

Memorandum Date: April 8, 2008  
Order Date: May 7, 2008

W. Z. E. I.

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**TO:** Board of County Commissioners  
**DEPARTMENT:** Public Works  
**PRESENTED BY:** Frank Simas, Right of Way Manager  
**AGENDA ITEM TITLE:** In The Matter of Entering into an Intergovernmental Agreement with Lowell Rural Fire Protection District Concerning the Place Road Stockpile Site.

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**I. MOTION**

THAT THE ORDER BE APPROVED AUTHORIZING THE COUNTY ADMINISTRATIVE OFFICER TO SIGN THE INTERGOVERNMENTAL AGREEMENT.

**II. AGENDA ITEM SUMMARY**

The Lowell Rural Fire Protection District has received a grant to fund the installation of a 10,000 gallon water storage tank to enhance fire suppression services within the District. The Place Road Stockpile Site, owned by Lane County as a Road Fund Asset, is strategically located relative to the District's water source and the existing District fire stations and will allow efficient use of District equipment when responding to fires in the immediate area.

The District, through its Board of Directors and Chief, has requested to use a portion of the Stockpile Site for installation of the tank and appurtenances, and have requested a 10-year lease.

**III. BACKGROUND/IMPLICATIONS OF ACTION**

**A. Board Action and Other History**

Lane County has owned the Stockpile site since 1959. It is a Road Fund asset and is identified as Lane County Assessor's Tax Lot 200 on Map 18-01-33-30. The parcel is currently used for the storage of rock and other materials needed to support road maintenance operations in Road Maintenance Zone 3.

The parcel is approximately 2.5 acres in size and is of ample size for the current and foreseeable future use for road maintenance operations and to accommodate the proposed water tank installation.

The District has requested to enter into an Intergovernmental Agreement (IGA) wherein the District would site the concrete slab and the water

storage tank on a portion of the property not currently needed for road maintenance use in return for control of weeds and other undesirable vegetation within the boundaries of the County parcel, but around its perimeter, in accordance with adopted Lane County Integrative Vegetation Management guidelines.

The area requested is 23 by 13 feet in size and is identified as the "Exclusive Use Area" in the attached Exhibit A. An additional area will be used jointly by the District and Lane County and is labeled "Non-exclusive use area". This area is needed to allow the maneuvering of fire apparatus when filling or drawing from the tank.

The term of the agreement would be for approximately 10 years, ending December 31, 2018, but could be terminated upon written notice given by either party upon 30 days written notice.

**B. Policy Issues**

This property is a Road Fund Asset. The proposed use by the Fire District is minimal relative to its overall size and with respect to having minor impact on the overall usage of the property by Lane County. Provision of vegetation control will relieve the County of an ongoing expense during the term of the Agreement and allowing use for the tank placement will enhance the delivery of fire protection services by the District to the citizens of this portion of Lane County.

**C. Board Goals**

This project addresses the County Goal of contributing to "appropriate community development in the area of transportation and telecommunications infrastructure, housing, growth management and land development."

**D. Financial and/or Resource Considerations**

This agreement will not result in any cost to the Road Fund.

**E. Analysis**

ORS 271.310 provides for lease of real property not needed for public use, and usage by the District will not result in cost to the Road Fund. If the County property were to be sold and converted to another use, the cancellation provision would allow termination. In addition, the location of the leased area on the property would allow the property to be used for another purpose while the tank remains, if desired, (i.e. a home site) with

minimal impact on value.

**F. Alternatives/Options**

1. Approve the Order authorizing the execution of the Intergovernmental Agreement by the County Administrative Officer.
2. Deny the Order and direct staff otherwise.

**IV. TIMING/IMPLEMENTATION**

If the Board approves the Order, Public Works staff will process the IGA for signature by the County Administrative Officer.

**V. RECOMMENDATION**

Option 1.

**VI. FOLLOW-UP**

N. A.

**VII. ATTACHMENTS**

Exhibit A - Property Map



**IN THE BOARD OF COUNTY COMMISSIONERS  
OF LANE COUNTY, OREGON**

**ORDER NO.**

( **IN THE MATTER OF ENTERING INTO AN  
( INTERGOVERNMENTAL AGREEMENT WITH  
( LOWELL RURAL FIRE PROTECTION  
( DISTRICT CONCERNING THE PLACE ROAD  
( STOCKPILE SITE**

**WHEREAS**, ORS 190.010 and the Lane County Home Rule Charter provide that units of local government may enter into agreements for the performance of any and all functions and activities that a party to the agreement, its officers or agents have the authority to perform; and

**WHEREAS**, the Lowell Rural Fire Protection District has requested to enter into an Intergovernmental Agreement (IGA) to allow the use of a portion of a County-owned Road Fund property known as the Place Road Stockpile Site for the placement of a water storage tank to enhance fire protection services within the District's operating area; and

**WHEREAS**, the proposed IGA includes a lease of a portion the stockpile site for a term ending on December 31, 2018 and ORS 271.310 provides for such leases; and

**WHEREAS**, Lowell Rural Fire Protection District has agreed to provide vegetation control services within the boundaries to the Stockpile Site in accordance with Lane County adopted Integrative Vegetation Management Guidelines during the term of the agreement, thereby relieving Lane County of an ongoing expense; **NOW THEREFORE**,

**IT IS ORDERED** that the County Administrative Officer is authorized to execute an Intergovernmental Agreement in conformance with this Order.

**DATED** this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
Chair,  
Board of County Commissioners

APPROVED AS TO FORM

Date: 4-23-08 Lane County

  
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OFFICE OF LEGAL COUNSEL