

LEBANON CITY COUNCIL AGENDA

July 11, 2018 (6:00 p.m.)

Santiam Travel Station
750 3rd Street, Lebanon, Oregon

Mayor Paul Aziz

Councilor Jason Bolen
Councilor Robert Furlow

Council President Bob Elliott
Councilor Rebecca Grizzle

Councilor Floyd Fisher
Councilor Wayne Rieskamp

MISSION STATEMENT

The City of Lebanon is dedicated to providing exceptional services and opportunities that enhance the quality of life for present and future members of the community.

CALL TO ORDER / FLAG SALUTE

ROLL CALL

APPROVAL OF COUNCIL MINUTES: June 13 Regular Session & June 27, 2018 Noon Session Minutes

CONSENT CALENDAR: *The following item(s) are considered routine and will be enacted by one motion. There will not be a separate discussion of these items unless a Councilor so requests. In this case, the item(s) will be removed from the Consent Calendar and considered separately.*

AGENDA: Lebanon City Council Agenda – July 11, 2018
BOARD MINUTES: Arts Commission – May 21, 2018
Planning Commission – May 16, 2018

PROCLAMATION / PRESENTATION / RECOGNITION:

- Declaring July 26 as Americans with Disabilities Act Day, proclamation read by Mayor Aziz
- Declaring August 7 as National Night Out, proclamation read by Mayor Aziz

PUBLIC COMMENTS: *The Council welcomes all respectful comments regarding the City's business. Citizens may address the Council by approaching the microphone, signing in, and stating their name and address for the record. Each citizen is provided up to 5 minutes to provide comments to the Council. The Council may take an additional two minutes to respond. The City Clerk will accept and distribute written comments at a speaker's request.*

PUBLIC HEARING(S):

1) Request for Comprehensive Plan Map & Zone Map Change – Hickey (PF #18-04-11)

Presented by: Walt Wendolowski, Community Development Director

Approval/Denial by **ORDINANCE BILL NO. 2018-9, ORDINANCE NO. 2916**

2) Request for Comprehensive Plan Map & Zone Map Change – Gleanns at Riverplace, LLC (PF #18-05-16)

Presented by: Walt Wendolowski, Community Development Director

Approval/Denial by ORDINANCE BILL NO. 2018-10, ORDINANCE NO. 2917

3) Annexation Request – Good Faith Management, LLC (PF #18-05-17)

Presented by: Walt Wendolowski, Community Development Director

Approval/Denial by ORDINANCE BILL NO. 2018-11, ORDINANCE NO. 2918

REGULAR SESSION:

4) Approval to Award Bid for West River Trail Project

Presented by: Ron Whitlatch, Engineering Services Director

Approval/Denial by MOTION

5) Amending Resolution No. 2018-14 Levying Taxes for FY 2018/19

Presented by: Matt Apken, Finance Director

Approval/Denial by RESOLUTION NO. 2018-27

6) League of Oregon Cities Legislative Priority Survey

Presented by: Gary Marks, City Manager

CONSENSUS

7) City Manager's Report – Council Review

ITEMS FROM COUNCIL

PUBLIC COMMENTS: *An opportunity for citizens to comment on items of city business.*

ITEMS FROM PRESS: *An opportunity for the Press to ask questions pertaining to city business.*

NEXT SCHEDULED COUNCIL MEETING(S)

- August 8, 2018 (6 p.m.) Regular Session
- September 12, 2018 (6 p.m.) Regular Session

ADJOURNMENT

Approval of Minutes

**LEBANON CITY COUNCIL
MINUTES – DRAFT
June 13, 2018**

Council Present: Mayor Paul Aziz, Councilors Bob Elliott, Floyd Fisher, Robert Furlow, Rebecca Grizzle and Wayne Rieskamp

Staff Present: City Attorney Tré Kennedy, City Manager Gary Marks, City Clerk Linda Kaser, Police Chief Frank Stevenson, Community Development Director Walt Wendolowski, Finance Director Matt Apken and Maintenance Services Director Jason Williams

CALL TO ORDER: Mayor Aziz called the Regular Session of the Lebanon City Council to order at 6:00 p.m. in the Santiam Travel Station Board Room and led in the Pledge of Allegiance.

ROLL CALL: Roll call was taken with Councilor Bolen absent.

APPROVAL OF COUNCIL MINUTES: *Councilor Elliott moved, Councilor Grizzle seconded, to approve the May 9, 2018 Regular Session Minutes as presented. The motion passed unanimously.*

CONSENT CALENDAR: *Councilor Grizzle moved, Councilor Rieskamp seconded, to approve the Consent Calendar as presented. The motion passed unanimously.*

AGENDA: City of Lebanon Council Agenda – June 13, 2018
AGREEMENT: 2018 Street Preservation Project Fund Exchange Agreement
APPOINTMENTS: Arts Commission – *Keith Kutch (Reappointment)*
Budget Committee – *Virginia Cloyd (Reappointment)*
Historic Museum Ad Hoc Advisory Committee – *Mayor Aziz, Councilor Rieskamp, Kendra Antila, Allen Collins, Jami Cate, Thonni Morikawa & Linda Ziedrich*
Library Advisory Board – *Virginia Cloyd (Reappointment) & Denice Lee*
Planning Commission – *Don Robertson (Reappointment)*
Senior & Disabled Services Advisory Committee – *Bonnie Stalker*

APPROVAL TO BID: W. River Trail Interconnection
BOARD MINUTES: Arts Commission – April 16, 2018
Bike & Pedestrian Advisory Board – March 1, 2018
Library Advisory Board – March 13, 2018
Planning Commission – February 21, 2018

PROCLAMATIONS: Mayor Aziz declared July as *Fireworks Safety Awareness Month*.

PUBLIC COMMENTS:

Damon Tempey, Bike & Pedestrian Advisory Board Chairman, expressed the Board's opposition to the proposal to combine the Bike & Pedestrian Advisory Board and the Parks Committee/Tree Board into a Trees & Trails Advisory Committee (Agenda Item 16). Their Board's focus has always been promoting the use of bicycle and pedestrian transportation. None of their members saw the fit between this and trees. He added that one of their members is involved in developing the new Transportation System Plan.

Alysia Rodgers, Lebanon Downtown Association Main Street Manager, shared their success with the 2nd Annual Wine and Art Walk held during Strawberry Festival weekend. Approximately 300 attended; wine glasses sold out in the first 30 minutes.

She also reported that two downtown businesses applied for State Diamonds in the Rough grant monies to revitalize their buildings. One of those businesses is first to be recommended for the funding.

REGULAR SESSION:

1) Request from Linn County to Collect County Transient Room Tax Revenues

City Manager Marks presented Linn County's request that the City collect a 3% County transient lodging tax on behalf of them, should the Commissioners approve such a tax. The request is based on the convenience of the taxpayers making one combined payment to the City. As payment for the collection service, the County would pay the City 5% of revenues collected.

Marks confirmed for Councilor Grizzle that the fee is enough to cover City staff time. Finance Director Apken added that the total fee is estimated to be about \$4,750.

Responding to Councilor Rieskamp's question, Commissioner Will Tucker stated that the current tax is 9% for the City and 1.8% for the State. The County is looking at a 2%-3% tax but it has not yet been voted on. He confirmed for Councilor Rieskamp that the County is also asking this of other communities. Revenues from Albany will be used for the Linn County Expo Center. Revenues from other areas of Linn County will be used for their parks.

Commissioner Tucker confirmed for Councilor Elliott that the City would not be responsible for enforcing collections of the County tax.

There was Council consensus to draft an Intergovernmental Agreement with Linn County for the City of Lebanon to collect up to a 3% transient lodging tax for Linn County should the County Commissioners approve a Countywide transient lodging tax.

PUBLIC HEARING(S):

2) Annexation/Subdivision Planning File 18-04-09 – Integrity Investment, LLC

City Attorney Kennedy read the public hearing quasi-judicial procedures posted on the walls.

Mayor Aziz opened the Public Hearing at 6:22 p.m. There were no objections from the audience to the notice sent out in this case or to the jurisdiction of this body to hear and consider this case; and no declarations of ex parte contact, conflicts of interest by any Council member.

Director Wendolowski presented a request to annex approximately 3.33 acres of a 4.85-acre parcel located at the northwest intersection of Vaughn Lane and S. 10th Street. This request complies with all annexation requirements. The property is within the City's urban growth boundary. Land within City limits is located to the north and to the west. Services can be extended to the site. Notice was sent to affected agencies; DLCD had no comments. Engineering Services identified needed improvements related to the subdivision but not to the annexation.

There was no zone change request since it would not provide additional development options. The application included a separate request to develop a 14-lot subdivision approved by the Planning Commission, contingent upon Council approval of the annexation. The Planning Commission recommends that the Council approve this

annexation application and to establish the corresponding Residential Low Density and Residential Mixed Density zones on the newly annexed property.

Hearing no questions of staff, Mayor Aziz asked for the applicant or their representative's testimony.

Brian Vandetta, 63 E. Ash Street, stated that they believe their application satisfies the applicable City Development Code criteria.

Hearing no public comments, Mayor Aziz closed the Public Hearing at 6:27 p.m.

Kennedy read the title of ORDINANCE BILL NO. 2018-3, ORDINANCE NO. 2910. ***Councilor Grizzle moved, Councilor Rieskamp seconded, to APPROVE ORDINANCE BILL NO. 2018-3, ORDINANCE NO. 2910, A BILL FOR AN ORDINANCE ANNEXING AND ZONING PROPERTY FOLLOWING CONSENT FILED WITH THE CITY COUNCIL BY LANDOWNERS IN SAID AREA PURSUANT TO ORS 222.120 AND ORS 222.170. FILE 18-04-09; INTEGRITY INVESTMENTS. The motion passed unanimously.***

3) Annexation/Subdivision Planning File 18-04-10 – Sally J. Kirkelie Trust

Mayor Aziz noted that the criteria pertaining to this annexation is the same as the previous hearing. Hearing no request to repeat the list of criteria, *Mayor Aziz opened the Public Hearing at 6:29 p.m.*

There were no objections from the audience to the notice sent out in this case or to the jurisdiction of this body to hear and consider this case; and no declarations of ex parte contact, conflicts of interest by any Council member.

Wendolowski presented a request to annex two parcels totaling 7.42 acres (located on the southeast corner of Russell Drive and the A&E Railroad right-of-way), to change the Comprehensive Plan Map from Residential Low Density to Residential Mixed Density, and to establish the Residential Mixed Density zone on the property. It will need to be considered whether this change will alter the City's ability to provide for housing. Both zones allow for single-family homes; the RM zone also allows alternative uses. There is no concurrent development proposal.

No comments were received from contacted agencies or adjacent property owners. The proposal complies with all application Comprehensive Plan Polices and Statewide Planning Goals. The site lies within the urban growth boundary. City limits are located to the west, and necessary services can be extended to the site. The Planning Commission recommends that Council approve the annexation, Plan Map amendment and Zone Map amendment to establish the RM Density zone. He added that there will be an opportunity for public comment if there is any development on the site.

Hearing no questions of staff, Mayor Aziz asked for the applicant or their representative's testimony.

Steve Kay, Cascadia Planning and Development Services, PO Box 1920, Silverton, stated that the applicant concurs with all findings and supports the Planning Commission's recommendation for approval.

Hearing no public comments, Mayor Aziz closed the Public Hearing at 6:34 p.m.

Kennedy read the title of ORDINANCE BILL NO. 2018-4, ORDINANCE NO. 2911. ***Councilor Grizzle moved, Councilor Elliott seconded, to APPROVE ORDINANCE BILL NO. 2018-4, ORDINANCE NO. 2911, A BILL FOR AN ORDINANCE ANNEXING AND ZONING PROPERTY FOLLOWING CONSENT FILED WITH THE CITY COUNCIL BY LANDOWNERS IN SAID AREA PURSUANT TO ORS 222.120 AND ORS 222.170, AND AMENDING THE LEBANON COMPREHENSIVE PLAN MAP AND ZONING MAP FROM RESIDENTIAL LOW DENSITY TO RESIDENTIAL MIXED DENSITY. FILE 18-04-10; SALLY J. KIRKELIE TRUST. The motion passed unanimously.***

4) State Revenue Sharing

Apken requested approval of a resolution, certifying that the City is eligible to receive revenue sharing funds, and approval of an ordinance declaring the election to receive the state revenue. The approved 2018-19 Budget has revenue of \$195,000 in the General Fund.

Hearing no questions of staff, Mayor Aziz opened the Public Hearing at 6:37 p.m. There being no public comments, Mayor Aziz closed the Public Hearing at 6:37 p.m.

Kennedy read the title of RESOLUTION NO. 2018-12. ***Councilor Rieskamp moved, Councilor Furlow seconded, to APPROVE RESOLUTION NO. 2018-12, A RESOLUTION CERTIFYING THE CITY OF LEBANON PROVIDES MUNICIPAL SERVICES FOR ELIGIBILITY IN RECEIVING STATE SHARED REVENUE PAYMENTS. The motion passed unanimously.***

Kennedy read the title of ORDINANCE BILL NO. 2018-5, ORDINANCE NO. 2912. ***Councilor Elliott moved, Councilor Rieskamp seconded, to APPROVE ORDINANCE BILL NO. 2018-5, ORDINANCE NO. 2912, A BILL FOR AN ORDINANCE DECLARING THE CITY OF LEBANON'S ELECTION TO RECEIVE STATE REVENUES. The motion passed unanimously.***

5) Adoption of FY 18/19 Approved Budget

Marks showed a PowerPoint presentation of the Lebanon FY 2018/19 Approved Budget, as well as the following three Urban Renewal District hearings:

The Approved Lebanon Budget includes two changes made by the Budget Committee:

1. Transient Lodging Tax Fund: Move \$10,000 from contingency to contract services for the Lebanon Downtown Association.
2. Dial-A-Bus Fund: Appropriate an additional \$39,300 to personal services; expanding a staff position from .8 to 1.0 FTE. This new expense is offset by an increase in grant funding.

Highlights of the Lebanon Approved Budget include:

- Levels of service are maintained or more.
- Contingencies/reserves overall are up 8.1%.
- The 19% General Fund balance goal set by the City Council is met (actually at 26.8%).
- Operating appropriations are up 6.8%.
- Capital Investment is down 44.9%, and constitutes 37.5% of the overall budget, primarily due to the Water Treatment Plant Project.

Overall Net Staffing is Increased by 5.7 FTE:

- One sworn Police officer.
- Two water plant operator positions.
- Not filling one existing position in Engineering.
- One Parks maintenance position.
- One Information Technology position.
- One economic development position.
- One half-time Senior Services position.
- A Dial-A-Bus position moved from .8 to 1.0 FTE.
- Mid-budget year review with potential for the addition of a sworn officer position.

Marks noted numerous Community Strategic Action Plan items and Council Goals that were included in the Lebanon and URD budgets.

The FY 2018/19 Approved Budget provides budget authority for the services and projects that the City anticipates providing during the fiscal year. The Budget totals \$54,774,213 in appropriation (spending) authority, and reflects a decrease of \$14,976,914 as compared to the current year's budget.

General Fund	13,919,745.
Debt Service Fund	3,586,791.
Enterprise Fund (i.e. Utilities)	19,012,707.
Special Revenue Fund	5,581,003.
Capital Project Fund	12,545,431.
Trust and Agency Fund (i.e. Bail Payments)	<u>128,536.</u>
Total Appropriated Budget	\$54,774,213.

The three Urban Renewal District FY 2018/19 Approved Budgets include: Cheadle Lake, North Gateway, and Northwest. The budgets provide authority for the projects and activities the Urban Renewal Agency anticipates providing during the fiscal year. The three budgets totals \$5,658,658 in appropriation (spending) authority, and reflects a decrease of \$2,219,842 as compared to the current year adopted and revised budgets.

NW Lebanon URD Budget	3,265,640.
Cheadle Lake URD Budget	1,138,986.
North Gateway URD Budget	<u>1,254,032.</u>
Total Appropriated Budgets	\$5,658,658.

Hearing no questions of staff, Mayor Aziz opened the Public Hearing at 6:53 p.m. There being no public comments, Mayor Aziz closed the Public Hearing at 6:53 p.m.

Kennedy read the title of RESOLUTION NO. 2018-13. ***Councilor Grizzle moved, Councilor Rieskamp seconded, to APPROVE RESOLUTION NO. 2018-13, A RESOLUTION ADOPTING THE CITY OF LEBANON'S BUDGET AND MAKING APPROPRIATIONS FOR FISCAL YEAR 2018-19. The motion passed unanimously.***

Kennedy read the title of RESOLUTION NO. 2018-14. ***Councilor Grizzle moved, Councilor Elliott seconded, to APPROVE RESOLUTION NO. 2018-14, A RESOLUTION LEVYING TAXES FOR THE CITY OF LEBANON'S BUDGET FOR FISCAL YEAR 2018-19. The motion passed unanimously.***

Mayor Aziz temporarily adjourned as the Lebanon City Council and convened as the NW Lebanon Urban Renewal Agency.

6) Adoption of FY 18/19 NW Lebanon Urban Renewal District Approved Budget

Apken stated that the NW Lebanon URD budget amount of \$3,265,640 is what was approved by the Budget Committee. Council may make changes to the budget up to the greater of 10% or \$5,000. Staff recommends approval of a resolution making appropriations and a resolution levying taxes.

Hearing no questions of staff, Mayor Aziz opened the Public Hearing at 6:54 p.m. There being no public comments, Mayor Aziz closed the Public Hearing at 6:54 p.m.

Kennedy read the title of RESOLUTION NO. 2018-15. ***Councilor Elliott moved, Councilor Fisher seconded, to APPROVE RESOLUTION NO. 2018-15, A RESOLUTION ADOPTING THE NW LEBANON URBAN RENEWAL DISTRICT BUDGET AND MAKING APPROPRIATIONS FOR FISCAL YEAR 2018-19. The motion passed unanimously.***

Kennedy read the title of RESOLUTION NO. 2018-16. *Councilor Furlow moved, Councilor Rieskamp seconded, to APPROVE RESOLUTION NO. 2018-16, A RESOLUTION LEVYING TAXES FOR THE CITY OF LEBANON'S NW URBAN RENEWAL DISTRICT BUDGET FOR FISCAL YEAR 2018-19. The motion passed unanimously.*

Mayor Aziz adjourned as the NW Lebanon Urban Renewal Agency and convened as the Cheadle Lake Urban Renewal Agency.

7) Adoption of FY 18/19 Cheadle Lake Urban Renewal District Approved Budget

Apken stated that the Cheadle Lake URD budget amount of \$1,138,986 is what was approved by the Budget Committee. Staff recommends approval of a resolution making appropriations and a resolution levying taxes.

Hearing no questions of staff, Mayor Aziz opened the Public Hearing at 6:56 p.m. There being no public comments, Mayor Aziz closed the Public Hearing at 6:57 p.m.

Kennedy read the title of RESOLUTION NO. 2018-17. *Councilor Grizzle moved, Councilor Elliott seconded, to APPROVE RESOLUTION NO. 2018-17, A RESOLUTION ADOPTING THE CHEADLE LAKE URBAN RENEWAL DISTRICT BUDGET AND MAKING APPROPRIATIONS FOR FISCAL YEAR 2018-19. The motion passed unanimously.*

Kennedy read the title of RESOLUTION NO. 2018-18. *Councilor Grizzle moved, Councilor Rieskamp seconded, to APPROVE RESOLUTION NO. 2018-18, A RESOLUTION LEVYING TAXES FOR THE CITY OF LEBANON'S CHEADLE LAKE URBAN RENEWAL DISTRICT BUDGET FOR FISCAL YEAR 2018-19. The motion passed unanimously.*

Mayor Aziz temporarily adjourned as the Cheadle Lake Urban Renewal Agency and convened as the N. Gateway Urban Renewal Agency.

8) Adoption of FY 18/19 North Gateway Urban Renewal District Approved Budget

Apken stated that the North Gateway URD budget amount of \$1,254,032 is what was approved by the Budget Committee. Staff recommends approval of a resolution making appropriations and a resolution levying taxes.

Hearing no questions of staff, Mayor Aziz opened the Public Hearing at 6:58 p.m. There being no public comments, Mayor Aziz closed the Public Hearing at 6:58 p.m.

Kennedy read the title of RESOLUTION NO. 2018-19. *Councilor Elliott moved, Councilor Furlow seconded, to APPROVE RESOLUTION NO. 2018-19, A RESOLUTION ADOPTING THE NORTH GATEWAY URBAN RENEWAL DISTRICT BUDGET AND MAKING APPROPRIATIONS FOR FISCAL YEAR 2018-19. The motion passed unanimously.*

Kennedy read the title of RESOLUTION NO. 2018-20. *Councilor Furlow moved, Councilor Fisher seconded, to APPROVE RESOLUTION NO. 2018-20, A RESOLUTION LEVYING TAXES FOR THE CITY OF LEBANON'S NORTH GATEWAY URBAN RENEWAL DISTRICT BUDGET FOR FISCAL YEAR 2018-19. The motion passed unanimously.*

Mayor Aziz adjourned as the N. Gateway Urban Renewal Agency and reconvened as the Lebanon City Council.

REGULAR SESSION:

9) Republic Services Franchise Agreement

Julie Jackson, Republic Services, reported that China, who was handling about 60% of the world's recycling, is cleaning up their environment and will no longer take U.S. recyclables so processors have been looking hard to find other markets. Their new cart hangers have a clear list of what can now be recycled. Some materials with no global market were removed. She feels that this issue will be much bigger than recycling. We will likely start talking about regulating packaging/materials and life cycle analysis of materials.

Oregon law states that if it costs more to recycle than to landfill, the material is no longer considered recyclable – this has been the case since August but they do not want to landfill recycling. They are asking all communities for \$2.00/month per household for increased recycling costs. About 70 communities have implemented a surcharge.

Councilor Grizzle asked if there is hope that the processors will come up with a solution. Jackson shared that there is a lot of interest in adding new technologies in these sorting facilities so that other plastics can be added back in.

Mayor Aziz asked that Republic Services hold an educational meeting for citizens.

Apken presented Council with two options – the first would authorize a \$2.00 increase in solid waste rates to clean up contaminated material. The second would authorize a \$1.00 increase in rates to landfill all recycling. The Council felt that they would not be good stewards in choosing Option 2. Increase would be effective July 1, 2018.

Kennedy read the title of RESOLUTION NO. 2018-21. ***Councilor Grizzle moved, Councilor Furlow seconded, to APPROVE RESOLUTION NO. 2018-21, A RESOLUTION AMENDING RESOLUTION NO. 2017-36 AND AUTHORIZING A SPECIAL INCREASE (\$2.00/month) IN REPUBLIC SERVICES SOLID WASTE RATES. The motion was unanimously approved.***

After a five-minute recess, Mayor Aziz temporarily adjourned as the Lebanon City Council and reconvened as the Cheadle Lake Urban Renewal Agency.

10) Cheadle Lake URD Transfer of FY 2017/18 Budget Appropriation

Apken requested Council approve a resolution authorizing a transfer of \$1,000 from contingency to debt service to stay within budget, as the current year debt payments for the OpusBank loan were slightly higher than budgeted.

Kennedy read the title of RESOLUTION NO. 2018-22. ***Councilor Elliott moved, Councilor Rieskamp seconded, to APPROVE RESOLUTION NO. 2018-22, A RESOLUTION AUTHORIZING A TRANSFER OF BUDGETED APPROPRIATIONS IN THE CITY OF LEBANON'S CHEADLE LAKE URBAN RENEWAL BUDGET FOR FISCAL YEAR 2017-18. The motion passed unanimously.***

Mayor Aziz adjourned as the Cheadle Lake Urban Renewal Agency and reconvened as the Lebanon City Council.

11) Adjustments to FY 2017/18 Budget Appropriations

Apken presented a resolution authorizing new appropriations and a transfer of budgeted appropriations:

- Human Resource Director promotion – from the Finance department to the HR department for \$5,000.
- Increase in third-party building inspections – from contingency to the materials and services of the Building inspection fund for \$60,000.
- Lebanon School District outdoor maintenance contract – \$100,000 of revenue received will be appropriated between the materials and services and improvements in the Park Enterprise fund.

Kennedy read the title of RESOLUTION NO. 2018-23. ***Councilor Grizzle moved, Councilor Furlow seconded,***

to APPROVE RESOLUTION NO. 2018-23, A RESOLUTION AUTHORIZING NEW APPROPRIATIONS AND A TRANSFER OF BUDGETED APPROPRIATIONS IN THE CITY OF LEBANON 2017-18 BUDGET. The motion passed unanimously.

12) Request to Waive Storm Drainage Fees

Marks presented Larry and Nikki Spires' (dba Northside Developers, LLC) request to waive accrued storm drainage fees of \$6,164.20 for four lots off of Santiam Hwy. north of Reeves Parkway. The Spires feel that as undeveloped property, they are not benefitting from the drainage. Marks stated that the City does not charge the fee based on the number of acres owned; it is capped at 1/2-acre size (\$67.35/month). In looking at their billing, staff corrected an error and refunded the Spires over \$2,800, leaving a balance of \$3,481.

The City's Financial Policies stipulate that only the Council may waive fees in excess of \$1,000 based on a demonstration of direct public benefit. Since staff could not find evidence of this, the recommendation is to deny the request because the fee is assessed to provide benefit to the whole community. Waiving these fees would also set a precedent for requests from others.

Councilor Grizzle agreed with the denial recommendation because it is not fair to put the burden on other property owners. She also agreed that this will set a precedent.

Councilor Furlow remarked that development not occurring at the pace initially expected by Mr. Spires does not relieve him of the responsibility of accrued obligations as a part of that development process.

Councilor Elliott moved, Councilor Rieskamp seconded, TO DENY THE REQUEST TO WAIVE STORM DRAINAGE FEES FOR LARRY AND NIKKI SPIRES FOR A COMBINED 50-ACRE PARCEL LOCATED ADJACENT TO SANTIAM HIGHWAY AND REEVES PARKWAY. The motion passed unanimously.

13) School District Outdoor Maintenance Agreement Renewal

Maintenance Services Director Williams presented a renewal agreement with the School District for \$150,000 for outdoor landscape vegetation control maintenance. The increase from \$100,000 to \$150,000 comes with about a 36% increase in land to maintain. With this contract, the City will be able to provide one additional Parks maintenance person.

He confirmed for Councilor Elliott that payment from last year's IGA was received last fall.

Councilor Grizzle asked Williams whether, especially with the acquisition of Cheadle Lake, he feels comfortable about only one additional maintenance person. Williams stated that it helps that Cheadle Lake currently has a good volunteer group that helps to manage and maintain it.

Councilor Furlow moved, Councilor Elliott seconded, TO APPROVE THE OUTDOOR MAINTENANCE IGA WITH THE LEBANON SCHOOL DISTRICT. The motion passed unanimously.

14) Proposed Property Acquisition for Additional Parking – Park Street

Williams requested Council approval to purchase property at 966 Park Street for \$60,000. This would provide 21 additional parking spaces for City Hall, downtown, and for Ralston Park events.

In response to Councilor Furlow's question, Williams indicated that funding will come out of Parks SDCs.

Councilor Elliott moved, Councilor Furlow seconded, TO APPROVE THE ACQUISITION FOR ADDITIONAL

CITY HALL AND DOWNTOWN PARKING ON PARK STREET. THE DESIGN WILL INCLUDE LANDSCAPING AND TREES AND WILL ALSO PROVIDE MUCH-NEEDED PARKING FOR RALSTON PARK EVENTS. The motion passed unanimously.

15) Northside Welcome Monument Sign Proposal

Marks showed a PowerPoint of the Northside Welcome Monument Committee's proposal to construct a welcome monument on Main Street next to Academy Square vs. an entrance sign. He spoke about:

- Siting process with Oregon Department of Transportation.
- Long-held City objective to have welcome signs at each major access into the community (total of 4).
- Funding is available through the City's Visitor Improvement Program (from the transient lodging tax)
- Each welcome sign is stylized to complement/coordinate with existing architectural themes.
- Downtown/Northside architecture is predominately early 1900s.
- Highway 20 southbound is the gateway to Lebanon's downtown.
- The Lebanon 2040 Strategic Plan calls for revitalization of downtown.
- The Northside Welcome Sign is an opportunity to advance strategic goals for downtown.

In response to Councilor Furlow's question about the large trees, Marks stated that the trees are well out of the way of the structure so it will not be an issue.

Responding to Councilor Fisher's question, Marks indicated that the arch inside height will be 12-feet.

Councilor Grizzle commented that she loves it and the fact that it was created in a committee setting. Responding to her question, Marks stated that the structure will cost about \$30,000, with an additional \$5,000 for accoutrements, including realigning the sidewalk. Mayor Aziz added that there will be more landscaping further into the park.

Councilor Rieskamp moved, Councilor Furlow seconded, TO APPROVE THE PROPOSAL TO CONSTRUCT A WELCOME MONUMENT ON MAIN STREET NEXT TO ACADEMY SQUARE. The motion passed unanimously.

16) Proposed New Advisory Committee and Repeal of Advisory Board Manual

Marks presented staff's proposal to combine the current Parks Committee/Tree Board, the Bike & Pedestrian Advisory Board, and an informal working group (of City staff and BLT members) into a new committee (Trees and Trails Advisory Committee), which will allow citizens and City officials to collaborate and plan in a public forum. Specific park issues will be addressed through ad hoc committees, where committee members will be drawn from the immediate neighborhood or based on interest in a project. This will allow residents to serve on a short-term basis.

The above changes will require repeal of the existing Advisory Board Manual, which is being replaced with ordinances tailored to the mission and duties of each standing committee. Repeal of the manual will necessitate adoption of individual ordinances for the Library Advisory Committee and the Senior and Disabled Services Advisory Committee.

Councilor Grizzle felt that combining the committees makes sense but she is hesitant to force this upon those members who have given a lot of their time to the committees. She would feel more comfortable moving forward if their input and buy-in could be considered in a joint meeting. Councilor Fisher commented that the combination has a lot of merit but he would also hate to see people who have served a long time be deeply offended.

Marks reported that, right after the previous Council discussion, City Clerk Kaser sent an email to all affected committee members advising them of the situation and said that staff would provide more information as it was developed. Parks Committee/Tree Board Member Rod Sell contacted him with concerns that the Parks Master Plan would need to be updated soon. Marks responded that an ad hoc committee of those interested in this could be brought together with City staff for that specific mission.

Kaser added that when Mr. Tempey contacted her after receiving the Council agenda, she suggested having a spokesperson for the group due to the large agenda. She added that this change is certainly not to negate what the present committees have done. The proposal is that the new committee of seven members be given initial preference to current members of the Parks Committee/Tree Board and Bike & Pedestrian Advisory Committee.

Marks confirmed for Councilor Furlow that this is the first Council meeting since the members were individually notified. Councilor Furlow commented that he feels there was adequate notification and hearing from only one of the committees involved is telling.

In response to Councilor Furlow's question, Marks stated that he has never gone through this process with other communities he worked with.

Councilor Rieskamp stated that he was initially not pleased but he now feels that with a potential parks and recreation district, parks will be more re-emphasized. Feedback he has received is that all three should be combined, but, if successful, a parks and recreation district should satisfy that in years to come. Marks stated that staff was not thinking in the context of a parks and recreation district at this point, but it does not preclude movement in that direction in the future.

Mayor Aziz commented that he likes the idea of combining the committees. It is oftentimes not worth the Parks Committee/Tree Board meeting monthly since there is not a lot of business. Councilor Elliott agreed and stated that he has been disappointed that many of those meetings developed into a BLT meeting.

Kennedy read the title of ORDINANCE BILL NO. 2018-6, ORDINANCE NO. 2913. *Councilor Furlow moved, Councilor Fisher seconded, to APPROVE ORDINANCE BILL NO. 2018-6, ORDINANCE NO. 2913, A BILL FOR AN ORDINANCE REPEALING AND REPLACING CHAPTER 2.30 OF THE LEBANON MUNICIPAL CODE NOW TITLED "LEBANON TREES AND TRAILS ADVISORY COMMITTEE."* The motion passed unanimously.

Kennedy read the title of RESOLUTION NO. 2018-24. *Councilor Elliott moved, Councilor Rieskamp seconded, to APPROVE RESOLUTION NO. 2018-24, A RESOLUTION REPEALING RESOLUTION NO. 1996-38 AND RESOLUTION NO. 2006-3 CREATING AND AMENDING THE LEBANON PARKS COMMITTEE/TREE BOARD; AND RESOLUTION NO. 2011-3 ADOPTING THE ADVISORY GROUPS MANUAL. The motion passed unanimously.*

Kennedy read the title of ORDINANCE BILL NO. 2018-7, ORDINANCE NO. 2914. *Councilor Elliott moved, Councilor Furlow seconded, to APPROVE ORDINANCE BILL NO. 2018-7, ORDINANCE NO. 2914, A BILL FOR AN ORDINANCE AMENDING SECTIONS OF CHAPTER 2.20 ESTABLISHING A LIBRARY, CREATING AN ADVISORY COMMITTEE, AND APPOINTING THE CITY COUNCIL AS THE LIBRARY BOARD. The motion passed unanimously.*

Kennedy read the title of ORDINANCE BILL NO. 2018-8, ORDINANCE NO. 2915. *Councilor Furlow moved, Councilor Fisher seconded, to APPROVE ORDINANCE BILL NO. 2018-8, ORDINANCE NO. 2915, A BILL FOR AN ORDINANCE AMENDING CHAPTER 2.28 ESTABLISHING A SENIOR AND DISABLED SERVICES PROGRAM AND CREATING AN ADVISORY COMMITTEE. The motion passed unanimously.*

17) **City Manager's Report** – Marks provided an update:

Oregon Building Codes Division – The order to investigate the City's building inspection process was rescinded, although the Division said that they will probably revisit the issue. The City's certification was extended to 2019.

ITEMS FROM COUNCIL

Mayor Aziz shared that former Mayor Ken Toomb's family has asked for thoughts and prayers as he is quite sick.

Mayor Aziz stated that Councilor Bolen wanted to discuss the City Manager's performance evaluation process but it has been difficult to schedule a meeting with his availability. Councilor Grizzle stated that she would also like to look at the process. She would like Council to do their due diligence and receive input from department directors. Marks stated that his contract calls for agreement on the format used but he would like to have this discussion in executive session. Mayor Aziz stated that a Doodle Poll will be sent out and an executive session scheduled.

Mayor Aziz reminded the Council that it is their responsibility to check their emails daily.

Councilor Grizzle remarked that it might be beneficial to look at ward representation because it has been years since it was done. Marks stated that the 2020 census would be the best opportunity to do an accurate review of our population distribution. If the Council would like it done before then, a short-term change could be done using development estimates. Councilor Grizzle agreed to waiting as the census will be most accurate and would require the least amount of resources.

Councilor Fisher asked whether the City is pumping water into Cheadle Lake because it does not look too good. Williams stated that the pump was started last week and will keep the lake at the desired level.

PUBLIC COMMENTS

Robert Waterhouse, Bike & Pedestrian Advisory Board member, stated that he feels disappointed and misled because he thought that tonight was an opportunity to comment on the proposal to combine the two committees/boards; he did not know it was a foregone conclusion. Combining bicycles and trees is a force-fit of two not necessarily compatible skill sets and knowledge bases. Their Board consisted of mostly dedicated bicycle riders who were interested in continuity in bike lanes. They felt that trails are a separate matter that BLT was taking good care of.

He agrees that citizen participation is important but feels that reducing the number of committees works against that. He sees nothing wrong with having an ongoing advisory board in addition to project-specific groups. He objected to the comment that their Board was focused on trails. For the last couple of years, they have been working on the Transportation System Master Plan and have given quite detailed input. They have also been involved in putting together a Safe Rides to Schools Program looking at grants and the existing statewide program. He is afraid that these efforts will now be lost.

Councilor Grizzle stated that, as a bicycle rider, she appreciates the committee's focus on bicycle riding. In response to her question, Marks stated that he does not believe there is anything precluding the Trees and Trails Committee to have specialized sub-committees.

Waterhouse stated that he did not read in the letter they received that their input was being requested. Responding to his comment that they did not receive any follow-up information, Kaser stated that he should have received an email with a link to the Council agenda packet. Waterhouse stated that having witnessed what happened, he is not sure that tonight was even an opportunity for comment. When asked, he confirmed that he was not present when Mr. Tempey spoke on the Board's behalf. Mayor Aziz thanked Waterhouse for his service.

Linda Ziedrich, 412 E. Ash Street, stated that she agrees with Mr. Waterhouse in that the Bike & Pedestrian Advisory Board is important because it deals mostly with traffic on city streets, rather than on trails. She is also concerned that a tree committee is needed because of Lebanon's Tree City requirements; she feels that almost nobody knows about it, it is not enforced, and that Lebanon has a shortage of street trees.

Marks explained that the new committee, which will also be focused on trees, addresses Tree City requirements. It is his hope that the new committee will enhance the activity level. The ordinance speaks to trails as also being non-motorized transportation and those aspects of getting around the community. The changes are to build on and bring emphasis to all of these areas.

ITEMS FROM PRESS – *There were no questions or comments.*

NEXT SCHEDULED COUNCIL MEETING(S)

- June 27, 2018 (Noon) Session
- July 11, 2018 (6:00 p.m.) Regular Session

ADJOURNMENT – *Mayor Aziz adjourned the Regular Session at 8:47 p.m. and called for a five-minute break.*

EXECUTIVE SESSION: *Per ORS 192.660(2)(e) To conduct deliberations with persons designated by the governing body to negotiate real property transactions.*

Mayor Aziz adjourned the Executive Session at 9:08 p.m.

[Minutes prepared by Donna Trippett and Linda Kaser]

Minutes Approved by the Lebanon City Council on this 11th day of July 2018.

Paul R. Aziz, Mayor
Bob Elliott, Council President

ATTESTED:

Linda Kaser, City Clerk

**LEBANON CITY COUNCIL
MINUTES – DRAFT
June 27, 2018**

Council Present: Mayor Paul Aziz, Councilors Jason Bolen, Bob Elliott, Floyd Fisher, Rebecca Grizzle and Wayne Rieskamp

Staff Present: City Attorney Tré Kennedy, City Manager Gary Marks, City Clerk Linda Kaser, Police Chief Frank Stevenson, Finance Director Matt Apken and Engineering Services Director Ron Whitlatch

CALL TO ORDER: Mayor Aziz called the Regular Session of the Lebanon City Council to order at 12:00 p.m. in the Santiam Travel Station Board Room and led in the Pledge of Allegiance.

ROLL CALL: Roll call was taken with Councilor Robert Furlow absent.

CONSENT CALENDAR: *Councilor Rieskamp moved, Councilor Grizzle seconded, to approve the June 27, 2018 Agenda as presented. The motion passed unanimously.*

PUBLIC COMMENTS – *There were none.*

REGULAR SESSION:

1) FY 17/18 Supplemental Budget

Finance Director Apken requested approval of a resolution authorizing a supplemental budget amendment that proposes a change to the Water fund – increase debt service and decrease capital outlay, both by \$118,000, for an interest payment paid in 2018, but could have been paid in 2019.

City Attorney Kennedy read the title of RESOLUTION NO. 2018-25. *Councilor Grizzle moved, Councilor Elliott seconded, to APPROVE RESOLUTION NO. 2018-25, A RESOLUTION AUTHORIZING A SUPPLEMENTAL BUDGET AMENDMENT TO THE CITY OF LEBANON 2017-18 BUDGET. The motion passed unanimously.*

2) Emergency Sewer Service Outside City Limits – 725 Russell Drive

Engineering Services Director Whitlatch presented a request by the property owners at 725 Russell Drive asking to connect to the City sewer service as their septic system failed. Since they are within 300 feet of a new sewer main line, the County will not issue a repair or replacement permit. Their property is outside and not contiguous with City limits, but they agreed to submit an annexation application once the property becomes contiguous.

