prairie Water District, c/o Bob McCann, 201 W 1st Ave. Albany, OR 97321
8. John deTar, ODOT, 3700 SW Philomath Blvd, Corvallis, OR 97333
9. Oregon Pilots Association, Lebanon Chapter, PO Box 727, Lebanon, OR 97355

DTG

**Chair:**  
Barry Scott

**Vice Chair:**  
Don Robertson

**Community Development  
Manager:**  
Walter Wendolowski, AICP

**Senior Planner:**  
Terry M. Lewis



## PLANNING COMMISSION

**February 20, 2008**  
**Regular Meeting: 6:30p**

# AGENDA

**Commissioners:**  
Jon Davis  
Lita Dyson  
Aaron Falotico  
Shelly Garrett  
Tom Owen  
Walt Rebmann  
Mike Reineccius  
Peggy Snyder

**Meeting Location:**  
Santiam Travel Station  
750 Third Street

1. FLAG SALUTE
2. CALL TO ORDER / ROLL CALL
3. APPROVAL OF MINUTES: January 16, 2008
4. CITIZEN COMMENTS (restricted to items not on the Agenda)
5. PUBLIC HEARINGS

1. **Annexation A-08-01: Steckley – Harrison and 12<sup>th</sup> Streets**

**Request:** A request by the property owner to annex a 5.65 acre territory comprised of the northeast portion of T12S-R2W-Section 10B, Tax Lot 300 and a flag access strip. The property is designated as Industrial (C-IND) on the City of Lebanon Comprehensive Plan Map and will be assigned a Limited Industrial (Z-ML) zoning designation upon annexation, as requested by the applicant.

2. **Annexation A-07-12: City of Lebanon – Highway 20 and Weldwood Drive**

**Request:** A request by the property owner (the City of Lebanon) to annex a 0.62 acre territory comprised of one tax lot. Assessor's Map 12-2W-23B, Tax Lot 1900. The property is designated as Mixed Use (C-MU) on the City of Lebanon Comprehensive Plan Map and will be assigned a Mixed Use (Z-MU) zoning designation upon annexation, as requested by the applicant.

3. **Subdivision S-08-01 Crimson Estates, (Stoltz Hill Road and Vaughan Lane)**

**Request:** A request to divide a 26.92 acre property into 73 lots and 6 tracts, with public streets, a multi-use path, and wetland creation and enhancement. The property is located in a Residential Mixed Density (Z-RM) zone. Assessor's Map 12-2W-22B, Tax Lot 300. This is a re-application of a prior approval in January of 2006.

4. **Preliminary Planned Development PD-07-01: Parkside – 2900 S. Main Road**

**Request:** This preliminary planned development proposal includes a 20-lot subdivision, an existing charter school, and a 102-unit apartment complex on a 9.29 acre parcel located at the former Lebanon Chapel site on South Main Road, across from Bob Smith Memorial Park. The property is zoned Residential Mixed Density. (Assessor's Map 12S-02W-22AA; Tax Lot 300)

6. **NEW BUSINESS:**

- a. Next PC Meeting date – March 19, starting at **6:30p**
- b. Planning Commissioner Recruitment

7. **OLD BUSINESS:**

- a. Lebanon Development Code – schedule and update

8. **COMMISSIONER COMMENTS**

9. **ADJOURNMENT**



## CITY OF LEBANON PLANNING COMMISSION STAFF REPORT

### I. SUMMARY OF ANNEXATION REQUEST

**NATURE OF REQUEST:** Annexation of 5.65 acre territory comprised of a portion of one tax lot and a flag access strip

**APPLICANT:** Steckley

**PROPERTY LOCATION:** The subject property is located north of Highway 34, south of the Southern Pacific Railroad tracks, north of the intersection of 13<sup>th</sup> Street and Highway 34.

**ASSESSOR'S MAP AND TAX LOT #:** T12S-R2W-Section 10B, Tax Lot 300

**COMPREHENSIVE PLAN DESIGNATION:** Industrial (C-IND)

**ZONE DESIGNATION:** Limited Industrial (ML) upon annexation

**SUB-ZONE:** None

**120 DAY DEADLINE:** Not applicable

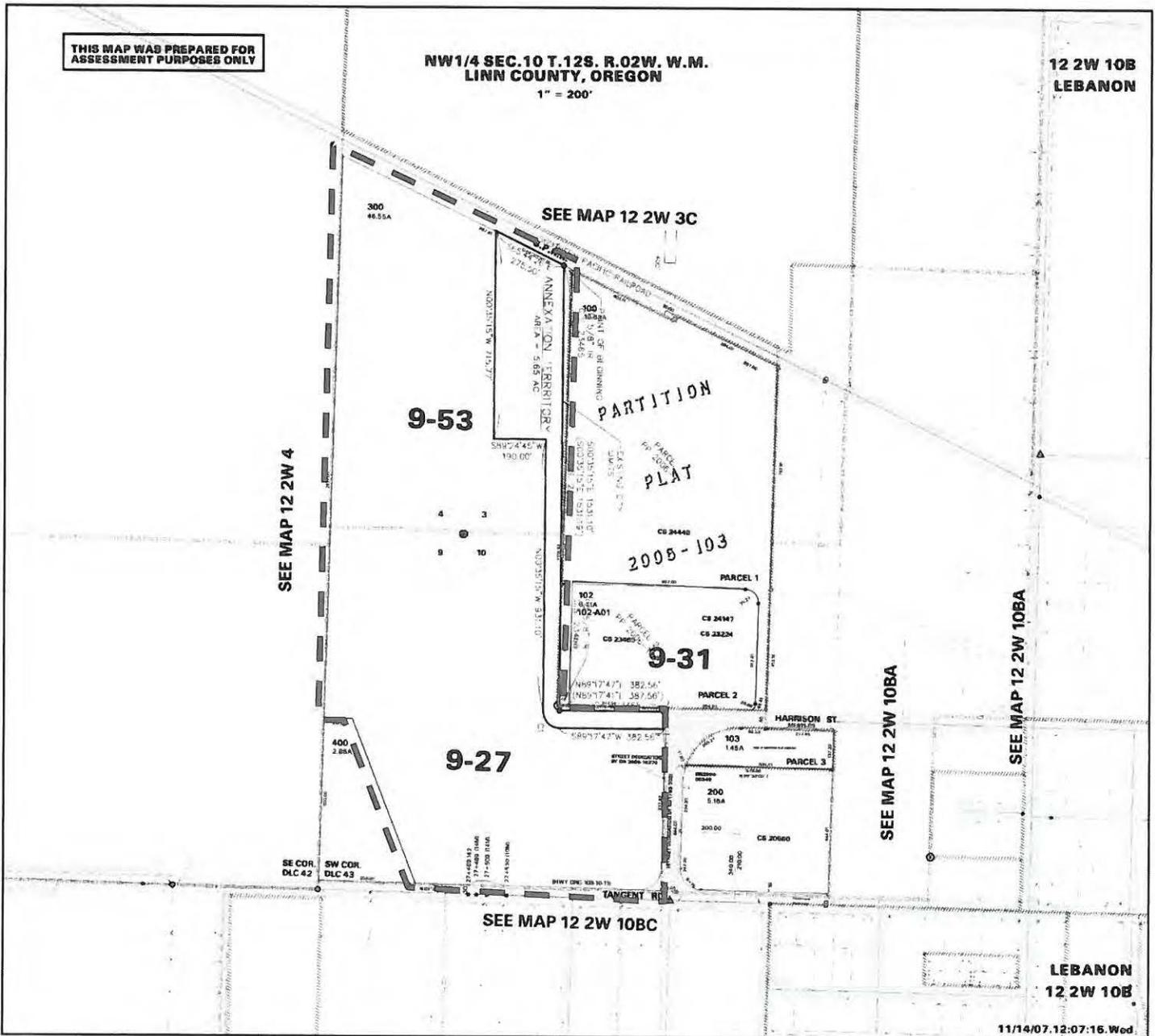
**NOTICE SENT:** Date: 1/30/08      Number: 46 (18 SPOs)      Replies Received: None  
(SPOs = Surrounding Property Owners)

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IX. EXHIBITS - Applicant's Narrative (Exhibit A); City's Notice Mailing List (Exhibit B);	15f

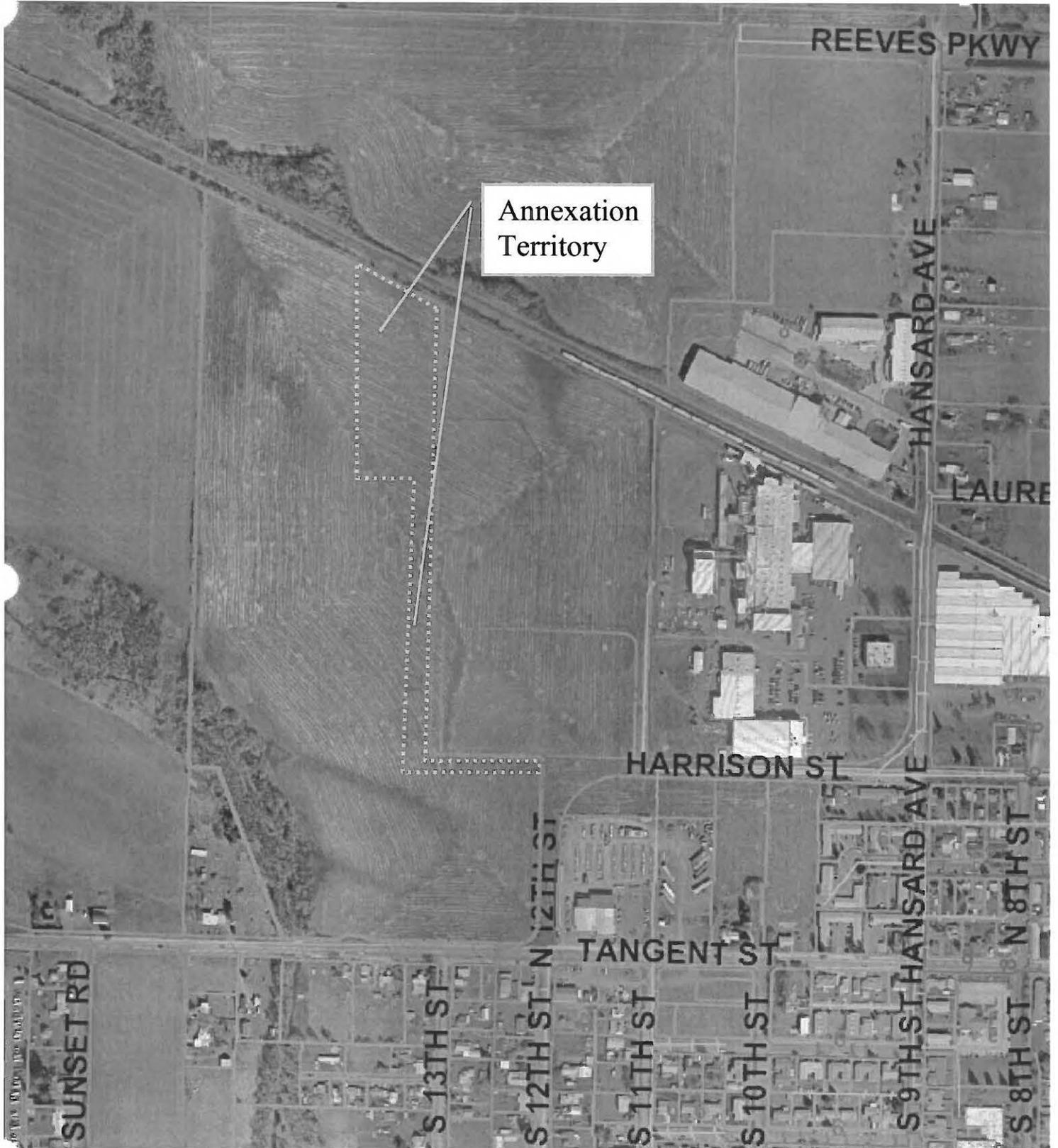
### II. INTRODUCTION

The applicant is requesting Annexation of an approximately 5.65 acre territory comprised of a portion of one tax lot and a flag access strip. The subject property is located north of Highway 34, south of the Southern Pacific Railroad tracks, north of the intersection of 13<sup>th</sup> Street and Highway 34. It is within the Urban Growth Boundary (UGB), and is contiguous with the City limits to east and north. The property is designated as Industrial (C-IND) on the City's Comprehensive Plan Map. Upon annexation, the Limited Industrial (Z-ML) zone is consistent with this Comprehensive Plan Map designation; the applicant has not requested any change in this automatic first assignment of City zoning.

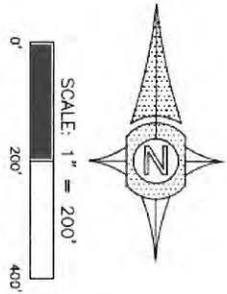
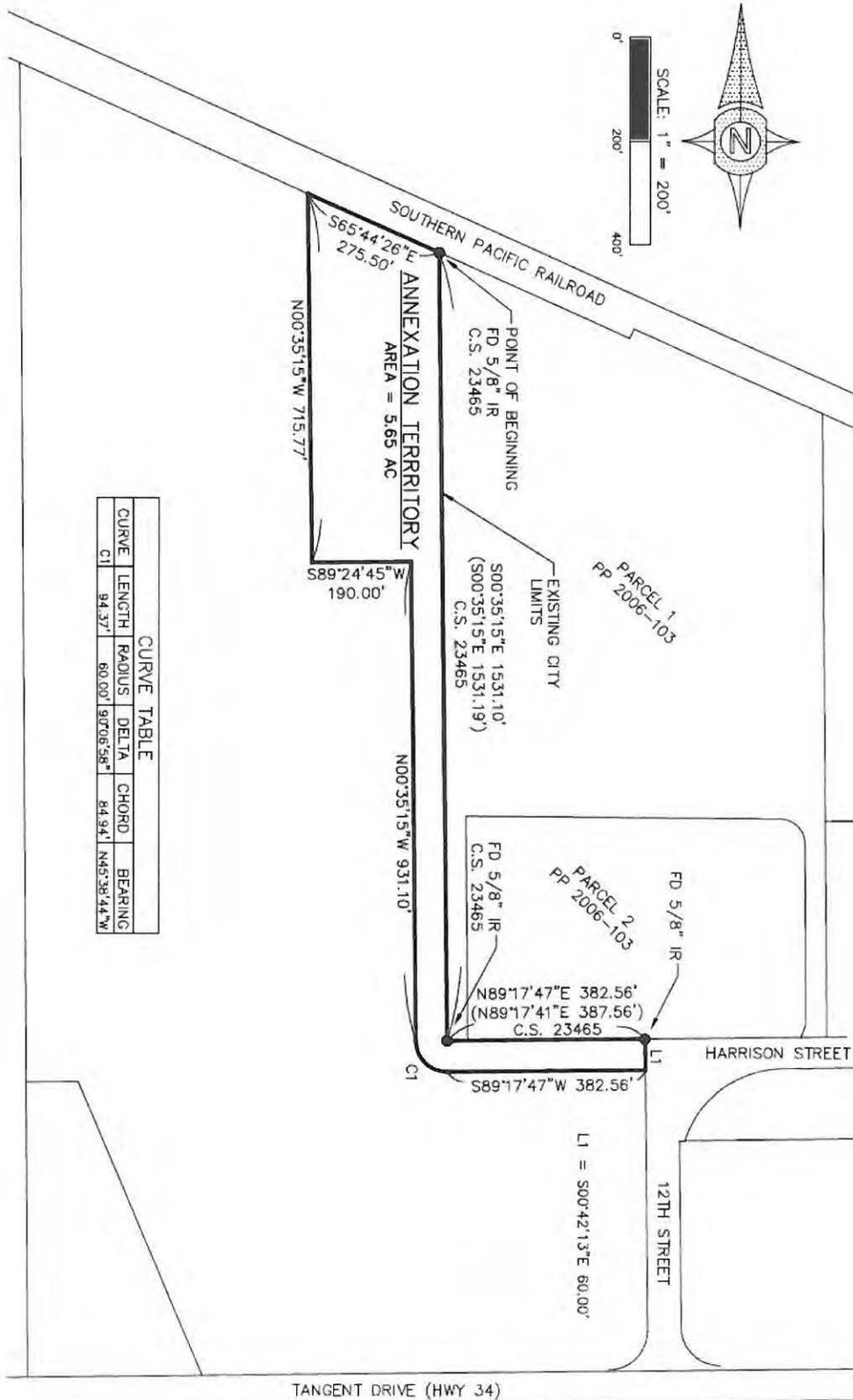
**ASSESSOR'S MAP: T12S - R2W - Section 10B, Tax Lot 300**