Kennedy read the title of RESOLUTION NO. 2018-26. *Councilor Rieskamp moved, Councilor Elliott seconded, to APPROVE RESOLUTION NO. 2018-26, A RESOLUTION TO PROVIDE SEWER SERVICE OUTSIDE THE CITY OF LEBANON CITY LIMITS. The motion passed unanimously.*

3) Canal Underdrain Contract – Proposed Change Order

Whitlatch described the project and requested approval of a change order to the water treatment plant project for extra work to the canal underdrain, estimated at \$669,722. As part of the Albany IGA, we agreed to upsize the

canal underdrain to prevent bank erosion should Cheadle Lake flood. This will be funded mostly through the storm drainage utility. A portion is Parks SDC eligible. A resolution will be brought back to borrow the additional funds out of the storm drainage SDC fund, which will be repaid with the storm drainage fund.

In response to Councilor Grizzle's timeline question, Whitlatch said that he believes the IGA states that this must be done by January 2019. The life of the canal underdrain is quite long.

Whitlatch confirmed for Councilor Rieskamp that Slayden Constructors is on site and they have been involved in the design and have the equipment set-up. The IGA will be fulfilled once the Master Plan Refinement (of all areas that drain into the canal) is done.

Councilor Elliott moved, Councilor Rieskamp seconded, to APPROVE A \$669,772 CHANGE ORDER TO EXTEND THE OUTLET PIPE AN ADDITIONAL 50 FEET AND FILL IN THE EXISTING DITCH. FILLING IN THE DITCH WILL ALSO HELP FACILITATE A FUTURE PEDESTRIAN BRIDGE OVER THE CANAL AS PART OF THE LEBANON TRAIL SYSTEM. The motion passed unanimously.

ITEMS FROM COUNCIL

Mayor Aziz announced that the first meeting of the newly formed Lebanon Historic Museum Ad Hoc Committee will be held at the Travel Station at 2:00 p.m. tomorrow. The public is welcome to attend.

PUBLIC COMMENTS – *There were none.*

ITEMS FROM PRESS – *There were no questions or comments.*

NEXT SCHEDULED COUNCIL MEETING(S)

- July 11, 2018 (6:00 p.m.) Regular Session

ADJOURNMENT

Mayor Aziz adjourned the Regular Session at 12:20 p.m.

[Minutes prepared by Donna Trippett and Linda Kaser]

Minutes Approved by the Lebanon City Council on this 11th day of July 2018.

Paul R. Aziz, Mayor
Bob Elliott, Council President

ATTESTED:

Linda Kaser, City Clerk

Consent Calendar

Board & Committee
Meeting Minutes



Lebanon Arts Commission Meeting Minutes

Monday, May 21, 2018 | 5:45 pm
Lebanon Public Library, 55 Academy Street,
Community Meeting Room

- Call to Order:
 - Commission members present: Gary Marks, Cassie Cruze, Sheree Speaks, Ray Hendricks. Leigh Matthews Bock was in attendance as well.
- Approved April 16, 2018 meeting minutes
- Strawberry Plaza Art Boards Update and Jury Submission:
 - The latest commissioned board has been returned to the City.
 - Juried and accepted submission by Steven Vojnovich.
- Noon at the Plaza Discussion:
 - Four performance dates have been filled.
 - Commission members were given the flyer (hard copy and electronic version) and asked to contact local performers to help fill the open performance dates.
 - Cassie and Sheree have both reached out to various groups to help create interest.
 - Artists do not have to fill the hour and a half time slot. It could be split by two artists or performance could end at 1 pm.
- The Great Quirky Turkey Pageant:
 - Artists still needed: 7
 - The Art Guild members who were present agreed to assist in finding artists.
 - Gary updated the Commission on the display stand being created by the City's Maintenance Department.
 - Project Timeline Reminder:
 - Turkey forms available beginning June 6, 2018 at the Linn County Art Guild Store.
 - Turkeys completed and returned to the Linn County Art Guild Store by July 31, 2018.
 - Turkeys will go on display on August 3, 2018. Voting will be available from August 3-27, 2018 by the public for the *Best in Pageant* category.
 - Arts Commission members vote during August 20, 2018 meeting on *Quirkiest Turkey*, use of *Most Interesting/Unusual Medium*, *Most Realistic* and *Most Creative*.

- The Great Quirky Turkey Pageant awards ceremony will be held on August 31, 2018 at Noon (the last Noon at the Plaza program slot).
- Turkeys to be auctioned off at the Brewfest on September 29, 2018 and profit to be divided by Lebanon Arts Commission, Greater Santiam Boys and Girls Club, the artist and the Linn County Art Guild.
- Community Murals Update:
 - Nice Guy Dispensary on Park and Sherman is in process of adding a mural to the side of their building. The muralist contacted the City to gather information about regulations and gain City approval. There are no such regulations if the mural does not contain a business name or serve to promote a business product.
 - The Lebanon 2040 Strategic Action Plan seeks the creation of murals on the buildings in the downtown area and the Lebanon Arts Commission stands ready to assist building owners who are interested in pursuing mural projects. The Commission can provide a list of area mural artists and, upon request, can review any proposed murals prior to installation. Any consultation with the Arts Commission is purely for providing artistic insights about a proposed project.
 - Any mural containing a business name or product must seek a sign permit from the City's Community Development Department
- Next Meeting Date:
 - Monday, June 25, 2018 at 5:45pm, Lebanon Public Library Community Room
 - Commission goals before the next meeting: find more performers for Noon at the Plaza and artists for the Great Quirky Turkey Pageant.
- Public Comment:
- Meeting adjourned at 6:30 pm



City of Lebanon
Planning Commission
Meeting Minutes
May 16, 2018

Members Present: Chairman Jeremy Salvage, Vice-Chair Don Robertson, Commissioners, Brian Daniels, Brenda Hall David McClain and Todd Prenoveau; and, Alternate Commissioners Samuel Brackeen IV and Joshua Galke.

Staff Present: Community Development Director Walt Wendolowski, AICP; City Attorney Tre' Kennedy.

1. CALL TO ORDER/ FLAG SALUTE

Chairman Salvage called the meeting of the Lebanon Planning Commission to order at 6:00 pm in the Santiam Travel Station Board Room at 750 3rd Street and led the assembly in the flag salute.

2. ROLL CALL

Roll call was taken. Commissioners John Brown and Brenda Hall were absent; a quorum was declared.

3. APPROVAL OF MEETING MINUTES

The Commission approved the February 21, 2018 minutes as submitted.

4. CITIZEN COMMENTS - None

5. PUBLIC HEARINGS:

a. Planning File 18-04-09 – Integrity Investments, LLC

Chairman Jeremy Salvage opened the hearing. City Attorney Tre' Kennedy reviewed the meeting procedures. Salvage then asked if there were any *ex parte* contacts, conflicts or bias; none were declared. Salvage directed staff to proceed.

Wendolowski presented the staff report identifying the location of applicant's property. The 4.85-acre parcel is in the Lebanon UGB and designated Residential Low Density (west side) Residential Mixed Density (east side).

The applicant intends to annex the northern two-thirds of the site into the City limits, containing approximately 3.33-acres; the southern 300 feet of the site adjacent to

South 10th Street will not be annexed. Upon annexation, the approximate 250-foot of the west side of the property will be zoned Residential Mixed Density (Z-RM) zone while the remainder of the site will be zoned Residential Low Density (Z-RL).

In addition, the applicant intends to create a subdivision with the following features:

- The project will include 14, single-family lots ranging in size from 5,000 square feet to 25,152 square feet. The larger lots are designed to accommodate the BPA easement.
- South 12th Street will be extended to create a hammerhead cul-de-sac. Eight of the 14 lots will be served by this street extension.
- The remaining six lots will front on South 10th Street, with two designed as flag lots.
- Sanitary sewer, water and storm facilities are in South 10th and South 12th Streets and will be extended to serve the site.

The Department mailed notice of the application to affected agencies, area property owners and the DLCDD. Engineering Services submitted comments on public facility improvements concluding services can be extended and serve the development.

Regarding the Annexation, Wendolowski provided the following brief summary:

- Property lies within UGB
- Land within the City limits is located to the north and west.
- Necessary services can be extended to the site.

Regarding the subdivision, Wendolowski noted the specific criteria are contained in the staff report and summarized the material as follows:

- A subdivision is permitted in the RL and RM zones. For single family homes, the minimum dimensions are as follows: RL zone 6,000 sf 60 ft width; RM 5,000 sf 50 ft. width. The lots exceed minimum requirements of the zone. The few large lots are necessary to accommodate the BPA lines.
- The 12th Street layout is logical as it is unable to extend through adjacent property and the hammerhead meets turning requirements.
- Public facilities can be extended to serve the development. The applicant must submit appropriate engineering plans and installing the improvements to City specifications.

As the Annexation request complies with the applicable decision criteria, Wendolowski recommended the Commission recommend Council approval of the application. In addition, Wendolowski recommended the Commission approve the submitted subdivision subject to the conditions noted in the staff report. Wendolowski also requested Condition 5.b., be modified to eliminate the detention basin requirement; Engineering Services determined it was no longer necessary. With two separate applications, staff suggested separate motions on each request.

Chairman Salvage asked if 12th Street is designed to be a through-street. Wendolowski stated no, it is a local street and the City Engineer saw no benefit to extend the street. Vice-Chair Robertson wanted clarification on the extension of City services. Wendolowski noted they will only extend to the extent of the annexation. Salvage submitted a follow-up question on connection to City services.

Wendolowski noted the key issue is whether the site can be served; specific requirements are determined when the City reviews engineering plans.

Robertson asked what is a NDPES permit. Wendolowski and the applicant's representative – Brian Vandetta - provided a summary indicating it is a permit to ensure all drainage and run-off during construction remains on the property. Robertson also asked whether the final plat is an administrative decision; Wendolowski answered yes.

Commissioner McClain asked on why the entire property was not annexed. Wendolowski noted the remainder is likely undevelopable and that an applicant has an option of annexing any portion of the site.

Commissioner Galke asked follow-up questions on the area being subdivided and why the split zoning. Wendolowski noted a subdivision request must include all property under the single ownership. In this case, only 3.33 acres of the property will be annexed and subdivided; the remainder is simply a remnant. The split zoning follows the existing Plan map designation. The lot sizes match the adjacent neighborhood in density.

Seeing no further questions, Salvage requested the applicant to make their presentation. Brian Vandetta, PE provided testimony on behalf of the applicant. He concurred with the staff report and recommendation noting the request is straightforward. Responding to a question by Chairman Salvage, Vandetta detailed the location and necessary extensions of public facilities to serve the project. He also provided clarification as to the erosion control permit.

Seeing no other questions of Mr. Vandetta, Salvage asked if there was anyone in the audience who wished to speak in favor of the request. Seeing none, he asked if anyone wished to testify in opposition. Seeing none he closed the public testimony portion of the hearing.

Salvage asked if there were any concerns or issues. The Commission generally agreed there were no issues regarding the request. Seeing no further discussion, Salvage asked for a motion on the Annexation. Vice-Chair Robertson made a motion to recommend City Council approval of the Annexation and concurrent Zone Change requests in Planning File 18-04-09 subject to the findings in the staff report. Commissioner McClain seconded the motion.

The motion passed 7-0.

Salvage asked if there were any concerns or issues regarding the subdivision. The Commission generally agreed there were no issues with Salvage noting it was a good use of a difficult piece of property. In response to a question Wendolowski clarified driveway and street requirements. Chairman Salvage then asked for a motion on the Subdivision. Robertson made a motion to approve the Subdivision request in Planning File 18-04-09 subject to the findings and conditions in the staff report. Wendolowski clarified that the motion included a modification to Condition 5.b. Commissioner McClain seconded the motion.

The motion passed 7-0.

b. Planning File No. 18-04-10 – Application by Sally J. Kirkelie Living Trust to Annex property and amend the Comprehensive Plan and Zone Maps.

Chairman Jeremy Salvage opened the hearing. City Attorney Tre' Kennedy noted the previous identified procedures apply to this hearing; there was no request to review the material. Salvage then asked if there were any *ex parte* contacts, conflicts or bias; none were declared. Salvage directed staff to proceed.

Wendolowski presented the staff report identifying the location of applicant's property. The area contains two parcels, totals 7.42 acres, is in the Lebanon UGB and designated Residential Low Density. Sewer and water services were recently installed along Russell Drive and are available to serve the vacant properties. The property is located within the UGB and designated Residential Low Density.

The applicant is requesting approval to annex the 7.42-acre site; and, approval for a Comprehensive Plan Map Amendment and Zone Change to establish the Residential Mixed Density designation and Residential Mixed Density zone. There is no concurrent development proposal.

The Department sent requests for comments to affected agencies, area property owners and the Department of Land Conservation and Development. Engineering Services offered no comments and no other agency or owner responded.

Regarding the Annexation, Wendolowski provided the following brief summary:

- Property lies within UGB
- Land within the City limits is located to the west.
- Necessary services are located in Russell Drive.

Wendolowski noted the decision criteria are contained in LDC Chapter 16.27 and apply to both the Plan map and zone map amendments. He further noted the staff report addresses the specific criteria and provided the following brief summary:

- Housing – The City must consider whether the loss of RL zoned land and the addition of RM zoned land alters our ability to provide needed housing. The RM zone allows single family development much like the RL zone but also allows other housing alternatives. The location adjacent to an active rail line would likely support residential uses other than exclusively single-family houses. These uses can be mixed which is certainly possible given the acreage of the site. Therefore, on balance, the map changes still allow development for single family uses and provides additional housing opportunities – this is the over-arching goal of our housing element.
- Public Facilities - The site is fully serviced with sanitary sewer, water and storm water facilities and fronts along an improved public street.
- Specific Plan Policies – As general comments:
 - There are no natural or historical resources on the property that require protection.
 - The proposal complies with the applicable Statewide Planning Goals.

Based on these factors, Wendolowski recommended the Commission recommend City Council approval of the Annexation, and, Comprehensive Plan Map and Zone Map Amendment. Wendolowski emphasized the sole request is whether to annex the site and approve the Plan map and zone map amendment; there is no concurrent development proposal. Future development of the site will require a planning review and neighbors will receive notice of any action.

Chairman Salvage asked if there were any questions of staff. Commissioner Galke clarified the zoning would be Residential Mixed Density, not Mixed Use. Staff concurred, noting the report was in error. Commissioner Brackeen asked whether the neighbors would receive notice of any land use action; Wendolowski concurred. As a follow-up he asked whether this would apply to a single-family home or a low-income complex. Wendolowski stated staff simply reviews applications as "development" and income is not an issue. The applicant could mix the residential types and include both single family homes and apartments.

Salvage asked whether there was some issue as to the City maintaining a ratio between low and mixed density zoning. Wendolowski noted this might be a factor if the request was to change from a residential to a commercial zone. However, Wendolowski noted compatibility with the apartments to the west and emphasized the RM zone allows single family subdivisions. In fact, all recent subdivision approvals were on RM zoned land. Although other options were available, the highest and best use turned out to be a single-family subdivision.

Seeing no further questions, Salvage requested the applicant to make their presentation. Brian Vandetta, PE provided testimony on behalf of the applicant. He concurred with the staff report and recommendation. He added there are no development plans at this time, although options were discussed. When a plan is submitted the City will provide notification and area owners will have an opportunity to submit comments and testify.

Seeing no other questions of Mr. Vandetta, Salvage asked if there was anyone in the audience who wished to speak in favor of the request. Seeing none he asked if anyone wished to testify in opposition. Seeing none he closed the public testimony portion of the hearing.

Salvage asked if there were any concerns or issues. The Commission generally agreed there were no issues. Seeing no further discussion, Salvage asked for a motion on the application. Commissioner Prenoveau made a motion to recommend City Council approval of the Annexation and concurrent Plan map and Zone map amendments subject to the findings in the staff report. Vice-Chair Robertson seconded the motion.

The motion passed 7-0.

c. Planning File 18-01-05 - An application by City of Lebanon to Amend Development Code to comply with SB1051.

Chairman Salvage opened the hearing. As this is a legislative action, quasi-judicial requirements do not apply. Salvage directed staff to proceed with the report.

As background, Wendolowski noted the State Legislature passed new regulations to address the need for affordable housing. Staff reviewed the Legislation with the Regional DLCD representative and found that there are only two areas that will require City Development Code revisions. Wendolowski summarized the changes:

- For certain qualified multifamily projects, the City must complete its review within 100-days instead of 120 days. A qualified project is one that contains more than 5-units, of which at least 50% are designated affordable housing for a period of 60-years. Section 16.20.010.D.5 (120 Day Rule) will be amended to address this revision by establishing a 100-day limit for qualified projects.
- Regulations now requires clear and objective standards be applied to all “needed housing” projects. This applies to any residential project located on residential zoned land.

City regulations require an Administrative Review for multifamily projects containing less than 20-units. However, a Conditional Use is required for projects exceeding 19-units. Both processes address the same clear and objective design standards such as parking and setbacks; the only difference is the Conditional Use criteria considers a project’s compatibility with an area. This is very subjective and is inconsistent with the State requirements that call for clear and objective standards.

To address the change, the City would require an Administrative Review for all multifamily housing projects. However, projects less than 20-units will still be reviewed by staff while projects with more than 19-units will be reviewed by the Commission. This recognizes that larger projects have impact and a public hearing provides a better opportunity to address neighborhood concerns. The City uses a similar review process for new schools - an Administrative Review is required; however, the Code mandates the Commission reviews the request.

Wendolowski noted the major impact may be the City is relieved of considering the difficult matter of compatibility. We would then have one set of rules which would apply to all projects regardless of size. We have a similar approach with schools: staff can review a minor addition, but the Commission considers larger projects such as new schools. Both, however, are conducted under the same process, provide the same opportunity for comments and allows the City to place conditions on any development.

- One additional change was discussed at work session. The Mixed Use zone allows staff to review all multifamily projects, regardless of the number of units. To maintain consistency with the higher density residential zones, the above noted Administrative Review provisions would also apply to the Mixed Use zone.

The Department sent out notice of the Code amendments to affected agencies and the Department of Land Conservation (DLCD). Department staff did not receive any comments as of the date of this report.

The staff report also details the necessary findings. Wendolowski noted the

amendments comply with decision criteria, and would review the material if so requested. Based on the material and finds, staff recommends the Planning Commission recommend Council approval of the Code amendments.

Chairman Salvage sought clarification that the administrative review would come before the Commission. Wendolowski stated yes; it would be like the two prior hearings in that staff reviews the request, provides findings, a recommendation and suggested conditions; the Commission makes the final decision. He added the Administrative Review is a process, the only change is staff reviews applications with less than 20 units and the Commission reviews those with more than 19.

Vice-Chair Robertson asked whether the “compatibility” criteria would remain. Wendolowski stated yes, it would remain for all conditional use applications and gave the example of the Economy Supply application. Some 95% of the review addresses development requirements such as parking, setbacks, etc. Basically, staff and the Commission will have the exact same decision criteria, only that the Commission would address larger projects.

Commissioner McClain asked a question regarding input and comments. Wendolowski described how a staff level decision works addressing all questions and concerns. That would also apply to any case coming before the Commission – you use the same criteria but just address the larger projects. In both cases the public receives notice.

Commissioner Brackeen questioned the real benefit and why the change. Wendolowski noted it was a change in State law (SB 1051) and we are obligated to make necessary amendments to be consistent with State law. Brackeen then asked why the cut-off at 20. Wendolowski noted it is arbitrary, but was decided upon when the new Development Code was written.

Robertson then asked if staff can forward a controversial request to the Planning Commission. Wendolowski noted the Code allows staff to move a staff-level application to the Commission. Usually there are some issues or policy decisions that would support such a change. It was also noted the Commission hears the appeal of any staff-level decision.

Brackeen asked for further clarification on the matter of moving a staff-level application to the Commission. Wendolowski noted this allowance applies to any staff-level decision; further, the decision criteria do not change just the person or body making the decision. In a follow-up comment, Wendolowski noted the public is never in the dark on the procedure or requirements, everything is open and transparent.

Brackeen then provided an example of a 15-unit complex for low income housing, reviewing the notice procedures. He then asked how often do people actually comment. Wendolowski noted he rarely receives comments for simple requests such as partitions and has received more comments on duplexes. He recently completed the review of two 10-unit apartments and did not receive any comments, but had several comments on two recent duplexes. Wendolowski reiterated the total transparency of the process and the responsibility of staff to respond to each

issue. City attorney also added the decisions include instructions on how to appeal.

Wendolowski agreed this change was a somewhat of a paper chase to address State requirements. Even with this change the public is totally involved. Smaller projects are appropriate for staff, and over the years the City has determined 20 is an appropriate cut-off. This change ensures we are all playing by the same rules, staff just considers the smaller projects and the Commission the larger projects.

Robertson noted the Commission at one time received notices for all land use actions, both public and staff level. Wendolowski stated he was not aware of that and would ensure that the Commission receives notice in the future.

Robertson questioned whether after receiving notice of an application they could request to hear the application. Wendolowski stated the current Code does not allow the Commission to call up an application. However, this does not prevent the Commission from contacting staff to discuss the request. Brackeen asked for clarification on the matter of apartment projects with less than 20-units. Wendolowski noted the Commission would only hear such a request if staff brought it before the Commission or the staff decision was appealed. Kennedy added that if the Commission were involved at the staff level, it would create an issue of bias or objectivity if the matter is appealed. He also noted the Commission does have a subjective role on larger decisions.

Salvage asked whether the change eliminates subjectivity. Wendolowski generally agreed, stating the focus of his review centers on whether a request meets specific standards; parking, height, setbacks, etc. There is some subjectivity and Wendolowski gave an example of requiring a fence to improve screening. That authority also remains with the Commission. Kennedy comments note it is difficult to address matters of color or style in considering compatibility. Some communities create barriers to support their idea of "NIMBY".

Wendolowski summarized the request noting the first revision applies only to a specific type of development. The second revision ensures we apply clear and objective standards to all multifamily developments. Finally, the change for the Mixed Use zone is to ensure consistency with the RM and RH zones.

Robertson asked whether SB 1051 applies to all housing; Wendolowski agreed, it is not just multifamily. As a follow-up he noted the change removes the subjectivity. Robertson gave an example of a very late hearing revolving around compatibility. Wendolowski noted this would hopefully change that scenario. He added that one of the selling points of the Oregon system is a degree of certainty, that is you have land zoned for a specific purpose the rules should be organized to allow the activity barring any significant issues.

Salvage noted it would be advantageous to be able to address an application on merits and compliance with Code but was concerned with possible issues that may arise from the change, such as approving a project that should not be there. Wendolowski commented the issues would likely revolve around public facilities and access. If that is the case, staff might recommend the applicant not apply. Wendolowski noted a previous project - Cascade Ridge – that created 160 units

and was straight-forward regarding the basic issues of parking setbacks and so forth. The Commission will still look at those issues. The difference is in the process, instead of applying the conditional use process, an administrative review will be used. Unless something truly unique arises, you are compelled to approve it.

Robertson and Wendolowski discussed a possible issue regarding development next to historical homes. Given the existing level of development this may not be a factor in the future. Wendolowski concluded by recommending the Commission recommend Council approval of the changes to the Development Code. Robertson stated he welcomed the change.

Salvage noted there appeared to no additional discussion and asked whether someone would make a motion. Commissioner Daniels made a motion to recommend City Council adopt the proposed Code amendments in Planning File 18-01-05; Robertson seconded the motion.

The motion passed 6-1.

Wendolowski, asked Commissioner Brackeen the purpose of the “no” vote. Based on his reading of ORS 197.32 and the allowance for exceptions, Brackeen did not believe the City is required to make the change. Wendolowski discussed the matter of where the exception process applies using an example of allowing residential land in resource areas and would not apply to this situation.

Salvage asked whether the issue was the division based on the number of apartments. Robertson agreed that it is a change in State law that the City must follow. Brackeen stated he could find no requirement that staff had to review projects with less than 20 units. Wendolowski stated it is totally a local option on how to process these requests – some cities require all partition go before the Commission, others allow staff to make the decision. The issue is not whether staff reviews a request with 20, 25 or more apartments but whether we establish clear and objective standards for all reviews regarding for size. The State is not mandating a particular “cut-off” of what a staff reviews; the State is simply mandating the City adopts clear and objective standards to review housing projects.

Commissioner McClain voiced concern with the Commission getting too involved in the review process. Wendolowski also noted that would likely mean two or three meetings per month. Salvage also noted the costs to the applicant for public hearings.

Brackeen further discussed the cut-off with the number of units. Salvage clarified that regardless who reviews the request – staff or the commission – the decision will be based on clear and objective standards. Brackeen added one comment on current unemployment and hoped decisions could go beyond simple compliance with the Code. Salvage noted he respected his decision to cast a no vote and Wendolowski stated he would be happy to discuss the matter further with Commissioner Brackeen.

7. COMMISSION BUSINESS & COMMENTS

Wendolowski provided an update on current planning and building issues. He first noted that Brenda Hall resigned as Commission as she had moved out of the community. He also noted he was incorrect in that there is only one opening on the Commission. After discussing the matter with City Clerk Linda Kaser, we agreed that a Commission consensus to reappoint Don Robertson for another four-year term would be sufficient in lieu of advertising and interviewing for the position. The Commission unanimously voted to recommend Don be reappointed.

Wendolowski noted there are possibly three cases for the June meeting. Building has picked up and we have so far exceeded last year's numbers to date and are on the way to having \$30M valuation for the fiscal year. For comparison the total value of all projects in 1987 was \$400,000; we equal that number roughly every three business days.

Wendolowski provided an update on the building official situation. He noted the State changed the rules and now requires cities to have a building official on staff. He described the current situation whereby the City contracts for all building services including plans review, inspections and filling the role of official. To address this requirement, the City will likely hire an official at 0.1 FTE and continue to contract with Northwest Code Professionals for plans review and inspections. There is a law suit going forward with the support of the League of Oregon Cities.

When asked by Chairman Salvage why the change was made, Wendolowski could offer no insight as to why. City Attorney Kennedy noted some of the issue may focus on hiring state employees to oversee local programs and increase PERS contributions, at least that was suggested. Wendolowski noted the current program works perfectly for the City. If there is no work, the inspector is not paid. If work exceeds the expected budget that is also not an issue as the additional work is supported by additional building fees. Wendolowski stated the City will maintain its program and Kennedy noted that the issue goes before the Council on whether to participate in the law suit.

Commissioner McClain asked about the costs. Wendolowski noted that a full-time Building Official would cost the city \$100,000 to \$110,000 per year in salary and benefits. We currently spend approximately \$85,000 per year for the contract position. This is totally fee based so that if building activity increases we generate sufficient monies to pay for the extra work. Wendolowski also noted contract officials and inspectors provide services for communities but also provide backup for several jurisdictions.

Vice-Chair Robertson asked about the difference between the director's position, a building official and building inspector. Wendolowski noted the official has the authority to make the rare discretionary decision while an inspector reviews work at the site. A plans examiner reviews building plans to ensure they comply with building code requirements. The City Director position manages the planning and building service. The Department also provides clerical support for two other departments.

Wendolowski noted the budget appears on track and the Department will likely hire for a new position that focuses on economic development issues such as the urban renewal districts and the downtown. This position is supported by the Strategic Plan. The draft TSP is complete and there remains only a few meetings left to finish the project. The Commission will likely see the material in the fall to review Code and Plan amendments. Finally, the City is completing its application to renew the South Santiam Enterprise Zone.

Robertson asked about the wetlands project. Wendolowski noted the material is before the DSL awaiting their review; once reviewed the material goes to ECONorthwest. Wendolowski also noted there may be two additional mitigation banks on line.

Robertson also asked about the Wal-Mart parking lot issue. Wendolowski stated a prior City Manager allowed the expansion. Further discussion centered on possible enforcement issues. Salvage asked about the Mill Race project; Wendolowski stated it should begin shortly. The first phase includes storage units and 44 apartments and with access from 5th Street. Salvage asked whether they went through additional review. Wendolowski explained the Commission approved the General Plan and staff reviews each phase. In further discussion, it was determined the project may proceed if each phase substantially conforms to the original approval. The single-family phase may return for a modification.

In response to a question, Wendolowski noted there is at least one annexation request next month. McClain asked on fulfilling Brenda Hall's position. Wendolowski noted we usually wait until the next round of appointments. He further discussed the alternative positions and the review process. In response to a question from Robertson, Wendolowski stated he may sit for the June meeting as terms run from July 1 to June 30.

8. ADJOURNMENT:

There being no further business, the meeting was adjourned at 7:55 pm.

[Meeting minutes prepared by Walt Wendolowski, AICP]

Proclamation/Recognition/
Presentation



PROCLAMATION

On July 26, 2018, the City of Lebanon will celebrate the anniversary of the signing of the Americans with Disabilities Act (ADA) signed into law on July 26, 1990, by President George H.W. Bush to ensure the civil rights of people with disabilities.

The Act expanded opportunities for Americans with disabilities by reducing barriers and changing perceptions, and increasing participation in community life. The full promise of the Act will be reached by remaining committed to continued efforts to fully implement the Act.

On the anniversary of the Americans with Disabilities Act, join the City of Lebanon in celebrating and recognizing the progress that has been made by reaffirming the principles of equality and inclusion, and recommitting our efforts to reach full ADA compliance.

NOW THEREFORE, I, Mayor Paul R. Aziz, do hereby reaffirm that the City will continue to work toward full ADA compliance.

Paul R. Aziz, Mayor
City of Lebanon, Oregon

In witness whereof, I hereunto affix this seal of the City of Lebanon on this 11th Day of July, 2018.

Linda Kaser, City Clerk



"National Night Out"
August 7, 2018"

PROCLAMATION

WHEREAS, the National Association of Town Watch (NATW) sponsors a nationwide crime, drug, and violence prevention campaign entitled "National Night Out" on August 7, 2018; and

WHEREAS, National Night Out provides a unique opportunity for Lebanon to join forces with other communities across the country in promoting cooperative, police and community crime prevention efforts; and

WHEREAS, the community plays a vital role in assisting the Lebanon Police Department through local joint crime prevention efforts and by supporting Lebanon's National Night Out; and

WHEREAS, it is essential that all citizens of Lebanon be aware of the importance of crime prevention programs and the impact that their participation can have on reducing such crimes; and

WHEREAS, police/community partnerships and neighborhood safety awareness and cooperation are important themes of the "National Night Out" program;

NOW, THEREFORE I, Mayor Paul R. Aziz, hereby proclaim Tuesday, August 7, 2018 **NATIONAL NIGHT OUT** in Lebanon and call upon all citizens to join the Lebanon Police Department in supporting the annual National Night Out campaign.

Paul R. Aziz, Mayor
City of Lebanon, Oregon

In Witness Whereof, I Hereunto Cause the Great Seal of the
City of Lebanon to be affixed on this 11th Day of July 2018.

Linda Kaser, City Clerk

Agenda Item 1



925 S. Main Street
Lebanon, Oregon 97355

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MEMORANDUM

Community Development

To: Lebanon City Council
From: Walt Wendolowski, AICP
Community Development Director
Subject: Comprehensive Plan and Zone Map
Amendments
Planning File: 18-04-11
Applicant: David Hickey, et.al.

Date: July 3, 2018

This is a request to establish the Mixed Use Comprehensive Plan designation and Mixed Use zone on some 13.8 acres. The subject area is composed of eight properties located on the south side of East Grant Street, approximately located between Walnut Street and the Grant Street Bridge. All the parcels are located within the City, save one located in the County. The request would only change the Plan designation on the County parcel and does not have the effect of annexing the property.

The Planning Commission conducted a public hearing on June 20, 2018, and found the request to amend the Comprehensive Plan Map and Zoning Map complied with the applicable criteria, concluding the proposed MU zone is far more compatible with surrounding development and provides greater development options for property owners. Exhibit "B" of the attached Ordinance contains the Planning Commission findings in support of the request. Staff will review the material at the public hearing.

It is the unanimous recommendation of the Planning Commission that the City Council approve the Comprehensive Plan Map Amendment to establish the Mixed Use designation (C-MU), and for those parcels located in the City, the Zone Map Amendment to establish the Mixed Use (Z-MU) zone.

A BILL AMENDING THE LEBANON) ORDINANCE BILL NO. 2018-9
COMPREHENSIVE PLAN MAP AND ZONING)
MAP TO ESTABLISH THE MIXED USE PLAN)
DESIGNATION AND MIXED USE ZONE) ORDINANCE NO. 2916
File 18-04-11; DAVE HICKEY, et.al.)

WHEREAS, the City of Lebanon received a submission by written request to amend the Comprehensive Plan Map and Zoning Map from Industrial and Residential Mixed Density to Mixed Use for the property herein described in Exhibit “A”; and,

WHEREAS, on June 20, 2018, the Planning Commission for the City of Lebanon conducted a hearing on Planning File No. 18-04-11, making findings recommending establishment of the Mixed Use Comprehensive Plan designation (C-MU) and Mixed Use zone (Z-MU); and,

WHEREAS, after conducting the hearing and considering all objections or remonstrance regarding the proposed Plan and Zone Map amendments, and further considering the recommendation of the Lebanon Planning Commission, the City Council finds that the proposed Comprehensive Plan Map and Zone Map Amendments are in the best interest of the City.

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

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

Section 2. Comprehensive Plan Map Amendment. Based upon the findings adopted herein, the Lebanon Comprehensive Plan Map is hereby amended, such that the property herein described in Exhibit “A” shall be designated Mixed Use (C-MU).

Section 3. Zone Map Amendment. Based upon the findings adopted herein, the Lebanon Zone Map is hereby amended, such that the applicable property herein described in Exhibit “A” shall be zoned Mixed Use (Z-MU).

Section 4. Said Ordinance shall be forwarded to the Oregon Land Conservation and Development Commission and any other entities as required by law for their review.

Passed by the Lebanon City Council by a vote of _____ for and _____ against and approved by the Mayor this 11th day of July, 2018.

 Paul Aziz, Mayor
 Bob Elliott, Council President

Attested:

 Linda Kaser, City Clerk / Recorder

EXHIBIT "A"
PROPERTIES SUBJECT TO
COMPREHENSIVE PLAN MAP AMENDMENT &
ZONE MAP AMENDMENT

Township 12 South; Range 2 West; Section 11:

Tax Lot	Current Plan Map	Current Zone Map	New Plan Map	New Zone Map
1001	Industrial	Industrial	Mixed Use	Mixed Use
1002	Industrial	Industrial	Mixed Use	Mixed Use
1003	Industrial	Industrial	Mixed Use	Mixed Use
900	Industrial	Industrial	Mixed Use	Mixed Use
800	Industrial	UGM-10	Mixed Use	UGM-10
801	Industrial	Industrial	Mixed Use	Mixed Use
400	Residential Mixed Density	Residential Mixed Density	Mixed Use	Mixed Use
600	Residential Mixed Density	Residential Mixed Density	Mixed Use	Mixed Use

EXHIBIT "B"
LEBANON CITY COUNCIL FINDINGS

I. NATURE OF THE APPLICATION

This matter comes before the Lebanon City Council on the application of the David Hickey; and, Corbett & Corbett Properties, Mark Reike, and, the City of Lebanon for approval to amend the Comprehensive Plan Map and Zone Map to establish the Mixed Use designation and zone.

II. GENERAL INFORMATION

A. Site Location

The subject area is composed of eight properties located on the south side of East Grant Street, approximately located between Walnut Street and the Grant Street Bridge. All land is located within Township 12 South; Range 2 West; Section 11 and contains the following Tax Lots:

1. 1200 E. Grant Street - Tax Lot 1002.
2. 1250 E. Grant Street - Tax Lot 1001.
3. 1260 E. Grant Street - Tax Lot 1003.
4. 1300 E. Grant Street - Tax Lot 900.
5. 1350 E. Grant Street - Tax Lot 800.
6. 1360 E. Grant Street - Tax Lot 800.
7. 1400 E. Grant Street - Tax Lots 400 (south of Grant Street), 600, 801.

B. Site Development and Zoning

Tax Lots 800, 900, 1001, 1002 and 1003 contain commercial uses while the Gill's Landing RV Park and boat ramp are located on Tax Lots 400, 600 and 801. Tax Lots 801, 900, 1001, 1002 and 1003 are designated Industrial in the City's Comprehensive Plan and zoned Industrial. Tax Lot 800 is designated Industrial in the Comprehensive Plan, located in the County and zoned UGM-10. Tax Lots 400 and 600 are designated Residential Mixed Density in the Comprehensive Plan and zoned Residential Mixed Density. The subject area contains approximately 13.18 acres.

C. Adjacent Zoning and Land Uses

Vacant Mixed Use zoned land is located to the south, while the South Santiam River borders the area to the east. Single family homes on Residential Low Density zoned land is located to the west. To the north is a mix of Residential Low and Mixed Density land, and, Highway Commercial zoned property. Uses include single family homes, apartments, commercial uses and the City's River Park.

D. Proposal

The applicants are requesting approval for a (1) a Comprehensive Plan Map Amendment to establish the Mixed Use (C-MU) designation on all parcels; and, (2) for those parcels in the City, a concurrent zone change Zone Change to the Mixed Use (Z-MU) zone.

III. PUBLIC HEARING

A. Planning Commission Action

On June 20, 2018, the Planning Commission held a public hearing. At the hearing, Planning File 18-04-11 became part of the official record. Notice of the hearing was provided pursuant to Lebanon Development Code, Chapter 16.20. No declarations were made of any *ex parte* contacts, bias or conflicts of interest. At the conclusion of the hearing, the Planning Commission deliberated on the issue and voted to recommend the City Council approve the proposed amendments to the Lebanon Comprehensive Plan Map and Zone Map. The Commission found the proposed changes consistent with the applicable decision criteria.

B. City Council Action

On July 11, 2018, the City Council held a public hearing. At the hearing, Planning File 18-04-11 became part of the official record. Notice of the hearing was provided pursuant to Lebanon Development Code, Chapter 16.20. No declarations were made of any *ex parte* contacts, bias or conflicts of interest. At the conclusion of the hearing, the City Council deliberated on the issue and voted to approve the proposed amendments to the Lebanon Comprehensive Plan Map and Zone Map. The Council found the proposed changes consistent with the applicable decision criteria.

IV. FINDINGS OF FACT-GENERAL

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

- A. The applicants are David Hickey; and, Corbett & Corbett Properties, Mark Reike, and, the City of Lebanon.
- B. The subject area is composed of eight properties located on the south side of East Grant Street, approximately located between Walnut Street and the Grant Street Bridge. All land is located within Township 12 South; Range 2 West; Section 11, and contains the following Tax Lots:
 - 1. 1200 E. Grant Street - Tax Lot 1002.
 - 2. 1250 E. Grant Street - Tax Lot 1001.
 - 3. 1260 E. Grant Street - Tax Lot 1003.
 - 4. 1300 E. Grant Street - Tax Lot 900.
 - 5. 1350 E. Grant Street - Tax Lot 800.
 - 6. 1360 E. Grant Street - Tax Lot 800.
 - 7. 1400 E. Grant Street - Tax Lots 400 (south of Grant Street), 600, 801.
- C. Total area contains approximately 13.18 acres.
- D. Tax Lots 800, 900, 1001, 1002 and 1003 contain commercial activities while the Gill's Landing RV Park and boating facilities are located on Tax Lots 400, 600 and 801.
- E. Tax Lots 801, 900, 1001, 1002 and 1003 are designated Industrial in the City's

Comprehensive Plan and zoned Industrial (Z-IND). Tax Lot 800 is designated Industrial in the Comprehensive Plan, located in the County and zoned UGM-10. Tax Lots 400 and 600 are designated Residential Mixed Density in the Comprehensive Plan and zoned Residential Mixed Density (Z-RM).

- F. Vacant Mixed Use zoned land is located to the south, while the South Santiam River borders the area to the east. Single family homes on Residential Low Density (Z-RL) zoned land is located to the west. To the north is a mix of RL, RM and Highway Commercial zoned property. Land uses include single family homes, apartments, commercial uses and the City’s River Park.
- G. The applicants are requesting approval for a (1) a Comprehensive Plan Map Amendment to establish the Mixed Use (C-MU) designation on all parcels; and, (2) for those parcels in the City, a concurrent zone change Zone Change to the Mixed Use (Z-MU) zone.
- H. The decision to approve or deny shall be based on criteria in the Lebanon Development Code, Chapter 16.27 – Map Amendments.