Land Cover Map



# Annexation Map



CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD	BEARING
C1	94.37'	60.00'	90°06'36"	84.94'	N45°38'44"W

## ANNEXATION DESCRIPTION

### **NORMAN B. AND MILDRED STECKLEY Annexation Legal Description**

An area of land in the Southwest 1/4 of Section 3 and the Northwest 1/4 of Section 10, Township 12 South, Range 2 West, Willamette Meridian, Linn County, Oregon being more particularly described as follows:

Beginning at a 5/8" iron rod marking the Northwest corner of Parcel 1 of Linn County Partition Plat 2006-103 and being on the South Right-of-Way of the Southern Pacific Railroad; thence South 00°35' 15" East 1531.10 feet to a 5/8" iron rod marking the Southwest corner of said Parcel; thence North 89°17'47" East 382.56 feet to a 5/8" iron rod on the West Right-of-Way of 12<sup>th</sup> Street; thence South 00°42'13" East along said Right-of-Way 60.00 feet; thence Leaving said West Right-of-Way South 89°17'47" West 382.56 feet; thence along the arc of a 60.00 foot radius curve to the right 94.37 feet (chord bearing North 45°38'44" West 84.94 feet); thence North 00°35'15" West 931.10 feet; thence South 89°24'45" West 190.00 feet; thence North 00°35' 15" West 715.77 feet to the South Right-of-Way of the Southern Pacific Railroad; thence along said South Right-of-Way South 65°44'26" East 275.50 feet to the point of beginning.

### III. SITE DESCRIPTION

The applicants are requesting annexation of approximately 5.65 acres. The annexation territory includes 3.78 acres in the northeast corner of T12S-R2W-Section 10B, Tax Lot 300, and a 1.87 acre flag access strip which connects to 12<sup>th</sup> Street. The property is located north of Highway 34, south of the Southern Pacific Railroad tracks, north of the intersection of 12<sup>th</sup> Street and Highway 34. The planned use of the property is a railroad switching yard. This use is permitted in the ML zone. Specific plans for the use will be submitted after the property is annexed to the City. No development proposal is being submitted as part of this annexation request.

The annexation territory is vacant and is currently farmed for grass seed. Access to the property is from 12<sup>th</sup> Street via a 60-foot wide flag access strip. Water service is available from an existing 12-inch waterline in 12<sup>th</sup> Street and an exiting 8-inch waterline in a public utility easement on adjacent property to the east. Sanitary sewer can be extended from an existing 48-inch line in 12<sup>th</sup> Street. The existing sewer is the City's west side interceptor and has capacity to support development on the proposed annexation territory. Stormwater drainage will be accommodated by an existing ditch which runs along the north property line and the south side of the railroad right-of-way.

#### Summary of Area Surrounding the Subject Property:

	<u>Current Land Use</u>	<u>Land Use Designations</u>
North:	Railroad then Industrial (Lowe's Distribution Center)	Zoning Map Designation is Limited Industrial (ML)
West:	Agricultural (unannexed)	Comprehensive Plan Map Designation is Industrial (C-IND)
South:	Agricultural (unannexed)	Comprehensive Plan Map Designation is Industrial (C-IND)
East:	Industrial (Western Warehouse)	Zoning Map Designation is Limited Industrial (ML)

### IV. CITY STAFF AND AGENCY COMMENTS

#### A. City Planning

1. The Comprehensive Plan Map identifies the designation of the subject property as Industrial (C-IND), which assigns Limited Industrial (ML) zoning upon annexation.
2. Lebanon Zoning Ordinance Section 4.210 lists the development opportunities, standards and requirements for the Limited Industrial (ML) zone.
3. Decision Criteria: the following contain the factors and conditions that the City uses in making a decision on this annexation request:
  - a. *Annexation Ordinance* (City of Lebanon Ordinance Number 17 for 2003);
  - b. *Lebanon Comprehensive Plan: Chapter 3 Urbanization Policies*, P-19 thru P-27;
4. The legal description and annexation map describing the entire annexation area have been submitted and are included in this report.
5. The annexation territory is both contiguous to the existing City limits and within the City's Urban Growth Boundary, and is therefore eligible for annexation and urban development. The annexation territory is contiguous to the existing City Limits to the north and east.

6. No development proposal was submitted as part of this annexation request. However, the annexation territory can be developed in a manner that is consistent with the provisions of Lebanon Zoning Ordinance Section 4. 210 that lists the development opportunities, standards and requirements for the Limited Industrial (ML) zone.
7. The submittal of a redevelopment proposal was not required at this time.
8. This territory is currently vacant, and has been in agricultural use. Access to City-provided services is not sought at this time. Therefore, there are no anticipated needs at this time on the key City-provided urban utility services of water, storm drainage, sanitary sewerage, and streets.
9. The annexation territory will receive access to an improved section of 12<sup>th</sup> Street via a 60-foot wide flag access strip.. Potential potable water service, sanitary sewer service and storm drainage can be made available to the property.
10. Currently the subject property does not have a City zoning designation because it is not within the City limits. The property is designated as Industrial (C-IND) on the City of Lebanon's Comprehensive Plan Map. Upon annexation, the Limited Industrial (ML) zone is consistent with this Comprehensive Plan Map designation; the applicant has not requested any change in this automatic first assignment of City zoning. [In findings, see table entitled *City of Lebanon Land Use Matrix<sup>1</sup> Showing Correspondence Between Comprehensive Plan Map Designations and Zoning Map Designations, Adapted February 2006 from Table 4-2 in Chapter 4 of the City of Lebanon 2004 Comprehensive Plan.*] No change in zoning designation is being requested.
11. This annexation is an implementation of the Annexation Policies contained in the City's Comprehensive Plan, the Lebanon/Linn County Urban Growth Management Agreement, and the City's Annexation Ordinance.
12. As noted on page 3 in Chapter 5 of the City's 2004 Comprehensive Plan: "*Based on the PSU 2003 estimate of 13,140 persons in the City and the County Coordinated Forecast and growth rate for Lebanon projected to the year 2025 (19,597 persons), the City (inside the City limits) will increase by 6,457 persons between 2003 and 2025. Accordingly, the City is obligated to make lands available for this residential and commercial development to meet the needs of this projected population growth. These needs and obligations are well documented in the City's 2004 Comprehensive Plan (e.g., see Chapter 3, 4, 5, and 6) and in the City's 2004 Urbanization Study and Buildable Lands Inventory.*"

**Advisory Notes:** (a) wells must be capped and abandoned according to state and county regulations prior to connection to the public water system; (b) likewise, septic systems must be abandoned according to City and County regulations prior to connection to the public sewer system.

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<sup>1</sup> This table can also be referred to as the Annexation Zoning Matrix.

## B. City Engineering -- Current Status of Infrastructure:

1. **Sanitary Sewer:** City records indicate a 42 inch sanitary sewer abuts the east side of the annexation territory along 12<sup>th</sup> Street.
2. **Potable Water:** City records indicate 12 inch and 16 inch water mains about the majority of the east side of the annexation territory.
3. **Storm Water:** City records indicate a 24 inch storm drain abuts the east side of the annexation territory along 12<sup>th</sup> Street and a 36 inch storm drain abuts the south side of the annexation territory along Hwy 34.
4. **Roads:** City records indicate a City standard street exists along the south 620 feet of the east side of the annexation territory and an improved Oregon State highway exists along the south side of the annexation territory.

## V. Decision Criteria and Proposed Findings

**THE FOLLOWING DETAILED CRITERIA ARE USED IN MAKING A DECISION ON THIS ANNEXATION REQUEST. CRITERIA ARE FOLLOWED BY THE APPLICABLE FINDINGS.**

### **Criteria 1**

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

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

### **Finding # 1:**

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

### **Criteria 2**

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

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

### **Finding # 2:**

The annexation policies of the City's Annexation Ordinance are consistent with and closely follow (often having identical wording) the 2004 Lebanon Comprehensive Plan (LCP) Annexation Policies. The entire Comprehensive Plan has been acknowledged and accepted by the State as being in compliance with all applicable Statewide Planning Goals and statutes. Thus, the State recognizes the internal consistency of the LCP goals and policies. If this annexation proposal is consistent with all of the LCP annexation policies, it is *ipso facto* in compliance with the above noted LCP annexation policies of being consistent with *the goals and policies of the Lebanon Comprehensive Plan*. The proposed annexation complies with Annexation Ordinance Section 3 and LCP Annexation Policy #2 in that this proposal is consistent with the goals and policies of the Lebanon Comprehensive Plan, as the findings below detail this proposal's compliance with all the Annexation Policies.

### **Criteria 3**

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

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

### **Finding # 3:**

The proposed annexation complies with the above noted criteria in that the annexation territory is within the City's Urban Growth Boundary UGB (see attached maps and legal description), and is therefore eligible for annexation and urban development. Because this annexation territory is included in the City's UGB, it has been identified as land needed by the City for urban development for more than a quarter of a century.

### **Criteria 4**

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

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

### **Finding # 4:**

The proposed annexation complies with Annexation Ordinance Section 5 and LCP Annexation Policy #P-22 in that the subject territory is both contiguous to the existing City Limits and within the City's Urban Growth Boundary, and is therefore eligible for annexation and urban development. For the record, the annexation territory is contiguous to the existing City Limits to the east and north (see annexation map and legal description, included on pages 4 & 5 of this Staff Report).

### **Criteria 5**

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

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

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

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

### **Finding # 5:**

The proposed annexation complies with the above noted criteria as follows:

(a) Since the annexation territory is contiguous to the existing City limits (see annexation map and legal description, included on pages 4 & 5 of this Staff Report), the annexation or this territory is deemed orderly.

(b) City staff examined the subject property and have determined that there are no impediments to the development of this property to urban uses under the provisions and standards of LZO Section 4.120, Limited Industrial Zone (ML). Thus the annexation is efficient since the annexation territory can be developed to an urban use.

(c) City staff have examined the subject property and have determined that there are no *designated environmental constraints*.

**Criteria 6**

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

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

**Finding # 6:**

The proposed annexation complies with the above noted criteria in that no development proposal was required at the time of submittal.

**Criteria 7**

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

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

**Finding # 7:**

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

**Criteria 8**

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

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

**Finding #8:**

The proposed annexation complies with the above noted criteria in that this territory is currently vacant, and has been in agricultural use. Access to City-provided services is not sought at this time as part of this annexation request, and therefore there are no anticipated needs at this time on the key City-provided urban utility services. However, City sewer and water service can be accessed by extending the existing lines when a developer is ready to connect to City Services.

### **Criterion 9**

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

### **Finding #9:**

The proposed annexation complies with the above noted criterion in that annexation of this property is necessary to accommodate development:

- (a) It is reasonable to conclude that ongoing major economic development activity in the community over the past few years will generate population growth and additional opportunities for new job creation in the near future.
- (b) In addition, the adopted City/County Coordinated Population Growth rate obligates the City to plan for an increase in land available to accommodate economic and residential development. This need was well documented in the City's 2004 Comprehensive Plan (e.g., see Chapter 3, 4, 5, and 6) and in the City's 2004 Urbanization Study and Buildable Lands Inventory (see Planning Comment 13). Accordingly, land that provides opportunities for urban levels of development is required to accommodate projected population and economic growth over the adopted planning time frame (to the year 2025).
- (c) This annexation is therefore necessary to provide land needed for the planned future growth of the community by enabling urban levels of development in accordance with City Zoning regulations.

### **Criterion 10**

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

### **Finding # 10:**

The proposed annexation complies with Annexation Ordinance Section 10 in that any required additional rights-of-way will be identified and dedicated at time of development.

### **Criteria 11**

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

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

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

### **Finding # 11:**

This proposed Annexation is in compliance with Annexation Ordinance Sections 11 and 12, and Zoning Ordinance Section 3.050. Currently the subject property does not have a City zoning designation because it is not within the City limits. The property is designated as Industrial (C-IND) on the City of Lebanon's Comprehensive Plan Map. Upon annexation, the Limited Industrial (ML) zone is consistent with this Comprehensive Plan Map designation; the applicant has not requested any change in this automatic first assignment of City zoning (see attached *City of Lebanon Land Use Matrix*).

*Showing Correspondence Between Comprehensive Plan Map Designations and Zoning Map Designations, and see City Planning Staff Comment "11"). No change in zoning designation is being requested.*

Therefore, a City zoning designation of Limited Industrial (ML) is automatically assigned at this time, without a separate hearing. This action is NOT a zoning map amendment.

**Criterion 12**

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

**Finding # 12:**

The proposed annexation complies with Annexation Ordinance Section 15 in that the applicant has not submitted a development proposal.

**VI. STAFF RECOMMENDATION**

Unless additional evidence or testimony to the contrary is provided at the public hearing, staff recommends that the Planning Commission recommend the City Council approve the proposed annexation.

## VII. City of Lebanon Land Use Matrix

### Showing Correspondence Between Comprehensive Plan Map Designations and Zoning Map Designations

(Adapted February 2006 from Table 4-2 in Chapter 4 of the *City of Lebanon 2004 Comprehensive Plan*)

2004 City of Lebanon Comprehensive Plan Map Designations	City of Lebanon Zoning Map Designations (1980) [as per 2004 LCP]
Residential Low Density (C-RL)	Residential Low Density Zone (RL) [Z-RL]
Residential Mixed Density (C-RM)	Residential Mixed Density Zone (RM) [Z-RM]
	*Residential High Density Zone (RH) [Z-RH]
Mixed Use (C-MU)	Mixed Use Zone (MU) [Z-MU]
Neighborhood Mixed Use (C-NMU)	*** Neighborhood Mixed Use Zone [Z-NMU]
Commercial (C-CM)	**Neighborhood Commercial Zone (CN) [Z-NCM]
	*Central Business Commercial Zone (CB) [Z-CCM]
	Highway Commercial Zone (CH) [Z-HCM]
Industrial (C-IND)	**** Industrial Zone (ML & MG) [Z-IND]
Public Use (C-PU)	*** Public Use Zone [Z-PU]
<b>Key</b>	
* (or) Red Lettering & Yellow Shading	Based upon the Zoning Ordinance descriptions of these zones, and the 2004 Buildable Lands Inventory (BLI) summarized in the 2004 Comprehensive Plan, there are no un-annexed properties in the UGB eligible to be assigned to these zone designations [RH & CB, or Z-RH & Z-CCM].
** (or) Blue Lettering & Blue Shading	As noted in the 2004 Comprehensive Plan, this zone [CN or Z-NCM] is for small neighborhood shopping clusters in residential areas. Such designations would not require a Comprehensive Plan Map Amendment, but would require a Zoning Map Amendment and an Administrative Review Process.
*** and/or Bold Sea Green Lettering & Light Violet Shading	The Neighborhood Mixed Use Zone [Z-NMU] and Public Use Zone [Z-PU] were created with the adoption of the 2004 Comprehensive Plan.
****	Prior to the adoption of the 2004 Comprehensive Plan, the City had two separate Industrial Zones (Limited Industrial = ML, and General Industrial = MG).

*Note: This table can also be referred to as the Annexation Zoning Matrix.*



## CITY OF LEBANON

Community Development/Planning

Phone: 541-258-4906 Fax: 541-258-6496

853 Main Street

Lebanon, Oregon 97355-3211

## VIII. ANNEXATIONS ARE NOT ZONING MAP AMENDMENTS

(FEBRUARY 2005)

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

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

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

# EXHIBIT A

## ANNEXATION NARRATIVE PETITION FOR ANNEXATION TO THE CITY OF LEBANON

NATURE OF REQUEST: Annexation of approximately a 5.65 acre territory comprised of the northeast portion of T12S-R2W-Section 10B, Tax Lot 300 and a flag access strip.

APPLICANTS / OWNERS: Norman B. Steckley and Mildred Steckley (Trustees)  
2850 Heron Loop SE  
Albany, OR 97322

PROPERTY LOCATION: Located north of Highway 34, south of the Southern Pacific Railroad tracks, north of the intersection of 13<sup>th</sup> Street and Highway 34.

ASSESSOR'S MAP AND TAX LOT: Assessor's Map T12S - R2W - Section 10B, Tax Lot 300

ZONE DESIGNATION: Limited Industrial (Z-ML) upon annexation

COMP PLAN DESIGNATION: Industrial (C-IND)

## ANNEXATION NARRATIVE

### INTRODUCTION AND SITE DESCRIPTION

The applicants are requesting annexation of approximately 5.65 acres. The annexation territory includes 3.78 acres in the northeast corner of T12S-R2W-Section 10B, Tax Lot 300, and a 1.87 acre flag access strip which connects to 12<sup>th</sup> Street, as shown on the annexation map. The property is located north of Highway 34, south of the Southern Pacific Railroad tracks, north of the intersection of 12<sup>th</sup> Street and Highway 34. It is at the western edge of the City's urban growth boundary and contiguous with the City limits to the east and north. The property is currently zoned UGA\_EFU\_80 by Linn County and is designated as Industrial on the City's Comprehensive Plan Map. A Limited Industrial (ML) zoning designation is being requested upon annexation. This zoning designation is consistent with the City's Comprehensive Plan. No change in zoning is being requested. The planned use of the property is a railroad switching yard. This use is permitted in the ML zone. Specific plans for the use will be submitted after the property is annexed to the City. No development proposal is being submitted as part of this annexation request.

The annexation territory is vacant and is currently farmed for grass seed. Access to the property is from 12<sup>th</sup> Street via a 60-foot wide flag access strip. Water service is available from an existing 12-inch waterline in 12<sup>th</sup> Street and an exiting 8-inch waterline in a public utility easement on adjacent property to the east. Sanitary sewer can be extended from an existing 48-inch line in 12<sup>th</sup> Street. The existing sewer is the City's west side interceptor and has capacity to support development on the proposed annexation territory. Stormwater drainage will be accommodated by an existing ditch which runs along the north property line and the south side of the railroad right-of-way.

Surrounding Land Uses

North	Railroad then Industrial (Lowe’s Distribution Center)
East	Industrial (Western Warehouse)
South	Agricultural
West	Agricultural

Surrounding Zoning

North	Limited Industrial
East	Limited Industrial
South	UGA-EFU-80 (Linn County Zoning)
West	Exclusive Farm Use (Linn County Zoning)

**ANNEXATION PETITION COMPLIANCE WITH APPLICABLE REVIEW CRITERIA**

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

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

Lebanon Zoning Ordinance Section 4.210 lists the development opportunities, standards and requirements for the Limited Industrial (ML) zone.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Applicants’ Statement:** *The proposed annexation territory is within the City’s urban growth boundary and therefore is eligible for annexation and is suitable for urban development. It is contiguous with the City limits to the east. There are wetlands on the property. All required permits will be obtained from Oregon Division of State Lands, the Army Corps of Engineers and the City prior to development of the property. Any required mitigation will be completed at that time.*

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

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

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

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

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

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

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

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

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

**Applicants' Statement:** *The proposed annexation territory is within the UGB and is contiguous to the existing City limits to the east, therefore annexation of the territory is considered orderly. The territory can be developed with many of the urban uses allowed in the Limited Zone (LZO 4.210). The annexation territory is 5.65 acres and receives access to an improved section of 12<sup>th</sup> Street via a 60-foot wide flag access strip. Development can comply with all City standards. Therefore, the proposed annexation is efficient.*

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

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

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

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

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

**Applicants' Statement:** *The planned use of the property is a railroad switching yard but no development proposal is being submitted as part of this annexation application.*

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

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

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

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

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

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

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

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

*The annexation territory has access to an improved section of 12<sup>th</sup> Street consistent with the requirements of Lebanon ordinances. 12th Street has sufficient right-of-way and capacity to provide for development of the annexation territory with uses allowed in the ML zone. It is currently constructed to City standards.*

*Appropriately sized water, sanitary sewer and storm drainage lines are available and can be extended to the annexation territory. Water service is available from an existing 12-inch waterline in 12<sup>th</sup> Street and an existing 8-inch waterline in a public utility easement on adjacent property to the east. Sanitary sewer can be extended from an existing 48-inch line in 12<sup>th</sup> Street. The existing sewer is the City’s west side interceptor and has capacity to support development on the proposed annexation territory. Stormwater drainage will be accommodated by an existing ditch which runs along the north property line and the south side of the railroad right-of-way.*

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

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

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

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

**Applicants’ Statement:** *The territory is accessed by a 60-foot wide flag access strip connecting to 12<sup>th</sup> Street. No additional right-of-way is needed along the annexation territory. The proposed annexation complies with LAO Section 10.*

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

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

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

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

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

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

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

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

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

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

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

**Applicants' Statement:** *The application is for annexation of industrially designated territory within the City's urban growth boundary and contiguous with the City limits. The Lebanon Comprehensive Plan states, "The City shall maintain a supply of diverse, serviceable industrial lands that provide choices in the marketplace to attract desirable industries, particularly light manufacturing and nonpolluting industries, in support of the City's economic development program."(Land Use Policy P-37). The proposed annexation provides land for industrial uses in an appropriate, serviceable area. Therefore, the proposed annexation complies with LCP Urbanization Policies P-27 and P-30.*

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

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

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

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

### **Conclusion:**

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



**NOTICE OF  
PLANNING COMMISSION RECOMMENDATION  
ANNEXATION – STECKLEY**

**February 25, 2008**

**File No. A-08-01**

**NATURE OF REQUEST:** Annexation of a 5.65 acre territory comprised of a portion of one tax lot and a flag strip

**APPLICANT:** Norman Steckley

**PROPERTY LOCATION:** North of Highway 34, south of the Southern Pacific Railroad tracks, north of the intersection of 13<sup>th</sup> Street and Highway 34

**ASSESSOR'S MAP AND TAX LOT NO.:** T12S-R2W-10B  
300

**COMPREHENSIVE PLAN DESIGNATION:** Industrial (C-IND)

**ZONE DESIGNATION:** Limited Industrial (ML) upon annexation

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**RECOMMENDATION:**

Your annexation application was acted upon by the City of Lebanon Planning Commission on February 20, 2008. Upon conclusion of the public hearing, the Planning Commission voted unanimously to recommend to the City Council that the subject property be annexed.

**CITY COUNCIL:**

The City Council hearing has been tentatively scheduled for April 9, 2008, and you will receive official notice of the hearing in the mail.

If you have any questions, please contact the Lebanon Planning Division at 258-4906.

Sincerely,

Walt Wendolowski, AICP  
Community Development Manager

c: Edward Schultz, Attorney  
Brian Vandetta, Udell Engineering

Planning Division

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## MEMORANDUM

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### *Planning Division*

**To:** John Hitt, City Administrator

**Date:** March 28, 2008

**From:** Walter Wendolowski, Community Development Manager

**Subject:** Annexation and Zoning of Property

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**Applicant:** Norman Steckley

**Map & Tax Lot Nos.:** 12-2W-10B; 300

**Planning File:** A-08-01

**Address:** Harrison & 12 Streets

A request by the property owner to annex a 5.65 acre territory comprised of a portion of one tax lot and a flag strip. The property is designated as Industrial (C-IND) on the City of Lebanon Comprehensive Plan Map and will be assigned a Limited Industrial (ML) zoning designation upon annexation, as requested by the applicant. This zoning designation is consistent with the City's Comprehensive Plan Map designation of Industrial (C-IND). No change in zoning designation is being requested.

The Planning Commission conducted a public hearing regarding this annexation on February 20, 2008, and voted unanimously to recommend to the Lebanon City Council that the proposed annexation be approved.

The Planning Commission staff report (File # A-08-01) is attached.

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

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## NOTICE OF PUBLIC HEARING LEBANON CITY COUNCIL

**NOTICE IS HEREBY GIVEN** that public hearings will be held before the Lebanon City Council on Wednesday, April 9, 2008 at 7:00 P.M. in the Santiam Travel Station, 750 Third Street, to afford interested persons and the public an opportunity to be heard and give testimony concerning the following matters:

**1. Annexation A-08-01: Steckley – Harrison and 12<sup>th</sup> Streets**

**Request:** A request by the property owner to annex a 5.65 acre territory comprised of the northeast portion of T12S-R2W-Section 10B, Tax Lot 300 and a flag access strip. The subject property is located north of Highway 34, south of the Southern Pacific Railroad tracks, north of the intersection of 13<sup>th</sup> Street and Highway 34. The property is designated as Industrial (C-IND) on the City of Lebanon Comprehensive Plan Map and will be assigned a Limited Industrial (Z-ML) zoning designation upon annexation, as requested by the applicant.

**2. Annexation A-07-12: City of Lebanon – Highway 20 and Weldwood Drive**

**Request:** A request by the property owner (the City of Lebanon) to annex a 0.62 acre territory comprised of one tax lot. Assessor's Map 12-2W-23B, Tax Lot 1900. The subject property is a narrow strip at the southwest corner of the intersection of Highway 20 and Weldwood Drive, including a portion of Weldwood Drive. The property is designated as Mixed Use (C-MU) on the City of Lebanon Comprehensive Plan Map and will be assigned a Mixed Use (Z-MU) zoning designation upon annexation, as requested by the applicant.

**Annexation Decision Criteria:** The following criteria are used in making a decision on these two annexation requests:

- (a) **ANNEXATION ORDINANCE:** City of Lebanon Ordinance Number 17 for 2003;
- (b) **LEBANON COMPREHENSIVE PLAN:** Chapter 3 Urbanization Policies P-19 thru P-27;
- (c) **LEBANON ZONING ORDINANCE:** Section 3.050 – Zoning of Annexed Areas.

**Planning Commission Recommendation:** The Planning Commission conducted public hearings regarding these Annexation requests on February 20, 2008 and voted unanimously to recommend approval to City Council.

You are invited to attend the public hearings and give written or oral testimony (after presentation of the staff report) that addresses applicable Zoning and Subdivision Ordinance, and Comprehensive Plan evaluation criteria during that part of the hearing process designated for testimony in favor or opposition of the proposal. If additional documents or evidence are provided in support of the application subsequent to notice being sent, a party may, prior to the close of the hearing, request that the record remain open for at least seven (7) days so such material may be reviewed.