V. APPLICATION SUMMARY

- A. The applicants wish to establish the Mixed Use Comprehensive Plan designation (C-MU) on their respective properties, and for those parcels located within the City, the Mixed Use zone (Z-MU). Specific changes are as follows

Tax Lot	Current Plan	Current Zone	Proposed Plan	Proposed Zone
1001	Industrial	Industrial	Mixed Use	Mixed Use
1002	Industrial	Industrial	Mixed Use	Mixed Use
1003	Industrial	Industrial	Mixed Use	Mixed Use
900	Industrial	Industrial	Mixed Use	Mixed Use
800	Industrial	UGM-10	Mixed Use	UGM-10 (No Change)
801	Industrial	Industrial	Mixed Use	Mixed Use
400	Residential Mixed	Residential Mixed	Mixed Use	Mixed Use
600	Residential Mixed	Residential Mixed	Mixed Use	Mixed Use

Tax Lot 800 will remain in within the County’s jurisdiction and is not subject to a concurrent Annexation.

- B. The Department mailed notice of the application to affected agencies, area property owners and the Department of Land Conservation and Development (DLCD). No agency or area property owner submitted written comments.

VI. CRITERIA AND FINDINGS

- A. Chapter 16.27 contains requirements for map amendments, including both the Comprehensive Plan map and Zoning map. Section 16.27.010 addresses the Chapter’s purpose while Section 16.27.020 establishes the authority to request map amendments. The Plan and Zoning maps may be amended over time and an

individual has the authority to request change in a property's Plan and Zoning map. This proposal conforms to these two Sections. Consistent with provisions in Section 16.27.030, the City Clerk maintains the official Plan and Zoning maps, as well as subsequent amendments.

- B. The City cannot consider a Plan or Zone map amendment within the one-year period immediately following a previous denial (section 16.27.040). This is the first such application regarding these properties.
- C. Section 16.27.050 establishes the decision criteria for reviewing a Plan map or Zone map amendment. This material is covered under provisions in Section 16.27.080 and reviewed later in this report.
- D. Section 16.27.060 describes the application process and submittal requirements. Subsection "A." states the request requires hearings before the Planning Commission and City Council. The Commission provides a recommendation to the Council and the Council makes the final decision. Subsection "B." establishes the application requirements. For the record, this application and process conform to provisions in Section 16.27.060.A. Further, the applicants submitted the required information pursuant to provisions in Section 16.27.060.B.

(Note: Chapter 16.27 does not include a Section 16.27.070.)

- E. Section 16.28.080 establishes the decision criteria for Plan map and Zone map amendments. This Section states the City may approve a Comprehensive Plan Map or Zoning Map Amendment request if it satisfies all relevant Decision Criteria cited above in Section 16.27.050. Subsection "A." contains the relevant criteria, which are reviewed in the following Sections. Unless specifically noted, the findings in this report are applicable to the combined requests.
- F. Section 16.27.080.A.1 - All proposed amendments to the Comprehensive Plan Map or to the Zoning Map shall be consistent with the City of Lebanon's adopted Comprehensive Plan and Facility Plans. The City's Facility plans, including the 2007 Transportation System Plan, are based on the future site service demands according to the Comprehensive Plan Map designation and associated zoning.

The Plan consists of ten Chapters with each Chapter addressing specific land use issues such as housing or natural resources. The *applicable* policies in each Chapter are reviewed below:

1. Chapter 1: Introduction – The introductory Chapter describes the Comprehensive Plan, its relationship to the Statewide Land Use Goals, the Citizen Involvement program and key terminology. Goals and policies relate to the organization of the Plan, the continued need for citizen involvement and the relationship of the Plan to State law and implementing codes. In general, these goals and policies are maintained through the Development Code criteria for determining the appropriateness of a Plan and/or zone change and the public hearing process that encourage public participation.
2. Chapter 2: Natural Environment – The Chapter address goals and policies

related to the City's natural environment.

FINDINGS: This Chapter does not apply as the subject area does not contain steep slopes, wildlife habitat or other resources identified as requiring preservation or protection.

3. Chapter 3: Urbanization – This Chapter provides the basic framework for future urban development. The following policies apply:

Public Facilities Capability Policies

- P-3: Support a flexible phased program for the orderly extension of water, wastewater, storm drainage and transportation services in response to land development proposals.
- P-4: Maintain directives and technical standards for the extension of services as identified in the various original or updated infrastructure master plans and studies, such as the Wastewater Facility Study Master Plan, the Water Facility Study, Storm Drainage Master Plan, and the Transportation System Plan (TSP).
- P-5: Maintain and routinely update Capital Improvements plans. Often the plans are revised, updated, and implemented according to a five-year plan beginning with the current budget year. The regularly updated plans may include Transportation, Water, Wastewater, Storm Drainage, and Facilities & Parks projects.
- P-10: 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.
- P-11: 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.

FINDINGS: The sites are all fully serviced and do not require additional system improvements.

Additional Considerations for Conversion of Urbanizable Land to Urban Uses

- P-30: 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.
- P-31: Manage its Urban Growth Boundary and the lands within so as to encourage development within urban areas before conversion of urbanizable areas, through implementation of land use regulations and land use policies.

FINDINGS: Based on data contained in Table 3-2 of this Chapter, there is a projected surplus of 580.8 to 762.8 acres of industrial-zoned property as well as

a surplus of mixed-use properties of 188.5 to 267.9 acres. In addition, there is an expected surplus of 1,122 acres for Residential Mixed Density Land. On balance, the conversion of 13.18 acres of Industrial and Residential Mixed Density land to Mixed Use will have no measurable impact given these surpluses (P-30). However, the amendments allow better utilization and development opportunities for the smaller parcels, thereby encouraging development within City (P-31).

4. Chapter 4: Land Use – This Chapter details the goals and policies to assure the City provides different types of land within City limits that are suitable for a variety of uses. The following policies apply:

General Policies for Land Use

- P-1: Recognize that the Comprehensive Plan land use designations or categories shall determine zoning.
- P-6: Require that changes to the Comprehensive Plan Map be consistent with the policies of the Comprehensive Plan, State law, and any adopted intergovernmental agreements.
- P-12: Ensure that the Zoning Map reflects and implements the Comprehensive Plan Map.

FINDINGS: The proposal calls for the establishment of the Mixed Use Plan designation, and for land within the City, the Mixed Use zone, thereby ensuring consistency between the Plan and Zone maps (P-1 and P-12). This review addresses compliance with Comprehensive Plan policies (P-6). The State effectively acknowledged the Comprehensive Plan, therefore, conformance with these policies assures conformance with state law. Compliance with Statewide Goals will be reviewed in Chapter 10 heading.

Policies for Industrial Uses

- P-38: 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.

FINDINGS: As noted, this action will reduce the amount of available industrial land. However, this loss is insignificant as the City retains some 580 to 762 acres of available industrial land within the UGB. Further, the MU zone allows limited Industrial uses so that the map amendments do not affect the City's ability to provide industrial land (P-38).

Policies for a Mixed Use

- P-40: Encourage a mix of commercial and residential uses within individual buildings, lots, and neighborhoods, in order to promote a compact, pedestrian friendly environment. Industrial uses should be allowed to mix with residential and commercial uses where there are limited potentials for nuisance or jeopardy to the public health, safety, and

welfare.

FINDINGS: Given the relative parcel sizes and the wide range of development opportunities, the Mixed Use zone appears to be a better option to develop the subject properties and maintain compatibility with area residential development.

Further, the Mixed Use zone is more in line with the existing public uses at the City park and facilities.

5. Chapter 5: Population & Economy – This Chapter addresses population growth and economic development as well as those trends affecting both. The following policies apply:

Policies

P-5: Designate enough land in a variety of parcel sizes and locations to meet future employment and commercial needs.

P-8: Support diversity in type, scale, and location of professional, industrial, and commercial activities to maintain a high level of employment and to promote diversification of the local economy.

FINDINGS: Re-designating (and rezoning) the properties to Mixed Use allows a greater variety of uses on the site than the current Industrial zoning would allow, thereby increasing its chance of development and providing employment opportunities (P-5 and P-8).

6. Chapter 6: Housing – This Chapter establishes the City’s Goals and Policies related to Housing. The proposal does not diminish the ability of the City to provide housing and in fact provides additional housing opportunities through the Mixed Use zoning.
7. Chapter 7: Community Friendly Development & Preservation of Historic Resources - This Chapter focuses on policies creating a built environment suitable for the needs of a diverse population through a variety of uses scaled for the pedestrian, and capable of accommodating the automobile and mass transit. There are no specific applicable policies.
8. Chapter 8: Transportation – This Chapter addresses the transportation needs of the City with an emphasis of creating a variety of transportation options for pedestrians, bicyclists, vehicles and mass transit. The following policies apply:

Transportation System Planning Policies

P-12: The transportation system shall be managed to reduce existing traffic congestion and facilitate the safe, efficient movement of people and commodities within the community.

FINDINGS: The existing street (E. Grant) provides adequate access for vehicles and pedestrians, regardless of the property’s zoning.

9. Chapter 9: Public Facilities and Service - The City is required by State law to

plan and develop a timely, orderly, and efficient arrangement of public facilities and services to serve as a framework for urban development. Goals and policies in this Chapter address those requirements. The following policies apply:

General Policies

- 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.

FINDINGS: As previously noted, the area is fully serviced and does not require system-wide improvements to existing public facilities. Therefore, the proposal is consistent with the noted policies.

- 10. Chapter 10: Plan Implementation, Amendment, and Land Use Planning Coordination – This Chapter establishes procedures for amending the Comprehensive Plan Map and Zoning Map. Specific applicable policies include:

- P-1: The City Council may amend the Comprehensive Plan and/or Map after referral to the Planning Commission public hearing, for action, review, revisions, and recommendations.
- P-2: Changes to the Plan and/or Map shall be made by ordinance after public hearings as prescribed by state law and local ordinances.
- P-3: Changes in the Plan and/or Map shall be incorporated directly into the document at the appropriate place. A list of all amendments with date of passage shall then become part of the document until the next comprehensive update of the entire Comprehensive Plan.
- P-4: An amendment to the Comprehensive Plan and/or Map may be considered when one or more of the following conditions exist:
 - a. Updated data demonstrates significantly different trends than previous data;
 - b. New data reflects new or previously undisclosed public needs;
 - c. New community attitudes represent a significant departure from previous attitudes as reflected by the Planning Commission or City Council;
 - d. Statutory changes significantly affect the applicability or appropriateness of existing plan policies.

- P-5: Residents, property owners, their authorized agents, the Planning Commission, the City Council, or City staff may initiate a Comprehensive Plan amendment. In order to obtain a Comprehensive Plan and/or Map amendment, the applicants shall have the burden of proof that all of the following conditions exist:
- a. There is a need for the proposed change;
 - b. The identified need can best be served by granting the change requested;
 - c. The proposed change complies with the Statewide Planning Goals; and,
 - d. The proposed change is consistent with all other provisions of the City's Comprehensive Plan.

FINDING: Policies P-1, P-2 and P-3 relate the processing of a Plan text or map amendment. The City is obligated to follow these requirements and does so with the public hearing process.

Given existing commercial-type uses on many of the properties, this likely indicates the trend is toward non-industrial activities (P-4.a).

Based on the existing improvements and relatively small size of the parcels, its utility for industrial purposes is limited. The change will allow alternative uses for the land that can only occur through the Plan map and Zone map amendments (P-5.a and P-5.b).

Compliance with the Statewide Goals (P-5.c) is noted as follows:

Goal 1, Citizen Involvement: Public hearings will be held before both the Planning Commission and City Council. This is consistent with City procedures and the intent of the Goal.

Goal 2, Land Use Planning: The proposal does not involve exceptions to the Statewide Goals. Adoption actions are consistent with the acknowledged Comprehensive Plan and Development Code.

Goal 3, Agricultural Lands: This Goal does not apply, as the area is not designated farmland.

Goal 4, Forest Lands: This Goal does not apply, as the area is not designated forestland.

Goal 5, Open Spaces, Scenic and Historic Areas, and Natural Resources: This Goal does not apply, as the area does not contain identified historic, cultural, or natural resources.

Goal 6, Air, Water and Land Resource Quality: Its potential use for non-industrial purposes is likely to reduce potential adverse impacts on air, water or resource quality.

Goal 7, Natural Hazards: A portion of the City property (Gill's Landing) is located within a special flood hazard area. The change does not affect existing

improvements and future improvements remain subject to existing Development Code provisions.

Goal 8, Recreational Needs: The proposed map amendments does not restrict existing recreational opportunities.

Goal 9, Economic Development: Previous findings indicate the potential development of the site for industrial purposes is limited due to the small parcel size. The map amendments will allow a greater variety of uses thereby increasing development potential.

Goal 10, Housing: As noted, the City retains surpluses in Industrial, Mixed Use and Residential Mixed Density land so that the change will not affect the ability of the City to provide land for housing. Overall, the amendments potentially increase housing opportunities as the Mixed Use zone allows a variety of residential development.

Goal 11, Public Facilities and Services: Previous findings indicate the site is fully serviced and the map amendments will not affect the City's ability to provide necessary public facilities.

Goal 12, Transportation: Previous findings indicate the site is located along an improved public street and the map amendments will not affect the City's transportation system.

Goal 13, Energy Conservation: The map amendments are neutral regarding energy conservation.

Goal 14, Urbanization: Previous findings indicate the City retains a surplus in industrial, mixed use and mixed residential properties so that the map amendments will not impact the City's ability to meet demand for land within these zones. Further, the map amendments allow – and to a degree encourage - development of urban uses within an urban area.

Goals 15 to 19, Willamette River Greenway, Estuarine Resources, Coastal Shores, Beaches and Dunes, Ocean Resources: The proposals do not involve land within the Willamette Greenway or coastal areas.

Finally, all previous findings indicate the proposal complies with the applicable policies of the City's Comprehensive Plan (P-5.d).

- G. Facility plans need to be consistent with the Comprehensive Plan Map as well as the text, and changes to the Map may necessitate changes to a facility plan.

FINDINGS: This action effectively “down-zones” the Industrial designated lands to Mixed Use. The map amendments will result in no greater – and likely, less – impact on public facilities and the street network. For this reason, the proposal does not require amendments to the TSP or facility plans.

- H. Applicants proposing amendments to the Zoning Map must request a City Zoning

Classification that is consistent with the Comprehensive Plan Map designation for a subject property. If an applicant requests a City Zoning Classification that is **not** consistent with the Comprehensive Plan Map, the zoning requested shall not be granted until the Comprehensive Plan Map is first appropriately amended to reflect concurrence. (See the Annexation Zoning Matrix, **Table 16.26-1.**) Such an amendment requires a separate application, hearing and decision; this process may occur concurrently with the Zoning Map Amendment hearing.

FINDINGS: Table 16.26-1 of Development Code Section 16.26.040 identifies the various Comprehensive Plan designations and the zones consistent with these Plan designations. The proposal calls for the "Mixed Use" Plan map designation, and pursuant to this Table, the only allowable zone is Mixed Use (Z-MU). Therefore, the proposed MU zone is entirely consistent with the designation.

This Section does not apply to Tax Lot 800 as it will remain in the County. The zoning will only be established when the site is annexed.

- I. Section 16.27.080.B states that if proposed amendments to the Comprehensive Plan Map or Zoning Map do not comply with the Comprehensive Plan, the Comprehensive Plan must first be amended so that the proposed Map amendment will be consistent with and accurately implement the Plan.

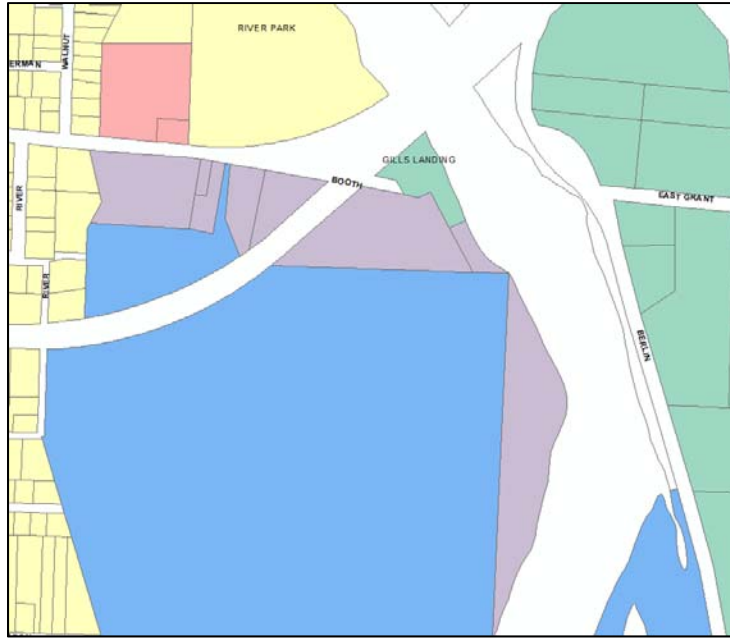
FINDINGS: Previous findings indicate the proposal complies with the applicable Comprehensive Plan policies and does not require amendments to the Plan text. Therefore, this provision does not apply.

- J. Section 16.27.090 establishes requirements for Urban Growth Boundary (UGB) Amendments. This Section does not apply as the property lies entirely within the UGB.

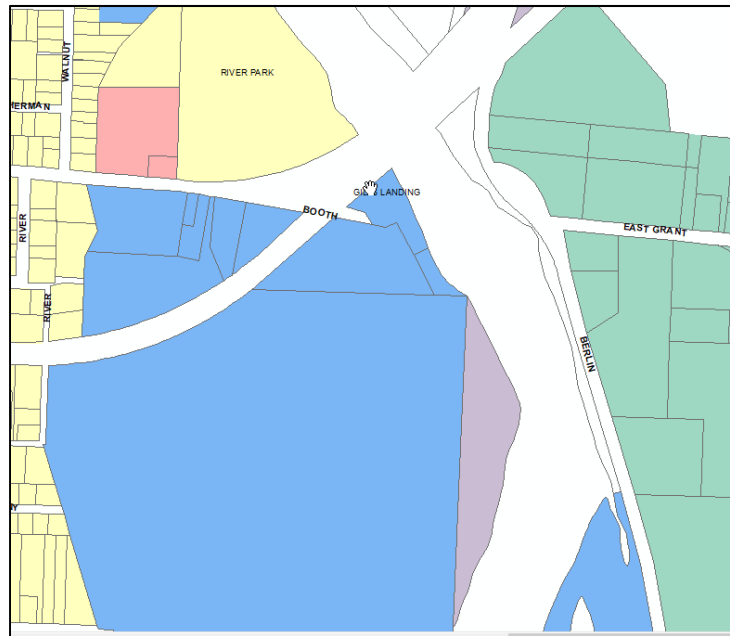
VII. CONCLUSION

The City Council concludes the proposed amendments to the Comprehensive Plan Map and Zone Map comply with the applicable decision criteria.

CURRENT



PROPOSED

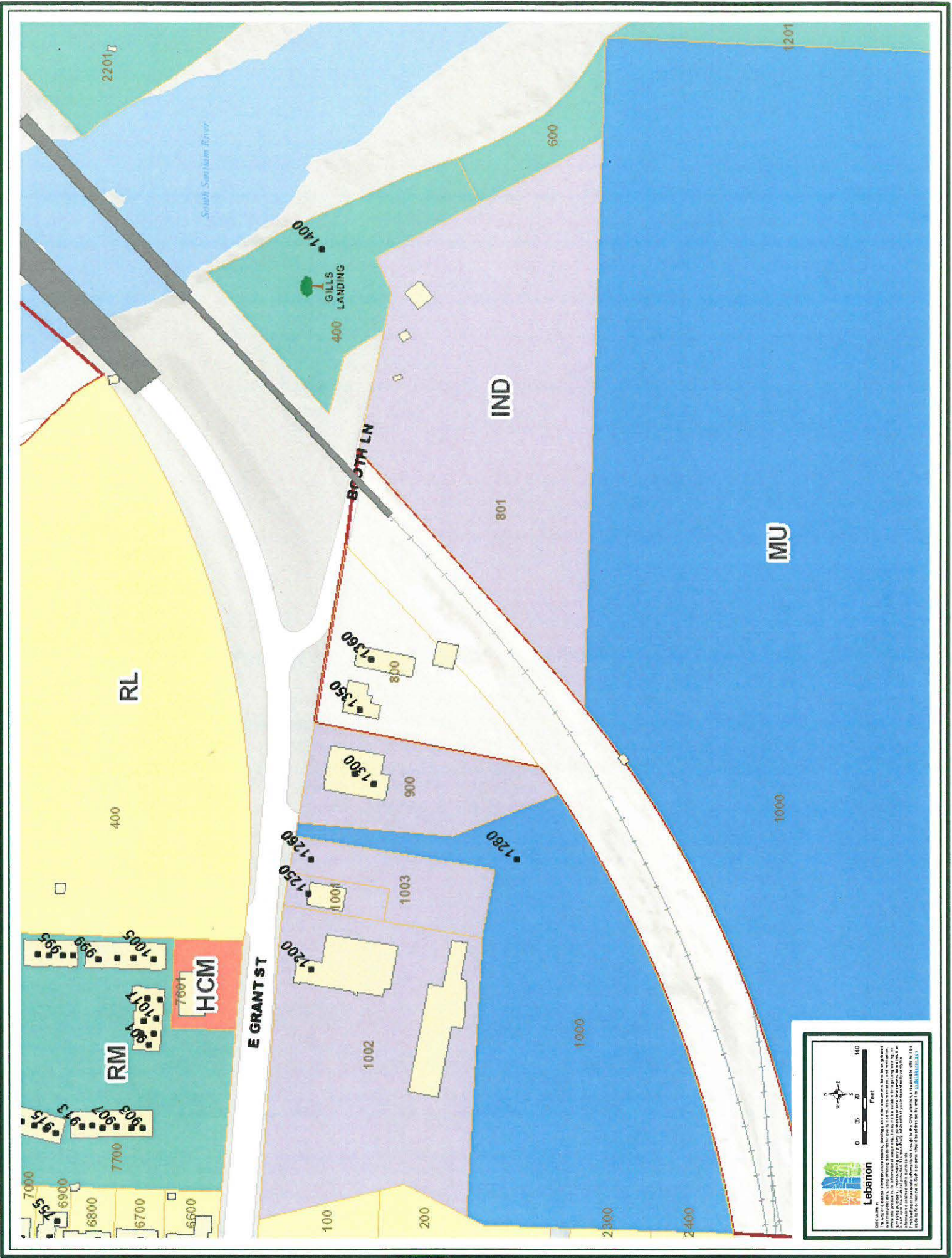


Comprehensive Plan Map

Legend

- C-RL : Residential Low Density
- C-RM : Residential Mixed Density
- C-MU : Mixed Use
- C-CM : Commercial
- C-IND : Industrial
- C-PU : Public Use
- Taxlot
- Urban Growth Boundary





Lebanon

0 35 70 140
Feet

THE CITY OF LEBANON HAS PROVIDED THIS MAP AS A SERVICE TO THE PUBLIC. IT IS NOT A CONTRACT. THE CITY OF LEBANON HAS PROVIDED THIS MAP AS A SERVICE TO THE PUBLIC. IT IS NOT A CONTRACT. THE CITY OF LEBANON HAS PROVIDED THIS MAP AS A SERVICE TO THE PUBLIC. IT IS NOT A CONTRACT.



LAND USE APPLICATION

PROPERTY INFORMATION

Site Address(es): 1200 & 1250 GRANT ST.

Assessor's Map & Tax Lot No.(s): 12S02W110001002, 12S02W110001001 **1003**

Comprehensive Plan Designation / Zoning Designation: **Industrial**

Current Property Use: INDUSTRIAL

Project Description: OFFICE SPACES

APPLICANT / PRIMARY CONTACT INFORMATION

Applicant: DAVID HICKEY

Phone: 541-979-7150

Address: PO BOX 401

Email: INFO@SERVCOINC.NET

City/State/Zip: LEBANON, OR 97355

I hereby certify that the statements, attachments, exhibits, plot plan and other information submitted as a part of this application are true; that the proposed land use activity does not violate State and/or Federal Law, or any covenants, conditions and restrictions associated with the subject property; and, any approval granted based on this information may be revoked if it is found that such statements are false.

APPLICANT SIGNATURE

Date:

PROPERTY OWNER INFORMATION (IF DIFFERENT THAN ABOVE)

Owner: **Hickey LLC, David & Gay**

Phone: **541 979 7150**

Address: **P.O. Box 401**

Email:

City/State/Zip: **Lebanon, Or. 97355**

OWNER SIGNATURE **David Hickey**

Date: **4/24/2018**

ADDITIONAL CONTACT INFORMATION

Engineer / Surveyor:

Phone:

Address:

Email:

City/State/Zip:

Architect:

Phone:

Address:

Email:

City/State/Zip:

Other:

Phone:

Address:

Email:

City/State/Zip:

THE CITY THAT FRIENDLINESS BUILT



LAND USE APPLICATION

PROPERTY INFORMATION

Site Address(es): 1300 E Grant St
 Assessor's Map & Tax Lot No.(s): 12502w11 0900
 Comprehensive Plan Designation / Zoning Designation: Industrial
 Current Property Use: office
 Project Description: CMA & ZMA

APPLICANT / PRIMARY CONTACT INFORMATION

Applicant:	Phone:
Address:	Email:
City/State/Zip:	

I hereby certify that the statements, attachments, exhibits, plot plan and other information submitted as a part of this application are true; that the proposed land use activity does not violate State and/or Federal Law, or any covenants, conditions and restrictions associated with the subject property; and, any approval granted based on this information may be revoked if it is found that such statements are false.

APPLICANT SIGNATURE	Date:
---------------------	-------

PROPERTY OWNER INFORMATION (IF DIFFERENT THAN ABOVE)

Owner: Corbett; Corbett Properties, LLC	Phone: (541) 928-1901
Address: 1300 E. Grant St.	Email: bp.corbett@comcast.net
City/State/Zip: Lebanon OR 97355	

OWNER SIGNATURE 	Date: 4/24/18
---	---------------

ADDITIONAL CONTACT INFORMATION

Engineer / Surveyor:	Phone:
Address:	Email:
City/State/Zip:	

Architect:	Phone:
Address:	Email:
City/State/Zip:	

Other:	Phone:
Address:	Email:
City/State/Zip:	

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LAND USE APPLICATION

PROPERTY INFORMATION

Site Address(es): 1350 & 1360 E Grant St

Assessor's Map & Tax Lot No.(s): 12502W110000

Comprehensive Plan Designation / Zoning Designation: Ind / county

Current Property Use: office & Auction Yard

Project Description:

APPLICANT / PRIMARY CONTACT INFORMATION

Applicant:

Phone:

Address:

Email:

City/State/Zip:

I hereby certify that the statements, attachments, exhibits, plot plan and other information submitted as a part of this application are true; that the proposed land use activity does not violate State and/or Federal Law, or any covenants, conditions and restrictions associated with the subject property; and, any approval granted based on this information may be revoked if it is found that such statements are false.

APPLICANT SIGNATURE

Date:

PROPERTY OWNER INFORMATION (IF DIFFERENT THAN ABOVE)

Owner: Mark Rieck

Phone: 541-258-6584

Address: 1350 E Grant St

Email:

City/State/Zip: Lebanon OR 97355

OWNER SIGNATURE

Date: 4-24-18

ADDITIONAL CONTACT INFORMATION

Engineer / Surveyor:

Phone:

Address:

Email:

City/State/Zip:

Architect:

Phone:

Address:

Email:

City/State/Zip:

Other:

Phone:

Address:

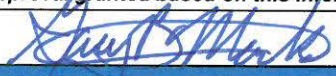
Email:

City/State/Zip

THE CITY THAT FRIENDLINESS BUILT



LAND USE APPLICATION

PROPERTY INFORMATION	
Site Address(es): 1400 E Grant Street	
Assessor's Map & Tax Lot No.(s): 12S02W11 00801 / 00600 / 01201 / 00400	
Comprehensive Plan Designation / Zoning Designation: C-IND & C-RM / Z-IND & Z-RM	
Current Property Use: Vacant & Gills Landing RV Park	
Project Description: Change Comp Plan Map and Zoning Map to Mixed Use	
APPLICANT / PRIMARY CONTACT INFORMATION	
Applicant: City of Lebanon	Phone: 541-258-4900
Address: 925 S Main Street	Email: cdc@ci.lebanon.or.us
City/State/Zip: Lebanon, Oregon 97355	
<i>I hereby certify that the statements, attachments, exhibits, plot plan and other information submitted as a part of this application are true; that the proposed land use activity does not violate State and/or Federal Law, or any covenants, conditions and restrictions associated with the subject property; and, any approval granted based on this information may be revoked if it is found that such statements are false.</i>	
APPLICANT SIGNATURE 	Date: 5/8/2018
PROPERTY OWNER INFORMATION (IF DIFFERENT THAN ABOVE)	
Owner:	Phone:
Address:	Email:
City/State/Zip:	
OWNER SIGNATURE	Date:
ADDITIONAL CONTACT INFORMATION	
Engineer / Surveyor:	Phone:
Address:	Email:
City/State/Zip:	
Architect:	Phone:
Address:	Email:
City/State/Zip:	
Other:	Phone:
Address:	Email:
City/State/Zip:	

THE CITY THAT FRIENDLINESS BUILT



July 11, 2018

City Council
City of Lebanon
925 Main Street
Lebanon, OR 97355

Re: Comprehensive Plan and Zone Map Amendment to Mixed Use –
Case File No. 18-04-11

Dear Mayor and Council Members:

This letter is submitted jointly by Housing Land Advocates (HLA) and the Fair Housing Council of Oregon (FHCO). Both HLA and FHCO are non-profit organizations that advocate for land use policies and practices that ensure an adequate and appropriate supply of affordable housing for all Oregonians. FHCO's interests relate to a jurisdiction's obligation to affirmatively further fair housing. Please include these comments in the record for the above-referenced proposed amendment.

As you may know, all amendments to the Comprehensive Plan Map and Zoning Map must comply with the Statewide Planning Goals. ORS 197.175(2)(a). The staff report for the proposed amendment states that adoption of the proposed amendment will not "affect the ability of the City to provide land for housing" and will "potentially increase housing opportunities." The report, however, does not refer to the City's Housing Needs Analysis (HNA) and Buildable Land Inventory (BLI) to show that an adequate number of needed housing units (both housing type and affordability level) will be supported by the residential land supply after enactment of the proposed change. The staff report's findings under Goal 10 are inadequate. Identifying a potential for housing is insufficient to comply with Goal 10's requirements. Attached are guidance documents we developed for Goal 10 findings and we recommend you consider these documents prior to making a decision.

Even when a proposal "provides an opportunity for . . . more dwelling units," the City must show that it is adding needed residential zones. The City must demonstrate that its actions do not leave



it with less than adequate residential land supplies in the types, locations, and affordability ranges affected. See *Mulford v. Town of Lakeview*, 36 Or LUBA 715, 731 (1999) (rezoning residential land for industrial uses); *Gresham v. Fairview*, 3 Or LUBA 219 (same); see also, *Home Builders Assn. of Lane County v. City of Eugene*, 41 Or LUBA 3 70, 422 (2002) (subjecting Goal 10 inventories to tree and waterway protection zones of indefinite quantities and locations). Only with a complete analysis, showing any gain (or loss) in needed housing as compared to the BLI and HNA, can housing advocates and planners understand whether the City is achieving its goals through code amendments.

HLA and FHCO urge the Council to defer adoption of the proposed amendment until Goal 10 findings are made and include reference to the HNA and BLI. Thank you for your consideration. Please provide written notice of your decision to, FHCO, c/o Louise Dix, at 1221 SW Yamhill Street, #305, Portland, OR 97205 and HLA, c/o Jennifer Bragar, at 121 SW Morrison Street, Suite 1850, Portland, OR 97204. Please feel free to email Louise Dix at ldix@fhco.org or reach her by phone at (541) 951-0667.

Thank you for your consideration.

A handwritten signature in blue ink that reads "Louise Dix".

Louise Dix
AFFH Specialist
Fair Housing Council of Oregon

A handwritten signature in blue ink that reads "Jennifer Bragar".

Jennifer Bragar
President
Housing Land Advocates

cc: Kevin Young (by e-mail kevin.young@state.or.us)



[Date]

[Address Block]

Re: Statewide Planning Goal 10 (Housing) and the Obligations of Oregon Cities and Counties

Dear _____:

This letter is submitted jointly by Housing Land Advocates (HLA) and the Fair Housing Council of Oregon (FHCO). Both HLA and FHCO are non-profit organizations that advocate for land use policies and practices that ensure an adequate and appropriate supply of affordable housing for all Oregonians. FHCO's interests relate to a jurisdiction's obligation to affirmatively further fair housing.

Beginning in 2015, HLA and FHCO began a project to review post-acknowledgement plan amendments (PAPAs) across Oregon when those amendments either have insufficient Statewide Planning Goal 10 (Goal 10) findings or the Goal 10 findings do not support adoption of the amendment. Over the course of the project, FHCO and HLA have reviewed more than 800 PAPAs. There are three goals of the project: (1) to protect and promote affordable housing by reminding local governments of their Goal 10 obligations and, when necessary, preserving error in the record for appeal to the Land Use Board of Appeals; (2) to raise awareness of Goal 10 requirements; and (3) to determine whether a PAPA's adoption would violate the Fair Housing Act by discriminating against protected classes through disparate impact.

In line with our goal of raising awareness of Goal 10 requirements, we created a checklist of items to consider in reviewing land use decisions and creating staff reports. Every project and every PAPA is different, but hopefully what is listed below may serve as a general checklist when Goal 10 is at issue. Additionally, at the end of the letter are links to helpful resources.

Goal 10 Requirements

The creation or amendment of a comprehensive plan or land use regulation¹ must comply with the Statewide Planning Goals. ORS 197.175(2)(a).² Goal 10 requires: "Buildable lands for

¹ Zoning map amendments, for example, are land use regulations and subject to LUBA review under the PAPA process. *Northeast Neighborhood Coalition v. City of Medford*, 53 Or. LUBA 277 (2007).



residential use shall be inventoried and plans shall encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density.” OAR 660-015-0000(10).

Therefore, if a PAPA considers a change to the plan or zoning designation of land (as well as text amendments to a plan or land use regulation), then **Goal 10 is at issue and must be addressed** because the land in question could be zoned for a variety of purposes, including housing of various densities. If Goal 10 is at issue, then the staff report must support one of three alternatives: (1) the jurisdiction is already compliant with Goal 10 and will continue to be compliant regardless of how the land will be used, (2) the land was and is not designated for residential development and the proposed amendment is not contrary to Goal 10’s aim to provide needed housing, or (3) the proposed use is the use that meets the housing needs of present and future residents under Goal 10.

Satisfying Goal 10 Requirements

To satisfy Goal 10 requirements in a staff report, the jurisdiction must have already completed and adopted a Buildable Lands Inventory (BLI) and a Housing Needs Analysis (HNA)—see the links at the end of the letter for BLI and HNA examples.

The HNA and BLI need to be used in combination to show either that the jurisdiction presently has and will continue to have sufficient buildable lands for the types of housing needed to support the population according to the projection of the HNA, or the staff report needs to show that the proposed change is serving to bring the jurisdiction closer to meeting its Goal 10 obligations by addressing a need identified in the HNA that is not presently provided for in the BLI.

It is important to note that just because a proposal adds housing units, that proposal does not necessarily comply with Goal 10—the jurisdiction still must show that it is adding needed residential zones (i.e., multifamily vs. single family). The jurisdiction must demonstrate that its actions do not leave it with less than adequate residential land supplies in the types, locations, and affordability ranges affected. See *Mulford v. Town of Lakeview*, 36 Or LUBA 715, 731

² **Both** plan or land use regulatory amendments are subject to the “PAPA process.” ORS 197.610 states in relevant part:

Before a local government adopts a change, including additions or deletions, to an acknowledged comprehensive plan *or land use regulation*, the local government shall submit the proposed change to the Direction of the Department of Land Conservation and Development. * * *

This means that zoning ordinance text and map amendments are subject to the PAPA process.



(1999) (rezoning residential land for industrial uses); *Gresham v. Fairview*, 3 Or LUBA 219 (same); see also, *Home Builders Assn. of Lane County v. City of Eugene*, 41 Or LUBA 370, 422 (2002) (subjecting Goal 10 inventories to tree and waterway protection zones of indefinite quantities and locations).

Goal 10 Findings Checklist

- Does the amendment involve a land use designation or the permitted/conditional use of land?
- Has the jurisdiction adopted a Housing Needs Analysis (HNA)?
- Has the jurisdiction adopted a Buildable Lands Inventory (BLI)?
- Given the HNA and BLI, is there a shortage of certain housing types at present or a predicted shortage in the future?
- Does the PAPA zone the land at issue to meet that need and decrease the shortage?
 - If yes, how?
 - Is the shortage addressed the greatest shortage?
 - I.e., If the zone change is from multi-family to single-family and a city substantially lacks multifamily housing, but has a relatively minor predicted shortage of single-family housing, then even though single-family units are added, Goal 10 might not be satisfied if the PAPA adds more single-family housing instead of filling the greater need of multifamily housing.
 - Does the PAPA use the most efficient means to meet the need (i.e., if the PAPA is adding multifamily land, could it add multifamily zoned land at a higher density)?
 - If no, why not?
 - Is the land at issue suitable for development of the lacking housing type (i.e., slope, wetlands, etc.)?
 - Is there a competing requirement of a different Statewide Planning Goal (i.e., Goal 3 agricultural land requirements)?

Online Resources

LCDC Measures to Encourage Affordable and Needed Housing:

<http://www.oregon.gov/LCD/docs/Affordable%20and%20Needed%20Housing%20Measures.pdf>.

The Housing Element of the City of Central Point's comprehensive plan is well done and contains a good example of a BLI:

http://www.centralpointoregon.gov/documents?field_microsite_tid=21.



The City of Hood River adopted a thorough and complete HNA, which is available here: <http://ci.hood-river.or.us/planning>.

The Housing Needs Analysis in Metro's 2014 Urban Growth Report is another example and shows the scale of the affordable housing shortage in the Portland-Metro Area:

<https://www.oregonmetro.gov/sites/default/files/2015/10/27/2014UGR-Appendix-4-Housing-Needs-Analysis-final.pdf>.

Examining PAPAs for Goal 10 issues at the first iteration of the staff review process will hopefully make for a smooth process that adequately considers the housing needs of Oregonians and addresses the present need for affordable housing across our state.

Sincerely,

A handwritten signature in black ink that reads "Louise Dix". The signature is written in a cursive, flowing style.

Louise Dix
AFFH Specialist
Fair Housing Council of Oregon

A handwritten signature in blue ink that reads "Jennifer Bragar". The signature is written in a cursive, flowing style.

Jennifer Bragar
President
Housing Land Advocates

Agenda Item 2



925 S. Main Street
Lebanon, Oregon 97355

TEL: 541.258.4906
cdc@ci.lebanon.or.us
www.ci.lebanon.or.us

MEMORANDUM

Community Development

To: Lebanon City Council
From: Walt Wendolowski, AICP
Community Development Director
Subject: Comprehensive Plan and Zone Map
Amendments
Planning File: 18-05-16
Applicant: Gleanns at River Place

Date: July 3, 2018

This is a request to establish the Residential Mixed Density Comprehensive Plan designation (C-RM) and Residential Mixed density zone (Z-RM) on a 9.51-acre parcel. The subject property is located on the west side of River Road, approximately 350-feet south of its intersection with Mountain River Drive. A majority of the site is designated Residential Low Density (C-RL) and zoned Residential Low Density (Z-RL). The southeast corner of the property is designated Industrial (C-IND) and zoned Industrial (Z-IND).

The request also included a Partition to divide the property into two parcels; and, to create a 27-lot single family Subdivision on one of the partitioned parcels. The Commission approved those requests in separate actions. Final approval of the subdivision is contingent upon approval of the Plan map and zone map amendments; the partition approval is independent of the Plan and zone changes.

The Planning Commission conducted a public hearing on June 20, 2018, and found the request to amend the Comprehensive Plan Map and Zoning Map complied with the applicable criteria, concluding the proposed RM zone provides additional opportunities to meet the housing needs of the community. Exhibit "A" of the attached Ordinance contains the Planning Commission findings in support of the request. Staff will review the material at the public hearing.