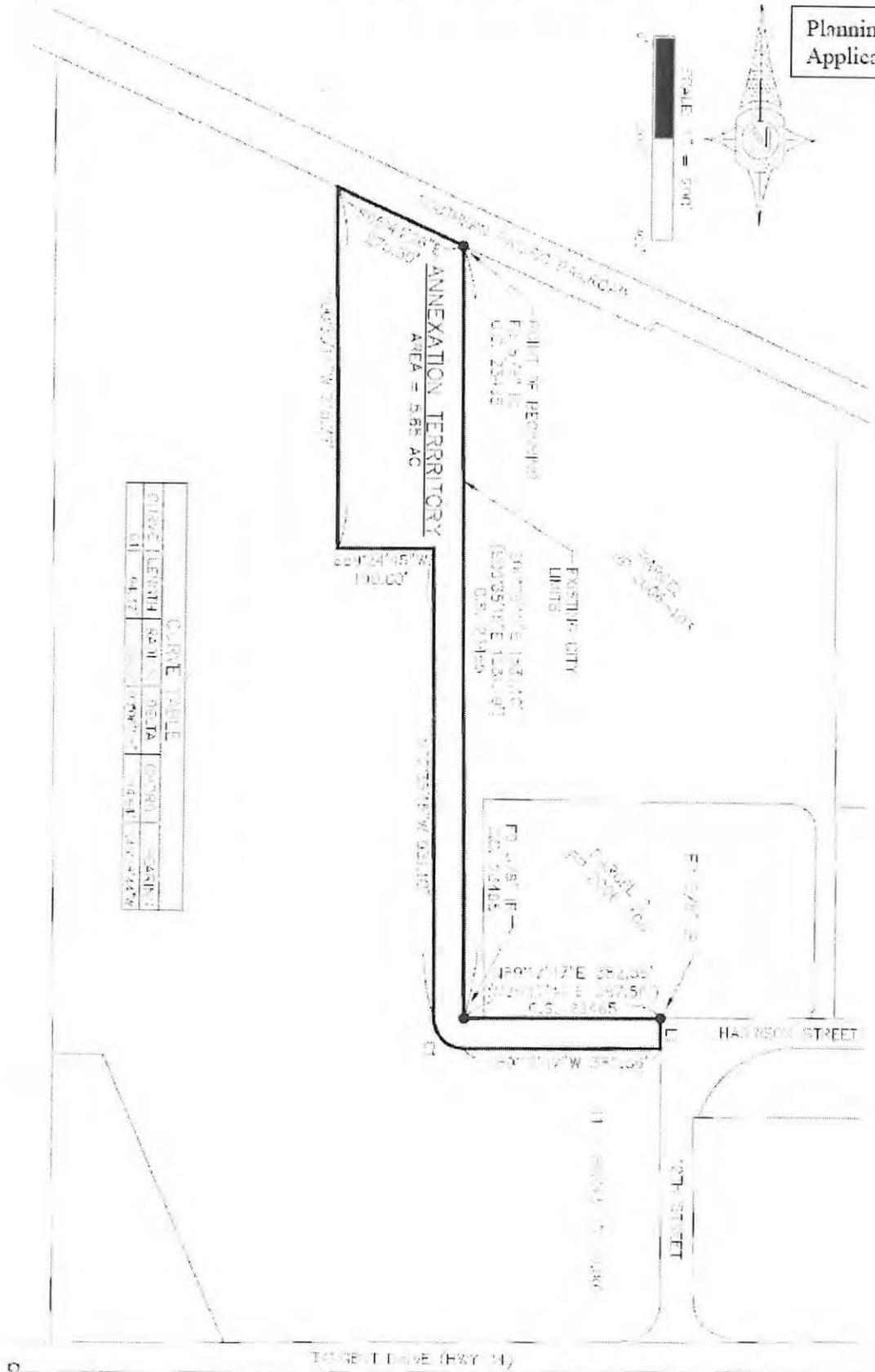
Failure to raise an issue in the hearings, in person or by letter, or failure to provide sufficient specificity to afford the decision makers an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue.

A copy of the application, all documents, and evidence relied upon by the applicant, and applicable criteria are available for inspection at no cost at the Planning Division, 853 Main Street. Copies can be made at the cost of 25 cents per single-sided page.

If you have questions or need further information regarding this hearing, please contact the City Planning Division (telephone 258-4906). Upon request, the City will provide an interpreter for hearing impaired persons. To request an interpreter, contact the City Administrator's Office at 258-4202 no less than 48 hours prior to the public hearing.

# CITY OF LEBANON

Planning File No. A-08-01  
Applicant: Steckley



CURVE TABLE

CHORD LENGTH	CHORD BEARING	DELTA	CENTRE POINT	SANG
41.32	109.98	109.98	41.32	109.98

# AFFIDAVIT OF PUBLICATION

## NOTICE OF PUBLIC HEARING

### CITY OF LEBANON PLANNING COMMISSION

NOTICE IS HEREBY GIVEN that public hearings will be held before the Lebanon Planning Commission on February 20, 2008 at 6:30 P.M. in the Santiam Travel Station, 750 Third Street, to afford interested persons and the general public an opportunity to be heard and give testimony concerning the following matters (not necessarily in the order listed below):

1. Annexation A-08-01: Steckley - Harrison and 12th Streets  
Request: A request by the property owner to annex a 5.65 acre territory comprised of the northeast portion of T12S-R2W-Section 10B, Tax Lot 300 and a flag access strip. The subject property is located north of Highway 34, south of the Southern Pacific Railroad tracks, north of the intersection of 13th Street and Highway 34. The property is designated as Industrial (C-IND) on the City of Lebanon Comprehensive Plan Map and will be assigned a Limited Industrial (Z-ML) zoning designation upon annexation, as requested by the applicant.

2. Annexation A-07-12: City of Lebanon - Highway 20 and Weldwood Drive

Request: A request by the property owner (the City of Lebanon) to annex a 0.62 acre territory comprised of one tax lot, Assessor's Map 12-2W-23B, Tax Lot 1900. The subject property is a narrow strip at the southwest corner of the intersection of Highway 20 and Weldwood Drive, including a portion of Weldwood Drive. The property is designated as Mixed Use (C-MU) on the City of Lebanon Comprehensive Plan Map and will be assigned a Mixed Use (Z-MU) zoning designation upon annexation, as requested by the applicant.

Annexation Decision Criteria: The following criteria are used in making a decision on these two annexation requests:

- (a) ANNEXATION ORDINANCE: City of Lebanon Ordinance Number 17 for 2003;
- (b) LEBANON COMPREHENSIVE PLAN: Chapter 3 Urbanization Policies P-19 thru P-27;
- (c) LEBANON ZONING ORDINANCE: Section 3.050 - Zoning of Annexed Areas.

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Request: A request to divide a 26.92 acre property into 73 lots and 6 tracts, with public streets, a multi-use path, and wetland creation and enhancement. The property contains two single-family dwellings and several outbuildings at 2925 Stoltz Hill Road, north of Vaughan Lane. The property is located in a Residential Mixed Density (Z-RM) zone. Assessor's Map 12-2W-22B, Tax Lot 300. This is a re-application of a prior approval in January of 2006. Due to extensive wetland permitting requirements and delays the subdivision was not constructed as approved. The two-year approval window as identified in the current Subdivision Ordinance expired on January 18, 2008. Therefore the application is being resubmitted for approval and reflects the modifications made to the layout due to wetland avoidance as required by DSL.

Subdivision Evaluation Criteria: The following criteria will be considered in evaluating this subdivision request: (1) 2004 LEBANON COMPREHENSIVE PLAN (LCP): Chapter 2 - Natural Environment Natural Resource Goals G-4, G-7, G-10, G-14, G-18; Policies P-5 thru 10, P-13, P-19; Natural Hazard Policies P-6 thru 11; Chapter 3 - Urbanization Policies P-13 & 14, P-19 thru 27; Chapter 4 - Land Use Goal G-2; Policies P-9, P-18, P-20 & 21; Chapter 5 - Population & Economy Goal G-14; Chapter 6 - Housing Goals G-2, G-4; Policies P-19, P-22, P-40; Chapter 7 - Community Friendly Goals G-5 & 6; (vii) Chapter 8 - Transportation Goal G-5; Policies P-9, P-19, P-29, P-32, P-42, P-51, P-53, P-62; Chapter 9 - Public Facilities Policies P-59 & 60, P-71; (2) LEBANON SUBDIVISION ORDINANCE ARTICLES 4, 5, 6 AND 7 identify the subdivision requirements regarding the final plat, land partitions, design standards and improvement requirements, respectively; (3) LEBANON ZONING ORDINANCE SECTION 4.020 lists the development opportunities, standards, and requirements for the Residential Mixed Density (Z-RM) zone. (4) LEBANON ZONING ORDINANCE SECTION 5.020 lists the street access requirements for lots.

Subdivision S-07-01 Preliminary Planned Development PD-07-01: Parkside - 10 S. Main Road: Continuation of the hearing opened at

State of Oregon

SS )

County of Linn

I, Pam M. Burrigh, being first duly sworn deposes and says, that I am the Legal Clerk of the Lebanon Express, a newspaper of general circulation, as defined by section 193.010 O.R.S., published at Albany, OR, in the aforesaid county and state: that the advertisement number 2677502, for the account number 60001506 described as NOTICE OF PUBLIC HEARING CITY OF, a copy is hereto Annexed, was published in the entire issue of sold newspaper.

Start Date: 02-13-08

Stop Date: 02-13-08

Insertions: 1

*Pam Burrigh*

Subscribed and sworn to before me on **Wednesday, Feb 13, 2008.**

*Gail L. Compton*

Subscribed and sworn to before me on **Wednesday, Feb 13, 2008.**



079

# AFFIDAVIT OF PUBLICATION

State of Oregon

ss )

County of Linn

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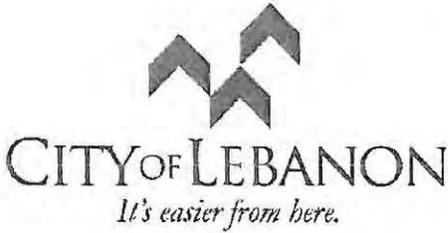
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#2677502

PUBLISH: 02/13/08

019



Planning Commission  
CERTIFICATE OF MAILING  
OF LEGAL NOTICE

**Planning File No.:** A-08-01

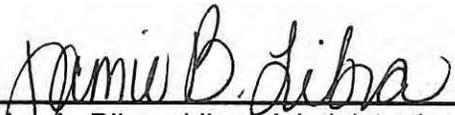
**Applicant:** Steckley

I, Jamie Bilyeu-Libra, of the City of Lebanon Planning Division, HEREBY CERTIFY that on January 30, 2008, I did personally mail, via US mail with first class postage prepaid, the **Notice Of Public Hearing** (Exhibit A) on the request for ANNEXATION of the following property:

Township 12S – Range 2W – Section 10B; Tax Lot 300.

to the following:

1. Property owners within 150 feet of the subject tax lot as indicated on the attached list (Exhibit B); and
2. Persons and/or Entities on the City of Lebanon's standards notice distribution list (Exhibit C).

  
\_\_\_\_\_  
Jamie Bilyeu-Libra, Administrative Assistant  
Planning Division - City of Lebanon





# EXHIBIT C

## Planning Commission Public Hearing Notice Distribution List

**Applicant: Norman Steckley**

**File No.: A-08-01**

**Entire Notice:**

1. Lee NW Publishing "To be published the Wednesday before meeting date."
2. Planning Commission (x11)
3. Albany Democrat Herald (will-call box)
4. Allied Waste Services, PO Box 1929 Albany, OR 97321
5. Bulletin Boards: City Hall, CDC, Library, Police, Senior Center
6. CenturyTel, PO Box 337, Lebanon, OR 97355
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8. Donna Trippett, Public Hearing Secretary
9. Ed Patton, Senior Development Engineer
10. Jamie Libra, CD Administrative Assistant
11. Jason Yutzie, Director, Boys & Girls Club, 305 S. 5<sup>th</sup> Street, Lebanon, OR 97355
12. Jim Robinson, Superintendent, Lebanon School District, 485 S 5<sup>th</sup> ST., Lebanon, OR 97355
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15. KGAL, PO Box 749, Albany, OR 97321
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18. Linn Co. Board of Commissioners, PO Box 100, Albany, OR 97321
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20. Mike Healy, LPD Chief
21. Mike Schulte, LPD Captain
22. NW Natural Gas, P.O. Box 6017, Portland, Oregon 97228-6017
23. Pacific Power, PO Box 248, Albany, OR 97321
24. Steve Michael – Linn Co. Planning Dept., PO Box 100, Albany, OR 97321
25. Terry Lewis, Senior Planner
26. Thomas McHill, City Attorney
27. Walt Wendolowski, Community Development Manager

**Site Specific Notice:**

1. Surrounding Property Owners - (100 feet minimum) 20-days notice for land use hearing – ORS 197.763(3)(f)
2. Applicant(s) and Professional Representative(s)
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5. Darrin Lane, Linn Co. Roadmaster, 3010 Ferry Street SW, Albany, OR 97322
6. Federal Aviation Association, 3180 NW 229th Avenue, Hillsboro, Oregon 97124
7. Grand Prairie Water District, c/o Bob McCann, 201 W 1st Ave. Albany, OR 97321
8. John deTar, ODOT, 3700 SW Philomath Blvd, Corvallis, OR 97333
9. Oregon Pilots Association, Lebanon Chapter, PO Box 727, Lebanon, OR 97355

019



EXHIBIT A

## NOTICE OF PUBLIC HEARING CITY OF LEBANON PLANNING COMMISSION

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4. **Preliminary Planned Development PD-07-01: Parkside – 2900 S. Main Road:** Continuation of the hearing opened at the January 16, 2008, Planning Commission meeting.

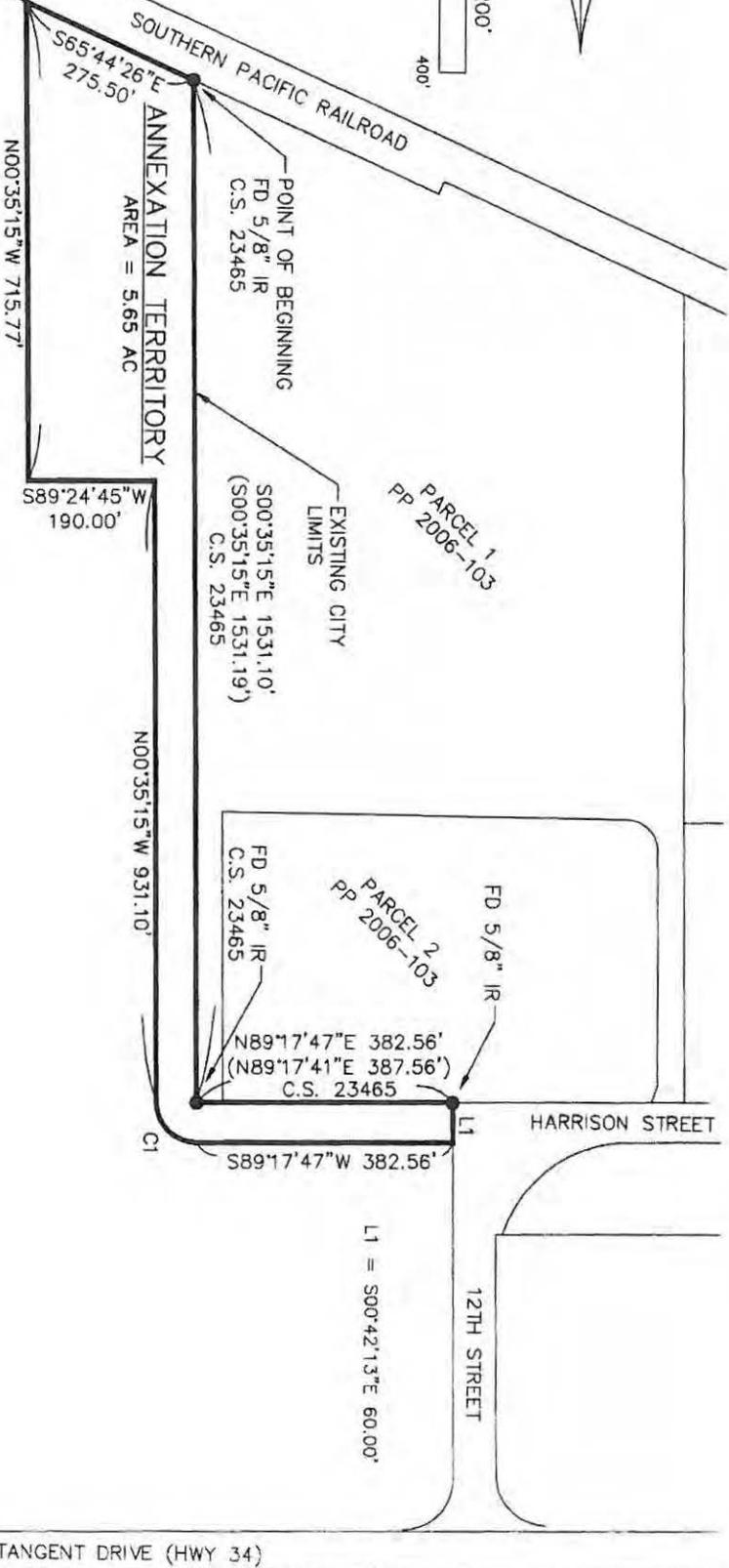
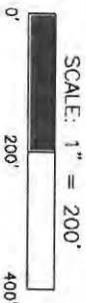
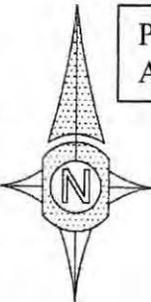
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Planning File No. A-08-01  
 Applicant: Steckley



CURVE TABLE

CURVE	LENGTH	RADIUS	DELTA	CHORD	BEARING
C1	94.37'	60.00'	90°06'58"	84.94'	N45°38'44"W

DTG



# EXHIBIT C

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21. Mike Schulte, LPD Captain
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8. John deTar, ODOT, 3700 SW Philomath Blvd, Corvallis, OR 97333
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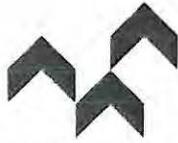
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PIN	OWNADDR1	OWNADDR2	OWNADDR3	OWNADDR4	OWNADDR5
12S02W03C 02000	ALBANY LEBANON INVESTMENTS LLC	C/O BRIAN LOOPER	PO BOX 127	LEBANON OR 97355-0000	
12S02W10BC05500	BIRRUETA, CELESTINO O	36802 HIGHWAY 34	LEBANON OR 97355-0000		
12S02W10BC05600	BIRRUETA, ESPERANZA S	2389 STEIWER RD SE	JEFFERSON OR 97352-0000		
12S02W10BC05300	CALDWELL, ROBERT E	1190 TANGENT ST	LEBANON OR 97355-2158		
12S02W10BC02601	DEPIERO, STEVE	DEPIERO, MICHELLE	PO BOX 52	LEBANON OR 97355-0000	
12S02W10BC05700	EVANS, ELIZABETH L	1929 GRAND PRAIRIE RD SE APT 212	ALBANY OR 97322-0000		
12S02W10BC05400	GRIMES, DANNY J	GRIMES, SHIRLEY A	36816 HIGHWAY 34	LEBANON OR 97355-9660	
12S02W10BC05800	JONES, SIDNEY O, TR	295 RUSSELL DR	LEBANON OR 97355-0000		
12S02W10BC05301	LUSBY, BILLIE E	ERTL, KENNETH AGT	C/O KENNETH ERTL	PO BOX 2009	LEBANON OR 97355-0983
12S02W10BC02600	LUSBY, BILLIE E	ERTL, KENNETH AGT	PO BOX 2009	LEBANON OR 97355-0000	
12S02W04 00400	STECKLEY, NORMAN B, TR	STECKLEY, MILDRED, TR	2850 HERON LOOP SE	ALBANY OR 97322-0000	
12S02W04 00401	STECKLEY, NORMAN B, TR	STECKLEY, MILDRED, TR	2850 HERON LOOP SE	ALBANY OR 97322-0000	
12S02W10B 00300	STECKLEY, NORMAN B, TR	STECKLEY, MILDRED, TR	2850 HERON LOOP SE	ALBANY OR 97322-0000	
12S02W10B 00400	SUTER, PAUL	SUTER, VIRGINIA M	36755 HIGHWAY 34	LEBANON OR 97355-9660	
12S02W10B 00200	WEATHERLY, ROBERT E, SR, TR	WEATHERLY, MARY J, TR	PO BOX 535	LEBANON OR 97355-0000	
12S02W10B 00100	WESTERN WAREHOUSING LLC	C/O LARRY KEITH	250 HANSARD AVE	LEBANON OR 97355-0000	
12S02W10B 00102	WESTERN WAREHOUSING LLC	C/O LARRY KEITH	PO BOX 39	LEBANON OR 97355-0000	
12S02W10B 00103	WESTERN WAREHOUSING LLC	C/O LARRY KEITH	PO BOX 39	LEBANON OR 97355-0000	

EXHIBIT B

1950

019



**CITY OF LEBANON**  
*It's easier from here.*

## Planning Division

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### *Community Development Center*

#### **NOTICE OF COMPLETE LAND USE APPLICATION {ANNEXATION APPLICATION}**

**Date: January 18, 2008**

**To:** Norman and Mildred Steckly  
(Applicant)

2850 Herron Lp. SE  
Albany Oregon 97322

**CC:** Ed Schultz  
(Applicant's Representative)

130 1<sup>st</sup> Avenue  
Albany, Oregon 97322

Brian Vandetta (Udell Engineering)  
(Applicant's Architect/Planner)

63 E. Ash  
Lebanon, Oregon 97355

**From:** Terry Lewis, Senior Planner

Email Address: [tlewis@ci.Lebanon.or.us](mailto:tlewis@ci.Lebanon.or.us)

**City Land Use Application File #:** A-08-01

**Date Application Submitted:** 1-14-08

---

Community Development staff have reviewed your Land Use Application (File #: A-08-01), and are pleased to inform you that it has been deemed complete. The 120-day deadline for a final decision on this Annexation application is Not Applicable by State Law.

Your application has been scheduled for a hearing at the next scheduled Planning Commission meeting (February 20, 2008). Notice of this hearing will be mailed to all entitled parties on January 30, 2008.

For further information, please do not hesitate to contact the Community Development Department using the contact information listed below.

Helping you move your land use request and application forward through the approval process is a high priority for the Community Development Department.

Thank you for your submittal and your continuing interest in helping the community grow and prosper.





Community Development Department  
853 Main Street  
925 Main Street (mailing)  
Lebanon, OR 97355  
(541) 258-4906 (phone)  
(541) 258-4955 (fax)

Petition for Annexation

**Land Use**

Once the City of Lebanon has received a Petition for Annexation application, state and local laws require that the City give notice of the application to property owners within 100 feet of the proposed annexation. Interested property owners are invited to submit comments on the application that may then be incorporated into conditions of approval. The City's decision may be appealed to the State Land Use Board of Appeals (LUBA) within 21 days after it becomes final. In order to appeal, you must have raised an issue, in writing, prior to the expiration of the comment period.

**Please submit the following:**

1. Petition of legal property owners of territory petitioning to be annexed.
2. Petition to consent to annexation from all electors residing within the annexation territory.
3. An 18" x 24" or 24" x 36" map and a photocopy reproducible map showing the property to be annexed, and all adjacent property and reference points, including but not limited to, bearings, distances, deflection angles, lean dedication corners and other benchmarks.
4. Legal description – by legal metes and bounds description, certified by a registered Surveyor or Engineer.
5. A narrative detailing how the annexation proposal satisfies the annexation ordinance evaluation criteria (attached). Please provide all narratives in both hard copy and electronic formats (if possible).
6. Fee: \$1,700.00

**NOTE: This application, required materials, and fee must be filed at least thirty (30) calendar days prior to the next regularly scheduled Planning Commission meeting which is usually held on the third Wednesday of each month.**

For Office Use Only	
Date Received: <u>11/11/08</u>	Received By: <u>[Signature]</u>
Date Completed: _____	Accepted as complete by: _____
Date Fee Received: _____	Fee Amount: <u>N/A</u>
Receipt Number: _____	File Number: <u>A-08-01</u>



## Ownership

Name of Applicant: NORMAN AND MILDRED STECKLEY Phone: 928-5084  
Address: 2850 HERON LP. SE City: ALBANY State: OR Zip: 97322  
Applicant's interest in property (owner, buyer, lessee, etc): \_\_\_\_\_  
Applicant's Agent or Representative: ED SCHULTZ Phone: 926-2255  
Address: 130 1ST AVE. SW City: ALBANY State: OR Zip: 97322  
Engineer/Surveyor: BRIAN VANDETTA Business Name: UDELL ENG. AND LAND SURVEYING, LLC  
Address: 63 E. ASH City: LEBANON State: OR Zip: 97355

**Each current property owner of record must sign the application, or provide a letter authorizing an agent or representative to act on his or her behalf.**

The undersigned hereby requests that a Petition for Annexation be granted on the real property described in this application, in the City of Lebanon, Linn County, Oregon.

In signing this application, I hereby grant the City of Lebanon, or its representative, my permission to enter and evaluate my property for the purpose of processing this application.

Signature of all Owners of property proposed for annexation:

- |    |                            |                        |                     |
|----|----------------------------|------------------------|---------------------|
| 1. | <u>Norman Steckley</u>     | <u>Norman Steckley</u> | <u>541-928-5084</u> |
|    | Signature                  | Printed                | Phone               |
|    | <u>2850 Heron Lp. S.E.</u> |                        |                     |
|    | Address                    |                        | <u>Albany, OR</u>   |
|    |                            |                        | <u>541-928-5084</u> |
- |    |                         |                         |                     |
|----|-------------------------|-------------------------|---------------------|
| 2. | <u>Mildred Steckley</u> | <u>Mildred Steckley</u> | <u>541-928-5084</u> |
|    | Signature               | Printed                 | Phone               |
|    | _____                   |                         |                     |
|    | Address                 |                         |                     |
- |    |           |         |       |
|----|-----------|---------|-------|
| 3. | _____     | _____   | _____ |
|    | Signature | Printed | Phone |
|    | _____     |         |       |
|    | Address   |         |       |



## Basic Information about the Site and Proposal

Property Location (intersecting cross streets and addresses): NORTHWEST OF  
HARRISON ST. AND 12TH ST. INTERSECTION.

Comprehensive Plan Designation: INDUSTRIAL

Zoning Designation Requested Upon Annexation: LIMITED INDUSTRIAL

## Specific Information about the Site and Proposal

Legal Description: (attach copy)

Total area of property involved: 5.65 acres or square feet

Assessor's Map and Tax Lot Number(s): 12S-2W-10B TL 300

Present use of property:  Residential  Commercial  Industrial

VACANT - GRASS SEED FARMED

Proposed use of property:  Residential  Commercial  Industrial

CONNECT OREGON RR PROJECT.







# ANNEXATION QUESTIONNAIRE

The information on this form will be used to certify annexed population.

For June 31, 2008 certification,  
please return the completed questionnaire no later than **June 23, 2008** to:

Population Research Center  
P O Box 751 - PRC  
Portland State University  
Portland, OR 97207-0751

City of Lebanon County of \_\_\_\_\_ (If city is located in more than one county, name only the county where the annexation occurred.)

Annexation Ordinance Number or Final Order Number 2753

Effective Date of Annexation \_\_\_\_\_

Please fill in **all** blanks on this form and attach completed confidential census forms for all housing units both vacant and occupied. Use one sheet for each inhabitable housing unit. Make blank copies if necessary.

NOTE: Certifying annexations of 125 or more housing units requires an enumeration to be conducted under the supervision of the Population Research Center and a census must be scheduled.

### INVENTORY OF HOUSING UNITS AND POPULATION AT TIME OF ANNEXATION

	TOTAL	OCCUPIED	VACANT	PERSONS
UNITS IN SINGLE FAMILY STRUCTURES	_____	_____	_____	_____
UNITS IN MULTIPLE FAMILY STRUCTURES	_____	_____	_____	_____
MOBILE HOMES OR TRAILERS	_____	_____	_____	_____

TOTAL POPULATION OF ANNEXED AREA 0

DATE OF ENUMERATION April 9, 08

ENUMERATED BY Tammy Dickey

POSITION Permit Specialist PHONE # 541.258.4254

CITY CONTACT PERSON AND TITLE same  
PHONE # \_\_\_\_\_

The information from this completed questionnaire and census forms are the only data used to certify annexed population. Please **DO NOT** send maps, copies of the final ordinance, lists of addresses, etc. to our office unless you are requested to do so.

If there are any questions, or to schedule a census, contact Risa Proehl at the Population Research Center (503) 725-5103 or proehlr@pdx.edu. THANK YOU.

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

NATURE OF REQUEST:	Annexation of approximately a 5.65 acre territory comprised of the northeast portion of T12S-R2W-Section 10B, Tax Lot 300 and a flag access strip.
APPLICANTS / OWNERS:	Norman B. Steckley and Mildred Steckley (Trustees) 2850 Heron Loop SE Albany, OR 97322
PROPERTY LOCATION:	Located north of Highway 34, south of the Southern Pacific Railroad tracks, north of the intersection of 13 <sup>th</sup> Street and Highway 34.
ASSESSOR'S MAP AND TAX LOT:	Assessor's Map T12S - R2W – Section 10B, Tax Lot 300
ZONE DESIGNATION:	Limited Industrial (Z-ML) upon annexation
COMP PLAN DESIGNATION:	Industrial (C-IND)

## **ANNEXATION NARRATIVE**

### **INTRODUCTION AND SITE DESCRIPTION**

The applicants are requesting annexation of approximately 5.65 acres. The annexation territory includes 3.78 acres in the northeast corner of T12S-R2W-Section 10B, Tax Lot 300, and a 1.87 acre flag access strip which connects to 12<sup>th</sup> Street, as shown on the annexation map. The property is located north of Highway 34, south of the Southern Pacific Railroad tracks, north of the intersection of 12<sup>th</sup> Street and Highway 34. It is at the western edge of the City's urban growth boundary and contiguous with the City limits to the east and north. The property is currently zoned UGA\_EFU\_80 by Linn County and is designated as Industrial on the City's Comprehensive Plan Map. A Limited Industrial (ML) zoning designation is being requested upon annexation. This zoning designation is consistent with the City's Comprehensive Plan. No change in zoning is being requested. The planned use of the property is a railroad switching yard. This use is permitted in the ML zone. Specific plans for the use will be submitted after the property is annexed to the City. No development proposal is being submitted as part of this annexation request.

The annexation territory is vacant and is currently farmed for grass seed. Access to the property is from 12<sup>th</sup> Street via a 60-foot wide flag access strip. Water service is available from an existing 12-inch waterline in 12<sup>th</sup> Street and an exiting 8-inch waterline in a public utility easement on adjacent property to the east. Sanitary sewer can be extended from an existing 48-inch line in 12<sup>th</sup> Street. The existing sewer is the City's west side interceptor and has capacity to

support development on the proposed annexation territory. Stormwater drainage will be accommodated by an existing ditch which runs along the north property line and the south side of the railroad right-of-way.