It is the unanimous recommendation of the Planning Commission that the City Council approve the Comprehensive Plan Map Amendment to establish the Residential Mixed Density designation (C-RM), and, the Zone Map Amendment to establish the Residential Mixed Density zone (Z-RM).

A BILL AMENDING THE LEBANON) ORDINANCE BILL NO. 2018-10
COMPREHENSIVE PLAN MAP AND ZONING)
MAP TO ESTABLISH THE RESIDENTIAL)
MIXED DENSITY DESIGNATION AND ZONE) ORDINANCE NO. 2917
File 18-05-16; GLEANNIS AT RIVER PLACE)

WHEREAS, the City of Lebanon received a submission by written request to amend the Comprehensive Plan Map and Zoning Map from Residential Low Density to Residential Mixed Density to Mixed Use for property located within Township 12 South; Range 2 West; Section 14DC; Tax Lot 100; and,

WHEREAS, on June 20, 2018, the Planning Commission for the City of Lebanon conducted a hearing on Planning File No. 18-05-17, making findings recommending establishment of the Residential Mixed Density Comprehensive Plan designation (C-RM) and Residential Mixed Density zone (Z-RM); and,

WHEREAS, after conducting the hearing and considering all objections or remonstrance regarding the proposed Plan and Zone Map amendments, and further considering the recommendation of the Lebanon Planning Commission, the City Council finds that the proposed Comprehensive Plan Map and Zone Map Amendments are in the best interest of the City.

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

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

Section 2. Comprehensive Plan Map Amendment. Based upon the findings adopted herein, the Lebanon Comprehensive Plan Map is hereby amended, such that the property located within Township 12 South; Range 2 West; Section 14DC; Tax Lot 100; shall be designated Residential Mixed Density (C-RM).

Section 3. Zone Map Amendment. Based upon the findings adopted herein, the Lebanon Zone Map is hereby amended, such that property located within Township 12 South; Range 2 West; Section 14DC; Tax Lot 100; shall be zoned Residential Mixed Density (Z-RM).

Section 4. Said Ordinance shall be forwarded to the Oregon Land Conservation and Development Commission and any other entities as required by law for their review.

Passed by the Lebanon City Council by a vote of _____ for and _____ against and approved by the Mayor this 11th day of July 2018.

 Paul Aziz, Mayor
 Bob Elliott, Council President

Attested:

 Linda Kaser, City Clerk / Recorder

EXHIBIT "A"
LEBANON CITY COUNCIL FINDINGS

I. NATURE OF THE APPLICATION

This matter comes before the Lebanon City Council on the application of The Gleanns at River Place, LLC to amend the Plan Map and Zone Map to establish the Residential Mixed Density Zone.

II. GENERAL INFORMATION

A. Site Location

The subject property is located on the west side of River Road, approximately 350-feet south of its intersection with Mountain River Drive. The County Assessor map places the parcel in Township 12 South; Range 2 West; Section 14DC; Tax Lot 100.

B. Site Development and Zoning

The subject 9.51-acre parcel fronts a public street and is served by public facilities. A majority of the site is designated Residential Low Density (C-RL) and zoned Residential Low Density (Z-RL). The southeast corner of the property is designated Industrial (C-IND) and zoned Industrial (Z-IND).

C. Adjacent Zoning and Land Uses

Land to the west, north and east is located within the County, designated Residential Low Density (west and north) and Residential Mixed Density (east). The dominant land use is large lot or acreage homesites. To the south is Industrial zoned property containing the City's new Water Treatment Plant.

D. Proposal

The applicant is requesting approval for (1) a Comprehensive Plan Map Amendment and Zone Change to establish the Residential Mixed Density zone; (2) a Partition to divide the property into two parcels; and, (3) Subdivision to create a 27-lot single family development on one of the partitioned parcels. The findings and conclusions contained in this Exhibit are limited to the proposed Comprehensive Plan Map Amendment and Zone Change.

III. PUBLIC HEARING

A. Planning Commission Action

On June 20, 2018, the Lebanon Planning Commission held a public hearing on this application. At the hearing, Planning File 18-05-16 was made a part of the record. The City noticed the hearing pursuant to Chapter 16.20 of the Lebanon Development Code. No objection was raised as to jurisdiction, evidence or testimony presented at the hearing. At the conclusion of the hearing, the Planning Commission deliberated on the issue and voted to recommend the City Council approve the proposed Comprehensive Plan Map Amendment and Zone Change. The Commission found the proposed changes consistent with the applicable decision criteria.

B. City Council Action

On July 11, 2018, the Lebanon City Council held a public hearing on this application. At the hearing, Planning File 18-05-16 was made a part of the record. The City noticed the hearing pursuant to Chapter 16.20 of the Lebanon Development Code. No objection was raised as to jurisdiction, evidence or testimony presented at the hearing. At the conclusion of the hearing, the City Council deliberated on the issue and voted to approve the proposed Comprehensive Plan Map Amendment and Zone Change. The Council found the proposed changes consistent with the applicable decision criteria.

IV. FINDINGS OF FACT-GENERAL

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

- A. The applicant is The Gleanns at River Place, LLC.
- B. The subject property is located on the west side of River Road, approximately 350-feet south of its intersection with Mountain River Drive. There is no property address and the County Assessor map places the parcel in Township 12 South; Range 2 West; Section 14DC; Tax Lot 100.
- C. The parcel contains approximately 9.51 acres.
- D. The vacant parcel fronts on a public street and is served by public facilities.
- E. A majority of the site is designated Residential Low Density (C-RL) and zoned Residential Low Density (Z-RL). The southeast corner of the property is designated Industrial (C-IND) and zoned Industrial (Z-IND).
- F. Land to the west, north and east is located within the County, designated Residential Low Density (west and north) and Residential Mixed Density (east). The dominant land use is large lot or acreage homesites. To the south is Industrial zoned property containing the City's new Water Treatment Plant.
- G. The applicant is requesting approval for a (1) a Comprehensive Plan Map Amendment and Zone Change to establish the Residential Mixed Density zone on the entire parcel; (2) a Partition to divide the property into two parcels; and, (3) Subdivision to create a 27-lot single family development on one of the partitioned parcels. The findings and conclusions contained in this Exhibit are limited to the proposed Plan Map and Zone Map amendments.
- H. The decision to approve or deny shall be based on criteria contained in the Lebanon Development Code, Chapter 16.26 – Annexations.

V. APPLICATION SUMMARY

- A. The subject property contains both Residential Low Density and Industrial zoned land. To proceed with residential development of the site, the applicant wishes to amend the Comprehensive Plan Map to establish the Residential Mixed Density designation

and amend the Zone Map to establish the Residential Mixed Density Zone. These changes apply to the entire property.

- B. The Department mailed notice of the application to affected agencies, area property owners and the Department of Land Conservation and Development. No agency or property owner responded.

VI. CRITERIA AND FINDINGS

- A. This request involves both a Comprehensive Plan Map Amendment and a Zone Map Amendment. The decision criteria in Chapter 16.27 do not distinguish between the two types of applications. Therefore, since the proposed RM zone will be consistent with the proposed Plan designation, findings in this report apply to both requests.
- B. Chapter 16.27 contains requirements for map amendments, including both the Comprehensive Plan map and Zoning map. Section 16.27.010 addresses the Chapter's purpose while Section 16.27.020 establishes the authority to request map amendments. The Plan and Zoning maps may be amended over time and an individual has the authority to request change in a property's Plan and Zoning map. This proposal conforms to these two Sections. Per provisions in Section 16.27.030, the City Clerk maintains the official Plan and Zoning maps, including subsequent amendments.
- C. The Planning Commission cannot consider a Plan or Zone map amendment within the one-year period immediately following a previous denial (Section 16.27.040). For the record, this is the first Plan and Zone map application regarding this property.
- D. Section 16.27.050 establishes the decision criteria for reviewing a Plan map or Zone map amendment. This material is covered under provisions in Section 16.27.080 and reviewed later in this document.
- E. Section 16.27.060 describes the application process and submittal requirements. Subsection "A." states the request requires hearings before the Planning Commission and City Council. The Commission provides a recommendation to the Council and the Council makes the final decision. Subsection "B." establishes the application requirements. For the record, this application and process conform to provisions in Section 16.27.060.A. Further, the applicant submitted the required information pursuant to provisions in Section 16.27.060.B.

(Note: Chapter 16.27 does not include a Section 16.27.070.)

- F. Section 16.28.080 establishes the decision criteria for Plan map and Zone map amendments. This Section states the City may approve a Comprehensive Plan Map or Zoning Map Amendment request if it satisfies all relevant Decision Criteria cited in Section 16.27.050. Subsection "A." contains the relevant criteria, which are reviewed in the following Sections.
 - 1. Chapter 1: Introduction - The introductory Chapter describes the Comprehensive Plan, its relationship to the Statewide Land Use Goals, the Citizen Involvement program and key terminology. Goals and policies relate to the organization of the Plan, the continued need for citizen involvement and the

relationship of the Plan to State law and implementing codes. These goals and policies are incorporated in the Development Code criteria to determine the appropriateness of a Plan and/or zone change.

2. Chapter 2: Natural Environment – The Chapter address goals and policies related to the City’s natural environment.

FINDINGS: The site may contain wetlands; however, that does not – by itself - prohibit a change in the Plan map and zone. Mitigation measures are possible to allow development of the site regardless of zoning.

3. Chapter 3: Urbanization – This Chapter provides the basic framework for future urban development within the City. The following policies apply:

Public Facilities Capability Policies

P-3: Support a flexible phased program for the orderly extension of water, wastewater, storm drainage and transportation services in response to land development proposals.

P-10: 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.

FINDINGS: Services are in place to serve the site. The site development will dictate the actual type and level of improvements; however, this will not alter the City’s ability to provide public services. Therefore, the proposal is consistent with the noted policies.

Additional Considerations for Conversion of Urbanizable Land to Urban Uses

P-30: 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.

P-31: Manage its Urban Growth Boundary and the lands within so as to encourage development within urban areas before conversion of urbanizable areas, through implementation of land use regulations and land use policies.

FINDINGS: Based on data contained in Table 3-2 of this Chapter, there is a projected surplus of RM zoned land but a deficit of RL zoned land. However, both zones allow creation of single family homes. As such, the conversion from Low Density to Mixed Density does not prohibit or otherwise restrict the creation of single family homes on the site but provides additional options to meet community housing needs. This is further supported by the submitted subdivision plan.

4. Chapter 4: Land Use – This Chapter details the goals and policies to assure the City provides different types of land within City limits that are suitable for a variety of uses. The following policies apply:

General Policies for Land Use

- P-1: Recognize that the Comprehensive Plan land use designations or categories shall determine zoning.
- P-6: Require that changes to the Comprehensive Plan Map be consistent with the policies of the Comprehensive Plan, State law, and any adopted intergovernmental agreements.
- P-12: Ensure that the Zoning Map reflects and implements the Comprehensive Plan Map.

FINDINGS: The proposal calls for a Residential Mixed Density Plan designation and RM zone, thereby ensuring consistency between the Plan and Zone maps (P-1 and P-12). This review addresses compliance with Comprehensive Plan policies (P-6). The State effectively acknowledged the Comprehensive Plan, therefore, conformance with these policies assures conformance with state law. Compliance with Statewide Goals will be reviewed in Chapter 10 heading.

5. Chapter 5: Population & Economy – This Chapter addresses population growth and economic development as well as those trends affecting both. Policies in this Chapter do not directly apply to the request.
6. Chapter 6: Housing – This Chapter establishes the City’s Goals and Policies related to Housing. The Chapter applies, as it concerns residential zoning.

FINDINGS: The application policies are as follows:

- 9.1 Residential Compatibility – This subsection considers placement of manufactured homes, location of neighbor commercial uses and allowances for home occupations. The subject policies apply to the development of the site and are not directly related to the Plan and zone change requests.
- 9.2 Neighborhood Appearance - This subsection establishes screening policies for above ground utilities, the placement of street trees and fencing/landscaping provisions along collector and arterial streets. These policies apply to site development and do not address the matter of the Plan and zone change.
- 9.3 Housing Density and Affordability – This subsection allows for the creation of density bonuses, cooperation with various agencies to provide affordable housing, and ensure the Development Code provides the variety and type of housing required to meet the community’s needs. This last policy (P-11) applies to the request as the zone change to the Residential Mixed Density zone allows a range of housing options – including single family - to meet local needs.
- 9.4 Housing and Open Space – This subsection notes adequate open space must be included in multifamily projects. The policy applies to the site development and not to the request.

- 9.5 Housing and Transportation Connectivity – The subsection includes policies on placement of schools in residential area; sidewalk and ADA requirements; placement of bikeways and pedestrian trails; development of local street standards and emergency vehicle access. These policies apply to specific development requirements and not to the Plan and zone change.
- 9.6 Housing, Public Utilities and Services – Policies call for adequacy of utilities to serve development and undergrounding of all utilities. Further, street lighting is required, street names should be approved by the Fire District and streets should align. Only Policy P-24 regarding public facility provisions directly applies to the request. As noted, services are available to serve the property.
- 9.7 Refinement Plans – This subsection allows development of neighborhood refinement plans. This policy section does not apply to the request.

Generally, the only policy that directly applies to the request is Policy P-11 calling for the City to provide a variety and type of housing to meet community' needs. This is more likely with the request, as the proposed Plan map and zone allow a greater range of housing options as compared to the existing Residential Low Density designation and zone.

- 7. Chapter 7: Community Friendly Development & Preservation of Historic Resources - This Chapter focuses on policies creating a built environment suitable for the needs of a diverse population through a variety of uses scaled for the pedestrian, and capable of accommodating the automobile and mass transit. The following policies apply:

Community Friendly Development Policies

- P-9: Encourage mixed uses within individual buildings, neighborhoods, and zoning districts where allowed by planning and building codes, and where there is no or only limited potential for incompatibility or conflict with public health, safety, and welfare.
- P-10: Allow limited and appropriately scaled neighborhood commercial services in residential zones with appropriate standards to ensure compatibility.

FINDINGS: The proposed RM zoning allows a mixture of homes and limited commercial activities which is consistent with these policies.

- 8. Chapter 8: Transportation – This Chapter addresses the transportation needs of the City with an emphasis of creating a variety of transportation options for pedestrians, bicyclists, vehicles and mass transit. The following policies apply:

Transportation System Planning Policies

- P-12: The transportation system shall be managed to reduce existing traffic congestion and facilitate the safe, efficient movement of people and commodities within the community.

FINDINGS: The site fronts an improved arterial street. Given the acreage and development, there are no capacity issues that prohibit site development.

9. Chapter 9: Public Facilities and Service - The City is required by State law to plan and develop a timely, orderly, and efficient arrangement of public facilities and services to serve as a framework for urban development. Goals and policies in this Chapter address those requirements. The following policies apply:

General Policies

- 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.

FINDINGS: Services are in place and do not require system-wide improvements to existing public facilities. Therefore, the proposal is consistent with the noted policies.

10. Chapter 10: Plan Implementation, Amendment, and Land Use Planning Coordination – This Chapter establishes procedures for amending the Comprehensive Plan Map and Zoning Map. Specific applicable policies include:

- P-1: The City Council may amend the Comprehensive Plan and/or Map after referral to the Planning Commission public hearing, for action, review, revisions, and recommendations.
- P-2: Changes to the Plan and/or Map shall be made by ordinance after public hearings as prescribed by state law and local ordinances.
- P-3: Changes in the Plan and/or Map shall be incorporated directly into the document at the appropriate place. A list of all amendments with date of passage shall then become part of the document until the next comprehensive update of the entire Comprehensive Plan.
- P-4: An amendment to the Comprehensive Plan and/or Map may be considered when one or more of the following conditions exist:
- a. Updated data demonstrates significantly different trends than previous data;
 - b. New data reflects new or previously undisclosed public needs;

- c. New community attitudes represent a significant departure from previous attitudes as reflected by the Planning Commission or City Council;
- d. Statutory changes significantly affect the applicability or appropriateness of existing plan policies.

P-5: Residents, property owners, their authorized agents, the Planning Commission, the City Council, or City staff may initiate a Comprehensive Plan amendment. In order to obtain a Comprehensive Plan and/or Map amendment, the applicants shall have the burden of proof that all of the following conditions exist:

- a. There is a need for the proposed change;
- b. The identified need can best be served by granting the change requested;
- c. The proposed change complies with the Statewide Planning Goals; and,
- d. The proposed change is consistent with all other provisions of the City's Comprehensive Plan.

FINDING: Policies P-1, P-2 and P-3 relate the processing of a Plan text or map amendment. The City is obligated to follow these requirements and does so with the public hearing process.

Evidence is clear that the state of Oregon is facing a housing crunch, especially regarding affordable housing. While the proposed zone change proscribes a specific development, it does allow greater options than the Residential Low Density designation and zone to meet those needs (P-4.a, P-5.a and P-5.b).

Compliance with the Statewide Goals (P-5.c) is noted as follows:

Goal 1, Citizen Involvement: Public hearings will be held before both the Planning Commission and City Council. This is consistent with City procedures and the intent of the Goal.

Goal 2, Land Use Planning: The proposal does not involve exceptions to the Statewide Goals. Adoption actions are consistent with the acknowledged Comprehensive Plan and Development Code.

Goal 3, Agricultural Lands: This Goal does not apply, as the land is not designated farmland.

Goal 4, Forest Lands: This Goal does not apply, as the land is not designated forestland.

Goal 5, Open Spaces, Scenic and Historic Areas, and Natural Resources: The site may contain wetlands which may require mitigation measures to allow development. However, the map changes, by themselves, do not affect these resources.

Goal 6, Air, Water and Land Resource Quality: Residential use of the site remains; therefore, there should be no significant impacts on air, water or resource quality than would otherwise occur.

Goal 7, Natural Hazards: The site is not located in an area of natural hazards.

Goal 8, Recreational Needs: The proposed map amendments do not create uses which would adversely impact recreational opportunities.

Goal 9, Economic Development: The map amendments will allow a greater variety of uses thereby increasing development potential. Further, the proposed RM zone does not preclude employment-type activities on the site.

Goal 10, Housing: The purpose of the request is to construct a single-family subdivision. Both the RL and RM zones allow subdivisions and single-family homes. The only difference between the two is the lot area and dimension requirements of the RM zone allow a smaller lot. Effectively, this zone achieves the purpose of the RL zone while simultaneously allowing higher densities.

In addition, based on the adopted housing needs analysis and the building lands inventory conducted as part of the 2004 Comprehensive Plan, it was determined the City does not have an identified shortage as to housing type. To the contrary the City retains a significant surplus of residential land to meet anticipated housing needs. The proposed zone change permits single family development at a higher density, thereby helping maintain the compact urban form encouraged by the State and avoiding unnecessary urban growth expansion onto adjacent resource lands. In addition, the smaller lot sizes are likely to increase affordability for this type of housing.

Goal 11, Public Facilities and Services: Previous findings indicate services are available to serve the property and the map amendments will not affect the City's ability to provide necessary public facilities.

Goal 12, Transportation: Previous findings indicate the map amendments will not significantly affect planned transportation improvements.

Goal 13, Energy Conservation: The map amendments are neutral regarding energy conservation.

Goal 14, Urbanization: Previous findings indicate the change will still allow the City to meet housing needs of the community as the proposed RM zone does not preclude single-family development.

Goals 15 to 19, Willamette River Greenway, Estuarine Resources, Coastal Shores, Beaches and Dunes, Ocean Resources: The proposals do not involve land within the Willamette Greenway or coastal areas.

Finally, all previous findings indicate the proposal complies with the applicable policies of the City's Comprehensive Plan (P-5.d).

- H. Facility plans need to be consistent with the Comprehensive Plan Map as well as the text, and changes to the Map may necessitate changes to a facility plan. For example, changing a Comprehensive Plan Map designation to a higher intensity use may require an amendment to the TSP, sanitary sewer or potable water master plans.

FINDINGS: The change to the RM zone is not anticipated to adversely impact the City's ability to provide need services. Further, previous findings indicate the existing transportation system can accommodate the Plan and zone change.

- I. Applicants proposing amendments to the Zoning Map must request a City Zoning Classification that is consistent with the Comprehensive Plan Map designation for a subject property. If an applicant requests a City Zoning Classification that is **not** consistent with the Comprehensive Plan Map, the zoning requested shall not be granted until the Comprehensive Plan Map is first appropriately amended to reflect concurrence. (See the Annexation Zoning Matrix, **Table 16.26-1.**) Such an amendment requires a separate application, hearing and decision; this process may occur concurrently with the Zoning Map Amendment hearing.

FINDINGS: Table 16.26-1 of Development Code Section 16.26.040 identifies the various Comprehensive Plan designations and the zones consistent with these Plan designations. The proposal calls for the "Residential Mixed Density" Plan map designation, and pursuant to this Table, the only allowable zone is Residential Mixed Density (Z-RM). Therefore, the proposed RM zone is entirely consistent with the anticipated designation. No other amendments are required.

- J. Section 16.27.080.B states that if proposed amendments to the Comprehensive Plan Map or Zoning Map do not comply with the Comprehensive Plan, the Comprehensive Plan must first be amended so that the proposed Map amendment will be consistent with and accurately implement the Plan.

FINDINGS: Previous findings indicate the proposal complies with the applicable Comprehensive Plan policies and does not require amendments to the Plan text. Therefore, this provision does not apply.

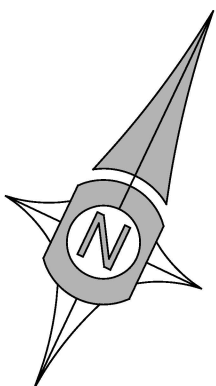
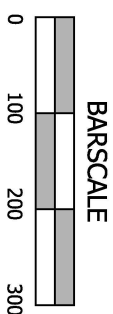
- K. Section 16.27.090 establishes requirements for Urban Growth Boundary (UGB) Amendments. This Section does not apply as the property lies within the UGB.

VII. CONCLUSION

The City Council concludes the proposed amendments to the Comprehensive Plan Map and Zone Map comply with the applicable decision criteria.



SUBJECT PROPERTY



AERIAL PHOTO

RIVER PLACE AT LAKE SIDE
TAX LOT 00100, 12S02W14DC
LEBANON, OREGON

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

CLIENT:
MEADOWS INVESTMENTS, LLC
DALLAS, OREGON 97338
(503) 623-5373



PO Box 1920, Silverton, OR 97381
www.cascadiapd.com / 503-804-1089

**CITY OF LEBANON
APPLICATION FOR
LAND USE REVIEW**

**RIVER ROAD
MAP AMENDMENTS
AND LAND DIVISION
Concurrent Comprehensive
Plan Map Amendment, Zoning
Map Amendment, Partition,
and Subdivision Applications**

Location: T.M. 12-2W-14DC, T.L. 100
Linn County, Oregon

Prepared by: Steve Kay, AICP

Prepared for: Meadows Investments, LLC
PO Box 823
Dallas, OR 97338

May 15, 2018

APPLICANT'S STATEMENT

PROJECT NAME: River Road Map Amendments and Land Division

REQUEST: Approval of Concurrent Comprehensive Plan Map Amendment, Zoning Map Amendment, Partition, and Subdivision Applications

ASSESSOR'S DESCRIPTION: Tax Lot 100 of Tax Map 12-2W-14DC
Linn County, Oregon

APPLICANT'S REPRESENTATIVE: Steve Kay, AICP
Cascadia Planning + Development Services
P.O. Box 1920
Silverton, OR 97381
503-804-1089
steve@cascadiapd.com

APPLICANT: Meadows Investments, LLC
PO Box 823
Dallas, OR 97338

PROPERTY OWNERS: Brian and Noeline U. Phillips
306 Shaff Road
Stayton, OR 97383

SITE AREA: 9.50 acres +/-

LOCATION: South Side of River Road, North of the Gilbert Street Intersection

I. APPLICABLE REGULATIONS

A. LEBANON MUNICIPAL CODE TITLE 16: DEVELOPMENT CODE

- Chapter 16.04: Organization of Land Use Zones**
- Chapter 16.05: Residential Land Use Zones**
- Chapter 16.11: Overlay Land Use Zones**
- Chapter 16.12: Transportation Access, Access Management, and Circulation**
- Chapter 16.20: Review and Decision Making Procedures**
- Chapter 16.27: Comprehensive Plan Map, Zoning Map, and Urban Growth Boundary Amendments**

B. CITY OF LEBANON COMPREHENSIVE PLAN

- Chapter 1: Introduction**
- Chapter 2: Natural Environment**
- Chapter 3: Urbanization**
- Chapter 4: Land Use**
- Chapter 5: Economy**
- Chapter 6: Housing**
- Chapter 7: Community Friendly Development**
- Chapter 8: Transportation**
- Chapter 9: Public Facilities**
- Chapter 10: Plan Implementation**

C. OREGON STATEWIDE PLANNING GOALS

- Goal 1: Citizen Involvement**
- Goal 2: Land Use Planning**
- Goal 3: Agricultural Lands**
- Goal 4: Forest Lands**
- Goal 5: Open Spaces, Scenic and Historic Areas, and Natural Resources**
- Goal 6: Air, Water and Land Resource Quality**
- Goal 7: Natural Hazards**
- Goal 8: Recreational Needs**
- Goal 9: Economic Development**
- Goal 10: Housing**
- Goal 11: Public Facilities and Services**
- Goal 12: Transportation**
- Goal 13: Energy Conservation**
- Goal 14: Urbanization**

II. BACKGROUND:

The applicant, Meadows Investments LLC, is requesting land use approval of concurrent Comprehensive Plan Map Amendment, Zoning Map Amendment, Partition, and Subdivision applications. The attached Existing Conditions Plan indicates that the subject site is located on the south side of River Road, north of the Gilbert Street intersection. The 9.50 +/- acre site is located within the city limits of Lebanon and defined by the Linn County Tax Assessor as Lot 100 of Tax Map 12-2W-14DC. The northern portion of the parcel is currently designated Low Density Residential (C-RL) on the Comprehensive Plan, and Low Density Residential (Z-RL) on the Zoning Map. The southeast corner of the parcel is currently designated on the Comprehensive Plan as Industrial (IND), and Industrial (IND) on the Zoning Map. The requested land use actions are to change the entire site's Comprehensive Plan Map designation to Residential Mixed Density (C-RM), and designate the property as Residential Mixed Density (Z-RM) on the City Zoning Map. A separate application narrative has been submitted for the concurrent Partition and Subdivision applications.

The attached Existing Conditions Plan demonstrates that the subject site is currently vacant and generally slopes down from the southwest to the northeast corner of the site (see Exhibit 3). The plan indicates that a 52,030 sq. ft. wetland is located in the southwest corner of the site. City maps do not identify floodplains or hazards on the property. The submitted Aerial Photograph illustrates that the majority of the site contains ground cover vegetation. A mix of deciduous and evergreen tree species is also located along the western boundary of the site.

As demonstrated by the attached Existing Conditions Plan, public transportation facilities currently serve the site and can be extended when the parcel is developed. The eastern boundary of the site fronts River Road, which is currently designated as a Collector Street in the City's Transportation System Plan (TSP). The TSP also indicates that River Road will be reclassified as an Arterial Street on the City's Future Functional Classification Map.

The Existing Conditions Plan also indicates public utilities are located within the adjacent right-of-way and can be extended when a residential use is developed. Public water and sanitary sewer will be provided from existing main lines within River Road. Stormwater can be managed by detaining runoff from impervious surfaces and releasing it at the pre-development rate into an existing public storm line within River Road (see Exhibit 3).

This Applicant's Statement addresses applicable provisions of the Lebanon Development Code, City of Lebanon Comprehensive Plan, and Oregon Statewide Planning Goals. Copies of the signed Application Form, Property Deeds and Easements, and Concept Plans have been attached to this narrative. The exhibits and narrative demonstrate that the submitted land use applications meet the criteria for approval.

III. FINDINGS

A. LEBANON MUNICIPAL CODE TITLE 16: DEVELOPMENT CODE

Chapter 16.04: Organization of Land Use Zones

Section 16.04.010: Classification of Land Use Zones

A. Background

Every parcel, lot, and tract of land within the city limits of the City of Lebanon is designated with a land use zone. The use of land is limited to the uses allowed by the applicable land use zone and/or overlay zone. The applicable land use zones and overlay zone(s) are determined based on the Land Use Zoning Map and the provisions of this Chapter, which shall be consistent with the City of Lebanon Comprehensive Plan, as indicated in Table 16.04-1.

COMMENT:

The attached Existing Conditions Plan indicates that the 9.50 +/- acre site is currently vacant. The northern portion of the parcel is currently designated Low Density Residential (C-RL) on the Comprehensive Plan, and Low Density Residential (Z-RL) on the Zoning Map. The southeast corner of the parcel is currently designated on the Comprehensive Plan as Industrial (IND), and Industrial (IND) on the Zoning Map. The applicant has submitted concurrent applications to change the entire site's Comprehensive Plan Map designation to Residential Mixed Density (C-RM), and designate the site as Residential Mixed Density (Z-RM) on the City's Zoning Map. As proposed, the requested Zoning Map designation will be consistent with the Comprehensive Plan Map designation.

B. Land Use Zones and Comprehensive Plan Map Designations

As noted in Section 16.02.030.G of Chapter 16.02 of this Development Code, when the City annexes property into the City limits it also assigns the City Zoning map classification that corresponds to the Comprehensive Plan Map designation.

COMMENT:

The subject site is currently located within the city limits of Lebanon. To provide consistency between City map designations, the applicant is proposing to designate the site as Residential Mixed Density on both the Comprehensive Plan Map and Zoning Map.

C. Land Use Zone Titles

The Lebanon Land Use Zone Map and this development Code, in conformity with the City of Lebanon 2004

Comprehensive Plan, establishes the following ten Land Use zones, and six Overlay zones.

COMMENT:

As demonstrated by the attached Existing and Proposed Comprehensive Plan Map, as well as the Existing and Proposed Zoning Map, the proposed land designations will be consistent with the City's Land Use Zones (see Exhibit 3).

D. Annexation and Zoning of Land

Property annexed into the City shall be assigned a City zoning designation that is consistent with the property's Comprehensive Plan Map designation (see Table 16.04-1). For the standards, procedures, and requirements related to Annexation see Chapter 16.26 of this code, and for Comprehensive Plan Map and Zoning Map Amendments see Chapter 16.27 of this code.

COMMENT:

As required, the proposed Residential Mixed Density designation is consistent with the proposed Residential Mixed Density Comprehensive Plan Map designation. To demonstrate compliance with City requirements, this narrative addresses applicable standards and procedures in Chapter 16.27. Chapter 16.26 has not been addressed since the site is currently located within the city limits of Lebanon.

Chapter 16.05: Residential Land Use Zones

Section 16.05.020: Purpose

B. Three Zones are provided:

- 1. The Residential Low Density Zone (Z-RL) is intended primarily for household living at lower densities including limited low density multi-family use, with parks, schools, places of worship, and other supportive services that are at an appropriate neighborhood scale.**
- 2. The Residential Mixed Density Zone (Z-RM) is intended to accommodate a wider variety of housing types and more intensive land use than the RL Zone.**
- 3. The Residential High Density Zone (Z-RH) is intended to primarily provide areas suitable and desirable for multi-family dwellings at higher densities, with provisions for associated public service uses, in close proximity to the downtown area of the City.**

COMMENT:

City maps indicate that the site is currently split-zoned with the northern portion zoned Low Density Residential, and the southeast corner of the property zoned Industrial. A public water treatment facility is currently being developed on a separate Industrial zoned parcel directly to the south of the site. When Industrial zoning was assigned to the site, a portion of the water treatment facility was to be located in the southeast corner of the subject site. However, construction of this public facility is currently underway, and with completion of the final engineering plans, the City determined that the site's Industrial zoning is no longer required for the project.

To permit development of the site with a variety of housing types, the applicant is proposing to designate the entire property as Residential Mixed Density (Z-RM). The attached Existing and Proposed Zoning Map demonstrates that the proposed designation is consistent with the existing land use pattern in the area (see Exhibit 3). The proposed Z-RM zone will serve as a medium density transitional zone between the Industrial zone and water treatment plant to the south of the site, and Low Density Residential properties to the north and west of the site.

Section 16.05.090: Residential Zones – Development Standards

The development standards in Tables 16.05-7 through 16.05-9 apply to all uses, structures, buildings, and development, and major remodels, in the Residential Zones.

COMMENT:

As illustrated by the attached Aerial Photograph, the 9.50 +/- acre site is currently vacant. The applicant has submitted a concurrent 2-lot Partition application to permit the sale of the southern half of the site, and to develop the northern portion of the property. In addition, the applicant is submitting a concurrent Subdivision application to create 27 single-family detached lots on the subject property (see Exhibit 3). A separate application narrative, preliminary plans, and other required exhibits have been submitted for the Partition and Subdivision applications to demonstrate compliance with applicable development standards.

Chapter 16.11: Overlay Land Use Zones

Section 16.11.010: OVERVIEW

A. Background and Purpose

- 1. An Overlay zone is an area where additional requirements are superimposed upon those of the base or underlying zone. An overlay zone addresses special land use circumstances or environmental safeguards unique to the property or properties. Properties within an overlay zone are subject to the requirements and regulations of both the base zone and the overlay zone. Where the standards of the overlay and base zone are different or in conflict, the more restrictive standards shall apply.**

2. The Lebanon Development Code contains several overlay Zones, including the following: Airport; Riparian Protection; Special Transportation Area, Steep Slopes, Limited Use, and Flood Plains.

COMMENT:

City maps do not identify the presence of any of the listed Overlay zones on the subject site. Therefore, these standards do not apply.

Chapter 16.12: Transportation Access, Access Management, and Circulation

Section 16.12.030: Motor Vehicle Access and Management Requirements

A. Purpose

This Section sets the standards for vehicle access to individual properties. Vehicle access must be balanced with the overall objectives of providing a connected street system, and preserving the flow of traffic in terms of safety, roadway capacity, and efficiency.

1. **Goals:** Access shall be managed to maintain an adequate “level of service” and to maintain the “functional classification” of roadways as required by the City’s Transportation System Plan. Major roadways, including highways, arterials, and collectors, serve as the primary system for moving people and goods. “Access management” is a primary concern on these roads. Local streets and alleys provide access to individual properties. If vehicular access and circulation are not properly designed, these roadways will be unable to accommodate the needs of development and serve their transportation function. This Section attempts to balance the right of reasonable access to private property with the right of the citizens of the City and the State of Oregon to safe and efficient travel. It also requires all developments to construct planned streets (arterials and collectors) and to extend local streets.

COMMENT:

As indicated by the attached Existing Conditions Plan, the north boundary of the subject site has frontage on River Road (see Exhibit 3). A review of the City's Transportation System Plan indicates that River Road is currently classified as a Collector Street. As mentioned above, a separate Partition and Subdivision application narrative and preliminary plans have been submitted for a proposed land division of the site. These submitted exhibits demonstrate that access management will occur along the site's River Road frontage in accordance with City standards.

2. **Classification of Roadways: To achieve this policy, state and local roadways have been categorized in the Comprehensive Plan and Transportation System Plan by function and classified for access purposes based upon their level of importance and function. Regulations have been applied to these roadways for the purpose of reducing traffic accidents, personal injury, and property damage attributable to access systems, and to thereby improve the safety and operation of the roadway network. This will protect the substantial public investment in the existing transportation system and reduce the need for expensive remedial measures. These regulations also further the orderly layout and use of land, protect community character, and conserve natural resources by promoting well-designed road and access systems and discouraging the unplanned subdivision of land**

COMMENT:

As mentioned above, the subject site fronts River Road, which is currently classified as a Collector Street on the City's TSP. The attached Existing Conditions Plan indicates that River Road is partially improved. The City is currently constructing improvements within the right-of-way to Collector Street standards with a full pavement width, curbs and gutters, and sidewalks on both sides of the roadway.

D. Traffic Study Requirements

The City or other agency with jurisdiction over transportation access may require a traffic impact analysis or traffic study prepared by a qualified professional to determine access, circulation and other transportation-related impacts created by development and redevelopment (see Section 16.12.010.B, above).

COMMENT:

The applicant's Existing and Proposed Comprehensive Plan Map proposes to change the site's existing Residential Low Density and Industrial designations, to Residential Mixed Density. Since there will only be a marginal increase in traffic on River Road with the proposed map amendments, City staff indicated that a traffic study is not required for the application. Also when discussing the concurrent Partition and Subdivision applications with the City, staff determined that a traffic study is also not required for the proposed land division.

Chapter 16.20: Review and Decision-Making Procedures, and Other Administration Issues

Section 16.20.060: Legislative Decision Making Procedure

Legislative procedures apply to legislative matters. Legislative matters involve the creation, revision, or large-scale implementation of public policy (e.g., annexations, adoption of land use regulations, Zoning Map amendments, and Comprehensive Plan Text and Map amendments). Such legislative matters are considered initially by the Planning Commission which makes "recommendations" for action by the City Council. Final decisions are made by the City

A. Pre-Application Conference

A pre-application conference is required for all Legislative applications initiated by a party other than the City. The applicant may request additional meetings after an initial pre-application conference (fees may be assessed for these additional meetings).

COMMENT:

The applicant is requesting land use approval of concurrent Comprehensive Plan Map Amendment, Zoning Map Amendment, Partition, and Subdivision applications. Per Section 16.20.060, the map amendment applications are required to follow the City's legislative decision making procedure. As required, the applicant attended a pre-application conference with City staff prior to submittal of the applications.

B. De Novo Hearings

City Council public hearings on legislative matters, including those first heard by the Planning Commission shall be de novo hearings. In other words, the City Council shall admit new verbal and written evidence into the record. In such cases, the City Council decision shall be based upon the new evidence and the Planning Commission record, including the testimony and other evidence in that record.

COMMENT:

As required, following City staff review of the applications, the Planning Commission will conduct a public hearing and make a recommendation to City Council regarding the map amendments. The City Council will then hold a de novo hearing to consider the Planning Commission record and any new evidence that is presented at the public hearing.

C. Application Requirements

- 1. Application forms**
Legislative applications shall be made on forms provided by the City Planning Official or designee.
- 2. Submittal Information**
The application shall contain:
 - a. The information requested on the application form.**
 - b. A map and/or plan addressing the appropriate criteria and standards in sufficient detail for review and decision (as applicable).**
 - c. The required fee.**
 - d. One copy of a letter or narrative statement that explains how the application satisfies each and all of the relevant decision criteria and standards.**

COMMENT:

This Applicant's Statement addresses applicable provisions of the Lebanon Development Code, City of Lebanon Comprehensive Plan, and Oregon Statewide Planning Goals. Copies of the signed Application Form, Property Deeds and Easements, and Concept Plans have been attached to this narrative.

Section 16.20.070: General Provisions

D. Pre-Application Conferences

- 1. Participants. When a pre-application conference is required, the applicant shall meet with the City Planning Official or his/her designee(s) and other parties as appropriate.**
- 2. Additional Meetings and Fees: The applicant may request additional meetings after an initial pre-application conference (fees may be assessed for these additional meetings).**

COMMENT:

As required, the applicant met with the Community Development Director and other City staff to discuss the submitted land use applications.

- 3. Information Provided: At such conference, the City Planning Official or designee shall:**
 - a. Cite the comprehensive plan policies and map designations applicable to the proposal;**
 - b. Cite the ordinance provisions, including substantive and procedural requirements applicable to the proposal;**
 - c. Provide available technical data and assistance that will aid the applicant;**
 - d. Identify other governmental policies and regulations that relate to the application; and**
 - e. Reasonably identify other opportunities or constraints concerning the application.**

COMMENT:

As required, the information listed above was discussed at the applicant's pre-application conference.

Section 16.20.110: Traffic Impact Studies

B. When a Traffic Impact Study Is Required

The City or other road authority with jurisdiction may require a Traffic Impact Study (TIS) as part of an application for development, a change in use, or a change in access. A TIS may be required when a land use application involves one or more of the following actions:

- 1. A change in zoning or a plan amendment designation.**
- 2. Any proposed development or land use action that a road authority states may have operational or safety concerns along its facility(ies).**
- 3. An increase in site traffic volume generation by 300 Average Daily Trips (ADT) or more.**
- 4. An increase in peak hour volume of a particular movement to and from the State highway by Twenty**

(20) percent or more.