#### Surrounding Land Uses

North	Railroad then Industrial (Lowe's Distribution Center)
East	Industrial (Western Warehouse)
South	Agricultural
West	Agricultural

#### Surrounding Zoning

North	Limited Industrial
East	Limited Industrial
South	UGA-EFU-80 (Linn County Zoning)
West	Exclusive Farm Use (Linn County Zoning)

### **ANNEXATION PETITION COMPLIANCE WITH APPLICABLE REVIEW CRITERIA**

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

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

Lebanon Zoning Ordinance Section 4.210 lists the development opportunities, standards and requirements for the Limited Industrial (ML) zone.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Applicants' Statement:** *The proposed annexation territory is within the City's urban growth boundary and therefore is eligible for annexation and is suitable for urban development. It is contiguous with the City limits to the east. There are wetlands on the property. All required permits will be obtained from Oregon Division of State Lands, the Army Corps of Engineers and the City prior to development of the property. Any required mitigation will be completed at that time.*

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

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

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

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

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

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

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

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

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

**Applicants' Statement:** *The proposed annexation territory is within the UGB and is contiguous to the existing City limits to the east, therefore annexation of the territory is considered orderly. The territory can be developed with many of the urban uses allowed in the Limited Zone (LZO 4.210). The annexation territory is 5.65 acres and receives access to an improved section of 12<sup>th</sup> Street via a 60-foot wide flag access strip. Development can comply with all City standards. Therefore, the proposed annexation is efficient.*

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

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

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

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

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

**Applicants' Statement:** *The planned use of the property is a railroad switching yard but no development proposal is being submitted as part of this annexation application.*

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

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

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

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

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

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

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

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

*The annexation territory has access to an improved section of 12<sup>th</sup> Street consistent with the requirements of Lebanon ordinances. 12th Street has sufficient right-of-way and capacity to provide for development of the annexation territory with uses allowed in the ML zone. It is currently constructed to City standards.*

*Appropriately sized water, sanitary sewer and storm drainage lines are available and can be extended to the annexation territory. Water service is available from an existing 12-inch waterline in 12<sup>th</sup> Street and an exiting 8-inch waterline in a public utility easement on adjacent property to the east. Sanitary sewer can be extended from an existing 48-inch line in 12<sup>th</sup> Street. The existing sewer is the City's west side interceptor and has capacity to support development on the proposed annexation territory. Stormwater drainage will be accommodated by an existing ditch which runs along the north property line and the south side of the railroad right-of-way.*

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

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

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

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

**Applicants' Statement:** *The territory is accessed by a 60-foot wide flag access strip connecting to 12<sup>th</sup> Street. No additional right-of-way is needed along the annexation territory. The proposed annexation complies with LAO Section 10.*

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

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

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

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

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

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

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

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

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

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

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

**Applicants' Statement:** *The application is for annexation of industrially designated territory within the City's urban growth boundary and contiguous with the City limits. The Lebanon Comprehensive Plan states, "The City shall maintain a supply of diverse, serviceable industrial lands that provide choices in the marketplace to attract desirable industries, particularly light manufacturing and nonpolluting industries, in support of the City's economic development program."(Land Use Policy P-37). The proposed annexation provides land for industrial uses in an appropriate, serviceable area. Therefore, the proposed annexation complies with LCP Urbanization Policies P-27 and P-30.*

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

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

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

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

### Conclusion:

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

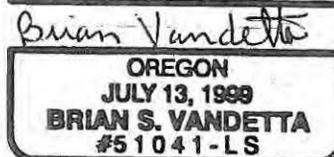
# NORMAN B. AND MILDRED STECKLEY

## Annexation Legal Description

### Exhibit A

An area of land in the Southwest 1/4 of Section 3 and the Northwest 1/4 of Section 10, Township 12 South, Range 2 West, Willamette Meridian, Linn County, Oregon being more particularly described as follows:

Beginning at a 5/8" iron rod marking the Northwest corner of Parcel 1 of Linn County Partition Plat 2006-103 and being on the South Right-of-Way of the Southern Pacific Railroad; thence South 00°35'15" East 1531.10 feet to a 5/8" iron rod marking the Southwest corner of said Parcel 1; thence North 89°17'47" East 382.56 feet to a 5/8" iron rod on the West Right-of-Way of 12<sup>th</sup> Street; thence South 00°42'13" East along said Right-of-Way 60.00 feet; thence Leaving said West Right-of-Way South 89°17'47" West 382.56 feet; thence along the arc of a 60.00 foot radius curve to the right 94.37 feet (chord bearing North 45°38'44" West 84.94 feet); thence North 00°35'15" West 931.10 feet; thence South 89°24'45" West 190.00 feet; thence North 00°35'15" West 715.77 feet to the South Right-of-Way of the Southern Pacific Railroad; thence along said South Right-of-Way South 65°44'26" East 275.50 feet to the point of beginning.



**LEGEND**

- MONUMENT FOUND AS NOTED
- FD FOUND
- ( ) DATA OF RECORD PER C.S. 23465
- IR IRON ROD
- IP IRON PIPE

ANNEXATION MAP

**NORMAN B. AND MILDRED STECKLEY**

SW 1/4 SEC. 3 AND NW 1/4 SEC. 10 T. 12 S., R. 2 W., W.M.  
LINN COUNTY, OREGON

JANUARY 7, 2008

**PROPERTY:**

985 TANGENT STREET  
LEBANON, OREGON 97355  
A PORTION OF  
MAP: 12S-2W-10B  
TAX LOT: 300

**OWNER:**

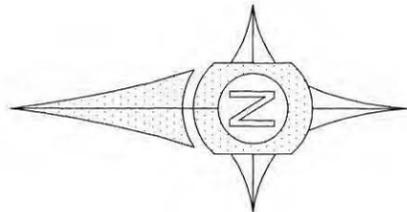
NORMAN B. STECKLEY  
MILDRED STECKLEY  
2850 HERON LOOP SE  
ALBANY, OREGON 97322

**APPLICANT:**

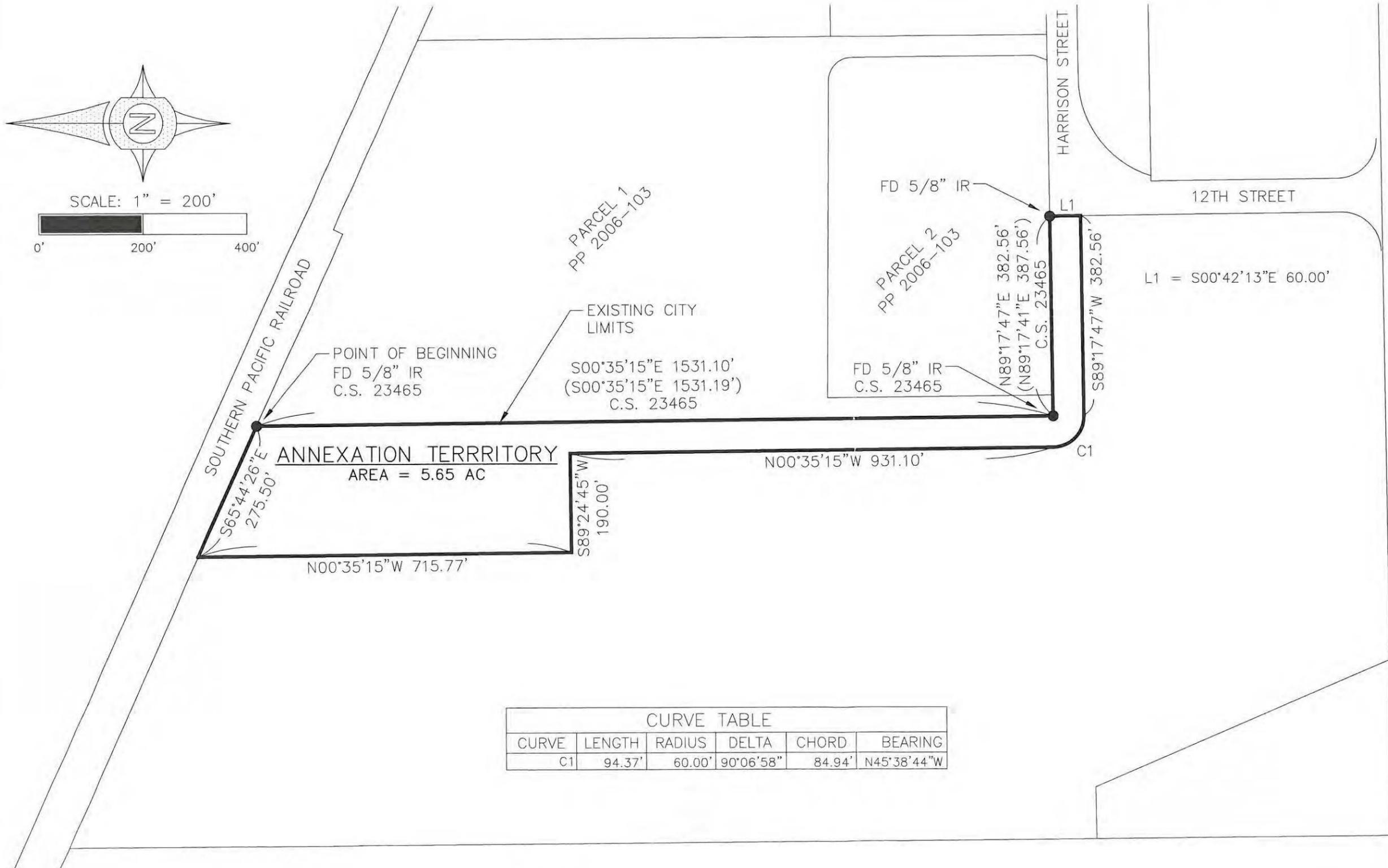
NORMAN B. STECKLEY  
MILDRED STECKLEY  
2850 HERON LOOP SE  
ALBANY, OREGON 97322

**SURVEYOR:**

BRIAN VANDETTA  
UDELL ENGINEERING &  
LAND SURVEYING, LLC  
63 EAST ASAH STREET  
LEBANON, OREGON 97355



SCALE: 1" = 200'



**ANNEXATION TERRITORY**  
AREA = 5.65 AC

S89°24'45"W  
190.00'

N00°35'15"W 715.77'

N00°35'15"W 931.10'

S00°35'15"E 1531.10'  
(S00°35'15"E 1531.19')  
C.S. 23465

POINT OF BEGINNING  
FD 5/8" IR  
C.S. 23465

PARCEL 1  
PP 2006-103

PARCEL 2  
PP 2006-103

FD 5/8" IR  
C.S. 23465

N89°17'47"E 382.56'  
(N89°17'41"E 387.56')  
C.S. 23465

S89°17'47"W 382.56'

L1 = S00°42'13"E 60.00'

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD	BEARING
C1	94.37'	60.00'	90°06'58"	84.94'	N45°38'44"W

TANGENT DRIVE (HWY 34)

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Brian Vandetta*

OREGON  
JULY 13, 1999  
BRIAN VANDETTA  
51041-LS  
EXPIRES 06-30-2008

**Udell**  
ENGINEERING &  
LAND SURVEYING, LLC  
63 EAST ASH ST.  
LEBANON, OREGON  
97355

PH. (541) 451-5125  
FAX (541) 451-1366

CONNECT OREGON - ANNEX.DWG

SHEET 1 OF 1

A-08-01

# CITY OF LEBANON

- B. Partitioning requirements are established in the Lebanon Subdivision Ordinance, Article 5. Submission requirements are noted in Section 5.01.

FINDINGS: For the record, the applicant submitted the required information and City staff deemed the application complete.

- C. Section 5.02 requires the Planning Commission to review partitions that create new public or private streets. Otherwise, a partition may be reviewed by staff.

FINDINGS: This action does not require the creation of a public or private street and therefore does not require Planning Commission review.

- D. Partitioning requirements, as to form and general information are contained in Sections 5.03, 5.04 and 5.05.

FINDINGS: For the record, the submitted partition plan and information comply with the applicable provisions in these Sections.

- E. The partitioning review requirements are contained in Section 5.06. Upon receipt, the Planning Official shall review the tentative plan map and supplementary data with all affected public and private agencies and the City Engineer. If it is determined that the proposed partition is consistent with the Comprehensive Plan and other related ordinances of the City and that adequate vehicular access and utilities can be provided, the Planning Official and City Engineer may grant administrative approval of the proposal without submitting it to the Planning Commission.

FINDINGS: The Comprehensive Plan addresses partitions under Chapter 8:

***Chapter 8 of LCP, Policy 9: "Require that land partitioning and subdivision be planned to facilitate the efficient extension of public facilities and services and accommodate land development at planned urban densities."***

Essentially, the Plan requires the newly divided property to meet requirements of the underlying zone, provide sufficient access and ensure public facilities are available. For the purpose of this criterion staff notes subsequent findings will show the proposed Parcel 1 is fully serviceable and is capable of urban-levels of development, thereby complying with provisions of the Plan.

- F. Development requirements for the ML zone are found in the Lebanon Zoning Ordinance. Pursuant to Section 4.210, there are no minimum lot area requirements in the Limited Industrial Zone.

FINDINGS: Based on these provisions, the ML zoned portion of the subject property is in compliance with the Zoning Ordinance. Further, setbacks are not an issue as there are no buildings on the property.

# CITY OF LEBANON

- G. Development Ordinance Section 5.020 (Access) requires every lot to abut a street other than an alley for a minimum width of 20 feet.

FINDINGS: This requirement only applies to Parcel 1. This proposed Parcel maintains at least 60-feet of frontage along 12<sup>th</sup> Street. For the record, Parcel 2 (located within the County) maintains over 500-feet of frontage along a public street.

- H. Staff finds that the proposal is in conformance with the applicable requirements and circumstances related to the request. Recognizing circumstances can change over time; staff will require the applicant to record the final plat within one year of the final decision regarding this case.
- I. No further improvements are proposed as part of this request. The applicant is advised this partition simply allows the division of the property. New development, additional development or redevelopment of the individual parcels may be subject to additional land use reviews.

### III. CONCLUSION

Based on the above findings, City staff concludes the proposal complies with the applicable decision criteria for a Partition.

### IV. DECISION AND CONDITIONS OF APPROVAL

Notice is hereby given that the City of Lebanon **GRANTS PRELIMINARY APPROVAL** to the proposed Partition subject to the following Conditions of Approval:

- A. A final partition plat, complying with provisions in ORS Chapter 92, shall be completed by a registered land surveyor and submitted to the City for approval within one year and shall comply with the following:
1. The final plat shall substantially conform to the submitted proposal, provided all property currently within the City limits shall be included in Parcel 1.
  2. Completion of the final partitioning plat shall comply with applicable requirements in the Lebanon Subdivision Ordinance and shall be recorded within one year of the final date of approval.
- B. The applicant is advised that any new development, additional development or redevelopment of the individual parcels may be subject to additional land use reviews.

# CITY OF LEBANON

- C. Compliance with these conditions shall be the sole responsibility of the developer.

## V. OTHER PERMITS AND RESTRICTIONS

The Applicant is herein advised that the use of the property involved in this application may require additional permits from the City or other local, State or Federal agencies.

The City of Lebanon land use and review and approval process does not take the place of, or relieve the Applicant of responsibility for acquiring such other permits, or satisfy any restrictions or conditions thereon. The land use permit approval herein does not remove, alter or impair in any way any covenants or restrictions imposed on this property by deed or other instrument.

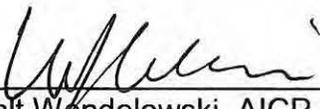
## VI. APPEALS

This action will be official in 15 days. If you disagree with the decision or conditions of approval, you may appeal the decision. The appeal will be heard by the Lebanon Planning Commission.

This action is final unless appealed to the Lebanon Planning Commission within fifteen (15) calendar days from the date of this notice. **The appeal must be received at the Community Development Center by 5:00 PM on Tuesday, May 20, 2008.** Only the applicant and/or a party receiving a copy of this decision may appeal this land use decision. The appeal must be submitted on the form prescribed by City Council, include the required appeal fee of \$250.00, and state the purpose of the appeal, identifying specific criteria which the application fails to meet.

Should you wish to appeal this action, or have any questions regarding this project, please contact the Lebanon Planning Division at (541) 258-4906, for further information.

Sincerely,

  
\_\_\_\_\_  
Walt Wendolowski, AICP  
Community Development Manager

5-5-2008  
Date

OTG



**CERTIFICATE OF MAILING  
OF LAND USE DECISION –  
Limited Land Use**

**Planning File No.: MLP-08-04**

**Applicant: Steckley**

I, JAMIE BILYEU-LIBRA, of the City of Lebanon Planning Division, HEREBY CERTIFY that on May 5, 2008, I did personally mail, via US mail with first class postage prepaid, the following:

**Notice Of Decision** for Minor Land Partition regarding property at Township 12S – Range 2W – Sect 10B; Tax Lot(s) 300;

to the following:

1. The applicant and its representatives; and
2. Any other interested party who requested a copy of the decision (NONE).

A handwritten signature in blue ink that reads "Jamie Bilyeu-Libra".

---

Jamie Bilyeu-Libra, Administrative Assistant  
Planning Division - City of Lebanon

010



## NOTICE OF LAND USE APPLICATION LAND PARTITION

---

<b>APPLICANT:</b>	Norman B. & Mildred Steckley	<b>DATE OF MAILING:</b>	April 15, 2008
<b>LOCATION:</b>	985 Tangent Street / 12th Street	<b>FILE NO.:</b>	MLP-08-04
<b>MAP &amp; TAX LOT NO:</b>	T12S-R02W-10B; 300	<b>ZONING:</b>	Limited Industrial (ML)
<b># OF MAILING:</b>	35 (surrounding property owners and other interested parties)		
<b>REQUEST:</b>	Divide a 46.55 acre parcel into two (2) parcels – Parcel 1 = 5.65 ac; Parcel 2 = 40.90 ac. See attached site plan on back.		

---

State and local laws require that the City give notice of the application to property owners within 100 feet of the proposed land partition. We invite your comments on this application. They may be incorporated into conditions of approval. Your comments should relate to the criteria listed below.

**The deadline for submission of written comments is prior to 5:00 pm on Wednesday, April 30, 2008.**

**Review Criteria:** The City will approve the Land Partition request if the applicant can meet all of the following criteria that are applicable to the proposed request:

1. The proposed partition complies with the requirements of Lebanon Subdivision Ordinance, Article 5 – Land Partitions;
2. The proposed partition complies with the minimum lot size and width requirements of the Limited Industrial Zone, as specified in Lebanon Zoning Ordinance 4.210.
3. The proposed partition will comply with the setback or required yard development standards for the Limited Industrial Zone as specified in the Lebanon Zoning Ordinance.
4. The proposed partition complies with the street access requirements of the Lebanon Zoning and Subdivision Ordinances.
5. The proposed partition is consistent with the Lebanon Comprehensive Plan and other related City Ordinances and that adequate vehicular access and utilities can be provided.

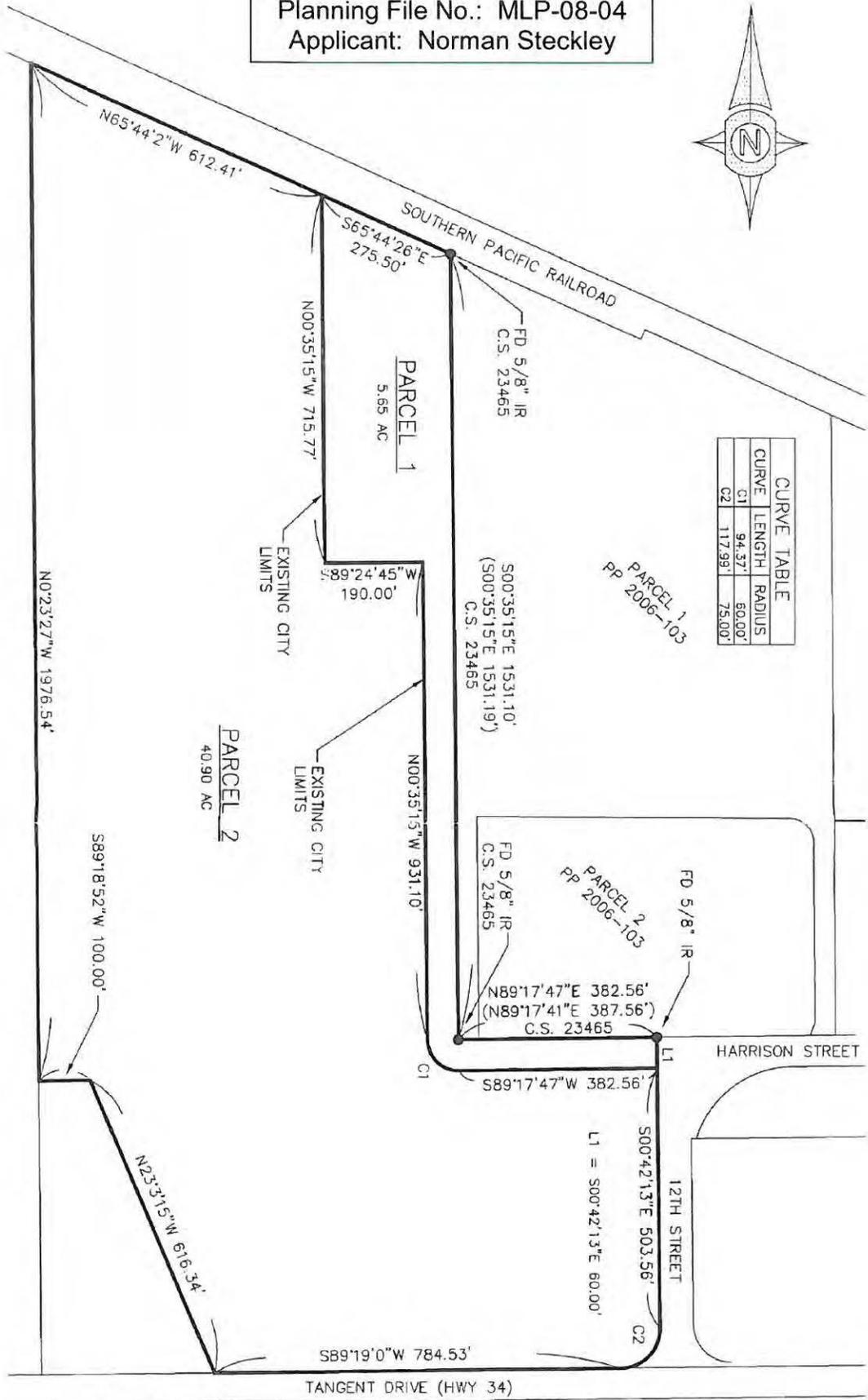
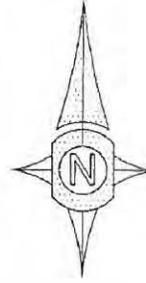
All evidence relied upon by the applicant in presenting this case is available for review at the Lebanon Planning Division, and copies can be obtained for a minimal charge. Should you wish to discuss this case with City Planning Staff, please visit our office or telephone 258-4906, or address any comments to the Lebanon Planning Division, 853 Main Street, Lebanon, Oregon 97355.

The City will provide notice of its decision to the applicant, anyone who provided testimony, and any party requesting a copy of the decision. Under the provisions of the Lebanon Zoning Ordinance, a Land Partition decision may be appealed to the Lebanon Planning Commission. Only the applicant and/or a party who receives a copy of the decision have rights to appeal the land use decision. The appeal must be submitted on the appeals form as prescribed by City Council with appropriate fee paid, and must set forth the criteria issues that were raised which the applicant or party deemed itself aggrieved.

OTG

# CITY OF LEBANON

Planning File No.: MLP-08-04  
 Applicant: Norman Steckley



CURVE TABLE

CURVE	LENGTH	RADIUS
C1	94.37'	60.00'
C2	117.99'	75.00'

OTG



**CERTIFICATE OF MAILING  
OF LEGAL NOTICE –  
Limited Land Use**

**Planning File No.:** Norman B. & Mildred Steckley

**Applicant:** MPL-08-04

I, JAMIE BILYEU-LIBRA, of the City of Lebanon Planning Division, HEREBY CERTIFY that on April 15, 2008, I did personally mail, via US mail with first class postage prepaid, the **Notice Of Land Use Application** (Exhibit A) for a(n) Minor Land Partition of the following property:

Township 12S – Range 2W – Sect 10B; Tax Lot(s) 300

to the following:

1. Property owners within 150 feet of the subject tax lot as indicated on the attached list (Exhibit B); and
2. Persons and/or Entities on the City of Lebanon's standard notice distribution list (Exhibit C).

A handwritten signature in blue ink that reads "Jamie Bilyeu-Libra".

\_\_\_\_\_  
Jamie Bilyeu-Libra, Administrative Assistant  
Planning Division - City of Lebanon

OTG



# Limited Land Use Notice Distribution List

**Applicant:** Norman B. & Mildred Steckley

**File No.:** MLP-08-04

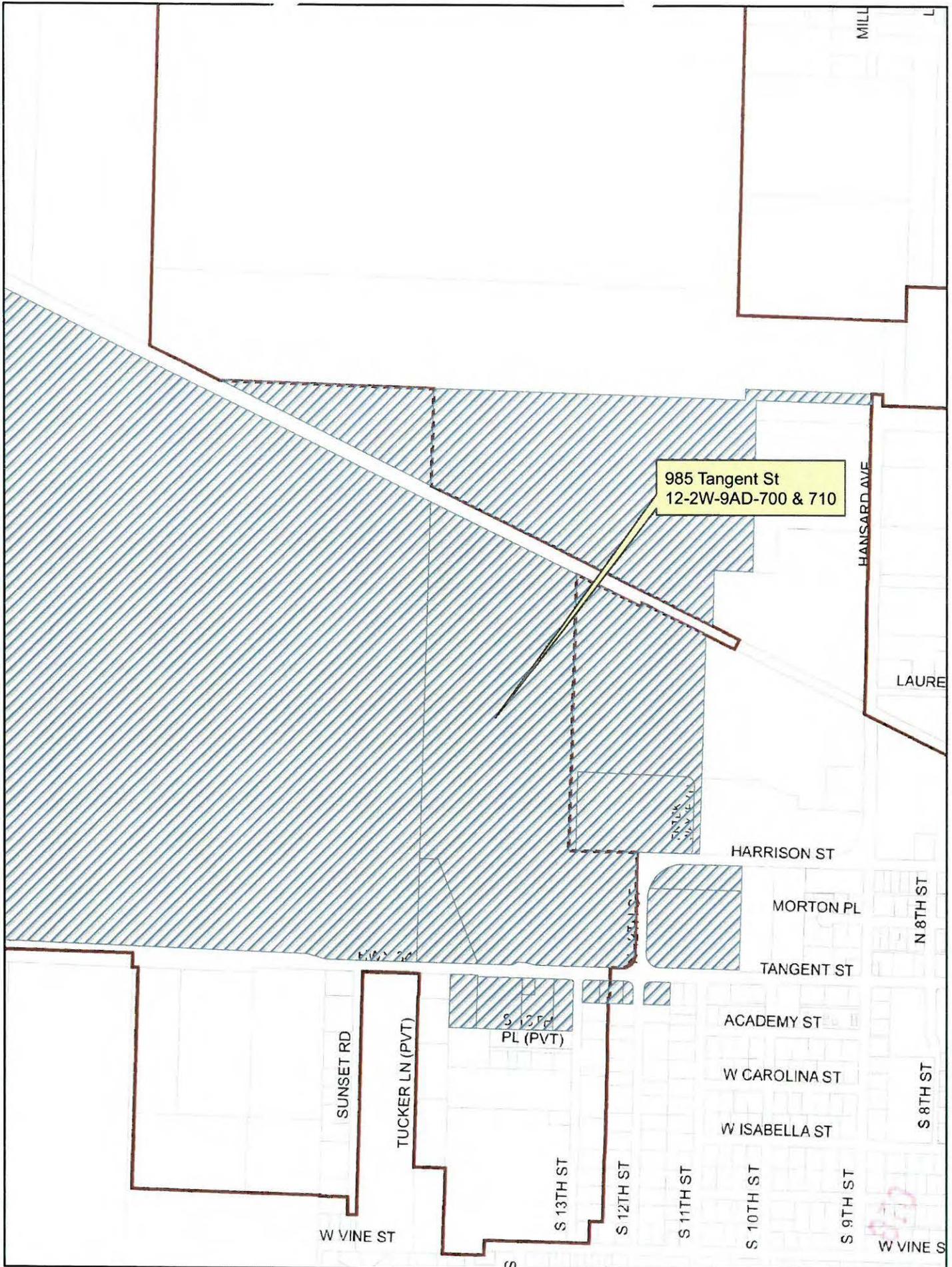
**Notice:**

1. Albany Democrat Herald (will-call box)
2. Allied Waste Services, PO Box 1929, Albany, OR 97321
3. Applicant(s) and Professional Representative(s)
4. CenturyTel, PO Box 337, Lebanon, OR 97355
5. Consumer Powers, Inc., 36634 Oak Street, Lebanon, OR 97355
6. Ed Patton, Senior Development Engineer
7. Jamie Libra, CD Administrative Assistant
8. Jason Yutzie, Boys & Girls Club, 305 S. 5<sup>th</sup> Street, Lebanon, OR 97355
9. Jim Robinson, Lebanon School District, 485 S 5<sup>th</sup> Street, Lebanon, OR 97355
10. Jim Ruef, Public Works Director
11. John Hitt, City Manager
12. KGAL, PO Box 749, Albany, OR 97321
13. Lebanon Chamber of Commerce, 1040 Park Street, Lebanon, OR 97355
14. Lebanon Express (will-call box)
15. Linn County Commissioners, PO Box 100, Albany, OR 97321
16. Mark Wilson, Lebanon Fire Department (mailbox at CDC)
17. Mike Healy, Lebanon Police Chief
18. Mike Schulte, Lebanon Police Captain
19. NW Natural Gas, P.O. Box 6017, Portland, Oregon 97228-6017
20. Pacific Power, PO Box 248, Albany, OR 97321
21. Planning Commission
22. Surrounding Property Owners - (100 feet minimum) 14-day notice for land use hearing
23. Terry Lewis, Assistant Planner
24. Thomas McHill, City Attorney
25. Walt Wendolowski, Community Development Manager