5. **An increase in use of adjacent streets by vehicles exceeding the 20,000 pound gross vehicle weights by 10 vehicles or more per day.**
6. **The location of the access Roadway does not meet minimum sight distance requirements, or is located where vehicles entering or leaving the property are restricted, or such vehicles queue or hesitate on the State highway, creating a safety hazard.**
7. **A change in internal traffic patterns that may cause safety problems, such as back up onto a street or greater potential for traffic accidents.**

COMMENT:

The submitted Existing and Proposed Comprehensive Plan Map indicates that the applicant is proposing to change the site's existing map designations from Residential Low Density and Industrial, to Residential Mixed Density. When reviewing the proposal with City Staff, no operational or safety concerns were identified for area roadways. Since there will only be a marginal increase in traffic on River Road with the proposed map amendments, City staff indicated that a traffic study is not required for this application. City staff also determined that a traffic study will not be required for the concurrent Partition and Subdivision applications.

Chapter 16.27: Comprehensive Plan Map and Zoning Map Amendments, and Urban Growth Boundary Amendments

Section 16.27.020: Authorization to Initiate Map Amendments

An amendment to the Lebanon Comprehensive Plan (LCP) Map, the City's Zoning Map, or UGB Boundary may be initiated as follows:

COMMENT:

The applicant and current property owner have submitted concurrent Comprehensive Plan Map Amendment, Zoning Map Amendment, Partition, and Subdivision applications for the subject site. As permitted under this Section, the property owners may initiate an amendment to the Comprehensive Plan Map and Zoning Map.

Section 16.27.050: Decision Criteria

A. Compliance with Comprehensive Plan and Facility Plans

1. **All proposed amendments to the Comprehensive Plan Map or to the Zoning Map shall be consistent with the City of Lebanon's adopted Comprehensive**

Plan and Facility Plans. The City's Facility plans, including the 2007 Transportation System Plan (TSP), are based on the future site service demands according to the Comprehensive Plan Map designation and associated zoning.

COMMENT:

The applicant is requesting approval of concurrent Comprehensive Plan Map and Zoning Map amendments so that the resulting map designations are consistent. As illustrated on the attached Existing Conditions Plan, the subject site is located adjacent to River Road. This roadway is currently designated as a Collector Street within the TSP and is capable of accommodating an average daily traffic of 10,000 to 14,000 vehicles. The TSP does not identify any functional or operational issues with the River Road within the 2027 planning horizon. When reviewing the proposed land designation amendments, City staff indicated that the increase in traffic and impacts to this adjacent Collector Street will be marginal.

The proposed Residential Mixed Density designation is also consistent with other City facility plans. The attached Existing Conditions Plan demonstrates that the site can be served by existing public sanitary sewer, water, and storm main lines within the road right-way. During a pre-application conference with the City, staff reviewed the proposed land use designations and determined that existing public facilities have the capacity to accommodate future development of the site.

- 2. Facility plans need to be consistent with the Comprehensive Plan Map as well as the text, and changes to the Map may necessitate changes to a facility plan. For example, changing a Comprehensive Plan Map designation to a higher intensity use may require an amendment to the TSP, sanitary sewer or potable water master plans.**

COMMENT:

An evaluation of adjacent public transportation and utilities indicates that the facilities have the capacity to accommodate the development of the site under the proposed Residential Mixed Density designation. Therefore, the proposed Comprehensive Plan Map amendment will not require an amendment to the City's TSP, sanitary sewer, water, or stormwater master plans.

- 3. Applicants proposing amendments to the Zoning Map must request a City Zoning Classification that is consistent with the Comprehensive Plan Map designation for a subject property. If an applicant requests a City Zoning Classification that is not consistent with the Comprehensive Plan Map, the zoning requested shall not be granted until the Comprehensive Plan Map is first appropriately amended to reflect concurrence. (See the Annexation Zoning Matrix, Table 16.26-1.) Such an amendment requires a separate application, hearing and decision; this process may occur concurrently**

with the Zoning Map Amendment hearing.

COMMENT:

The applicant has submitted concurrent applications to change the site's Comprehensive Plan Map and Zoning Map designation to Residential Mixed Density. Therefore, the proposed Zoning Map designation will be consistent with the proposed Comprehensive Plan Map designation.

B. Amending the Comprehensive Plan

If proposed amendments to the Comprehensive Plan Map or Zoning Map do not comply with the Comprehensive Plan, the Comprehensive Plan must first be amended so that the proposed Map amendment will be consistent with and accurately implement the Comprehensive Plan.

COMMENT:

As discussed above, to ensure that both the Comprehensive Plan Map and Zoning Map designations are consistent for the site, the applicant has submitted concurrent map amendment applications.

Section 16.27.060: Application Process and Submittal Requirements

A. Legislative Procedure

An application for a Comprehensive Plan Map or Zoning Map Amendment shall be processed as a Legislative decision (see Figure 16.27-1), as per the provisions of Section 16.20.060 in Chapter 16.20 of this Code.

- 1. Land use legislative matters (including Comprehensive Plan Map or Zoning Map Amendment) are considered initially in a public hearing by the Planning Commission with final decisions made by the City Council, also in a public hearing.**
- 2. In the Legislative Process, the Planning Commission does not make final decisions, and may only make recommendations to the City Council.**
- 3. City Council shall hold a public hearing, and in reaching a decision shall take into account the recommendations of the Planning Commission, and testimony provided in the public hearings on the application (see Chapter 16.20 of this Code).**

COMMENT:

As required, the requested Comprehensive Plan Map and Zoning Map amendments will be evaluated during a public hearing before the Planning Commission so that the hearing body can make a recommendation to City Council. The City Council will then hold a de novo hearing to consider the Planning Commission record and any additional testimony at the public hearing.

B. Submittal Requirements

The application shall meet submittal requirements listed in Section 16.20.060 (Chapter 16.20) of this Code, as well as those listed below:

- 1. All Items required by the City of Comprehensive Plan Map or Zoning Map Amendment Application.**
- 2. A Narrative describing how the proposal satisfies the provisions of the Lebanon Comprehensive Plan, and the Decision Criteria listed above in Section 16.27.050.**
- 3. For amendments initiated by a property owner or a citizen, a filing fee in accordance with the provisions of City regulations shall accompany an application for an amendment.**

COMMENT:

The land use requests include all of the items required by the Comprehensive Plan Map Amendment and Zoning Map Amendment application forms. This applicant's statement provides a narrative which addresses how the proposal is consistent with applicable sections of the Comprehensive Plan and the decision criteria listed under Section 16.27.050. As required, this application packet is accompanied by the appropriate filing fee.

B. CITY OF LEBANON COMPREHENSIVE PLAN

Chapter 1: Introduction

Section 6.0: Policies

6.1: General Policies

- P-8: The adopted Comprehensive Plan Map, Comprehensive Plan, and implementing ordinances shall be reviewed periodically and may be revised and amended as needed to reflect changing needs and conditions within the planning area, as well as to address deficiencies in any needed land use zone.**

COMMENT:

Due to changing needs and conditions within the community, the applicant is proposing to amend the site's Comprehensive Plan Map land designation from Residential Low Density and Industrial, to Residential Mixed Density. Currently, a public water treatment facility is being developed on the Industrial zoned parcel directly south of the site. When the subject property was split-zoned with residential and industrial designations, the water treatment facility was planned to be partially located in the southeast corner of the subject property. However, construction of the public facility will be complete by October 2018, and the City has determined that the site's Industrial zoning is no longer required for the project.

As demonstrated by the current land use pattern, the site's proposed Residential Mixed Density designation is more compatible with adjacent uses than the existing map designations. The applicant has submitted a concurrent 2-lot Partition application to permit the sale of the southern half of the site, and to develop the northern portion of the property. The applicant's Subdivision application illustrates that single-family detached dwellings on smaller lots are proposed for the northern portion of the property. The southern portion of the site may be developed with a variety of housing types including single-family detached units, townhomes, and apartments. Therefore, the proposed medium density residential use will provide a needed buffer between River Road and newly developed water treatment plant, and existing single-family detached dwellings to the north and west of the site.

In addition to the reasons listed above, the proposed Comprehensive Plan Map designation meets current housing needs in the community. Since the Comprehensive Plan was last updated in 2004, the Baby Boomer generation is now typically empty nesters which are interested in downsizing and reducing home maintenance responsibilities. Meanwhile over the last 10 years, a large Millennial generation has created a large demand for starter homes. Both demographic groups desire more efficient and compact housing options with better access to urban amenities than what has been offered in traditional suburban neighborhoods. The proposed Residential Mixed Density designation addresses these housing needs by permitting the development of single-family homes on moderately sized lots.

Chapter 2: Natural Environment

Section 5.0: Natural Resource Policies

P-19: Preserve significant areas of natural vegetation to the maximum extent possible through the planning review process.

COMMENT:

The attached Existing Conditions Plan indicates that a 52,030 sq. ft. wetland is located in the southwest corner of the site. As demonstrated through the applicant's concurrent Subdivision application, natural vegetation will be preserved on the site to the extent possible.

P-20: Require that development proposals in areas identified as posing a geologic hazard, such as land slippage, poor drainage, ponding and high water table submit engineering investigations of the site.

COMMENT:

The subject site is not located in an area that contains a known geologic hazard, poor drainage, ponding, or high water table. Therefore, the applicant's development proposal does not require an engineering investigation of the site.

Chapter 3: Urbanization

Section 9.2: Public Facilities Capability Policies

P-10: 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.

COMMENT:

Concurrent with the proposed map amendments, the applicant is also requesting preliminary plat approval for a Partition and Subdivision applications. When discussing the proposal at a pre-application conference, staff did not identify deficient public facilities in the vicinity of the site. River Road is currently designated as a Collector Street within the City's Transportation System Plan and the roadway has the capacity to accommodate full development of the site under the proposed zoning. Existing public utilities are also available along the site's River Road frontage, and these facilities have the capacity to accommodate future development of the site. The attached Existing Conditions Plan indicates that the adjacent utility facilities include sanitary sewer, water, public storm main lines (see Exhibit 3).

P-11: 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.

COMMENT:

As required, the developer of the subject site will privately fund and install all needed public infrastructure improvements when constructing future projects.

Section 9.4: Urban Growth Management Agreement (UGMA) Policies

P-15: Jointly manage, with the County, all planning activities and land use developments within the Lebanon Urban Growth Area (UGA) under the procedures set forth in the City of Lebanon/Linn County Urban Growth Management Agreement (UGMA).

COMMENT:

During staff's evaluation of the submitted applications, the City will request a review from the County in accordance with the urban growth management agreement. County comments will be available while the City prepares a staff report, and County input will be presented during public hearings before the Planning Commission and City Council.

P-16: Recognize and act on the basis that this Comprehensive Plan and its related facility plans and Municipal Code acts as the governing documents for planning actions and land use decisions within the City's Urban Growth Area (UGA).

COMMENT:

As required, this narrative addresses how the proposed map amendments are consistent with the Comprehensive Plan and applicable Municipal Code approval criteria.

Chapter 4: Land Use

Section 8.0: General Policies for Land Use

P-6: Require that changes to the Comprehensive Plan Map be consistent with the policies of the Comprehensive Plan, State law, and any adopted intergovernmental agreements.

COMMENT:

As required, this Applicant's Statement addresses how the proposed land designations meet applicable Comprehensive Plan policies, Statewide Planning Goals, and provisions of the Lebanon/Linn County Urban Growth Management Agreement.

P-7: Require that land development proposals be consistent with the City's Comprehensive Plan, Development Code, Municipal Code, Facility Plans, and all adopted standards and enforcement codes of the City. The burden of proof regarding demonstration of compliance with the applicable standards, plans and codes lies with the applicant.

COMMENT:

The applicant has submitted a concurrent 2-lot Partition application to permit the sale of the southern half of the site and develop the northern portion of the property. In addition, the applicant has submitted a Subdivision application to allow the site to be developed with 27 single-family lots. To demonstrate that the land development proposal is consistent with applicable City standards, the applicant has submitted a separate narrative and exhibits for the Partition and Subdivision applications.

P-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.

COMMENT:

The submitted Partition and Subdivision applications demonstrate that public facilities and services will be extended to serve the proposed development. Therefore, with approval of the proposed Comprehensive Plan Map and Zoning Map amendments, the site will be developed at planned urban densities.

P-12: Ensure that the Zoning Map reflects and implements the Comprehensive Plan Map.

COMMENT:

The requested land use actions will change the site's Comprehensive Plan Map designation to Residential Mixed Density (C-RM), and designate the site as Residential Mixed Density (Z-RM) on the City's Zoning Map. To ensure consistency between the proposed map designations, the applicant is requesting concurrent approval of Comprehensive Plan Map Amendment and Zoning Map Amendment applications.

P-14: Require the underground location of electric power, telephone, and cable distribution and service lines in new residential developments.

COMMENT:

The applicant's Partition and Subdivision applications provide a narrative and exhibits that demonstrate that underground electrical and communication services lines will be installed with the development.

P-16: Require that the creation of new flag lots demonstrate that: (a) all provisions of the Fire Code have been met; and, (b) any additional requirements deemed necessary by the Fire Marshal have been met for signage, the safe access of emergency personnel, vehicles and associated equipment, and provisions for readily accessible and appropriate fire flows.

COMMENT:

The attached Preliminary Site Plan indicates that a flag lot is proposed with development of the northern half of the property (see Exhibit 3). The submitted Subdivision application provides a narrative and exhibits which demonstrate that the flag lots meet the provisions of the Fire Code. As required, the Fire Marshal will review the proposed land division and determine if any additional signage, access, and water protection measures are required for the project.

P-17: Acknowledge that projections of future land needs are estimates and periodically require adjustment to reflect actual land development activity.

COMMENT:

City maps indicate that the site is currently split-zoned, with the northern portion designated Low Density Residential. The attached Existing and Proposed Comprehensive Plan Map indicates that the applicant is proposing to change the map designation to Residential Mixed Density (see Exhibit 3). Per Table 3-2 of the 2004 Comprehensive Plan, there was a projected Residential Low Density land deficit of 115.4 acres, and a projected Residential Mixed Density land surplus of 1,122.6 acres for the year 2025 planning horizon. However, in the 14 years since the last Comprehensive Plan update, demographic changes have created new housing needs for the community. With Baby Boomers now downsizing, and the Millennial generation either choosing to either rent or enter the market as first-time home buyers, there is demand for a wide variety of housing types to meet the needs of all community members. As a result, developers have shifted from only building single-family homes on traditionally large lots, to providing more housing options for the community. The attached Preliminary Site Plan indicates that the applicant is proposing to develop single-family homes on smaller lots in the northern portion of the site to meet the current market need.

For the southeast corner of the site, the applicant is requesting to change the site's map designation from Industrial to Residential Mixed Density. Per Table 3-2 of the 2004 Comprehensive Plan, there is a projected Industrial land surplus between 580.9 to 762.8 acres, and a projected Residential Mixed Density land surplus of 1,122.6 acres for the year 2025 planning horizon. As mentioned earlier, a public water treatment facility is currently being developed on an Industrial zoned parcel directly to the south of the site. Originally, the water treatment facility was planned to be partially located in the southeast corner of the subject site. However, construction of the public facility is now nearly complete, and the City has determined that the site's Industrial zoning is no longer required for the project.

Section 9.0: Policies for Residential Uses

P-18: Require that all new subdivisions be provided with street lighting, water, City sewer and storm drains, paved streets, curbs, sidewalks and gutters, in advance of or in conjunction with new housing. Installation of all the above facilities shall be a condition of subdivision approval and at the expense of the developer. Street light fixtures shall be shielded to direct light downwards or in such a manner that it does not shine on surrounding properties.

COMMENT:

As required, all needed utility services will be installed with the proposed land division. The applicant has submitted a separate Subdivision application which demonstrates that proposed facilities meet City standards.

P-20: Permit and encourage compact residential development to provide more efficient land utilization and to reduce the cost of housing, public facilities and services. The City encourages this type of development by offering incentives such as density or open space bonuses.

COMMENT:

The proposed Residential Mixed Density designation will allow the site to be developed at a moderately higher density than the current Residential Low Density designation. In addition to traditional single-family detached dwellings on large lots, the Residential Mixed Density designation allows the development of more compact housing types including single-family detached dwellings on small lots. As a result, the proposed map designation provides more efficient utilization of land and helps reduce the cost of housing, public facilities, and services.

P-22: Allow single-family residential development throughout all residential zones.

COMMENT:

As stated above, the applicant is proposing map amendments to change the site's designation from Residential Low Density and Industrial, to a Residential Mixed Density designation. Per Table 16.05.040 of the Development Code, single-family residential development is permitted outright in all residential zones.

Section 11.0: 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.

COMMENT:

The applicant is requesting to change the land designation in the site's southeast corner from Industrial to Residential Mixed Density. As mentioned earlier, the City has determined that this Industrial zoning is no longer required for the adjacent public water treatment facility. The Industrial zoned portion of the site is less than 1 acre and is too small for most manufacturing uses. In addition, there is currently a surplus of industrial property within Lebanon. As such, infrastructure improvements are not needed to serve industrial development on the subject property.

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.

COMMENT:

Directly south of the site is a public water treatment facility. This industrial use is associated with minimal impacts and does not involve excessive traffic, noise, or pollution. The site's proposed Residential Mixed Density designation will permit the development of a medium density residential use that is compatible with the public facility. As illustrated by the Existing and Proposed Comprehensive Plan Map, the proposed map amendment will serve as a transitional zone and buffer existing single-family uses to the north and west of the site (see Exhibit 3). Therefore, the site's proposed land use will help ensure the livability of the community.

P-37: 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.

COMMENT:

The applicant is requesting to change the land designation in the site's southeast corner from Industrial to Residential Mixed Density. As mentioned earlier, the City has determined that this Industrial zoning is no longer required for the adjacent public water treatment facility. Per Table 3-2 of the 2004 Comprehensive Plan, there is a projected Industrial land surplus between 580.9 to 762.8 acres for the year 2025 planning horizon. Due to this surplus, the proposed map amendment will not impact the City's ability to maintain a supply of diverse and serviceable industrial lands in the marketplace.

P-38: Preserve, in cooperation with the County, vacant and undeveloped designated industrial lands in the Urban Growth Area (UGA) for future industrial and accessory support uses.

COMMENT:

As required, the City is working with the County to maintain an adequate supply of vacant and undeveloped industrial lands in the UGA for future industrial uses. As mentioned above, the Comprehensive Plan indicates that the City will sustain a 580.9 to 762.8 acre Industrial land surplus until the year 2025.

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.

COMMENT:

As demonstrated by the attached Existing Conditions Plan, the Industrial zoned portion of the site is approximately 200-ft. x 200-ft., containing less than 1 acre in area. This portion of the site was originally designed as Industrial to permit the development of a water treatment facility. However, the City has constructed the entire public facility on the parcel to the south of the subject property, and has determined that the site's Industrial zoning is no longer needed for the project. Due to the limited size of the Industrial zoned land on the subject property, most industrial uses are not practical for the site. As required, the applicant has submitted a separate Subdivision application to address how the proposed residential development conforms to applicable City standards.

Chapter 5: Population and Economy

Section 4.0: Goals

G-10: Reviewing and updating periodically the Comprehensive Plan goals, policies and land use map to ensure that enough land is designated in each land use classification to meet anticipated needs.

COMMENT:

Since the last update to the Comprehensive Plan update was completed in 2004, the housing market and community needs have evolved. With Baby Boomers now downsizing, and the Millennial generation either choosing to rent or enter the market as first-time buyers, there is demand for a wide variety of housing types to meet the needs of all life stages. As a result, housing developers have adjusted from only building single-family homes on traditionally large lots, to offering more options for residents including single-family homes on smaller lots, townhomes, senior housing options, and apartments. The proposed Residential Mixed Density designation will permit more compact neighborhoods than the existing land designation, helping to ensure that there is enough residential land to meet market needs.

Section 5.0: Policies

- P-1: Monitor changes in demographic information to assure that the type, quantity, and location of services, facilities, vacant lands, and housing remain adequate to meet changing needs.**

COMMENT:

The applicant is proposing to change the site's land designation from Residential Low Density and Industrial, to Residential Mixed Density. Per Table 3-2 of the 2004 Comprehensive Plan, there was a projected Residential Low Density land deficit of 115.4 acres, and a projected Residential Mixed Density land surplus of 1,122.6 acres for the year 2025 planning horizon. As stated above, with the development of the water treatment facility on the parcel to the south of the site, Industrial zoning is no longer needed on the subject property. In addition, in the 14 years since the last Comprehensive Plan update, demographic changes have created new housing needs in the community. With Baby Boomers now downsizing, and the Millennial generation either choosing to rent or enter the market as first-time home buyers, there is demand for more compact housing to meet the needs of the community members. As a result, developers have shifted reduced focus on building single-family homes on traditionally large lots, to providing more housing options for the community. The applicant's concurrent Subdivision application indicates that single-family homes on smaller lots will be development in the northern portion of the site to meet current market needs.

- P-5: Designate enough land in a variety of parcel sizes and locations to meet future employment and commercial needs**

COMMENT:

The applicant is requesting to change the land designation in the site's southeast corner from Industrial to Residential Mixed Density. As mentioned earlier, the City has determined that this Industrial zoning is no longer required for the adjacent public water treatment facility. The attached Existing Conditions Plan demonstrates that the Industrial zoned portion of the site is less than 1 acre, which is too small for most manufacturing uses. Since the Comprehensive Plan indicates that there is a surplus of industrial property through the year 2025 planning horizon, there is enough land supply to meet projected employment needs.

- P-9: Preserve and protect lands designated for industrial use from incompatible uses by limiting uses on or near sites zoned for specific industrial to those which are compatible with industrial uses.**

COMMENT:

As mentioned previously, the site adjacent to an Industrial zoned property to the south of the site, and this parcel is currently being developed with a water treatment facility. City of Lebanon construction plans for the plant indicates that treatment facilities are located a minimum of 60-ft. from the southern boundary of the subject site. The proposed Residential Mixed Density will permit the development of a medium density residential use that is compatible with the adjacent industrial use. The proposed map amendments also provide a buffer between the public facility and traditionally larger single-family lots to the north and west of the site.

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 an additional major industrial or commercial growth, as indicated in the 2004 Lebanon Urbanization Study (ECONorthwest).

COMMENT:

The 2004 Comprehensive Plan calculates land use needs based on the 2004 Lebanon Urbanization Study by ECONorthwest. Table 3-2 of the Comprehensive Plan projects an Industrial land surplus between 580.9 to 762.8 acres. As demonstrated by the attached Existing and Proposed Comprehensive Plan Map, the Industrial zoned portion of the subject site contains less than 1 acre. Therefore, the proposed map amendments will not impact the City's ability to meet land needs for 3,700 new jobs by the year 2025.

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

COMMENT:

The 2004 Comprehensive Plan projects that Lebanon will reach a population of 19,597 residents by the year 2025. This population was utilized by the City when projecting land needs for the City. Since there is a projected surplus of Industrial land for the year 2025, the proposed map amendments will impact the City's ability to meet stated economic goals in the Comprehensive Plan.

Chapter 6: Housing

Section 9.0: Housing Policies

9.5: Housing and Transportation Connectivity

P-14: Require sidewalks in all new residential developments. Alternative systems of walkways and trails that provide adequate pedestrian circulation may be considered.

COMMENT:

As demonstrated by the attached Existing Conditions Plan, the subject site has approximately 668-ft. of frontage on River Road. The attached Existing Conditions Plan indicates that River Road is partially improved. The City is currently constructing improvements within the right-of-way to Collector Street standards with a full pavement width, curbs and gutters, and sidewalks on both sides of the roadway. The applicant's concurrent Subdivision application demonstrates that pedestrian circulation will also provide with the site's internal street system.

P-16: Ensure that sidewalks or alternative pedestrian systems in all new residential development meet ADA accessibility standards and requirements.

COMMENT:

As demonstrated by the separately submitted Subdivision application, sidewalks which meet ADA accessibility standards will be installed throughout the new residential development.

P-20: Require that residential block length conform to the standards in the Lebanon Subdivision Ordinance and the City's Transportation System Plan.

COMMENT:

As required, the applicant's separately submitted Subdivision application includes plans and a narrative which address residential block length standards.

P-21: Require the development of residential local streets whenever practicable to increase connectivity within and between neighborhoods.

COMMENT:

The applicant has submitted a separate Subdivision application with a proposal to develop several new Local Streets within the development. During review of the development, the City will evaluate if the proposed streets provide desired connectivity between neighborhoods.

9.6 Housing, Public Utilities and Services

P-24: Require for all new residential areas the provision of adequate water and sanitary services and other facilities necessary for safe, healthful urban living consistent with the density of development.

COMMENT:

As demonstrated by the attached Existing Conditions Plan, River Road is currently improved with public sanitary sewer and water utilities which can serve future development on the subject site. The separately submitted Subdivision application demonstrates that proposed water and sanitary sewer facilities have been designed to meet the specific needs of the development.

P-25: Require the underground location of electric power, telephone, and cable TV distribution and service in new developments.

COMMENT:

As required, development of the subject site will include underground utilities. Staff will ensure that City standards are met when final plans are submitted for building permit review.

P-26: Require the provision of street lighting in all new subdivisions at the time of development. Street light fixtures shall be shielded to direct light down.

COMMENT:

At this time, the applicant is requesting approval of concurrent Comprehensive Plan Map Amendment, Zoning Map Amendment, Partition, and Subdivision applications. When detailed plans are submitted for building permit review, staff will ensure that City street lighting standards are met.

9.8 Housing Variety, Type, Density, and Location Amenities

P-30: Ensure that the Comprehensive Plan Map provides opportunities for a variety of housing types, densities and locations within the Urban Growth Boundary area including both the area inside the City limits and the Urban Growth Area.

COMMENT:

To allow the development of a variety of housing types, the applicant is proposing to designate the parcels as Residential Mixed Density on the City's Comprehensive Plan Map and Zoning Map. The current Residential Low Density designation is geared towards the development of large single-family detached lots. The proposed designation will allow a greater variety of housing types including smaller single-family detached lots. As such, the proposed map amendment increases opportunities to develop a variety of housing types, densities, and locations within the UGB.

P-31: Ensure that the Zoning Map or Land Use Map, any special zoning overlay maps and the Development Code provide opportunities for a variety of housing types, densities and locations within the City Limits.

COMMENT:

The applicant is proposing to change the Comprehensive Plan Map and Zoning Map from Residential Low Density and Industrial, to Residential Mixed Density (see Exhibit 3). There are no special zoning overlay maps which apply to the subject site. Since the proposed map amendments will permit a greater variety of housing types and densities than the existing land designations, the proposal helps further this policy.

P-33: Encourage the provision of housing for all people, regardless of age, race, color, religion, sex, national origin, or handicap status, and take special measures to insure that no group or class of

people is excluded from the community.

COMMENT:

The proposed Residential Mixed Density land designation will allow a greater variety of housing types to be developed on the site than the current land designation. As required, when housing is developed on the property, it will be available to all people regardless of age, race, color, religion, sex, national origin, or handicap status.

P-34: Assure an adequate supply of developable land within the City appropriate for a variety of needed housing types, at different price levels, in order to meet the 20-year population projections, and to provide adequate choices in the housing marketplace for the City's residents.

COMMENT:

PSU estimates that Lebanon's population reached 16,720 in the year 2017. Based on the current annual growth rate, the City is on track to meet the Comprehensive Plan population forecast of 19,597 in the year 2025. The Comprehensive Plan indicates that there is a surplus of Industrial designated land when meeting year 2025 employment needs. As discussed above, the proposed Residential Mixed Density designation allows for a greater variety of housing types than the existing Residential Low Density designation, increasing housing choices for the community.

P-36: Maintain an adequate availability of residential, buildable lands that provide locational choices for each housing type.

COMMENT:

With approval of the Comprehensive Plan Map and Zoning Map Amendment applications, additional Residential Mixed Density land will be available for the development of a variety of housing types including single-family detached homes on smaller lots.

P-37: Allow and encourage a variety of housing types to accommodate the demands of the local housing market.

COMMENT:

Under the current Residential Low Density designation, the site can be developed with traditional single-family dwellings on large lots. However, over the last 10 years, the housing market has evolved to meet the needs of the Baby Boomer generation, who are often empty nesters with the desire to downsize. During this time period, the Millennial generation has also entered the market as renters and first-time home buyers. The proposed Residential Mixed Density designation for the subject site allows for a wider range of housing types to meet the current demand for more compact development, and single-family homes on smaller lots

P-38: Plan for at least the number and type of new housing units by the year 2025 and all of the land and services needs required by such growth, as indicated in the 2004 Lebanon Urbanization Study (ECONorthwest).

COMMENT:

Table 3-2 of the 2004 Comprehensive Plan indicates that there is a projected Residential Low Density land deficit of 115.4 acres, and a projected Residential Mixed Density land surplus of 1,122.6 acres when addressing the 2025 planning horizon. However, as discussed above, housing market needs have evolved since the last Comprehensive Plan update. The proposed land use designation will allow more flexibility in meeting current housing demands. With the proposed Residential Mixed Density designation, single-family homes on traditional large lots can still be developed on the site. The proposed designations also support the development of other housing types including single-family homes on smaller lots, townhomes, condos, and apartments.

P-39: Supportively respond to and satisfy local land use needs should the marketplace indicate that there is a greater demand to create housing opportunities for City residents than anticipated in the ECONorthwest 2004 Lebanon Urbanization Study.

COMMENT:

As discussed above, the proposed Residential Mixed Density designation addresses current housing trends and the need to provide more choices for the changing demographics of the community. Due to new housing needs of the Baby Boomer and Millennial generations, the proposed land designation better meets current housing needs than the existing Residential Low Density designation.

P-40: Plan for choices in the housing marketplace and variety in housing types, density and affordability for the projected population of the year 2025.

COMMENT:

The applicant is proposing to change the site's land designations from Residential Low Density and Industrial, to Residential Mixed Density. While the existing designation support single-family housing on large lots, the proposed designation while also permit the development the development of single-family housing on smaller lots, attached single-family units, and apartments. Therefore, the proposed map amendments will encourage the development of moderately priced housing types at various densities within the existing neighborhood.

P-42: In order to assure choices of housing types and costs, provide the opportunity to develop detached and attached single-family units, duplexes, garden apartments, town houses, multiplex units and boarding houses, lodging or rooming houses, and manufactured housing.

COMMENT:

As discussed above, the proposed Residential Mixed Density designation permits the development of additional housing types in the community. The proposed land designation will not only support the development of large single-family lots, but it will also permit the development of smaller single-family lots, duplexes, townhomes, multiplex units, and apartments.

Chapter 7: Community Friendly Development

Section 5.0: Community Friendly Development Policies

P-1: Support infill development and other development options on underutilized residential or commercial lots through such measures as:

- **The use of mid-block lanes (alleys) and interior block clusters on large and deep underdeveloped lots (subject to provisions of the Zoning Ordinance);**
- **Consider reducing minimum lot sizes in Residential Mixed Density and High Density zones (under prescribed conditions, subject to provisions of the Zoning Ordinance);**
- **Consider reducing minimum setbacks in Residential Mixed Density and High Density zones.**

COMMENT:

As demonstrated by the attached Aerial Photograph, the subject site is currently vacant and underutilized. The applicant has submitted a concurrent 2-lot Partition application to permit the sale of the southern half of the site, and to develop the northern portion of the property. In addition, the applicant is submitting a concurrent Subdivision application to create 27 single-family detached lots on the subject property (see Exhibit 3).

P-6: Require that standards for local collector and arterial streets incorporate design features such as bicycle lanes, planting strips, setback sidewalks, and street trees in order to create streets whose purpose is not solely to move automobiles safely and efficiently, but also to create a pedestrian and bicycle friendly environment.

COMMENT:

Concurrent with the proposed map amendments, the applicant has submitted a Subdivision application to permit development of the subject site. The preliminary plans and narrative submitted with the Subdivision application indicates that the applicant is proposing develop 27 smaller single-family lots on the property. The City is currently constructing improvements to River Road to bring it up to Collector Street standards. These improvements will include bicycle lanes, planting strips, setback sidewalks, and street trees along both sides of the roadway.

P-16: Limit average block perimeter in residential zones so that residential areas are built at a pedestrian oriented scale and to encourage increased pedestrian activity.

COMMENT:

The applicant's concurrent Subdivision application addresses how the proposed street layout will be built at a pedestrian scale to encourage walking activity.

P-17: Require that new development proposals located on collectors, arterials and highways incorporate shared access Roadways under prescribed conditions.

COMMENT:

The submitted Preliminary Site Plan indicates that the applicant is proposing to develop two road connections to River Road with the 27-lot subdivision. Since all of the proposed lots are accessed from an internal street network, access management will occur in accordance with this development policy.

Chapter 8: Transportation

Section 11.0: Transportation System Planning Policies

P-20: The Transportation System Plan shall reflect consistency with the City Comprehensive Plan, land use designations, and regional and statewide transportation planning efforts.

COMMENT:

As illustrated by the attached Existing Conditions Plan, the subject site's east boundary fronts River Road. The Transportation System Plan indicates that River Road is currently designated as a Collector Street, and it is identified as an Arterial Street on the City's Future Functional Classification Map (Figure 6-2). The attached Existing and Proposed Comprehensive Plan Map indicates that the applicant is proposing to change the land designation from Residential Low Density and Industrial, to Residential Mixed Density (see Exhibit 3). Since there will only be a marginal increase in traffic on River Road with proposed map amendments, City staff indicated that a traffic study is not required for this application.

Section 12.0: Auto Traffic and Circulation Policies

P-21: The City shall maintain the carrying capacity and viability of highways, arterials and collectors by developing, adopting, and implementing access control standards that restrict or reduce curb cuts and other direct access points, requiring adequate rights-of-way, setback lines, and road improvements as part of the site review and development process, and by coordinating with the Oregon Department of Transportation (ODOT) on issues related to the highways and access management standards.

COMMENT:

The applicant has submitted a concurrent Subdivision application, which identifies two proposed access points from the site to River Road. As required, the submitted preliminary plans and narrative for the Subdivision application demonstrate how the proposed development provides adequate right-of-way, setbacks, and road improvements.

P-25: Private Roadway access shall be limited on all existing and future arterial streets to reduce interference, improve safety, and preserve traffic capacity. New residential Roadways shall not directly access arterial streets where alternate access can be developed.

COMMENT:

The Transportation System Plan indicates that River Road is currently designated as a Collector Street and is identified as an Arterial Street on the City's Future Functional Classification Map. As demonstrated by the Preliminary Site Plan, all Roadway access for the lots will be from internal street within the developments versus River Road.

Section 13.0: Local Connectivity Policies

P-29: The City shall promote connectivity and efficient multi-modal access within and between developments and neighborhoods.

COMMENT:

The City is currently constructing improvements along the site's River Road frontage to meet Collector Street standards. These improvements will include bicycle lanes and sidewalks on both sides of the street (see Exhibit 3). The attached Preliminary Site Plan also illustrates how multi-modal access will be provided within the residential development. The applicant's separately submitted Subdivision application demonstrates how the proposal meets City connectivity standards.

P-33: In order to promote efficient vehicular and pedestrian circulation throughout the City, new land divisions and large site developments shall produce complete blocks bounded by a connecting network of public and/or private streets, in accordance with the provisions set forth in the Zoning Ordinance.

COMMENT:

The applicant's Preliminary Site Plan illustrates proposed residential blocks that are bounded by River Road (see Exhibit 3). The applicant has submitted a separate Subdivision application narrative and exhibits to demonstrate compliance with City block standards.

Section 15.0: Bicycle Policies

P-43: As indicated in the Transportation System Plan, new and redeveloped collector and arterial streets shall be designed to

accommodate bicycle corridors.

COMMENT:

As mentioned above, the applicant has submitted a separate Subdivision application with the map amendment requests. The City is currently improving the site's River Road frontage to Collector Street standards. To meet TSP requirements, the improvements include extending the pavement width and installing bike lanes on both sides of the roadway.

Section 16.0: Pedestrian Policies

P-54: All arterial and collector streets shall have sidewalks or other pedestrian ways constructed at the time of initial street improvement to support and facilitate pedestrian use.

COMMENT:

The City's TSP indicates that River Road is classified as a Collector Street. The attached Existing Conditions Map indicates that there are currently no sidewalk improvements along the site's River Road frontage (see Exhibit 3) However, as mentioned above, the City is currently constructing improvements to River Road, including installing sidewalks on both sides of the roadway.

Chapter 9: Public Facilities and Services

Section 11.0: Policies

11.1: General Policies

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.

COMMENT:

The Existing Conditions Plan indicates that existing public transportation and utility facilities are located in the vicinity of the subject site and can be extended when developing the site (see Exhibit 3). Connection to the public transportation system can be made from the site's frontage on River Road. Public water, sanitary sewer, and storm services can be provided from existing main lines along the site's River Road frontage. City staff indicated at the Pre-Application Conference that there is only a moderate increase in density with the proposed map amendments. As such, it has been determined that existing utility services have the capacity to serve the Residential Mixed Density designation.

11.6: Parks Policies

P-36: Identify sites for a variety of park uses, including both passive and active recreational uses.

COMMENT:

The subject site is not identified as the location of a future park in the City of Lebanon 2006 Parks Master Plan. Therefore, the proposed Residential Mixed Density designation is consistent with this Comprehensive Plan policy.

P-39: Acquire, where possible, future park sites adjacent to linear greenways to take advantage of the opportunity to link parks with potential pedestrian and bike trails.

COMMENT:

The City Parks Master Plan does not identify a linear greenway in the vicinity of the subject site. Therefore, the proposed designation is consistent with this Comprehensive Plan policy.

Chapter 10: Plan Implementation, Coordination, and Amendment

Section 6.0: Comprehensive Plan and Map Amendment Policies

P-4: An amendment to the Comprehensive Plan and/or Map may be considered when one or more of the following conditions exist:

- a. Updated data demonstrates significantly different trends than previous data;**

COMMENT:

City maps indicate that the site is currently split-zoned with the northern portion zoned Low Density Residential, and the southeast corner of the property zoned Industrial. A public water treatment facility in Industrial zone was applied to the site, a portion of the water treatment facility was to be located in the southeast corner of the subject site. However, construction of this public facility will be complete by October 2018, and the City has determined that the site's existing Industrial zoning is no longer required for the project. Based on this updated information, the applicant is proposing to change the site's current land designations to Residential Mixed Density

Due to demographic shifts during the past decade, current housing needs are significantly different than when the City's Comprehensive Plan was last updated in 2004. Baby Boomers have transitioned to empty nesters, and they are now interested in downsizing and reducing their home maintenance responsibilities. Meanwhile, the Millennial generation has created a large demand for rental and first-time buyer housing. Both demographic groups are interested in more efficient and compact housing options with better access to urban amenities than what is traditionally offered in suburban neighborhoods. To address these current housing trends, residential developers are meeting the needs of all life stages by integrating a greater variety of housing types within communities. The proposed Residential Mixed Density designation provides the flexibility needed to develop desired housing types including single-family homes on smaller lots, townhomes, condominiums, senior housing options, and apartments.

- b. New data reflects new or previously undisclosed public needs;**

COMMENT:

As mentioned previously, changing public needs create support for the proposed map amendment in the southeast corner of the site. Construction of the adjacent water treatment plant is currently underway and is expected to be complete by October 2018. When initial planning for the treatment plant occurred, a portion of the needed public facility was located in the southeast corner of the subject site. However, after final engineering was completed, the City determined that the site's Industrial designation is no longer needed for the project. Since the Industrial zoning is not needed for public facilities, or to fulfill current Industrial land supply needs, the applicant is proposing to change the site's land designation to Residential Mixed Density.

Current housing trends also support a map amendment in the northern portion of the site. As mentioned previously, since the last Comprehensive Plan update, demographic changes have resulted in significant changes to the housing market. To meet housing needs for the Baby Boomer and Millennial generations, developers are moving away from only offering large single-family lots to building a variety of compact housing units. The proposed Residential Mixed Density designation permits the development of a greater variety of housing types to meet these current market trends.

- c. New community attitudes represent a significant departure from previous attitudes as reflected by the Planning Commission or City Council;**

COMMENT:

The demographic factors discussed above are influencing current demands in the housing market. Both Baby Boomers and Millennial generations favor moderately priced compact developments like homes on smaller single-family lots, townhomes, condos, and apartments. Therefore, the proposed Residential Mixed Density designation is ideally suited for the site and permits the development of needed housing for the community.

- d. Statutory changes significantly affect the applicability or appropriateness of existing plan policies.**

COMMENT:

There are no statutory changes which affect existing plan policies. Therefore, this Comprehensive Plan sub-policy does not apply to the proposed map amendments.

P-5: Residents, property owners, their authorized agents, the Planning Commission, the City Council, or City staff may initiate a Comprehensive Plan amendment. In order to obtain a Comprehensive Plan and/or Map amendment, the applicants shall have the burden of proof that all of the following conditions exist:

- a. There is a need for the proposed change;**

COMMENT:

The proposed map amendments are a product of changing housing needs in the community. Per Table 3-2 of the 2004 Comprehensive Plan, there was a projected Residential Low Density land deficit of 115.4 acres, and a projected Residential Mixed Density land surplus of 1,122.6 acres for the year 2025 planning horizon. However, 14 years have passed since the last Comprehensive Plan update, and significant demographic changes have created different housing needs. The Baby Boomer generation has now entered their empty nester life stage, where they are downsizing the size and home maintenance responsibilities of their homes. Meanwhile, a large Millennial cohort has entered the workforce and is driving the first-time home buyer market. Both of these generations are interested in living in more compact housing forms. To meet these needs, the proposed Residential Mixed Density designation supports the development of single-family homes on large lots are now constructing single-family homes on smaller lots, townhomes, senior housing options, and apartments. The applicant's Preliminary Site Plan illustrates that smaller single-family lots are proposed to help fulfill current market needs.

The map amendments also address changing public facility land needs in the community. As demonstrated by the attached Existing Conditions Plan, the Industrial zoned portion of the site is approximately 200-ft. x 200-ft. and contains less than 1 acre in area. This portion of the site was originally designed as Industrial to help support the development of a water treatment facility. However, the City has constructed the entire public facility on a parcel that is located to the south of the subject property. Due to the limited size of Industrial zoning on the site, it is not practicable to develop manufacturing uses on the property. In addition, the Comprehensive Plan indicates that there is a surplus of industrial property through the year 2025 planning horizon. Therefore, the elimination of Industrial zoning on the property will not impact the City's ability to meet its industrial land needs.

- b. The identified need can best be served by granting the change requested;**

COMMENT:

The proposed Comprehensive Plan Map change from Residential Low Density to Residential Mixed Density will best meet the identified need for more housing diversity. The existing land designation only permits the development of large single-family detached lots, while the proposed land designation allows the development of a wide variety of housing types including single-family homes on smaller lots, townhomes, condominiums, and apartments. Due to demographic changes involving the Baby Boomer and Millennial generations, more compact housing types are now the primary needs of the community. The proposed map amendments will also provide an additional benefit by serving as a transitional zoning buffer between the industrial use to the south of the site, and existing large lot single-family homes to the north and west of the property.

- c. The proposed change complies with the Statewide Planning Goals; and,**

COMMENT:

The applicant has addressed how the proposed Comprehensive Plan Map amendment complies with the Statewide Planning Goals in the narrative provided below.

- d. The proposed change is consistent with all other provisions of the City's Comprehensive Plan.**

COMMENT:

As required, this Applicant's Statement has addressed how the proposed map amendment is consistent with all applicable provisions of the Comprehensive Plan.

C. OREGON STATEWIDE PLANNING GOALS

Goal 1: Citizen Involvement

Summary: Goal 1 calls for "the opportunity for citizens to be involved in all phases of the planning process." It requires each city and county to have a citizen involvement program containing six components specified in the goal. It also requires local governments to have a committee for citizen involvement (CCI) to monitor and encourage public participation in planning.

COMMENT:

The requested map amendments are to change the site's Comprehensive Plan Map designation to Residential Mixed Density (C-RM), and designate the site as Residential Mixed Density (Z-RM) on the Zoning Map. As required, citizens will have the opportunity to comment on the proposed map amendments at public hearings before the Planning Commission and City Council.

Goal 2: Land Use Planning

Summary: Goal 2 outlines the basic procedures of Oregon's statewide planning program. It says that land use decisions are to be made in accordance with a comprehensive plan, and that suitable "implementation ordinances" to put the plan's policies into effect must be adopted. It requires that plans be based on "factual information"; that local plans and ordinances be coordinated with those of other jurisdictions and agencies; and that plans be reviewed periodically and amended as needed. Goal 2 also contains standards for taking exceptions to statewide goals. An exception may be taken when a statewide goal cannot or should not be applied to a particular area or situation.

COMMENT:

As required, the applicant's narrative addresses how the proposed land use actions meet applicable goals and policies of the City of Lebanon Comprehensive Plan. The applicant's proposal does not require that an exception be granted to any of the Statewide Planning Goals.

Goal 3: Agricultural Lands

Summary: Goal 3 defines "agricultural lands." It then requires counties to inventory such lands and to "preserve and maintain" them through farm zoning. Details on the uses allowed in farm zones are found in ORS Chapter 215 and in

Oregon Administrative Rules, Chapter 660, Division 33.

COMMENT:

The subject site is currently located within the City of Lebanon Urban Growth Boundary. Since the site is not classified as “agricultural lands”, the proposed Residential Mixed Density designation is consistent with Goal 3.

Goal 4: Forest Lands

Summary: This goal defines forest lands and requires counties to inventory them and adopt policies and ordinances that will "conserve forest lands for forest uses."

COMMENT:

The attached Aerial Photograph illustrates that that the majority of the site contains ground cover vegetation. A mix of deciduous and evergreen tree species is also located along the western boundary of the site. Since the subject property does not include designated forest lands, Goal 4 is not applicable to the proposed land designation.

Goal 5: Open Spaces, Scenic and Historic Areas and Natural Resources

Summary: Goal 5 covers more than a dozen natural and cultural resources such as wildlife habitats and wetlands. It establishes a process for each resource to be inventoried and evaluated. If a resource or site is found to be significant, a local government has three policy choices: preserve the resource, allow proposed uses that conflict with it, or strike some sort of a balance between the resource and the uses that would conflict with it.

COMMENT:

The subject site does not contain any identified open spaces, scenic or historic areas. The attached Existing Conditions Plan indicates that the subject site contains a 52,030 sq. ft. wetland in the southwest corner of the site. The submitted Preliminary Site Plan indicates that development is only proposed for the northern portion of the property at this time. When a future development plan is submitted for the southern portion of the site, the City will review potential impacts to the wetland and determine how mitigation shall be provided.

Goal 6: Air, Water and Land Resources Quality

Summary: This goal requires local comprehensive plans and implementing measures to be consistent with state and federal regulations on matters such as groundwater pollution.

COMMENT:

The applicant has submitted separate narratives and associated exhibits for the Partition and Subdivision applications. If land use approval is granted for the land division, the approval will be conditioned to demonstrate compliance with local, state, and federal air, water, and land resource quality standards.

Goal 7: Areas Subject To Natural Disasters and Hazards

Summary: Goal 7 deals with development in places subject to natural hazards such as floods or landslides. It requires that jurisdictions apply "appropriate safeguards" (floodplain zoning, for example) when planning for development there.

COMMENT:

City maps indicate that the subject site does not contain any steeply sloping areas or floodplains, and the property is not subject to other natural disasters and hazards. Therefore, the proposed Comprehensive Plan Map and Zoning Map amendments are consistent with Goal 7.

Goal 8: Recreation Needs

Summary: This goal calls for each community to evaluate its areas and facilities for recreation and develop plans to deal with the projected demand for them. It also sets forth detailed standards for expedited siting of destination resorts.

COMMENT:

The subject site is not identified as the location of a future park in the City of Lebanon 2006 Parks Master Plan. Therefore, the proposed maps amendments do not impact the City's ability to meet this Statewide Planning Goal.

Goal 9: Economic Development

Summary: Goal 9 calls for diversification and improvement of the economy. It asks communities to inventory commercial and industrial lands, project future needs for such lands, and plan and zone enough land to meet those needs.

COMMENT:

The applicant is proposing to change the site's land designation from Residential Low Density and Industrial, to Residential Mixed Density. As demonstrated by the attached Existing and Proposed Comprehensive Plan Map, the Industrial zoned portion of the site is approximately 200-ft. x 200-ft. and contains less than 1 acre in area. This portion of the site was originally zoned Industrial to allow the development of a water treatment facility. However, the City has constructed the entire public facility on the parcel to the south of the subject property and has determined that the site's Industrial zoning is no longer required for the project. Due to the limited size of the Industrial zoning on the site, the development of a manufacturing use is not practical on the property. The need for the Industrial zoning is also diminished by the 2004 Comprehensive Plan, which states that there is a projected Industrial land surplus of 580.9 to 762.8 acres for the year 2025 planning horizon. Therefore, the proposed Residential Mixed Density designation does not impact the City's ability to meet its economic development needs.

Goal 10: Housing

Summary: This goal specifies that each city must plan for and accommodate needed housing types, such as multifamily and manufactured housing. It requires each city to inventory its buildable residential lands, project future needs for such lands, and plan and zone enough buildable land to meet those needs. It also prohibits local plans from discriminating against needed housing types.

COMMENT:

To allow the development of a variety of housing types, the applicant is proposing to change the site's land designation to Residential Mixed Density. Since the last Comprehensive Plan update in 2004, demographic changes have created new housing needs in the community. With Baby Boomers now downsizing, and the Millennial generation either choosing to rent or enter the market as first-time home buyers, there is demand for a wide variety of housing types to meet the needs of all community members. The current Residential Low Density designation for the site still permits the development of single-family homes on large lots, however the proposed designation will allow a greater variety of housing types including smaller single-family homes on smaller lots, townhomes, condominiums, and apartment units. Therefore, the proposed Comprehensive Plan and Zoning Map amendments comply with Goal 10.

Goal 11: Public Facilities and Services

Summary: Goal 11 calls for efficient planning of public services such as sewers, water, law enforcement, and fire protection. The goal's central concept is that public services should to be planned in accordance with a community's needs and capacities rather than be forced to respond to development as it occurs.

COMMENT:

The subject site is currently located within the city limits of Lebanon and is provided law enforcement and fire protection services. As demonstrated by the attached Existing Conditions Plan, utilities are in the vicinity of the subject site and can be extended to serve the proposed Residential Mixed Density designation. Therefore, the proposed map amendments comply with Goal 11.

Goal 12: Transportation

Summary: The goal aims to provide "a safe, convenient and economic transportation system." It asks for communities to address the needs of the "transportation disadvantaged."

COMMENT:

As demonstrated by the attached Existing Conditions Plan, transportation facilities currently serve the site and can be extended when the site is developed (see Exhibit 3). The northern boundary of the site fronts River Road, which is currently designated as a Collector Street and is being improved to City standards. The attached Preliminary Site Plan demonstrates that River Road and the planned internal street network will provide safe, convenient, and economic transportation facilities for neighborhood residents.

Goal 13: Energy

Summary: Goal 13 declares that "land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles."

COMMENT:

This proposed map amendments do not significantly affect Goal 13. A discussion of energy conservation is provided under Goal 14 below.

Goal 14: Urbanization

Summary: This goal requires cities to estimate future growth and needs for land and then plan and zone enough land to meet those needs. It calls for each city to establish an "urban growth boundary" (UGB) to "identify and separate urbanizable land from rural land." It specifies seven factors that must be considered in drawing up a UGB. It also lists four criteria to be applied when undeveloped land within a UGB is to be converted to urban uses.

Land Need

Establishment and change of urban growth boundaries shall be based on the following:

- (1) Demonstrated need to accommodate long range urban population, consistent with a 20-year population forecast coordinated with affected local governments; and

COMMENT:

When the City of Lebanon Comprehensive Plan was last updated in 2004, 20-year land needs were based on a population forecast of 19,597 for the year 2025. As demonstrated by the attached Existing and Proposed Comprehensive Plan Map, the subject site is located within the City's established UGB (see Exhibit 3). As discussed above, the proposed Residential Mixed Density designation is needed to provide a greater variety of housing types for the Baby Boomer and Millennial generation residents. These current housing needs include smaller single-family detached lots, attached single-family lots, condominiums, and apartment units.

- (2) Demonstrated need for housing, employment opportunities, livability or uses such as public facilities, streets and roads, schools, parks or open space, or any combination of the need categories in this subsection (2).**

COMMENT:

Since the last Comprehensive Plan update in 2004, there have been significant demographic changes in the community, and as a result, housing needs have evolved. The Baby Boomer generation is now older and is looking to downsize to reduce their home maintenance responsibilities. At the same time, a large Millennial generation has entered the workforce as renters and first-time home buyers. To meet current housing needs, residential developers are addressing the needs of all life stages by integrating a wider variety of housing types within communities. Instead of building only single-family homes on traditionally large lots, developers are now providing additional options community members including single-family homes on smaller lots, townhomes, senior housing options, and apartments. The proposed Residential Mixed Density designation allows the development of all of these housing types to help meet current market needs.

Boundary Location

The location of the urban growth boundary and changes to the boundary shall be determined by evaluating alternative boundary locations consistent with ORS 197.298 and with consideration of the following factors:

- (1) Efficient accommodation of identified land needs;**

COMMENT:

The proposed Residential Mixed Density designation will allow the site to be developed at a moderately higher density than the current Residential Low Density designation. In addition to single-family detached dwellings on large lots, the Residential Mixed Density designation allows the development of more compact housing types including single-family detached dwellings on small lots. As a result, the proposed designation provides more efficient utilization of land and will reduce the per unit cost of public facilities and services.

- (2) Orderly and economic provision of public facilities and services;**

COMMENT:

The subject site is currently located within the city limits of Lebanon and has access to City fire and police services. As demonstrated by the attached Existing Conditions Plan, public transportation and utility services are currently available to the site from River Road (see Exhibit 3).

(3) Comparative environmental, energy, economic and social consequences; and

COMMENT:

The proposed Residential Mixed Density designation will have positive consequences for the environment. With approval of the map amendments, the site can be developed at a moderately higher density than under the existing Residential Low Density designation. By developing the site with more efficient housing types, there will be less pressure to expand the Urban Growth Boundary, and fewer impacts to agricultural and environmental resources which surround the urban area.

The proposed land designation will also have positive social and economic consequences. By locating medium density housing within a short distance of commercial uses to the west of the site, residents can conveniently walk to these amenities and enhance economic development opportunities in the River Road Neighborhood. When more compact housing is developed in close proximity to retail uses, parks, and other services, increased energy savings and social benefits will be achieved under the proposed Residential Mixed Density designation as compared to the existing Residential Low Density designation.

(4) Compatibility of the proposed urban uses with nearby agricultural and forest activities occurring on farm and forest land outside the UGB.

COMMENT:

The subject site is not located near the fringe of the Urban Growth Boundary or near agricultural or forest activities. Therefore, this subsection of Goal 14 does not apply to this application.

IV. SUMMARY AND CONCLUSIONS

Based on the above findings, the applicant has demonstrated compliance with applicable sections of the Lebanon Municipal Code, City of Lebanon Comprehensive Plan, and Oregon Statewide Planning Goals. Therefore, the applicant requests that the concurrent Annexation, Comprehensive Plan Map Amendment, and Zoning Map Amendment applications be approved.

VI. EXHIBITS

1. Application Form

2. Property Deeds and Easements

3. Concept Plans

P-1: Existing Conditions Plan

P-2: Aerial Photograph

P-3: Existing and Proposed Comprehensive Plan Map

P-4: Existing and Proposed Zoning Map

P-5: Preliminary Site Plan

APPLICATION FORM



LAND USE APPLICATION

PROPERTY INFORMATION

Site Address(es):
Assessor's Map & Tax Lot No.(s):
Comprehensive Plan Designation / Zoning Designation:
Current Property Use:
Project Description:

APPLICANT / PRIMARY CONTACT INFORMATION

Applicant:	Phone:
Address:	Email:
City/State/Zip:	

I hereby certify that the statements, attachments, exhibits, plot plan and other information submitted as a part of this application are true; that the proposed land use activity does not violate State and/or Federal Law, or any covenants, conditions and restrictions associated with the subject property; and, any approval granted based on this information may be revoked if it is found that such statements are false.

APPLICANT SIGNATURE	Date:
---------------------	-------

PROPERTY OWNER INFORMATION (IF DIFFERENT THAN ABOVE)

Owner:	Phone:
Address:	Email:
City/State/Zip:	

OWNER SIGNATURE	Date:
-----------------	-------

ADDITIONAL CONTACT INFORMATION

Engineer / Surveyor:	Phone:
Address:	Email:
City/State/Zip:	

Architect:	Phone:
Address:	Email:
City/State/Zip:	

Other:	Phone:
Address:	Email:
City/State/Zip:	

THE CITY THAT FRIENDLINESS BUILT

REQUIRED SUBMITTALS

- Application and Filing Fee
- Narrative Describing the Proposed Development and addressing the Decision Criteria
 - LDC Article Two Land Uses and Land Use Zones
 - LDC Article Three Development Standards
 - LDC Article Four Review & Decision Requirements
 - LDC Article Five Exceptions to Standards (eg Variance, Non-Conforming Uses)
- Site Plan(s) drawn to scale with dimensions, Include other drawings if applicable
- Copy of current Property Deed showing Ownership, Easements, Property Restrictions

FOR OFFICE USE

***If more than one review process is required, applicant pays highest priced fee, then subsequent applications charged at half-price.**

Land Use Review Process		Fee	Land Use Review Process		Fee
Administrative Review		\$450	Planned Development – Preliminary		\$2500
Annexation		\$1500	Planned Development – Ministerial		\$200
Code Interpretation		\$100	Planned Development – Final (Administrative)		\$450
Comprehensive Plan Map Amendment		\$2000	Planned Development – Final (Quasi-Judicial)		\$750
Comprehensive Plan Text Amendment		\$2000	Subdivision Tentative		\$2000 + \$15/lot
Conditional Use		\$1500	Subdivision Final		\$800 + \$15/lot
Historic Preservation Review or Register		Varies	Tree Felling Permit (Steep Slopes only)		\$150 + \$5/tree
Land Partition		\$450	Urban Growth Boundary Amendment		Actual Costs
Ministerial Review		\$150	Variance (Class 1 – Minor Adjustment)		\$150
Modification of Approved Plan	25% of Application		Variance (Class 2 – Adjustment)		\$450
Non-Conforming Use/Development		\$450	Variance (Class 3)		\$1000
Property (Lot) Line Adjustment		\$250	Zoning Map Amendment		\$1000

APPLICATION RECEIPT & PAYMENT

Date Received: _____ Date Complete: _____ Receipt No.: _____

Received By: _____ Total Fee: _____ File No.: _____

THE CITY THAT FRIENDLINESS BUILT

PROPERTY DEEDS AND EASEMENTS

11 - 16 - 93

VOL 0667 PAGE 335

WARRANTY DEED

DENE H. SIHLER and JUDITH B. HOSEID, Administrator of the Estate of Ward K. Hoseid, Grantor, conveys and warrants to BRIAN PHILLIPS and NOELINE U. PHILLIPS, husband and wife, Grantee, the following described real property, free of encumbrances except as specifically set forth herein, situated in Linn County, Oregon, to-wit:

The following described real property situated in the County of Linn and State of Oregon to-wit: Lots 5 thru 18 inclusive and lots 38 thru 50 inclusive, Linndale Addition.

Also the Northerly 14.52 feet of Lots 19 and 37, Linndale Addition, described as follows: Beginning at a 3/4 inch pipe on the Westerly line of Lot 19, which bears South 22°48' East 14.52 feet from the Northwest corner of said Lot 19; thence North 67°12' East 360.34 feet to a 3/4 inch pipe which bears South 22°46' East from the Northeast corner of Lot 37; thence North 22°46' West 14.52 feet to the Northeast corner of Lot 37; thence South 67°12' West along the Northerly lines of Lots 37 and 19, 360.34 feet, to the Northwest corner of Lot 19; thence South 22°48' East 14.52 feet to the place of beginning. EXCEPT that portion situated in dedicated Clover Street, lying between Lots 19 and 37.

The said property is free from encumbrances except covenants, conditions and restrictions of record and federal patents.

The true consideration for this conveyance is the sum of \$26,000.00.

This instrument does not guarantee that any particular use may be made of the property described in this instrument. A buyer should check with the appropriate city or county planning department to verify approved uses.

DATED this 25th day of June, 1986.

SEND TAX STATEMENTS TO
GRANTEES AT: 37574 River Drive
Lebanon, OR 97355

Judith B. Hoseid
Judith B. Hoseid, Administrator of
the Estate of Ward K. Hoseid

DATED this 28 day of June, 1986.

x Dene H. Sihler
Dene H. Sihler

return to Ray

NOV 16 1993

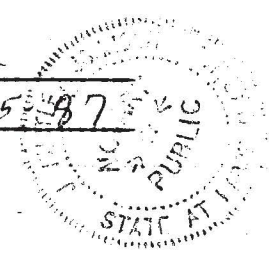
11 - 16 - 93

VOL 0667 PAGE 336

STATE OF ALABAMA)
County of Houston) ss.

On this 25th day of June, 1986 personally appeared before me the above-named Judith B. Hoseid, Administrator of the Estate of Ward K. Hoseid, and she acknowledged the foregoing instrument to be her voluntary act and deed.

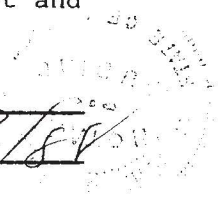
J. W. Ruttler Johnson
Notary Public for Alabama
My Commission Expires: 4-15-87



STATE OF OREGON)
County of Lane) ss.

On this 28th day of June, 1986 personally appeared before me the above-named Dene H. Sihler, and she acknowledged the foregoing instrument to be her voluntary act and deed.

[Signature]
Notary Public for Oregon
My Commission Expires: 4/24/88



GRANTOR: Dene H. Sihler & Judith B. Hoseid, Administrator of the Estate of Ward K. Hoseid

GRANTEE: Brian Phillips & Noeline U. Phillips

GRANTEE'S ADDRESS: 37574 River Drive, Lebanon, OR 97355

SEND TAX STATEMENTS TO: Grantees at: 37574 River Drive, Lebanon, OR 97355

After recording return to: Key Title/Albany #19-21706/JD

STATE OF OREGON
County of Linn

I hereby certify that the attached was received and duly recorded by me in Linn County records.

STEVE DRUCKENMILLER
Linn County Clerk

By [Signature], Deputy

M
R 70
S 70
A 30
O

MF 667

PAGE 335

40
Nov 16 11 31 AM '93

NOV 16 1993

RIGHT-OF-WAY DEDICATION

KNOW ALL MEN BY THESE PRESENTS that for and in consideration of the sum of \$ 100, receipt of which is hereby acknowledged, the undersigned, Brian Phillips and Noeline U. Phillips, address: 306 Shaff Road City of Stayton, County of Linn, State of Oregon, owner of the land below described, hereinafter called Grantor, hereby grants, bargains, sells and conveys to the CITY OF LEBANON, a Municipal Corporation located within Linn County, Oregon, hereinafter called Grantee, its successors and assigns, a perpetual municipal right-of-way in, over and upon property situated in Linn County, Oregon, more fully described as follows:

(See Exhibits "A" and "B")

The purpose of this right-of-way is to provide property for roadway and utility purposes on the above-described property.

This right-of-way includes the rights of ingress and egress at any time over and upon the above-described land of the Grantor, and other land of the Grantor adjoining said right-of-way that is necessary to exercise the rights of ingress and egress.

There is reserved to Grantor, their heirs and assigns, the right and privilege to use the above-described land of the Grantor at any time, in any manner, and for any purpose not inconsistent with the full use and enjoyment by the Grantee, its successors and assigns, of the rights and privileges herein granted.

Grantee shall be responsible for the construction, maintenance, operation and replacement of the right-of-way for which the granting of this right-of-way dedication has been given.

IN WITNESS WHEREOF, we have set our hands hereto this 29th day of April, 2016.

STATE OF OREGON)
County of Linn)ss.
City of Lebanon)

Noeline Phillips
[Signature]

GRANTOR(S)

IN WITNESS WHEREOF, we have set our hands hereto this 11th day of May, 2016.

STATE OF OREGON)
County of Linn)ss.
City of Lebanon)

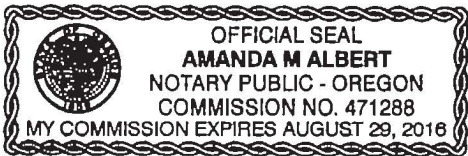
By: [Signature]
Paul R. Aziz, Mayor [checked]
Bob Elliott, Council President []
By: [Signature]
Linda Kaser, City Clerk/Recorder

GRANTEES

On the 29th day of April, 2016, personally appeared the within named BRIAN PHILLIPS and NOELINE U. PHILLIPS who acknowledged the foregoing instrument to be a voluntary act and deed.

BEFORE ME: [Signature]
NOTARY PUBLIC FOR OREGON

My commission expires: Aug. 29th, 2016



On the 11th day of May, 2016, personally appeared Paul R. Aziz and LINDA KASER, who each being duly sworn, did say that the former is the Mayor/Council President and the latter is the Recorder for the City of Lebanon, a Municipal Corporation, and that the seal affixed to the foregoing instrument was signed and sealed in behalf of said corporation by authority of its City Council, which accepted this easement on the 11th day of May, 2016; and each of them acknowledged said instrument to be its voluntary act and deed.

BEFORE ME: [Signature]
NOTARY PUBLIC FOR OREGON

My commission expires: Jan. 7, 2020



AREA RESERVED
FOR USE BY
LINN COUNTY RECORDER

LINN COUNTY, OREGON 2016-13788
D-DED 08/15/2016 02:56:37 PM
Cnt=1 Stn=44 COUNTER \$75.00
\$15.00 \$11.00 \$20.00 \$19.00 \$10.00



I, Steve Druckenmiller, County Clerk for Linn County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.



Steve Druckenmiller - County Clerk

Exhibit A

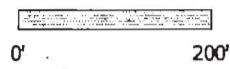
An area of land in the Southeast 1/4 of Section 14, Township 12 South, Range 2 West,
Willamette Meridian, Linn County, Oregon. Being more particularly described as follows:

The Easterly 10.00 feet of Parcel 1 of Linn County Partition Plat 2008-26.

REGISTERED
PROFESSIONAL
LAND SURVEYOR
Brian Vanetta
OREGON
JULY 13, 1999
BRIAN VANETTA
#51041-LS
RENEWAL DATE: 6-30-16



SCALE:



RIVER ROAD
(50.00' R/W)
CR 719

10.00'
EVEN WIDTH
R/W DEDICATION
ALONG EAST LINE
OF PARCEL 1

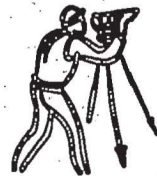
PARCEL 1
PP 2008-26

WEST LIMIT
OF 10.00' RIGHT-OF-WAY
DEDICATION

LEGEND

- PP LINN COUNTY PARTITION PLAT
- R/W RIGHT OF WAY
- CO COUNTY
- RD ROAD
- AC ACRES

SHEET 1
of 2
SCALE: AS NOTED



Date 4/25/16
Project 13-452
Drawn by AAP
Checked by BSV

"EXHIBIT B"
PARCEL 1
PP 2008-26
LEBANON, OREGON

LINN COUNTY, OREGON 2008-14985
D-WD 07/28/2008 03:32:33 PM
Cnt=2 Stn=1 COUNTER \$51.00
\$25.00 \$5.00 \$11.00 \$10.00



I, Steve Druckenmiller, County Clerk for Linn County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.



Steve Druckenmiller - County Clerk

**Special Warranty Deed With
Reservation of Easements
(Schweinsopf II)**

Lebanon Hardboard LLC, Grantor, conveys and specially warrants to Schweinsopf Development, LLC, Grantee, the real property described in attached Exhibit 1 ("the Property"), free of encumbrances created or suffered by Grantor except as listed below.

The Property is encumbered by the following:

- (1) Easement in favor of Mountain States Power Company for electric power line recorded May 24, 1940 in Book 151, at page 536;
- (2) Easement in favor of Oregon Electric Railway Company for railway spurs and storage tracks as shown on County Survey 18783.
- (3) Easement recorded April 18, 2008, as Instrument No. 2008-07919 in favor of City of Lebanon for sanitary sewer line; and
- (4) Easement recorded April 18, 2008, as Instrument No. 2008-07957 in favor of Schweinsopf Development LLC.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 and 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING

Until a change is requested, all tax statements shall be sent to the following address:

Schweinsopf Development LLC
10480 SE Walnut Dr.
Happy Valley, Or 97266

After recording, return to:

✓ Schweinsopf Development LLC
10480 SE Walnut Dr.
Happy Valley, Or 97266

12-2w-23A/201

1241331

First American Title

EXHIBIT 1

LEGAL DESCRIPTION:

A TRACT OF LAND BEING PART OF PARCEL 2 OF PARTITION PLAT NO. 2008-26 (CS 24800) SITUATED IN THE NORTHEAST QUARTER OF SECTION 23 AND THE SOUTHEAST QUARTER OF SECTION 14, TOWNSHIP 12 SOUTH, RANGE 2 WEST OF THE WILLAMETTE MERIDIAN, IN THE CITY OF LEBANON, COUNTY OF LINN, AND STATE OF OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID PARCEL 2, BEING THE INITIAL POINT OF PARTITION PLAT NO. 2008-25, SAID POINT BEING ON THE NORTHEASTERLY RIGHT OF WAY LINE OF THE OREGON ELECTRIC RAILWAY COMPANY; THENCE NORTH 27°57'40" WEST, ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 28.29 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE NORTH 27°57'40" WEST, ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 214.49 FEET; THENCE NORTH 18°00'00" EAST A DISTANCE OF 158.54 FEET; THENCE SOUTH 72°00'00" EAST A DISTANCE OF 211.51 FEET; THENCE SOUTH 17°50'19" WEST A DISTANCE OF 288.72 FEET; THENCE SOUTH 89°57'51" WEST A DISTANCE OF 61.13 FEET TO THE POINT OF BEGINNING.

Exhibit 2

Grantor hereby reserves the following easements:

- (a) a permanent, non-exclusive easement appurtenant to maintain and operate the subsurface pipes and valves that are part of the joint fire suppression system situated on the Property; (Grantee shall be obligated to maintain, at its expense, the fire suppression system within the 8,000 sq. ft. shop and also to maintain all operable subsurface fire suppression lines and related valves located on the Property);
- (b) a permanent, non-exclusive easement appurtenant to maintain and operate the existing 3" potable water line that is supplied by the City of Lebanon water system;
- (c) a permanent, non-exclusive easement appurtenant to maintain and operate the existing subsurface sanitary sewer line;
- (d) a permanent easement appurtenant for the existing approximately 11,800 volt three phase overhead power line;
- (e) a permanent, non-exclusive easement appurtenant to maintain and operate the existing subsurface drain line that drains the concrete pad directly south of the PFL Building situated on Linn County, Oregon Parcel 2 of Partition Plat 2008-26; and
- (f) a permanent, non-exclusive easement appurtenant to maintain and operate the existing rail spur that extends all along the east-southeast boundary of the Property.

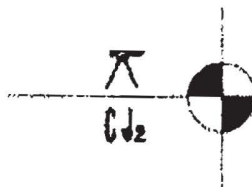
The easement designated as (b) above in this Exhibit 2 shall expire if the PFL Building, Custom Plant Building, and R & D Buildings all stop receiving water from the 3" potable water line for 36 consecutive months.

Grantee and all subsequent owners of the Property shall have the right, at their expense, to relocate one or more of the easements designated as (a), (b), (c), (d), and (e) in this Exhibit 2, provided that the relocated easement(s) furnishes the same quality of service to the properties benefited by the relocated easement(s) as existed before the easement(s) was relocated.

The benefited parcels for the above-listed appurtenant easements are as follows:

- Easement (a): Linn County, Oregon, Partition Plat No. 2008-25, Parcels 2 and 3;
- Easement (b): Linn County, Oregon, Partition Plat No. 2008-25, Parcels 2 and 3; and the real property described in attached Exhibit 3
- Easement (c): Linn County, Oregon, Partition Plat No. 2008-25, Parcels 2 and 3; and the real property described in attached Exhibit 3
- Easement (d): Linn County, Oregon, Partition Plat No. 2008-25, Parcels 2 and 3;
- Easement (e): Linn County, Oregon, Partition Plat No. 2008-25, Parcel 2; and
- Easement (f): Linn County, Oregon, Partition Plat No. 2008-25, Parcel 2.

Exhibit 3



CHASE, JONES & ASSOCIATES INC.
 FORMERLY BOOTH & WRIGHT
Land Surveyors & Engineers Since 1885

716 S.E. 11TH AVE PORTLAND, OR 97214
 TEL: 503-228-9844

March 21, 2008
 #12367

AREA TO BE TRANSFERRED

A tract of land located in part of the Russell T. Hill D.L.C. No. 77 in the North 1/2 of Section 23, Township 12 South, Range 2 West, of the Willamette Meridian, in the City of Lebanon, County of Linn, and State of Oregon, being more particularly described as follows:

Commencing at the southeast corner of the Morgan Subdivision; thence North 89°50'16" East a distance of 113.04 feet to the easterly right of way of the Oregon Electric Railway Company; thence South 27°57'40" East along said right of way a distance of 787.55 feet; thence, leaving said right of way North 89°57'51" East a distance of 253.21 feet; thence North 17°47'06" East a distance of 109.97 feet; thence South 69°28'00" East a distance of 584.00 feet; thence North 22°55'24" East a distance of 177.36 feet to the southeast corner of Parcel "E" as per C.S. #18783; thence North 08°14'15" West a distance of 130.00 feet; thence North 19°13'56" East a distance of 197.13 feet; thence North 09°53'24" East a distance of 105.21 feet to the POINT OF BEGINNING of the tract herein to be described; thence continuing North 09°53'24" East a distance of 115.29 feet; thence North 72°00'00" West a distance of 196.47 feet; thence North 18°00'00" East a distance of 433.90 feet to the southwesterly right of way line of River Road (County Road No. 719); thence 253.01 feet along the arc of a non-tangent 502.46 foot radius curve to the left through a central angle of 28°51'03" (the chord bears South 48°13'21" East 250.34 feet) to a point of non-tangency; thence leaving said right of way line South 18°49'20" East a distance of 101.69 feet; thence South 33°20'30" East a distance of 99.10 feet; thence South 37°11'15" East a distance of 201.30 feet; thence North 76°10'23" West a distance of 48.97 feet; thence South 73°38'54" West a distance of 328.40 feet to the POINT OF BEGINNING.

This tract contains 145,111 square feet or 3.33 acres more or less.



EX. 6-30-09

LINN COUNTY, OREGON

2008-07957

E-EAS

Cnt=1 Stn=1 COUNTER

04/18/2008 12:59:23 PM

\$30.00 \$11.00 \$10.00

\$51.00



00080006200800079570060066

I, Steve Druckenmiller, County Clerk for Linn County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.



Steve Druckenmiller - County Clerk

Easement Agreement

(Schweinsopf)

am
APRIL

Date: Effective as of ~~March~~ April 17, 2008

The undersigned agree as follows:

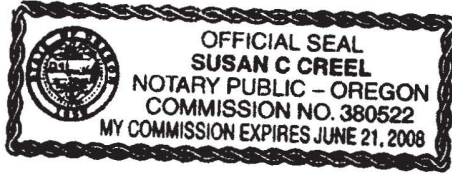
1. Grant of Easements. For good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Lebanon Hardboard LLC, Grantor, conveys to Schweinsopf Development LLC, Grantee, the following four perpetual non-exclusive easements appurtenant: (a) easement for vehicular and pedestrian ingress and egress extending over a 45-foot-wide strip of land the center line of which is located 22.5 feet northeast of, and parallel with, the northeast side of the Albany & Eastern Railway (which railway is 100 feet wide); the northwest end of the strip of land intersects the southernmost tip of the real property described in attached Exhibit 1, which is the benefited parcel for all four easements ("Benefited Parcel"); the southeast end of the strip of land is situated 310 feet southeast of the northwest end of the strip of land; the owner of the Benefited Parcel may construct, reconstruct, maintain, and repair a road within the area of the easement; (b) easement for the existing subsurface sanitary sewer line extending all along, and approximately 30 feet east-southeast of, the east-southeast side of the Benefited Parcel and further extending approximately 300 feet south-southwest from the easternmost southeast corner of the Benefited Parcel and then west approximately 70 feet to the Albany & Eastern Railway; (c) easement for the existing sub-surface natural gas line beginning near the easternmost point of the Benefited Parcel, extending south-southwest approximately 350 feet, then extending east-southeast approximately 600 feet, then extending north-northeast approximately 850 feet to River Road; and (d) easement to maintain and operate the existing rail spur extending all along, and 10 feet east-southeast of, the east-southeast side of the Benefited Parcel and further extending from the easternmost southeast corner of the Benefited Parcel 350 feet, more or less, south southwest down the center line of the existing rail spur and 8 feet either side of that center line, to the railroad main line; as to the portion of the easement located south of the easternmost southeast corner of the Benefited Parcel, this is an easement to transport rail cars between the main line and the rail spur situated on the Benefited Parcel; it is not an easement to store rail cars between the main line and Benefited Parcel.

1186084

First American Title
Return To:

State of Oregon)
) ss
County of LINN)

see APRIL
On ~~March~~ 17, 2008, the foregoing easement agreement was acknowledged before me by David Reis as the managing and sole member of Schweinsopf Development LLC, Grantee of this easement agreement.



Susan C Creel

Notary Public for Oregon
My Commission Expires: 6-21-08

Exhibit 1

February 13, 2008

12279-A

SCHWEINSOPF TRACT

A tract of land located in the northeast quarter of Section 23, Township 12 South, Range 2 West, of the Willamette Meridian, in the City of Lebanon, County of Linn, and the State of Oregon being more particularly described as follows:

Commencing at the southeast corner of the "Morgan Subdivision"; thence North $89^{\circ}50'16''$ East a distance of 113.04 feet to the easterly right of way line of the Oregon Electric Railway Company; thence South $27^{\circ}57'40''$ East along said right of way line a distance of 41.84 feet to the POINT OF BEGINNING; thence South $27^{\circ}57'40''$ East, along said easterly right of way line a distance of 474.63 feet; thence North $18^{\circ}00'00''$ East, leaving said right of way line, a distance of 158.54 feet; thence South $72^{\circ}00'00''$ East a distance of 211.51 feet; thence North $17^{\circ}50'19''$ East a distance of 407.19 feet; thence North $71^{\circ}56'03''$ West a distance of 411.53 feet to a point on a non-tangent curve to the left; thence 66.63 feet along the arc of a 261.00 foot radius curve to the left through a central angle of $14^{\circ}37'33''$ (the chord bears South $38^{\circ}30'48''$ West 66.45 feet) to a point of reverse curvature; thence 140.48 feet along the arc of a 261.00 foot radius curve to the right through a central angle of $30^{\circ}50'18''$ (the long chord bears South $46^{\circ}37'11''$ West 138.79 feet) to a point of tangency; thence South $62^{\circ}02'20''$ West a distance of 72.61 feet to the POINT OF BEGINNING.

This tract contains 202,494 square feet or 4.65 acres more or less.