**Site Specific:**

1. Grand Prairie Water District, c/o Bob McCann, 201 W 1st Ave. Albany, OR 97321
2. Oregon Pilots Association, Lebanon Chapter, ~~PO Box 727~~, Lebanon, OR 97355
3. Chris Cummings, OR Department of Aviation, 3040 25th St. SE Salem, OR 97302-1125
4. Federal Aviation Association, 3180 NW 229th Avenue, Hillsboro, Oregon 97124
5. Darrin Lane – Linn Co. Roadmaster, 3010 Ferry Street SW, Albany, OR 97322
6. Albany Canal, City of Albany, PO Box 490, Albany, OR 97321
7. John deTar, ODOT, 3700 SW Philomath Blvd, Corvallis, OR 97333

**OTG**



985 Tangent St  
12-2W-9AD-700 & 710

MILL

HANSARD AVE

LAURE

HARRISON ST

MORTON PL

TANGENT ST

ACADEMY ST

W CAROLINA ST

W ISABELLA ST

SUNSET RD

TUCKER LN (PVT)

S 13TH ST  
PL (PVT)

S 13TH ST

S 12TH ST

S 11TH ST

S 10TH ST

S 9TH ST

W VINE ST

N 8TH ST

S 8TH ST

W VINE ST

2020

OTG

PIN	OWNADDR1	OWNADDR2	OWNADDR3	OWNADDR4	OWNADDR5
12S02W04 00400	STECKLEY, NORMAN B, TR	STECKLEY, MILDRED, TR	2850 HERON LOOP SE	ALBANY OR 97322-0000	
12S02W04 00401	STECKLEY, NORMAN B, TR	STECKLEY, MILDRED, TR	2850 HERON LOOP SE	ALBANY OR 97322-0000	
12S02W03C 02000	ALBANY LEBANON INVESTMENTS LLC	C/O BRIAN LOOPER	PO BOX 127	LEBANON OR 97355-0000	
12S02W10B 00300	STECKLEY, NORMAN B, TR	STECKLEY, MILDRED, TR	2850 HERON LOOP SE	ALBANY OR 97322-0000	
12S02W10B 00100	WESTERN WAREHOUSING LLC	C/O LARRY KEITH	250 HANSARD AVE	LEBANON OR 97355-0000	
12S02W10B 00102	WESTERN WAREHOUSING LLC	C/O LARRY KEITH	PO BOX 39	LEBANON OR 97355-0000	
12S02W10B 00400	SUTER, PAUL	SUTER, VIRGINIA M	36755 HIGHWAY 34	LEBANON OR 97355-9660	
12S02W10B 00103	WESTERN WAREHOUSING LLC	C/O LARRY KEITH	PO BOX 39	LEBANON OR 97355-0000	
12S02W10B 00200	WEATHERLY, ROBERT E, SR, TR	WEATHERLY, MARY J, TR	PO BOX 535	LEBANON OR 97355-0000	
12S02W10BC05800	JONES, SIDNEY O, TR	295 RUSSELL DR	LEBANON OR 97355-0000		
12S02W10BC05700	EVANS, ELIZABETH L	1929 GRAND PRAIRIE RD SE APT 212	ALBANY OR 97322-0000		
12S02W10BC05600	BIRRUETA, ESPERANZA S	2389 STEIWER RD SE	JEFFERSON OR 97352-0000		
12S02W10BC05500	BIRRUETA, CELESTINO O	36802 HIGHWAY 34	LEBANON OR 97355-0000		
12S02W10BC05400	GRIMES, DANNY J	GRIMES, SHIRLEY A	36816 HIGHWAY 34	LEBANON OR 97355-9660	
12S02W10BC05300	CALDWELL, ROBERT E	1190 TANGENT ST	LEBANON OR 97355-2158		
12S02W10BC05301	LUSBY, BILLIE E	ERTL, KENNETH AGT	C/O KENNETH ERTL	PO BOX 2009	LEBANON OR 97355-0983
12S02W10BC02600	LUSBY, BILLIE E	ERTL, KENNETH AGT	PO BOX 2009	LEBANON OR 97355-0000	
12S02W10BC02601	DEPIERO, STEVE	DEPIERO, MICHELLE	PO BOX 52	LEBANON OR 97355-0000	
12S02W10BC02500	WEATHERLY, ROBERT E, SR, TR	WEATHERLY, MARY J, TR	4780 BECKER CIR SE	ALBANY OR 97322-0000	

EXHIBIT B

OTG



853 Main Street  
Lebanon, Oregon 97355  
(541) 258-4906 (phone)  
(541) 258-4955 (fax)

### Land Partition Application

Request for a Land Partition to divide an area of land into two or three parcels.

#### Basic Information about the Site and Proposal

Current Site Address: 985 TANGENT STREET

Nearest Cross Street or Road: 12TH STREET

Comprehensive Plan Designation: C-IND INDUSTRIAL

Zoning Designation: ML LIMITED INDUSTRIAL

Legal Description: (attach copy)

Assessor's Map and Tax Lot Number(s): 12S-2W-10B TAX LOT 300

#### Ownership

Name of Applicant: NORMAN STECKLEY Phone: \_\_\_\_\_

Address: 2850 HERON LOOP City: ALBANY State: OR Zip: 97322

Applicant's interest in property (owner, buyer, lessee, etc.): OWNER

Applicant's Agent or Representative: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Engineer/Surveyor: BRIAN VANDETTA Business Name: UDELL ENGINEERING

Address: 63 E. ASH ST. City: LEB State: OR Zip: 97355

#### Please submit the following:

- One (1) copy of this form.
- Ten (10) full-size copies and one (1) photocopy reproducible copy (11" x 17" max.) of the site plan and other materials essential to understanding the proposal.
- A filing fee of \$ 850.00, (Planning \$700 / Engineering \$150) Make check payable to the *City of Lebanon*.

#### FOR OFFICE USE ONLY:

File # MLP.08.04

Date Received: 3/6/08

Received By: [Signature]

Completeness: \_\_\_\_\_

Date Complete: \_\_\_\_\_

Payment Info: \_\_\_\_\_

Receipt No: \_\_\_\_\_

OTG

Each current property owner of record must sign the application, or provide a letter authorizing an agent or representative to act on his or her behalf.

In signing this application, I hereby grant the City of Lebanon or its representative my permission to enter and evaluate my property for the purpose of processing this application.

Signature of All Owners:

- |  |   |       |
|--|---|-------|
|  | <b>Norman B. Steckley, Trustee of the<br/>Norman B. Steckley Revocable Living Trust</b>         |       |
| 1. <u><i>Norman Steckley</i></u>             | _____   | _____ |
| Signature                                    | Printed Name  | Phone |
| <u>2850 Heron Loop, Albany, Oregon 97322</u> | <u>Telephone: (541) 928-5084</u>  |       |
| Address                                      |   |       |
| 2. <u><i>Norman Steckley</i></u>             | <b>Norman B. Steckley, Successor Trustee of the<br/>Mildred Steckley Revocable Living Trust</b> |       |
| Signature                                    | Printed Name  | Phone |
| <u>2850 Heron Loop, Albany, Oregon 97322</u> | <u>(541) 928-5084</u>   |       |
| Address                                      |   |       |

If you have any questions or concerns, please contact Edward F. Schultz, Weatherford, Thompson, Cowgill, Black & Schultz, P.C., 130 West First Avenue, Albany, Oregon 97321 - (541) 926-2255.

016

**Connect Oregon  
City of Lebanon**

**Lebanon Municipal Code**

**Title 16 (Land Division)**

The proposed tentative Land Division was prepared in accordance with the Lebanon Municipal Code and Ordinance No. 1774 (1980). In addition to the prepared tentative subdivision the following section is addressed.

16.16.060

- A. Adequacy and source of water supply:

**The proposed subdivision will be served by the City of Lebanon's water system. This will be done by connecting to a 12" main adjacent to the East property line of subject property. Each lot will be provided an individual water service hook-up.**

- B. Proposed method of sanitary sewage disposal:

**The proposed subdivision will be served by the City of Lebanon's sanitary sewage system. This will be done by installing private service lines from the 48" mainline in Harrison Street to each lot in the development in conformance with the City of Lebanon's standards for construction of Public Utilities. Each lot will be provided with an individual sewer service hook-up.**

- C. Proposed method for disposal of storm water run off:

**The proposed development will drain to existing drainage ditch along North property line and then on to Burkhart Creek which is the current path of surface waters from this site.**

- D. Protective covenants and deed restrictions to be recorded, if any:

**There are no known covenants or deed restrictions at this time. Copies of deed covenants and restrictions will be submitted for review with the final subdivision plat if any are deemed necessary.**

- E. The time the proposed improvements are to be made or installed:

**The proposed Land Division is planned for construction to begin in summer of 2008.**

OTG

**LEGEND**

- MONUMENT FOUND AS NOTED
- FD FOUND
- ( ) DATA OF RECORD PER C.S. 23465
- IR IRON ROD
- IP IRON PIPE

TENTATIVE PLAT  
**NORMAN B. AND MILDRED STECKLEY**

SW 1/4 SEC. 3 AND NW 1/4 SEC. 10 T. 12 S., R. 2 W., W.M.  
 LINN COUNTY, OREGON

FEBRUARY 22, 2008

**PROPERTY:**

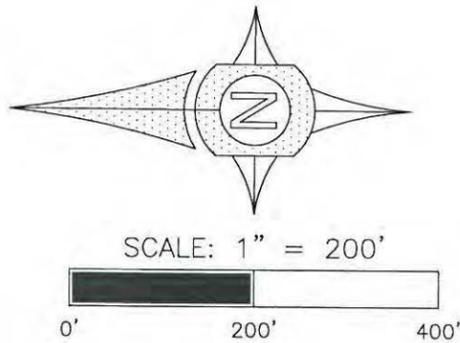
985 TANGENT STREET  
 LEBANON, OREGON 97355  
 A PORTION OF  
 MAP: 12S-2W-10B  
 TAX LOT: 300

**OWNER:**

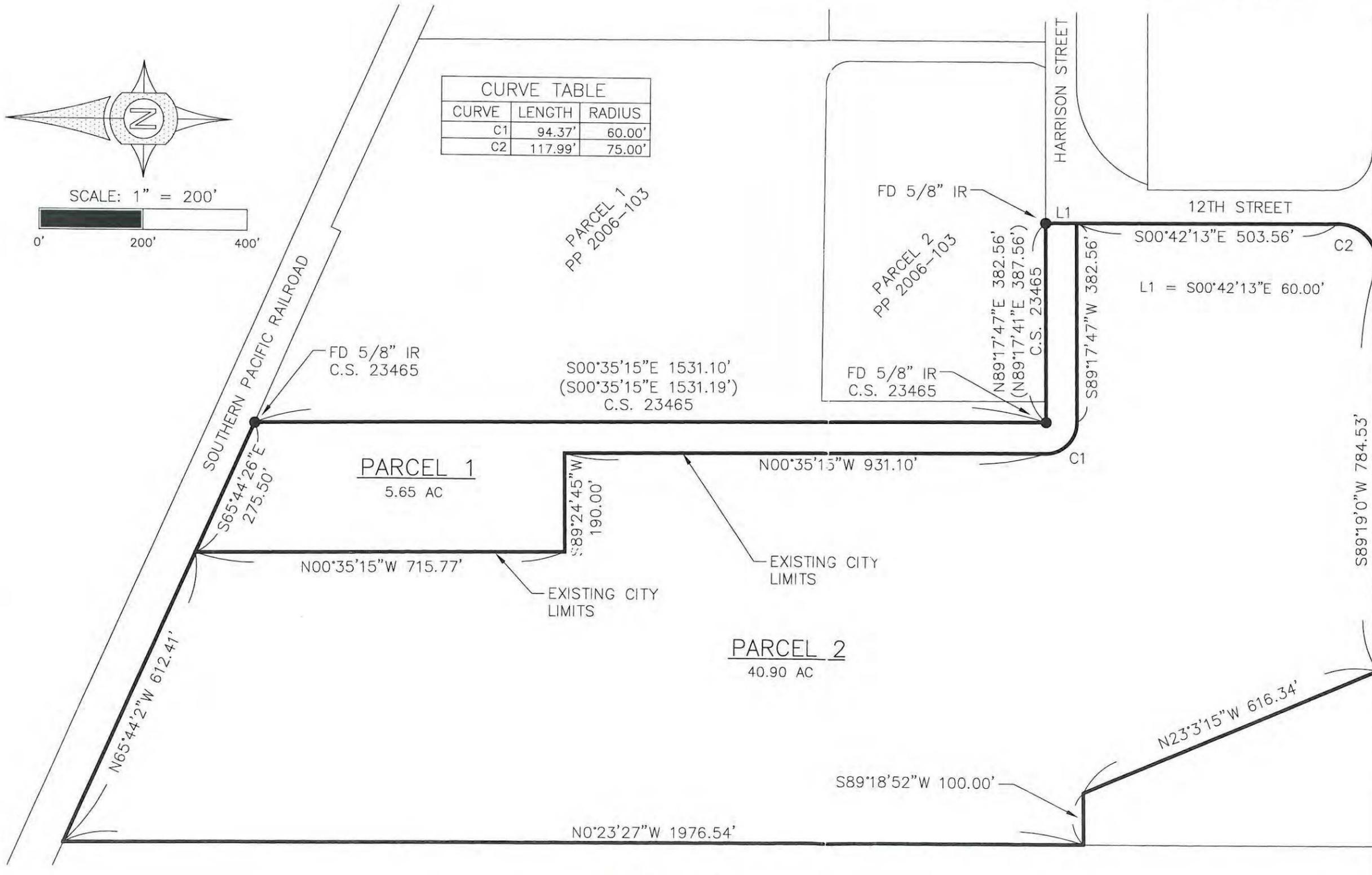
NORMAN B. STECKLEY  
 MILDRED STECKLEY  
 2850 HERON LOOP SE  
 ALBANY, OREGON 97322

**APPLICANT:**

NORMAN B. STECKLEY  
 MILDRED STECKLEY  
 2850 HERON LOOP SE  
 ALBANY, OREGON 97322



CURVE TABLE		
CURVE	LENGTH	RADIUS
C1	94.37'	60.00'
C2	117.99'	75.00'



MLP-08-04

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