Exhibit 2

December 18, 2006

#12002

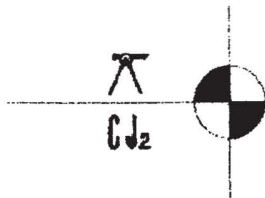
EARTHANOL TRACT

A tract of land located in the northeast quarter of Section 23 , Township 12 South, Range 2 West, of the Willamette Meridian, in the City of Lebanon, County of Linn, and the State of Oregon, being more particularly described as follows:

Commencing at the southeast corner of the "Morgan Subdivision"; thence North $89^{\circ}50'16''$ East a distance of 113.04 feet to the easterly right of way line of the Oregon Electric Railway Company; thence South $27^{\circ}57'40''$ East along said right of way line a distance of 516.47 feet to the POINT OF BEGINNING; thence North $18^{\circ}00'00''$ East a distance of 158.54 feet; thence South $72^{\circ}00'00''$ East a distance of 471.01 feet; thence South $17^{\circ}59'00''$ West a distance of 51.00 feet; thence South $72^{\circ}00'00''$ East a distance of 534.06 feet; thence South $22^{\circ}56'06''$ West a distance of 131.77 feet; thence South $22^{\circ}55'24''$ West a distance of 128.77 feet; thence South $75^{\circ}05'37''$ East a distance of 50.49 feet; thence South $22^{\circ}55'24''$ West a distance of 64.71 feet; thence South $17^{\circ}53'46''$ West a distance of 208.55 feet; thence South $65^{\circ}37'31''$ West a distance of 57.80 feet; thence South $45^{\circ}15'59''$ West a distance of 39.79 feet; thence South $18^{\circ}11'41''$ West a distance of 140.20 feet; thence South $1^{\circ}00'19''$ West a distance of 403.03 feet; thence North $75^{\circ}05'37''$ West a distance of 25.75 feet to the northeasterly right of way line of said Oregon Electric Railway Company; thence North $27^{\circ}57'40''$ West along said right of way 1,472.62 feet to the POINT OF BEGINNING.

This tract contains 624,198 square feet or 14.33 acres more or less.

Exhibit 3



CHASE, JONES & ASSOCIATES INC.
FORMERLY BOOTH & WRIGHT
Land Surveyors & Engineers Since 1885

716 S.E. 11TH AVE PORTLAND, OR 97214
TEL: 503-228-9844

March 21, 2008
#12367

AREA TO BE TRANSFERRED

A tract of land located in part of the Russell T. Hill D.L.C. No. 77 in the North 1/2 of Section 23, Township 12 South, Range 2 West, of the Willamette Meridian, in the City of Lebanon, County of Linn, and State of Oregon, being more particularly described as follows:

Commencing at the southeast corner of the Morgan Subdivision; thence North 89°50'16" East a distance of 113.04 feet to the easterly right of way of the Oregon Electric Railway Company; thence South 27°57'40" East along said right of way a distance of 787.55 feet; thence, leaving said right of way North 89°57'51" East a distance of 253.21 feet; thence North 17°47'06" East a distance of 109.97 feet; thence South 69°28'00" East a distance of 584.00 feet; thence North 22°55'24" East a distance of 177.36 feet to the southeast corner of Parcel "E" as per C.S. #18783; thence North 08°14'15" West a distance of 130.00 feet; thence North 19°13'56" East a distance of 197.13 feet; thence North 09°53'24" East a distance of 105.21 feet to the POINT OF BEGINNING of the tract herein to be described; thence continuing North 09°53'24" East a distance of 115.29 feet; thence North 72°00'00" West a distance of 196.47 feet; thence North 18°00'00" East a distance of 433.90 feet to the southwesterly right of way line of River Road (County Road No. 719); thence 253.01 feet along the arc of a non-tangent 502.46 foot radius curve to the left through a central angle of 28°51'03" (the chord bears South 48°13'21" East 250.34 feet) to a point of non-tangency; thence leaving said right of way line South 18°49'20" East a distance of 101.69 feet; thence South 33°20'30" East a distance of 99.10 feet; thence South 37°11'15" East a distance of 201.30 feet; thence North 76°10'23" West a distance of 48.97 feet; thence South 73°38'54" West a distance of 328.40 feet to the POINT OF BEGINNING.

This tract contains 145,111 square feet or 3.33 acres more or less.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Eric D. Jones

OREGON
JULY 18, 1982
ERRIC D. JONES
1996

EX. 6-30-09

CONCEPT PLANS



July 11, 2018

City Council
City of Lebanon
925 Main Street
Lebanon, OR 97355

Re: Comprehensive Plan and Zone Map Amendment to Residential Mixed Density –
Case File No. 18-05-16

Dear Mayor and Council Members:

This letter is submitted jointly by Housing Land Advocates (HLA) and the Fair Housing Council of Oregon (FHCO). Both HLA and FHCO are non-profit organizations that advocate for land use policies and practices that ensure an adequate and appropriate supply of affordable housing for all Oregonians. FHCO's interests relate to a jurisdiction's obligation to affirmatively further fair housing. Please include these comments in the record for the above-referenced proposed amendment.

As you may know, all amendments to the Comprehensive Plan Map and Zoning Map must comply with the Statewide Planning Goals. ORS 197.175(2)(a). The staff report for the proposed amendment states that Goal 10 is achieved because the Residential Mixed zone "achieves the purpose of the [Residential Low] zone while simultaneously allowing higher densities." The staff report also relies on the applicant's submittal that generally describes that additional housing density is a good thing. The report, however, does not refer to the City's Housing Needs Analysis (HNA) and Buildable Land Inventory (BLI) to show that an adequate number of needed housing units (both housing type and affordability level) will be supported by the residential land supply after enactment of the proposed change. The staff report's findings under Goal 10 are inadequate. Attached are guidance documents we developed for Goal 10 findings and we recommend you consider these documents prior to making a decision.

Even when a proposal "provides an opportunity for . . . more dwelling units," the City must show that it is adding needed residential zones. The City must demonstrate that its actions do not leave



it with less than adequate residential land supplies in the types, locations, and affordability ranges affected. See *Mulford v. Town of Lakeview*, 36 Or LUBA 715, 731 (1999) (rezoning residential land for industrial uses); *Gresham v. Fairview*, 3 Or LUBA 219 (same); see also, *Home Builders Assn. of Lane County v. City of Eugene*, 41 Or LUBA 3 70, 422 (2002) (subjecting Goal 10 inventories to tree and waterway protection zones of indefinite quantities and locations). Only with a complete analysis, showing any gain (or loss) in needed housing as compared to the BLI and HNA, can housing advocates and planners understand whether the City is achieving its goals through code amendments.

HLA and FHCO urge the Council to defer adoption of the proposed amendment until Goal 10 findings are made and include reference to the HNA and BLI. Thank you for your consideration. Please provide written notice of your decision to, FHCO, c/o Louise Dix, at 1221 SW Yamhill Street, #305, Portland, OR 97205 and HLA, c/o Jennifer Bragar, at 121 SW Morrison Street, Suite 1850, Portland, OR 97204. Please feel free to email Louise Dix at ldix@fhco.org or reach her by phone at (541) 951-0667.

Thank you for your consideration.

A handwritten signature in black ink that reads "Louise Dix".

Louise Dix
AFFH Specialist
Fair Housing Council of Oregon

A handwritten signature in blue ink that reads "Jennifer Bragar".

Jennifer Bragar
President
Housing Land Advocates

cc: Kevin Young (by e-mail kevin.young@state.or.us)



[Date]

[Address Block]

Re: Statewide Planning Goal 10 (Housing) and the Obligations of Oregon Cities and Counties

Dear _____:

This letter is submitted jointly by Housing Land Advocates (HLA) and the Fair Housing Council of Oregon (FHCO). Both HLA and FHCO are non-profit organizations that advocate for land use policies and practices that ensure an adequate and appropriate supply of affordable housing for all Oregonians. FHCO's interests relate to a jurisdiction's obligation to affirmatively further fair housing.

Beginning in 2015, HLA and FHCO began a project to review post-acknowledgement plan amendments (PAPAs) across Oregon when those amendments either have insufficient Statewide Planning Goal 10 (Goal 10) findings or the Goal 10 findings do not support adoption of the amendment. Over the course of the project, FHCO and HLA have reviewed more than 800 PAPAs. There are three goals of the project: (1) to protect and promote affordable housing by reminding local governments of their Goal 10 obligations and, when necessary, preserving error in the record for appeal to the Land Use Board of Appeals; (2) to raise awareness of Goal 10 requirements; and (3) to determine whether a PAPA's adoption would violate the Fair Housing Act by discriminating against protected classes through disparate impact.

In line with our goal of raising awareness of Goal 10 requirements, we created a checklist of items to consider in reviewing land use decisions and creating staff reports. Every project and every PAPA is different, but hopefully what is listed below may serve as a general checklist when Goal 10 is at issue. Additionally, at the end of the letter are links to helpful resources.

Goal 10 Requirements

The creation or amendment of a comprehensive plan or land use regulation¹ must comply with the Statewide Planning Goals. ORS 197.175(2)(a).² Goal 10 requires: "Buildable lands for

¹ Zoning map amendments, for example, are land use regulations and subject to LUBA review under the PAPA process. *Northeast Neighborhood Coalition v. City of Medford*, 53 Or. LUBA 277 (2007).



residential use shall be inventoried and plans shall encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density.” OAR 660-015-0000(10).

Therefore, if a PAPA considers a change to the plan or zoning designation of land (as well as text amendments to a plan or land use regulation), then **Goal 10 is at issue and must be addressed** because the land in question could be zoned for a variety of purposes, including housing of various densities. If Goal 10 is at issue, then the staff report must support one of three alternatives: (1) the jurisdiction is already compliant with Goal 10 and will continue to be compliant regardless of how the land will be used, (2) the land was and is not designated for residential development and the proposed amendment is not contrary to Goal 10’s aim to provide needed housing, or (3) the proposed use is the use that meets the housing needs of present and future residents under Goal 10.

Satisfying Goal 10 Requirements

To satisfy Goal 10 requirements in a staff report, the jurisdiction must have already completed and adopted a Buildable Lands Inventory (BLI) and a Housing Needs Analysis (HNA)—see the links at the end of the letter for BLI and HNA examples.

The HNA and BLI need to be used in combination to show either that the jurisdiction presently has and will continue to have sufficient buildable lands for the types of housing needed to support the population according to the projection of the HNA, or the staff report needs to show that the proposed change is serving to bring the jurisdiction closer to meeting its Goal 10 obligations by addressing a need identified in the HNA that is not presently provided for in the BLI.

It is important to note that just because a proposal adds housing units, that proposal does not necessarily comply with Goal 10—the jurisdiction still must show that it is adding needed residential zones (i.e., multifamily vs. single family). The jurisdiction must demonstrate that its actions do not leave it with less than adequate residential land supplies in the types, locations, and affordability ranges affected. See *Mulford v. Town of Lakeview*, 36 Or LUBA 715, 731

² **Both** plan or land use regulatory amendments are subject to the “PAPA process.” ORS 197.610 states in relevant part:

Before a local government adopts a change, including additions or deletions, to an acknowledged comprehensive plan *or land use regulation*, the local government shall submit the proposed change to the Direction of the Department of Land Conservation and Development. * * *

This means that zoning ordinance text and map amendments are subject to the PAPA process.



(1999) (rezoning residential land for industrial uses); *Gresham v. Fairview*, 3 Or LUBA 219 (same); see also, *Home Builders Assn. of Lane County v. City of Eugene*, 41 Or LUBA 370, 422 (2002) (subjecting Goal 10 inventories to tree and waterway protection zones of indefinite quantities and locations).

Goal 10 Findings Checklist

- Does the amendment involve a land use designation or the permitted/conditional use of land?
- Has the jurisdiction adopted a Housing Needs Analysis (HNA)?
- Has the jurisdiction adopted a Buildable Lands Inventory (BLI)?
- Given the HNA and BLI, is there a shortage of certain housing types at present or a predicted shortage in the future?
- Does the PAPA zone the land at issue to meet that need and decrease the shortage?
 - If yes, how?
 - Is the shortage addressed the greatest shortage?
 - I.e., If the zone change is from multi-family to single-family and a city substantially lacks multifamily housing, but has a relatively minor predicted shortage of single-family housing, then even though single-family units are added, Goal 10 might not be satisfied if the PAPA adds more single-family housing instead of filling the greater need of multifamily housing.
 - Does the PAPA use the most efficient means to meet the need (i.e., if the PAPA is adding multifamily land, could it add multifamily zoned land at a higher density)?
 - If no, why not?
 - Is the land at issue suitable for development of the lacking housing type (i.e., slope, wetlands, etc.)?
 - Is there a competing requirement of a different Statewide Planning Goal (i.e., Goal 3 agricultural land requirements)?

Online Resources

LCDC Measures to Encourage Affordable and Needed Housing:

<http://www.oregon.gov/LCD/docs/Affordable%20and%20Needed%20Housing%20Measures.pdf>.

The Housing Element of the City of Central Point's comprehensive plan is well done and contains a good example of a BLI:

http://www.centralpointoregon.gov/documents?field_microsite_tid=21.



The City of Hood River adopted a thorough and complete HNA, which is available here: <http://ci.hood-river.or.us/planning>.

The Housing Needs Analysis in Metro's 2014 Urban Growth Report is another example and shows the scale of the affordable housing shortage in the Portland-Metro Area:

<https://www.oregonmetro.gov/sites/default/files/2015/10/27/2014UGR-Appendix-4-Housing-Needs-Analysis-final.pdf>.

Examining PAPAs for Goal 10 issues at the first iteration of the staff review process will hopefully make for a smooth process that adequately considers the housing needs of Oregonians and addresses the present need for affordable housing across our state.

Sincerely,

A handwritten signature in blue ink that reads "Louise Dix".

Louise Dix
AFFH Specialist
Fair Housing Council of Oregon

A handwritten signature in blue ink that reads "Jennifer Bragar".

Jennifer Bragar
President
Housing Land Advocates

Agenda Item 3



925 S. Main Street
Lebanon, Oregon 97355

TEL: 541.258.4906
cdc@ci.lebanon.or.us
www.ci.lebanon.or.us

MEMORANDUM

Community Development

To: Lebanon City Council
From: Walt Wendolowski, AICP
Community Development Director
Subject: Annexation and Zoning of Property
Planning File: 18-05-17
Applicant: Good Faith Management

Date: July 3, 2018

This is a request to annex approximately 2.17 acres of a 3.42-acre parcel. The subject property is located at the northwest intersection of Russell Drive and Franklin Street and is served by public facilities. The application included a separate request to partition the property along the annexation boundary. The Planning Commission approved the partition subject to City Council approval of the annexation.

The property is located within the Lebanon UGB and is designated Residential Mixed Density in the Lebanon Comprehensive Plan Map. Consistent with the requirements of the Lebanon Development Code, the land is assigned the corresponding Residential Mixed Density (Z-RM) zone upon annexation.

The Planning Commission conducted a public hearing on June 20, 2018, and found the application complied with the decision criteria contained in the Lebanon Development Code and voted unanimously to recommend City Council approval of the application. Exhibit "B" of the attached Ordinance contains the Planning Commission findings in support of the request. Staff will review the material at the public hearing.

It is the recommendation of the Planning Commission that the City Council approve the application to Annex the subject property and to establish the corresponding Residential Mixed Density (Z-RM) zone on the newly annexed property.

A BILL FOR AN ORDINANCE ANNEXING AND) ORDINANCE BILL NO. 2018-11
ZONING PROPERTY FOLLOWING CONSENT)
FILED WITH THE CITY COUNCIL BY)
LANDOWNERS IN SAID AREA PURSUANT TO) ORDINANCE NO. 2918
ORS 222.120 AND ORS 222.170)
File 18-05-17; GOOD FAITH MANAGEMENT)

WHEREAS, the City of Lebanon has received a submission by written request for annexation of real property to the City of Lebanon, herein described in Exhibit "A"; and,

WHEREAS, on June 20, 2018, the Planning Commission for the City of Lebanon conducted a hearing on Planning File No. 18-05-17, making findings recommending annexation of the subject property and establishment of the Residential Mixed Density (Z-RM) zone; and,

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

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

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

Section 2. Annexation Area. Based upon the findings contained above and in Exhibit "B", the contiguous territory described in Exhibit "A" and incorporated herein by this reference as if fully set forth is hereby proclaimed to be annexed to the City of Lebanon, and zoned as indicated in accordance with the Lebanon Development Code, and assigned the corresponding Residential Mixed Density (Z-RM) zone.

After Recording Return to:
City Clerk's Office
City of Lebanon
925 S. Main Street
Lebanon, OR 97355

Reserved for Recording

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 (Exhibit "A") depicting the new boundaries of the City of Lebanon within ten (10) days of the effective date of this annexation ordinance to the Linn County Assessor, Linn County Clerk and the Oregon State Department of Revenue.

Passed by the Lebanon City Council by a vote of _____ for and _____ against and approved by the Mayor this 11th day of July, 2018.

Paul Aziz, Mayor
Bob Elliott, Council President

Attested:

Linda Kaser, City Clerk / Recorder

EXHIBIT "A"
ANNEXATION LEGAL DESCRIPTION & MAP

Exhibit 'A'

ANNEXATION TO THE CITY OF LEBANON

AN AREA OF LAND IN THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 12 SOUTH, RANGE 2 WEST, WILLAMETTE MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT A POINT WHICH BEARS SOUTH 0°06'42" WEST 105.80 FEET FROM THE NORTHEAST CORNER OF THE LAND DESCRIBED IN LINN COUNTY DEED DOCUMENT 2010-15746 SAID POINT ALSO BEING ON THE WEST RIGHT OF WAY OF FRANKLIN STREET; THENCE LEAVING SAID FRANKLIN STREET RIGHT OF WAY SOUTH 87°13'09" WEST 138.34 FEET TO A POINT; THENCE SOUTH 02°46'51" EAST 2.92 FEET TO A POINT; THENCE SOUTH 87°13'09" WEST 166.09 FEET TO A POINT; THENCE SOUTH 23°03'37" EAST 90.14 FEET TO A POINT; THENCE SOUTH 69°25'58" WEST 65.82 FEET TO A POINT ON THE EAST RIGHT OF WAY OF THE ALBANY AND EASTERN RAILROAD; THENCE ALONG SAID RAILROAD RIGHT OF WAY ON A SPIRAL CURVE TO THE LEFT 123.04 FEET, WHICH LONG CHORD BEARS SOUTH 26°47'58" EAST 123.04 FEET TO A POINT; THENCE SOUTH 27°44'05" EAST 128.81 FEET TO A POINT ON THE NORTH RIGHT OF WAY OF RUSSELL DRIVE; THENCE ALONG SAID NORTH RIGHT OF WAY OF RUSSELL DRIVE SOUTH 89°58'01" EAST 214.15 FEET TO A POINT ON THE WEST RIGHT OF WAY OF SAID FRANKLIN STREET; THENCE ALONG SAID WEST RIGHT OF WAY OF FRANKLIN STREET NORTH 00°06'42" EAST 47.70 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED AREA CONTAINS 2.17 ACRES MORE OR LESS.

EXHIBIT B
LEBANON CITY COUNCIL FINDINGS

I. NATURE OF THE APPLICATION

This matter comes before the Lebanon City Council on the application of the Good Faith Management, LLC to Annex property and establish the applicable Residential Mixed Density Zone on the newly annexed property.

II. GENERAL INFORMATION

A. Site Location

The subject property is located at the northwest intersection of Russell Drive and Franklin Street. The property address is 2140 Franklin Street and the Assessor Map places the parcel within Township 12 South; Range 2 West; Section 14CA; Tax Lot 500.

B. Site Development and Zoning

The subject 3.42-acre parcel contains a single-family home and accessory buildings, fronts on two public streets and public facilities are available on Russell Drive. The property is located within the Lebanon UGB and designated Residential Mixed Density.

C. Adjacent Zoning and Land Uses

Land to the north, east and south is located in the County. The property to the north and south is designated Residential Mixed Density with the remaining land designated Residential Low Density. The dominant land use is acreage homesites. The Albany & Eastern railroad tracks border the property to the west.

D. Proposal

The applicant is requesting approval of the following: (1) Annexation of 2.17 acres of the subject property, establishing the Residential Mixed Density (Z-RM) zone; and, (2) Partitioning the property into two parcels. The findings and conclusions contained in this Exhibit are limited to the proposed Annexation and corresponding Zone Change.

III. PUBLIC HEARING

A. Planning Commission Action

On June 20, 2018, the Lebanon Planning Commission held a public hearing on this application. At the hearing, Planning File 18-05-17 was made a part of the record. The City noticed the hearing pursuant to Chapter 16.20 of the Lebanon Development Code. No objection was raised as to jurisdiction, evidence or testimony presented at the hearing. At the conclusion of the hearing, the Planning Commission deliberated on the issue and voted to recommend the City Council approve the proposed Annexation and corresponding Zone Change. The Commission found the proposed changes consistent with the applicable decision criteria.

B. City Council Action

On July 11, 2018, the Lebanon City Council held a public hearing on this application. At the hearing, Planning File 18-05-17 was made a part of the record. The City noticed the hearing pursuant to Chapter 16.20 of the Lebanon Development Code. No objection was raised as to jurisdiction, evidence or testimony presented at the hearing. At the conclusion of the hearing, the City Council voted to approve the proposed Annexation and corresponding Zone Change. The Council found the proposed changes consistent with the applicable decision criteria.

IV. FINDINGS OF FACT-GENERAL

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

- A. The applicant is Good Faith Management, LLC.
- B. The subject property is located at the northwest intersection of Russell Drive and Franklin Street. The property address is 2140 Franklin Street and the Assessor Map places the parcel within Township 12 South; Range 2 West; Section 14CA; Tax Lot 500.
- C. The parcel contains 3.42 acres.
- D. The parcel contains a single-family home and accessory buildings, fronts on two public streets and public facilities are available on Russell Drive.
- E. The property is located within the Lebanon UGB and designated Residential Mixed Density.
- F. Land to the north, east and south is located in the County. The property to the north and south is designated Residential Mixed Density with the remaining land designated Residential Low Density. The dominant land use is acreage homesites. The Albany & Eastern railroad tracks border the property to the west.
- G. The applicant is requesting approval of the following: (1) Annexation of 2.17 acres of the subject property, establishing the Residential Mixed Density (Z-RM) zone; and, (2) Partitioning the property into two parcels. The findings and conclusions contained in this Exhibit are limited to the proposed Annexation and corresponding Zone Change.
- H. The decision to approve or deny shall be based on criteria contained in the Lebanon Development Code, Chapter 16.26 – Annexations.

V. APPLICATION SUMMARY

- A. The request would annex the southern 2.17 acres into the City limits. Upon annexation, this property will be zoned Residential Mixed Density (Z-RM). The annexation boundary will follow a proposed partition line.
- B. The Department contacted affected agencies and area property owners regarding the application. No comments were received.

VI. CRITERIA AND FINDINGS

- A. The subject area is located within the City's Urban Growth Boundary (UGB) and is eligible for annexation into the City limits. Annexation application and review requirements are contained in Chapter 16.26 of the Lebanon Development Code. Annexations require a hearing before the Planning Commission and City Council. The purpose of the Commission hearing is to review the request and recommend whether the Council should approve or deny the Annexation.
- B. Chapter 16.26 establishes the Annexation review criteria. Sections 16.26.010 and 16.26.020 establish the purpose of an annexation and the first assignment of zoning. The annexation transfers jurisdiction from Linn County to the City and establishes the appropriate zoning on the property consistent with the Plan Map designation. In this case, the only applicable zone is Residential Mixed Density.
- C. Section 16.26.030 notes an annexation is necessary to establish the appropriate zone, consistent with the zoning matrix (Table 16.26-1). Plan map amendments are only required if there is a corresponding change in the Plan map. Further, proposed amendments to the Plan map (and corresponding zone map) must conform to provisions in Chapter 16.27. For the record, the application does not include a request to change the Plan designation and corresponding zone.
- D. Section 16.26.040 identifies the relationship between annexation and City facility plans. It notes anticipated densities and levels of development are factored into the City's facility plans, including the Transportation System Plan. Therefore, additional inquiries into the sufficiency of these services is not required.
- E. Section 16.26.050 stipulates all annexations be processed as legislative actions requiring hearings before both the Planning and City Council. This Section also lists application requirements. For the record, the application and process are consistent with the provisions in this Section.
- F. Section 16.26.060 contains the decision criteria for an annexation with specific requirements in Section 16.26.060.A. This Section requires compliance with provisions in the City Annexation Ordinance and Lebanon Comprehensive Plan, Chapter 3 – Urbanization. Essentially, the Annexation Ordinance and Comprehensive Plan decision criteria are the same. The findings are combined to avoid duplication:
 - 1. Annexation Ordinance Section 1. – This Section identifies the document as the Annexation Ordinance for the City of Lebanon and does not contain decision criteria.
 - 2. Annexation Ordinance Section 2. - All Annexations shall conform to the requirements of the Lebanon Municipal Code, Annexation Ordinance, Lebanon Land Development Ordinance (i.e., Development Code), City of Lebanon/Linn County Urban Growth Management Agreement, and shall be consistent with applicable State law.

Comprehensive Plan 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.

FINDINGS: For this criterion, the proposed annexation application and process conform to the requirements of the Annexation Ordinance.

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

Comprehensive Plan 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.

FINDINGS: The Annexation Ordinance policies are consistent with, and often mirror, the Comprehensive Plan Annexation Policies. The State acknowledges that the City's Comprehensive Plan complies with all applicable Statewide Planning Goals and statutes, recognizing the consistency of the Plan goals and policies. Therefore, compliance with the applicable Comprehensive Plan policies ensures compliance with the Annexation Ordinance. Findings in the following Sections detail this proposal's compliance with all applicable policies.

4. 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.

Comprehensive Plan 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 with designated environmental constraints may be annexed and utilized as functional wetlands, parks, open space and related uses.)

FINDINGS: The proposed annexation complies as the subject area is within the City's UGB and can be developed for urban uses.

5. Annexation Ordinance Section 5. - The City shall only annex land that is contiguous to the existing City limits and is within the City's UGB.

Comprehensive Plan Annexation Policy #P-22: [The City shall] only annex land that is contiguous to the existing City limits and is within the City's UGB.

FINDINGS: City limits are located to the west of the subject property; therefore, the area is eligible for annexation.

6. 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 wetlands, parks, open space and related uses.

Comprehensive Plan 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).

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

- (a) Since the area is contiguous to existing City limits, the annexation is considered orderly.
- (b) Public utilities are located within Russell Drive. Connection to these services permits urban levels of development.

- 7. Annexation Ordinance Section 7. - Development proposals are not required for annexation requests.

Comprehensive Plan Annexation Policy #P-24: [The City shall] recognize and act on the basis that development proposals are not required for annexation requests.

FINDINGS: The application includes a concurrent partition.

- 8. 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.

Comprehensive Plan 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.

FINDINGS: City services can be extended to serve the property.

- 9. 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.

Comprehensive Plan 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.

FINDINGS: Services are available and there are no identified *capacity* issues regarding existing or potential development of the property.

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 creates an increased demand for the benefits provided by additional rights-of-way dedication.

FINDINGS: Additional right-of-way dedication and street improvements are unnecessary for the annexation but may be required for the partition.

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.

FINDINGS: This subject area is designated both Residential Mixed Density by the Comprehensive Plan. Consistent with the adopted Zoning Matrix, the only possible applicable zone is Residential Mixed Density (Z-RM)

12. 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.

FINDINGS: This application does not include a change in the Plan designation or zone. Therefore, this Section does not apply.

13. 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.

FINDINGS: This Section does not apply, as the subject area included in the annexation does not include environmentally constrained property.

14. 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 (i.e., Development Code), Subdivision Ordinance, Comprehensive Plan, and other related documents of the City of Lebanon.

FINDINGS: This Section does not apply as the provisions in this Section provide a definition and not a decision criterion.

15. 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.

FINDINGS: The request contains a partition which was approved by the Commission, subject to Council approval of the annexation.

16. Comprehensive Plan 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).

FINDINGS: This Policy does not directly apply as the proposal simply incorporates an existing urbanizable parcel into the City limits.

- G. Section 16.26.060.B allows the City to require the abatement of non-conforming uses and/or structures prior to hearing an annexation request. Other provisions of this Code and the Lebanon Municipal Code may require abatement of certain kinds of situations before an annexation request can be approved. The City is not aware of any abatement issues related to the site.
- H. Section 16.26.060.C, allows the City to identify additional site-specific evaluation criteria based on the Lebanon Comprehensive Plan, the provisions of this Code, and the Lebanon Municipal Code. Site-specific criteria could include, but not be limited to, the following: steep slopes, natural hazards, riparian zones, wetlands water bodies, overlay zones, infrastructure development, existing conditions and failing on-site services. Such site-specific criteria do not affect the eligibility of properties for annexation, but serve as an advisory to applicants of factors that may affect future development. There are no site-specific, evaluation criteria that apply to the subject property.
- I. Upon annexation, Section 16.26.020 requires the subject property to be placed in the appropriate zone. Upon annexation, the territory will automatically be assigned a City zone in accordance with the adopted Comprehensive Plan Map, and Annexation Zoning Matrix (Development Code Table 16.26-1). The only decision criterion in this process is that the Zone Classification shall be consistent with the adopted Comprehensive Plan Map (Section 16.26.020.D).

FINDINGS: The subject property is designated Residential Mixed Density (C-RM) by the City's Comprehensive Plan. Per Table 16.26-1, the only applicable zone is Residential Mixed Density (Z-RM). Therefore, upon annexation, the property will be zoned RM, a zone classification consistent with the Plan designation.

VII. CONCLUSION

The City Council concludes the proposed Annexation, including establishment of the corresponding Residential Mixed Density zone, complies with the applicable decision criteria.

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

NATURE OF
REQUEST: Annexation of an approximately 2.17 acre territory.

APPLICANT: Good Faith Management, LLC
PO Box 41212
Eugene, Oregon 97404

OWNERS: Rick and Sharon Brewer
2140 Franklin Street
Lebanon, Oregon 97355

PROPERTY
LOCATION: The NW corner of Russell Drive and Franklin Street.

ASSESSOR'S MAP
AND TAX LOT: A Portion of Assessor's Map T12S - R2W-14CA, Tax Lot 500

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

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

ANNEXATION NARRATIVE

INTRODUCTION AND SITE DESCRIPTION

The applicant is requesting annexation of approximately 2.17 acres identified as the southern portion of T12S-R2W-Section 14CA Tax Lot 500. The property is located north of Russell Drive and west of Franklin Street at the intersection of Russell Drive and Franklin Street.

There is a current annexation application being processed by the City of Lebanon that includes that portion of Russell Drive adjacent to the subject property. Upon completion of that annexation by the City of Lebanon the subject property becomes contiguous with the existing city limits via the Russell Drive right-of-way along its south property boundary as shown on the attached annexation map. The applicant is submitting a concurrent Land Division application that will partition the subject property along the proposed city limits boundary. The property is currently in Linn County with a comprehensive map designation of Residential Mixed Density. The property proposed for annexation is currently vacant. Public utilities including sewer, water and storm drainage are available in the Russell Drive right-of-way. Private utilities including natural gas, power, TV and communications are available in the Russell Drive right-of-way.

The property proposed for annexation includes approximately 348 linear feet of frontage onto Franklin Street and approximately 214 linear feet of frontage onto Russell Drive that will provide for access and utility services. There is an existing 16-inch public waterline, 12-inch public sewer line and 36-inch public storm line in Russell Drive adjacent to the subject property. There are no public sewer, water or drainage system deficiencies that need to be addressed as part of this annexation request.

Surrounding Land Uses

North	Large parcel Single Family Residential
East	Large parcel Single Family Residential
South	Vacant
West	Albany and Eastern Railroad (across the railroad is vacant land)

Surrounding Zoning

North	Linn County UGA-UGM-10, Lebanon C-RM
East	Linn County UGA-UGM-10, Lebanon C-RL
South	Linn County UGA-UGM-10, Lebanon C-RL (current zone change app to RM)
West	Lebanon Z-MU

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.
- **Lebanon Development Code (LDC) Chapter 16.26:**
- **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 Development Code Chapter 16.05 lists the development opportunities, standards and requirements for the Residential Mixed Density (Z-RM) zone.

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

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

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

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

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

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

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

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

Applicants’ Statement: *The evidence submitted with this petition demonstrates that the proposed annexation conforms to the requirements of the Lebanon Municipal Code, Annexation Ordinance, Lebanon Land Development Code 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 South via the Russell Drive right-of-way (pending city action on an existing annexation proposal to the south).*

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 readily available to the territory. The territory can be developed to many of the urban uses allowed in the RM zone in a manner that is consistent with the City’s development standards.

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

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

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

Applicants’ Statement: *The proposed annexation territory is within the City’s urban growth boundary. It is contiguous with the City limits to the South (pending city action on an existing annexation proposal to the south).*

Therefore, the proposed annexation complies with LAO Section 5 and LCP Urbanization Policy P-22.

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

LAO Section 14: An “urban use” is hereby defined as any land use that is authorized under the terms and provisions of the land use regulations, Zoning Ordinance, Subdivision Ordinance,

Comprehensive Plan, and other related documents of the City of Lebanon.

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

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

Applicants’ Statement: *The proposed annexation territory is within the UGB and is contiguous to the existing City limits to the South (pending city action on an existing annexation proposal to the south); therefore, annexation of the territory is considered orderly. The territory can be developed with many of the urban uses allowed in the Residential Mixed Density (RM) zone. The annexation territory is approximately 2.17 acres with approximately 214 feet of frontage on Russell Drive and approximately 348 linear feet of frontage on Franklin Street. Russell Drive adjacent to the subject property is fully developed to an urban collector street standard including all utilities, two travel lanes, sidewalk on the north side and a multi-use path on the south side. Future development of the territory 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: *There is no specific development plans for the property at this time. The property is currently vacant. The property is suitable for many of the uses permitted in the RM zone. 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: *There will be a no impact to City services based on the fact that the land is currently vacant or undeveloped.*

The annexation territory has about 214 feet of frontage along Russell Drive and approximately 348 feet of frontage along Franklin Street. Russell Drive is currently fully improved with curb and gutter, pavement, sidewalks and utilities to the east side of Franklin Street. Russell Drive will have sufficient right-of-way and capacity to provide for development of the annexation territory with uses allowed in the RM zone. Franklin Street is currently improved to a county turn pike standard including two travel lanes and roadside ditches. Future development of the proposed annexation territory may trigger both street and utility improvements within Franklin Street.

An appropriately sized water line (16-inches), sanitary sewer line (12-inches) and storm drain line (36-inches) are available in Russell Drive. There are no public sanitary sewer, water or storm drainage system deficiencies that need to be addressed as part of this annexation request.

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 standards. Any improvements to the water, sanitary sewer and storm 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 annexation territory has approximately 214 feet of frontage along Russell Drive and approximately 348 feet of frontage along Franklin Street. The sections of Russell Drive and Franklin Street along the property’s frontage have a right-of-way width of 50 feet. The adjacent street has sufficient right-of-way and capacity to provide for development of the annexation territory with uses allowed in the RM zone when development occurs.*

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.

LDC Chapter 16.26 – Zoning of Annexed Areas: All areas annexed to the City shall be placed in a zoning classification in accordance with the adopted Comprehensive Plan as identified in Table 16.26-1 Annexation Zoning Matrix-Determining the Proper Zone for Property Annexed into the City. If a zoning designation other than one in accordance with the Comprehensive Plan or matrix in Table 16.26-1 of the LDC 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 currently Residential Mixed Density (C-RM). The corresponding City zoning for this designation is Residential Mixed Density as identified in Table 16.26-1 of the Lebanon Development Code. The applicants are requesting a Residential Mixed Density (Z-RM) zoning designation for the property. Therefore, the proposed annexation complies with LAO Sections 11 and 12 and LDC Chapter 16.26.*

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 Residential Mixed Density designated territory that is within the City’s urban growth boundary and contiguous with the City limits. The Lebanon Comprehensive Plan states:*

“The City shall permit and encourage compact residential development to provide more efficient land utilization and to reduce the cost of housing, public facilities and services” (Land Use Policy P-20).

The proposed annexation provides land for mixed density uses in an appropriate, serviceable area that will accommodate compact and efficient residential developments. Therefore, the proposed annexation complies with LCP Urbanization Policies P-27 and P-30.

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

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

Section 5: Annexations: The UGA identifies land that may be subject to future City annexation. The City may annex land using its own procedures in accordance with state law. Only land within the UGA will be considered for annexation. The City will notify the County of any proposed annexations. Upon annexation, the City assumes all jurisdictions 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 (pending city approval of an existing annexation application to the south). 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, LDC 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 (pending city approval of an existing annexation proposal to the south). It is efficient in that all City services are available to the territory and the territory can be developed with many of the urban uses allowed in the Residential Mixed Density (Z-RM) zone in a manner that is consistent with the City's development standards. It provides for the continued annexation and potential future development of land for residential uses in an appropriate location.*



LAND USE APPLICATION

PROPERTY INFORMATION

Site Address(es):
Assessor's Map & Tax Lot No.(s):
Comprehensive Plan Designation / Zoning Designation:
Current Property Use:
Project Description:

APPLICANT / PRIMARY CONTACT INFORMATION

Applicant:	Phone:
Address:	Email:
City/State/Zip:	

I hereby certify that the statements, attachments, exhibits, plot plan and other information submitted as a part of this application are true; that the proposed land use activity does not violate State and/or Federal Law, or any covenants, conditions and restrictions associated with the subject property; and, any approval granted based on this information may be revoked if it is found that such statements are false.

APPLICANT SIGNATURE	Date:
---------------------	-------

PROPERTY OWNER INFORMATION (IF DIFFERENT THAN ABOVE)

Owner:	Phone:
Address:	Email:
City/State/Zip:	

OWNER SIGNATURE	Date:
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ADDITIONAL CONTACT INFORMATION

Engineer / Surveyor:	Phone:
Address:	Email:
City/State/Zip:	

Architect:	Phone:
Address:	Email:
City/State/Zip:	

Other:	Phone:
Address:	Email:
City/State/Zip:	

THE CITY THAT FRIENDLINESS BUILT

REQUIRED SUBMITTALS

- Application and Filing Fee
- Narrative Describing the Proposed Development and addressing the Decision Criteria
 - LDC Article Two Land Uses and Land Use Zones
 - LDC Article Three Development Standards
 - LDC Article Four Review & Decision Requirements
 - LDC Article Five Exceptions to Standards (eg Variance, Non-Conforming Uses)
- Site Plan(s) drawn to scale with dimensions, Include other drawings if applicable
- Copy of current Property Deed showing Ownership, Easements, Property Restrictions

FOR OFFICE USE

***If more than one review process is required, applicant pays highest priced fee, then subsequent applications charged at half-price.**

Land Use Review Process		Fee	Land Use Review Process		Fee
Administrative Review		\$450	Planned Development – Preliminary		\$2500
Annexation		\$1500	Planned Development – Ministerial		\$200
Code Interpretation		\$100	Planned Development – Final (Administrative)		\$450
Comprehensive Plan Map Amendment		\$2000	Planned Development – Final (Quasi-Judicial)		\$750
Comprehensive Plan Text Amendment		\$2000	Subdivision Tentative		\$2000 + \$15/lot
Conditional Use		\$1500	Subdivision Final		\$800 + \$15/lot
Historic Preservation Review or Register		Varies	Tree Felling Permit (Steep Slopes only)		\$150 + \$5/tree
Land Partition		\$450	Urban Growth Boundary Amendment		Actual Costs
Ministerial Review		\$150	Variance (Class 1 – Minor Adjustment)		\$150
Modification of Approved Plan	25% of Application		Variance (Class 2 – Adjustment)		\$450
Non-Conforming Use/Development		\$450	Variance (Class 3)		\$1000
Property (Lot) Line Adjustment		\$250	Zoning Map Amendment		\$1000

APPLICATION RECEIPT & PAYMENT

Date Received: _____ Date Complete: _____ Receipt No.: _____

Received By: _____ Total Fee: _____ File No.: _____

THE CITY THAT FRIENDLINESS BUILT



July 11, 2018

City Council
City of Lebanon
925 Main Street
Lebanon, OR 97355

Re: **Annexation - Case File No. 18-05-17**

Dear Mayor and Council Members:

This letter is submitted jointly by Housing Land Advocates (HLA) and the Fair Housing Council of Oregon (FHCO). Both HLA and FHCO are non-profit organizations that advocate for land use policies and practices that ensure an adequate and appropriate supply of affordable housing for all Oregonians. FHCO's interests relate to a jurisdiction's obligation to affirmatively further fair housing. Please include these comments in the record for the above-referenced proposed amendment.

As you may know, all amendments to the Comprehensive Plan Map and Zoning Map must comply with the Statewide Planning Goals. ORS 197.175(2)(a). When property is annexed, the comprehensive plan is amended, so the decision must comply with the Goals. The staff report to the Planning Commission described that the proposed zoning helps achieve both the City's housing and employment objectives. The report to the City Council does not contain any Goal 10 findings. Therefore, the record does not refer to the City's Housing Needs Analysis (HNA) and Buildable Land Inventory (BLI) to show that an adequate number of needed housing units (both housing type and affordability level) will be supported by the residential land supply after enactment of the proposed change. Attached are guidance documents we developed for Goal 10 findings and we recommend you consider these documents prior to making a decision.

Even when a proposal "provides an opportunity for . . . more dwelling units," the City must show that it is adding needed residential zones. The City must demonstrate that its actions do not leave it with less than adequate residential land supplies in the types, locations, and affordability



ranges affected. See *Mulford v. Town of Lakeview*, 36 Or LUBA 715, 731 (1999) (rezoning residential land for industrial uses); *Gresham v. Fairview*, 3 Or LUBA 219 (same); see also, *Home Builders Assn. of Lane County v. City of Eugene*, 41 Or LUBA 3 70, 422 (2002) (subjecting Goal 10 inventories to tree and waterway protection zones of indefinite quantities and locations). Only with a complete analysis, showing any gain (or loss) in needed housing as compared to the BLI and HNA, can housing advocates and planners understand whether the City is achieving its goals through code amendments.

HLA and FHCO urge the Council to defer adoption of the proposed amendment until Goal 10 findings are made and include reference to the HNA and BLI. Thank you for your consideration. Please provide written notice of your decision to, FHCO, c/o Louise Dix, at 1221 SW Yamhill Street, #305, Portland, OR 97205 and HLA, c/o Jennifer Bragar, at 121 SW Morrison Street, Suite 1850, Portland, OR 97204. Please feel free to email Louise Dix at ldix@fhco.org or reach her by phone at (541) 951-0667.

Thank you for your consideration.

A handwritten signature in blue ink that reads "Louise Dix".

Louise Dix
AFFH Specialist
Fair Housing Council of Oregon

A handwritten signature in blue ink that reads "Jennifer Bragar".

Jennifer Bragar
President
Housing Land Advocates

cc: Kevin Young (kevin.young@state.or.us)



[Date]

[Address Block]

Re: Statewide Planning Goal 10 (Housing) and the Obligations of Oregon Cities and Counties

Dear _____:

This letter is submitted jointly by Housing Land Advocates (HLA) and the Fair Housing Council of Oregon (FHCO). Both HLA and FHCO are non-profit organizations that advocate for land use policies and practices that ensure an adequate and appropriate supply of affordable housing for all Oregonians. FHCO's interests relate to a jurisdiction's obligation to affirmatively further fair housing.

Beginning in 2015, HLA and FHCO began a project to review post-acknowledgement plan amendments (PAPAs) across Oregon when those amendments either have insufficient Statewide Planning Goal 10 (Goal 10) findings or the Goal 10 findings do not support adoption of the amendment. Over the course of the project, FHCO and HLA have reviewed more than 800 PAPAs. There are three goals of the project: (1) to protect and promote affordable housing by reminding local governments of their Goal 10 obligations and, when necessary, preserving error in the record for appeal to the Land Use Board of Appeals; (2) to raise awareness of Goal 10 requirements; and (3) to determine whether a PAPA's adoption would violate the Fair Housing Act by discriminating against protected classes through disparate impact.

In line with our goal of raising awareness of Goal 10 requirements, we created a checklist of items to consider in reviewing land use decisions and creating staff reports. Every project and every PAPA is different, but hopefully what is listed below may serve as a general checklist when Goal 10 is at issue. Additionally, at the end of the letter are links to helpful resources.

Goal 10 Requirements

The creation or amendment of a comprehensive plan or land use regulation¹ must comply with the Statewide Planning Goals. ORS 197.175(2)(a).² Goal 10 requires: "Buildable lands for

¹ Zoning map amendments, for example, are land use regulations and subject to LUBA review under the PAPA process. *Northeast Neighborhood Coalition v. City of Medford*, 53 Or. LUBA 277 (2007).



residential use shall be inventoried and plans shall encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density.” OAR 660-015-0000(10).

Therefore, if a PAPA considers a change to the plan or zoning designation of land (as well as text amendments to a plan or land use regulation), then **Goal 10 is at issue and must be addressed** because the land in question could be zoned for a variety of purposes, including housing of various densities. If Goal 10 is at issue, then the staff report must support one of three alternatives: (1) the jurisdiction is already compliant with Goal 10 and will continue to be compliant regardless of how the land will be used, (2) the land was and is not designated for residential development and the proposed amendment is not contrary to Goal 10’s aim to provide needed housing, or (3) the proposed use is the use that meets the housing needs of present and future residents under Goal 10.

Satisfying Goal 10 Requirements

To satisfy Goal 10 requirements in a staff report, the jurisdiction must have already completed and adopted a Buildable Lands Inventory (BLI) and a Housing Needs Analysis (HNA)—see the links at the end of the letter for BLI and HNA examples.

The HNA and BLI need to be used in combination to show either that the jurisdiction presently has and will continue to have sufficient buildable lands for the types of housing needed to support the population according to the projection of the HNA, or the staff report needs to show that the proposed change is serving to bring the jurisdiction closer to meeting its Goal 10 obligations by addressing a need identified in the HNA that is not presently provided for in the BLI.

It is important to note that just because a proposal adds housing units, that proposal does not necessarily comply with Goal 10—the jurisdiction still must show that it is adding needed residential zones (i.e., multifamily vs. single family). The jurisdiction must demonstrate that its actions do not leave it with less than adequate residential land supplies in the types, locations, and affordability ranges affected. See *Mulford v. Town of Lakeview*, 36 Or LUBA 715, 731

² **Both** plan or land use regulatory amendments are subject to the “PAPA process.” ORS 197.610 states in relevant part:

Before a local government adopts a change, including additions or deletions, to an acknowledged comprehensive plan *or land use regulation*, the local government shall submit the proposed change to the Direction of the Department of Land Conservation and Development. * * *

This means that zoning ordinance text and map amendments are subject to the PAPA process.



(1999) (rezoning residential land for industrial uses); *Gresham v. Fairview*, 3 Or LUBA 219 (same); see also, *Home Builders Assn. of Lane County v. City of Eugene*, 41 Or LUBA 370, 422 (2002) (subjecting Goal 10 inventories to tree and waterway protection zones of indefinite quantities and locations).

Goal 10 Findings Checklist

- Does the amendment involve a land use designation or the permitted/conditional use of land?
- Has the jurisdiction adopted a Housing Needs Analysis (HNA)?
- Has the jurisdiction adopted a Buildable Lands Inventory (BLI)?
- Given the HNA and BLI, is there a shortage of certain housing types at present or a predicted shortage in the future?
- Does the PAPA zone the land at issue to meet that need and decrease the shortage?
 - If yes, how?
 - Is the shortage addressed the greatest shortage?
 - I.e., If the zone change is from multi-family to single-family and a city substantially lacks multifamily housing, but has a relatively minor predicted shortage of single-family housing, then even though single-family units are added, Goal 10 might not be satisfied if the PAPA adds more single-family housing instead of filling the greater need of multifamily housing.
 - Does the PAPA use the most efficient means to meet the need (i.e., if the PAPA is adding multifamily land, could it add multifamily zoned land at a higher density)?
 - If no, why not?
 - Is the land at issue suitable for development of the lacking housing type (i.e., slope, wetlands, etc.)?
 - Is there a competing requirement of a different Statewide Planning Goal (i.e., Goal 3 agricultural land requirements)?

Online Resources

LCDC Measures to Encourage Affordable and Needed Housing:

<http://www.oregon.gov/LCD/docs/Affordable%20and%20Needed%20Housing%20Measures.pdf>.

The Housing Element of the City of Central Point's comprehensive plan is well done and contains a good example of a BLI:

http://www.centralpointoregon.gov/documents?field_microsite_tid=21.



The City of Hood River adopted a thorough and complete HNA, which is available here: <http://ci.hood-river.or.us/planning>.

The Housing Needs Analysis in Metro's 2014 Urban Growth Report is another example and shows the scale of the affordable housing shortage in the Portland-Metro Area:

<https://www.oregonmetro.gov/sites/default/files/2015/10/27/2014UGR-Appendix-4-Housing-Needs-Analysis-final.pdf>.

Examining PAPAs for Goal 10 issues at the first iteration of the staff review process will hopefully make for a smooth process that adequately considers the housing needs of Oregonians and addresses the present need for affordable housing across our state.

Sincerely,

A handwritten signature in blue ink that reads "Louise Dix".

Louise Dix
AFFH Specialist
Fair Housing Council of Oregon

A handwritten signature in blue ink that reads "Jennifer Bragar".

Jennifer Bragar
President
Housing Land Advocates

Agenda Item 4



925 S. Main Street
Lebanon, Oregon 97355


TEL: 541.258.4918
www.ci.lebanon.or.us

Replaces Item #4

MEMORANDUM

Engineering Services

Date: July 10, 2018

To: Mayor Aziz and City Council
From: Ron Whitlatch, Engineering Services Director 
Subject: **Approval to Award Project**
West River Trail
Project No. 18702

I. INTRODUCTION

On June 13, 2018, City Council authorized City Staff to advertise the West River Trail Project for bids.

II. CURRENT REPORT

Bids for the project were opened Tuesday, July 10, 2018. There were a total of three bids received; a comparison of the bids with the Engineer's Estimate is presented below:

<u>Contractor</u>	<u>Bid Price</u>
Banzer Construction Co.	\$298,033.00
North Santiam Paving Co.	\$198,967.00
RJ Armstrong & Associates	\$196,591.60
Engineer's Estimate	\$172,725.00

The lowest responsive bid was submitted by RJ Armstrong & Associates Construction, Inc. of Lebanon. Their bid is approximately fourteen percent over the Engineer's Estimate.

III. RECOMMENDATION

This memo requests a City Council motion to award the West River Trail Project to RJ Armstrong & Associates Construction, Inc.

Agenda Item 5



925 S. Main Street
Lebanon, Oregon 97355

TEL: 541.258.4214
www.ci.lebanon.or.us

MEMORANDUM

Finance Department

To: Mayor, Council & Gary Marks, City Manager
From: Matt Apken, Finance Director
Subject: Update to Resolution Levying Taxes

Date: July 2, 2018

I. INTRODUCTION

Each year the city certifies the delinquent sewer and storm drain charges for customers without water service. The county requires that these amounts be included in our resolution levying taxes. Our original resolution levying taxes is done during the budget process, but we are required to take into consideration payments through June we are determining the amounts to certify.

II. CURRENT REPORT

We have prepared a resolution updating the amounts to certify the taxes for fiscal year 2019.

III. RECOMMENDATION

Motion to approve resolution to amending Resolution 2018-14 levying taxes

**A RESOLUTION AMENDING SECTION 1 OF) RESOLUTION NO. 2018-27
 RESOLUTION NO. 2018-14 TO INCLUDE)
 DELINQUENT SEWER AND STORM DRAIN)
 ASSESSMENTS)**

THE CITY OF LEBANON ORDAINS AS FOLLOWS:

Section 1. Section 1 of Resolution No. 14, approved by the Lebanon City Council on June 13, 2018, is amended to include the following:

	<u>Subject to the General Governmental Limitation</u>	<u>Excluded from the Limitation</u>
Delinquent Sewer Charges		\$ 49,594.18
Delinquent Storm Drain Charges		\$ 5,063.08

Section 2. All other provisions of Resolution No. 14 remain in effect as of the date of its passage.

Section 3. This Resolution is effective immediately upon its passage.

Passed by the Lebanon City Council and executed by the Mayor on this 11th day of July, 2018 by a vote of ____ yeas and ____ nays.

 Paul R. Aziz, Mayor
 Bob Elliott, Council President

ATTEST:

 Linda Kaser, City Clerk

Agenda Item 6



925 S. Main Street
Lebanon, Oregon 97355

TEL: 541.258.4902
gmarks@ci.lebanon.or.us
www.ci.lebanon.or.us

MEMORANDUM

Administration

June 27, 2018

TO: Mayor Aziz and City Councilors

FROM: Gary Marks, City Manager

RE: Recommendations for League of Oregon Cities 2019 Legislative Priorities.

INTRODUCTION

Prior to each State General Legislative Session the League of Oregon Cities develops a list of legislative priorities to direct the League in its efforts to represent Oregon cities during the session. The list is developed through a process wherein city councils throughout Oregon are asked to provide input on which priorities are most important. The League's report listing 29 proposed priorities (for the upcoming 2019 Legislative Session) has been included with this report.

CURRENT REPORT

The League has asked the Lebanon City Council to identify and submit its top four (4) legislative priorities from among the list of 29 so it may be aggregated with input from other Oregon cities.

I have reviewed the 29 proposed legislative priorities and have indicated four (4) that, in my professional opinion, appear to be the most important in context with the needs and priorities of the City of Lebanon. I recommend the City Council evaluate my list in context with the League's larger list and determine the four (4) items that should be submitted to the League as the City's top priorities.

The four (4) priorities I recommend are as follows (not in priority order):

- **Item I. INFRASTRUCTURE FINANCING AND RESILIENCE.** The City's backlog of infrastructure improvements is extensive and comes with a staggering price tag. Improvements for streets, sidewalks, curbs, pedestrian and bicycle paths, underground distribution systems for water, sewer and storm drainage, parks and City buildings and facilities are all needed. The City simply cannot afford it all and will need assistance from both State and Federal sources. I believe the League of Oregon Cities needs to continually seek funding opportunities from the State of Oregon that will help address our infrastructure needs.

- **Item O. PERS REFORM.** The PERS system is broken and needs to be fixed. Past decisions by PERS actuaries have left the system severely underfunded to meet the contractual obligations of current retirees. The Courts have narrowed reform options resulting in huge increases in the City's PERS contributions each biennium (every two years) at least through FY2021/23. The reform options listed in the League report need to be explored and solutions need to be found that can stem the rapid increase in the City's obligation. These increases hamper the City's ability to address the needs of our growing community.
- **Item Y. THIRD PARTY BUILDING INSPECTION.** This past Spring, the State Building Codes Division issued new regulations restricting the ability of cities to use third party building inspection services. They also notified a number of communities, including Lebanon, that they were being investigated for potential violations associated with using third party services (although use of such services to that point had been accepted by the State). In late May, the new regulations and investigations were abruptly withdrawn. It should be noted all of these actions by the Building Codes Division occurred even though a bill to make similar changes in the State Legislature had previously failed in the 2018 Session. Lebanon has relied on a third party inspection service for many years as a cost effective way to provide services based on a pay-as-needed basis. The Legislature needs to act to clarify the rules and to prevent a repeat of the strong-arm regulatory tactics employed by the Building Codes Division this Spring. The City needs certainty in the administration of building inspection services.
- **Item BB. WETLAND DEVELOPMENT PERMITTING.** The City urban growth area includes approximately 280 acres of undeveloped industrially-zoned lands, located predominately on the west side of town. A vast proportion of these acres are impacted by wetlands designations. These acres have failed to attract development over the years due largely to the difficulty and expense of wetland permitting and mitigation. A major factor in the complexity and cost of addressing wetland issues is the permitting process with the Army Corps of Engineers. A State proposal for the Department of State Lands to assume the Army Corps permitting process would likely increase the efficiency and certainty of the process and potentially help advance Lebanon's efforts to attract industrial development and attendant living-wage jobs to the community.

New for this year, the League has also requested that the City Council indicate the four (4) least important priorities from among the 29 items on the League's list. I found this request much more subjective as compared to the "Top 4 List" leading to comparisons based more on political disposition than professional assessment. Thus, I am deferring to the City Council, in its policy role, on the matter of determining the least four priorities. The Council could also decline to submit a least four list.

RECOMMENDATION

I respectfully recommend the City Council submit the following four State Legislative priorities to the League of Oregon Cities:

- Wetland Development Permitting.
- Third Party Building Inspection.
- PERS Reform.
- Infrastructure Financing and Resilience.



1201 Court Street NE, Suite 200 • Salem, Oregon 97301
(503) 588-6550 • (800) 452-0338 • Fax: (503) 399-4863
www.orcities.org

June 6, 2018

Dear Chief Administrative Official:

For the past three months, eight policy committees have been working to identify and propose specific actions as part of the League's effort to develop a pro-active legislative agenda for the 2019 session. They have identified legislative objectives as set forth in the enclosed ballot and legislative recommendation materials. These objectives span a variety of issues and differ in the potential resources required to seek their achievement. Therefore, it is desirable to prioritize them in order to ensure that efforts are focused where they are most needed.

While the attached ballot reflects the top policies developed in each of the policy committees, each undertook a broad look at a range of issues impacting cities. Many issues reflect the League's ongoing mission to support cities' work and their home rule authority to develop and use a variety of tools to meet the needs of residents but were not included in the ballot. Additional issues, such as addressing the housing shortage and the opioid crisis, are multifaceted and did not fit concisely into policy priorities. However, they remain as work the League intends to accomplish as it works with large groups of stakeholders in search of solutions.

Each city is being asked to review the recommendations of the policy committees and provide input to the LOC Board of Directors as it prepares to adopt the League's 2019 legislative agenda. After your city council has had the opportunity to review the proposals and discuss them with your staff, please return the enclosed ballot indicating the top four issues that your city council would like to see the League focus on during the 2019 session. **The deadline for response is August 3, 2018.** The board of directors will then review the results of this survey of member cities, along with the recommendations of the policy committees, and determine the League's 2019 legislative agenda.

Your city's participation and input will assist the board in creating a focused set of specific legislative targets that reflect the issues of greatest importance to cities. Thank you for your involvement, and thanks to those among you who gave many hours of time and expertise in developing these proposals.

Do not hesitate to contact me or Craig Honeyman, Legislative Director, with questions.

Sincerely,

Mike Cully
Executive Director

Craig Honeyman
Legislative Director

P.S. If you are reviewing the hard copy of this ballot and would like to view the linked material please visit the following web address and click on the links there:

<http://www.orcities.org/Portals/17/Legislative/2019PolicyBallotInformation.pdf>

INSTRUCTIONS

1. Each city should submit one form that reflects the consensus opinion of its city council on the **top four** legislative priorities for 2018.
2. Simply place an **X** or a **check mark** in the space to the left of the city's top four legislative proposals (last pages of the packet).
3. The top four do not need to be prioritized.
4. Return by **August 3rd** via mail, fax or e-mail to:

Jenna Jones
League of Oregon Cities
1201 Court St. NE, Suite 200
Salem, OR 97301
Fax – (503) 399-4863
jjones@orcities.org

Thank you for your participation.

This is an addendum to the original ballot sent out on Friday, June 8th, 2018. It is due on August 3, 2018 like the original ballot

City of: Lebanon

Please mark 4 boxes with an X or check mark that reflects the **4 issues that your city least wants to pursue** as part of the League’s 2019 legislative agenda.

Legislation

A. 9-1-1 Tax	<input type="checkbox"/>
B. Annexation Flexibility	<input type="checkbox"/>
C. Auto Theft	<input type="checkbox"/>
D. Beer and Cider Tax Increase	<input type="checkbox"/>
E. Broadband Infrastructure	<input type="checkbox"/>
F. Carbon Cap-and-Invest Program Adoption	<input type="checkbox"/>
G. City Comparability for Compensation	<input type="checkbox"/>
H. Green Energy Technology Requirement Changes	<input type="checkbox"/>
I. Infrastructure Financing and Resilience	<input type="checkbox"/>
J. Least Cost Public Contracting	<input type="checkbox"/>
K. Local Control Over Speed Limits on City Streets	<input type="checkbox"/>
L. Lodging Tax Definition Broadening	<input type="checkbox"/>
M. Mental Health Investment	<input type="checkbox"/>
N. Permanent Supportive Housing Investment	<input type="checkbox"/>
O. PERS Reform	<input type="checkbox"/>
P. PERS Unfunded Liability Revenue Stream Dedication	<input type="checkbox"/>
Q. Place-Based, Water Resource Planning (Program Support)	<input type="checkbox"/>
R. Property Tax Reform	<input type="checkbox"/>
S. Qualification Based Selection (QBS)	<input type="checkbox"/>
T. Right-of-Way and Franchise Fee Authority	<input type="checkbox"/>
U. Safe Routes to School Match	<input type="checkbox"/>
V. Small Area Cell Deployment	<input type="checkbox"/>
W. Speed Cameras	<input type="checkbox"/>
X. Speed Limit Methodology	<input type="checkbox"/>
Y. Third Party Building Inspection	<input type="checkbox"/>
Z. Tobacco Taxes Share Increase	<input type="checkbox"/>
AA. Waste Water Technical Assistance Program	<input type="checkbox"/>
BB. Wetland Development Permitting	<input type="checkbox"/>
CC. Wood Smoke Reduction Program Support	<input type="checkbox"/>

City of: _____

Please check or mark 4 boxes with an X that reflects the top 4 issues that your city recommends be added to the priorities for the League's 2019 legislative agenda.

Legislation

A. 9-1-1 Tax	<input type="checkbox"/>
B. Annexation Flexibility	<input type="checkbox"/>
C. Auto Theft	<input type="checkbox"/>
D. Beer and Cider Tax Increase	<input type="checkbox"/>
E. Broadband Infrastructure	<input type="checkbox"/>
F. Carbon Cap-and-Invest Program Adoption	<input type="checkbox"/>
G. City Comparability for Compensation	<input type="checkbox"/>
H. Green Energy Technology Requirement Changes	<input type="checkbox"/>
I. Infrastructure Financing and Resilience	<input type="checkbox"/>
J. Least Cost Public Contracting	<input type="checkbox"/>
K. Local Control Over Speed Limits on City Streets	<input type="checkbox"/>
L. Lodging Tax Definition Broadening	<input type="checkbox"/>
M. Mental Health Investment	<input type="checkbox"/>
N. Permanent Supportive Housing Investment	<input type="checkbox"/>
O. PERS Reform	<input type="checkbox"/>
P. PERS Unfunded Liability Revenue Stream Dedication	<input type="checkbox"/>
Q. Place-Based, Water Resource Planning (Program Support)	<input type="checkbox"/>
R. Property Tax Reform	<input type="checkbox"/>
S. Qualification Based Selection (QBS)	<input type="checkbox"/>
T. Right-of-Way and Franchise Fee Authority	<input type="checkbox"/>
U. Safe Routes to School Match	<input type="checkbox"/>
V. Small Area Cell Deployment	<input type="checkbox"/>
W. Speed Cameras	<input type="checkbox"/>
X. Speed Limit Methodology	<input type="checkbox"/>
Y. Third Party Building Inspection	<input type="checkbox"/>
Z. Tobacco Taxes Share Increase	<input type="checkbox"/>
AA. Waste Water Technical Assistance Program	<input type="checkbox"/>
BB. Wetland Development Permitting	<input type="checkbox"/>
CC. Wood Smoke Reduction Program Support	<input type="checkbox"/>

In addition to your ranking of the priorities shown above, please use this space to provide us with any comments (supportive or critical) you may have on these issues, or thoughts on issues or potential legislative initiatives that have been overlooked during the committee process.):

A. 9-1-1 Tax

Legislation:

Support legislation enhancing the effectiveness of the state's emergency communications system by increasing the 9-1-1 tax and/or seeking other sources of revenue and prohibiting legislative "sweeps" from emergency communications accounts managed by the Oregon Office of Emergency Management.

Background:

The League worked with other stakeholder groups in 2013 to extend the sunset date on the statewide 9-1-1 emergency communications tax to January 1, 2022 ([HB 3317](#)). In 2014, the League also worked to pass legislation including prepaid cellular devices and services under the 9-1-1 tax ([HB 4055](#)). As concerns mount with regard to disaster preparedness and recovery and as upgrades to communications technology become available, it is apparent that state and local governments do not have the resources necessary to address challenges or take advantage of opportunities (see an analysis in the League's 2018 State Shared Revenue Report, [here](#), and the Oregon Office of Emergency Management's "Emergency Communications Tax" webpage, [here](#)). Additional funding is needed and the practice of periodically sweeping funds out of the state's emergency management account for other uses must cease. It is worthy of note that the practice of "sweeps" disqualifies the state from receiving federal funds for emergency communications. It is unknown how many federal dollars have been foregone as a result of this policy.

Presented by the Telecom, Broadband & Cable Committee and endorsed by the Finance & Taxation Committee

B. Annexation Flexibility

Legislation:

The League will work to increase the flexibility for cities to annex residential areas and to encourage voluntary annexations, with a primary focus on improving the island annexation process.

Background:

There is a significant disconnect between the state's land use process and the [process of annexation](#), which has created issues for a variety of cities. The annexation process requirements are particularly difficult for areas known as "islands". Even though cities can involuntarily annex islands, most cities have adopted a policy to only engage in voluntary annexation. This has left significant islands un-annexed. In addition, waiting for surrounding properties to voluntarily annex often means the process and order of annexation does not necessarily match the plans for infrastructure development. Unannexed lands remain on the buildable land supply but much of it will contain some level of development that was approved by the county, but is often underdeveloped when compared to the comprehensive plan.

However, there have been bills that have been introduced over the last few sessions that aim to make non-voluntary annexation more difficult (see e.g., [HB 2039](#) and [HB 2040](#)). As these bills have gotten hearings, the League has taken the opportunity to discuss how annexation and land use are very disconnected. This is particularly of interest as interest in housing development remains at the top of the list of legislative priorities. If local governments have greater control over the annexation process and can better incentivize voluntary annexation, they can better meet the development expectations of the land use system and their comprehensive plans. It also assists in the orderly development of infrastructure.

Tools that were recommended to consider included partial island annexation in residential areas, relaxation of the limit of 10 years to bring a property fully onto the city's property tax level, changing the boundary requirements for islands, and looking at how the withdrawal of special district territory can be better regulated.

Presented by the Community Development Committee

C. Auto Theft

Legislation:

Address the deficiencies in the Unauthorized Use of a Motor Vehicle statute that were created after an adverse court ruling.

Background:

A 2014 Oregon Court of Appeals ruling requires that prosecutors prove beyond a reasonable doubt that a person driving a stolen car knew they were in violation of the law prohibiting the unauthorized use of a motor vehicle. Because of this ruling, unless confesses to the crime, obtaining a conviction for stealing a car is near impossible. The National Insurance Crime Bureau's 2017 "Hot Spots" report stated that Oregon experienced a 19 percent increase in auto theft over 2016. News stories on this issue may be found [here](#), [here](#) and [here](#).

Because of the ruling, auto theft has increased exponentially across rural and urban Oregon. A legislative fix was proposed in 2018 and was generally agreed to but was never voted on by either chambers due to the fiscal impact it would have on the state. A copy of the legislation can be found [here](#). This issue was brought to the Committee by a representative of the Oregon Association of Chiefs of Police and they have requested the League's supported in seeking to fix this issue. Of particular concern to the General Government Committee was the fact that vehicles being stolen tend to be older cars and trucks that are more likely to be owned by people of more modest means who would be unable to readily replace their vehicles without considerable impact.

Presented by the General Government Committee

D. Beer and Cider Tax Increase

Legislation:

The League proposes increasing the state taxes on malt beverages and cider to assist with rising public safety costs, improve public health, reduce alcohol consumption by minors, and provide alcohol tax equity with wine and liquor.

Background:

Oregon's tax has not been increased since 1978 and is currently \$2.60 per barrel which equates to about 8 cents on a gallon of beer. The tax is by volume and not on the sales price. (Yes, the bottle deposit is 60 cents and the tax is only about 4 cents on a six-pack!) Oregon is tied with Kentucky for the lowest beer taxes of all [states](#) (see page 98 in link). To get to the middle, Oregon would need to raise the tax to 80 cents per gallon (10-fold increase). Cities are [preempted](#) from imposing alcohol taxes. In exchange, cities receive approximately [34% of the state alcohol revenues](#) (see page 9 in link)(beer and wine taxes, license fees, and liquor profit sharing) as state shared revenues. However, because the tax is so small on beer, the share is also small. The beer tax brings in only about \$7 million per year state-wide; thus, the city share is about \$2.3 million of the total shared revenues. The total share for cities for all alcohol-based state shared revenues is estimated at over \$86 million. The League anticipates that excise tax increases including those on alcohol will be a part of revenue package discussions in 2019, and the League sees this concept as an important leveraging tool.

Presented by the Finance and Tax Committee and endorsed by the General Government Committee

E. Broadband Infrastructure

Legislation:

Seek additional state support and funding for increased and equitable broadband infrastructure deployment, especially in rural areas. Oppose legislative efforts to restrict existing municipal authority to provide broadband services.

Background:

The deployment of broadband and telecommunications networks and services (public and/or private) throughout Oregon is critical to economic development, education, health and safety and the ability of residents to be linked to their governments. Mapping research shows large areas of the state either not served or underserved by competitive broadband technology. A significant barrier to the deployment of broadband infrastructure is funding. Cities need additional funding and support from various sources, including the state and federal government, allocated for increased or new broadband infrastructure, especially for fiber connections to schools, community libraries, and public safety buildings. Also, oppose efforts by private internet service providers to restrict local efforts to make broadband technology available within their jurisdiction.

Presented by the Telecom, Broadband & Cable Committee

F. Carbon Cap-and-Invest Program Adoption

Legislation:

The League's Energy & Environment Policy Committee has recommended support, if specific principles are recognized and codified, of legislation that would implement a statewide cap on carbon emissions over time and that would generate revenues for strategic investments that further Oregon's greenhouse gas reduction goals. The cap on emissions would apply to certain "regulated entities" with carbon emissions over 25,000 metric tons annually. Regulated entities would receive allowances, or would generate offset credits, to emit carbon. The revenue from the purchase of allowances would be invested in specified programs aimed at furthering GHG reductions and mitigating program impacts. It is anticipated that funds generated from a cap on the transportation fuel industry may be subject to use per state Constitutional requirements related to the state highway fund. The statewide cap on carbon would be reduced over time to meet updated greenhouse gas reduction goals for Oregon.

For the League to support a statewide cap on carbon, the following principles would need to be recognized and codified in any legislation:

- The legislation and subsequent rulemaking processes would need to establish a forum to generate meaningful dialogue with rural Oregon communities and those with energy-intensive, trade-exposed industries. Equity considerations should be considered throughout this process by including cities and counties representing a variety of populations, regions of the state, and community demographics (e.g. low-income and underserved populations). Specific action should be taken to have representation from cities with populations of less than 1,500.
- The cap would need to apply to all sectors including utilities, industry and the transportation fuels sector (e.g. fuel producers) if annual carbon emissions exceed 25,000 metric tons.
- The program should be designed to link to the Western Climate Initiative which has a multi-jurisdictional carbon market (linking with programs in California, Ontario and Quebec)
- The revenue from the purchase of allowances would be invested in evidence-based technologies to reduce emissions from regulated sectors with excess revenues being invested in statewide programs to support climate resilience and rural Oregon economies. Requiring the reinvestment of allowance revenue will help regulated sectors become more efficient over time and less carbon intensive.

- In addition, LOC will advocate that additional revenues generated be dedicated to support programs including:
 - Technical assistance grants that local governments could access to help fund the adoption and implementation of local climate action/sustainability plans.
 - Funding for local woodstove smoke reduction programs to help communities in, or at risk of, non-attainment from woodstove smoke.
 - Funding to study and incentivize an expanded, yet sustainable, cross-laminated timber industry in Oregon with the intent of stimulating job creation in rural Oregon communities.
 - Funding for drought mitigation planning and resilience for Oregon water systems.

Background:

The League anticipates that the Legislature is very likely to pass legislation during the 2019 session that would implement a “cap-and-invest” program in Oregon, similar to the program adopted by California. Similar legislation has been considered by the Oregon Legislature during previous legislative sessions, but has failed to be brought for a vote. The political will to pass such a policy/program for Oregon appears to be incredibly strong; the Speaker of the House and President of the Senate are co-chairing the Joint Interim Committee on Carbon Reduction and the Governor’s team is staffing a new Carbon Policy Office to assist in the Committee’s efforts. The League’s Energy & Environment Committee has spent considerable time discussing this policy, including how best to craft a policy recommendation that makes both environmental and economic sense for the state and cities.

Presented by the Energy & Environment Committee

G. City Comparability for Compensation

Legislation:

The League will seek legislation to ensure that cities are compared only with cities of a similar cost of living when negotiating with strike prohibited bargaining units.

Background:

Oregon labor law doesn’t allow police officers, firefighters, emergency communicators and other public safety critical employees to strike. Instead when an impasse is reached when bargaining with labor unions that represent those workers, the state proscribes a set procedure involving an outside arbitrator to resolve those contract disputes. In that process the arbitrator will compare the city to other cities of similar size. As a result, the cities in rural areas are being compared with cities in metropolitan areas that have different economic circumstances. Klamath Falls with 20,000 people in it and a median home value of \$160,000 could be compared to Tualatin with a similar population and a median home value of \$355,000. This is not a reasonable comparison.

The Human Resources Committee notes that the Legislature created a variable minimum wage in Oregon in recognition of the different costs of living across the state. Each Oregon county is assigned to one of three wage zones with one being the Portland Metropolitan area, that second are less populous regions and the third are rural counties. The Committee recommends that cities only be compared to cities in the same wage zones. A detailed explanation and graphics of the proposal may be found here.

Presented by the Human Resources Committee

H. Green Energy Technology Requirement Changes

Legislation:

Advance legislation to statutorily modify the existing “1.5 percent green energy technology for public buildings” requirement to allow for alternative investment options such as offsite solar or energy efficiency projects.

Background:

Oregon statute currently requires public contracting agencies to invest 1.5% of the total contract price for new construction or major renovation of certain public buildings on solar or geothermal technology. The requirement allows for offsite technology, but only if the energy is directly transmitted back to the public building site and is more cost-effective than onsite installation. Removing the requirement that an offsite project be directly connected to the public building project could result in increased flexibility for local governments to invest in solar projects that are more cost-effective and provide for increased solar energy generation. In addition, the League will advocate to allow 1.5 percent funds to be invested in alternative projects that provide a greater economic or social return on investment including energy efficiency.

Presented by the Energy & Environment Committee

I. Infrastructure Financing and Resilience

Legislation:

The League will advocate for an increase in the state’s investment in key infrastructure funding sources, including, but not limited to, the Special Public Works Fund (SPWF), Brownfield Redevelopment Fund, and Regionally Significant Industrial Site loan program. The advocacy will include seeking an investment and set aside through the SPWF for seismic resilience planning and related infrastructure improvements to make Oregon water and wastewater systems more resilient.

Background:

A key issue that most cities are facing is how to fund infrastructure improvements (both to maintain current and to build new). Increasing state resources in programs that provide access to lower rate loans and grants will assist cities in investing in vital infrastructure. Infrastructure development impacts economic development, housing, and livability. The level of funding for these programs has been inadequate compared to the needs over the last few biennia and the funds are depleting and unsustainable without significant program modifications and reinvestments.

The funds are insufficient to cover the long-term needs across the state. While past legislative sessions have focused on finding resources for transportation infrastructure, the needs for water, wastewater, and storm water have not been given the same attention. A LOC survey of cities in 2016 identified a need of \$7.6 billion dollars over the next 20 years to cover water and wastewater infrastructure projects for the 120 cities who responded. This shows a significant reinvestment in the Special Public Works Fund (SPWF) is needed to help meet the needs of local governments. Without infrastructure financing options, cities cannot meet the needs of new housing or new business – high priorities for cities across the state.

In addition, there is a critical need to improve upon the seismic resilience of public drinking water and wastewater systems. The Oregon Resilience Plan (2013) identified Oregon’s water and wastewater systems as especially vulnerable to damage resulting from a Cascadia subduction zone earthquake. The plan recommended all public water and wastewater systems complete a seismic risk assessment and mitigation plan for their system. This plan would help communities identify and plan for a backbone water system that would be capable of supplying critical community water needs after a significant seismic event.

However, there is currently no dedicated funding to assist communities with this planning effort and the funding needed to repair/retrofit water infrastructure is significantly inadequate. Investments have been made in Oregon to seismically retrofit public safety facilities and schools, but without planning for infrastructure resilience, communities may not have access to water for critical needs, including drinking water and water for fire suppression, in the immediate aftermath of a seismic event.

This priority will focus on maximizing both the amount of funding and the flexibility of the funds to meet the needs of more cities across the state to ensure long-term infrastructure investment.

Presented by the Community Development Committee and endorsed by the Finance & Taxation and Water/Wastewater committees

J. Least Cost Public Contracting

Legislation:

Introduce and/or support legislation repealing Section [45\(2\)\(a\)\(G\)](#) and Section [45\(3\)\(a\)\(G\)](#) of HB 2017 (enacted in 2017) relating to compliance with least cost public contracting requirements as a condition for fuel tax increases after 2020.

Background:

As a matter of public policy, the League fundamentally disagrees with this linkage of transportation projects funding with public contracting standards applicable to specific local projects. Under HB 2017 (enacted in 2017) cities must comply with least cost public contracting standards set forth by [ORS 279C.305](#) for subsequent the two-cent increases in the state gas tax to occur in 2020, 2022 and 2024. Literally interpreted, one recalcitrant city *might* be able to stop the next gas tax increase by its failure to comply with this statute.

Presented by the Transportation Committee and endorsed by Finance and Taxation Policy Committee

K. Local Control Over Speed Limits on City Streets

Legislation:

Introduce legislation that allows Oregon cities to opt-in (voluntarily) to adjust their speed limits on residential streets 5 mph lower than the statutory speed limit.

Background:

[HB 2682](#) (enacted in 2017) allows the city of Portland to establish by ordinance a designated speed for a residential street under the jurisdiction of the city that is five miles per hour lower than the statutory speed provided the street is not an arterial highway. This authority should be extended to all cities and be considered permissive (not required). Cities should be able to determine speeds that are adequate and safe for their communities.

Presented by the Transportation Committee

L. Lodging Tax Definition Broadening

Legislation:

The League proposes adjusting and broadening the definitions of tourist, tourism promotion, and tourism-related facility as those terms are defined in the lodging tax statutes to ensure state-wide continued tourism and related [economic](#) (see page 17 of link) and [tax growth](#) (see page 223 of link), assist with city tourist costs, and provide local choice and revenue flexibility.

Background:

In 2003, when the state imposed a state lodging tax, the Legislature preempted cities by imposing restrictions on the use of local lodging tax revenues. (The percentage of restricted revenues varies by city.) Restricted tax revenues must be used for tourism promotion or tourism-related facilities. While the League will support all legislation that provides more flexibility on local tax usage, the League will advocate for lodging tax legislation that broadens those terms to clearly cover city costs of tourist events, tourism-related facility maintenance, tourist amenities, tourist attraction enhancement and public safety costs for special tourist events. Language from Section 3 of the [dash 1 amendment to HB 2064 \(2017\)](#) and [Section 1 of HB 2064 \(2017\)](#) will likely serve as a starting place. See also this [power point presentation](#) and this [LOC testimony](#) (supporting HB 2064) for further information.

Presented by the Finance and Tax Committee

M. Mental Health Investment**Legislation:**

The League will seek to protect and enhance the investments made to Oregon's treatment of the mentally ill.

Background:

In 2015, the Legislature funded rental and housing assistance for persons suffering from mental illness, specialized training for police officers to assist people in mental health crisis, multi-disciplinary crisis intervention teams and expanded access to treatment. While providing direct mental health services is not a standard city service, the state of care for persons in crisis had deteriorated to the point city police officers were regularly the primary public employee to provide interventions. The December, issue of Local Focus was devoted to cities and mental health, those articles may be found [here](#).

Because of the anticipated budget shortfalls in 2019, the General Government Committee would like the League to ensure that services established in 2015 are not cut and to capitalize on any opportunities that may exist or be created to enhance those investments.

Presented by the General Government Committee

N. Permanent Supportive Housing Investment**Legislation:**

The League will support increased investments in the services that are provided to people who are living in permanent supportive housing.

Background:

[Permanent supportive housing](#) serves specific populations that traditionally face difficulty in remaining in housing due to additional, complex needs by providing housing and other services at the same time. A [variety of populations](#), such as seniors, veterans, families, and those with mental health conditions, have different services that accompany their housing support. Permanent supportive housing models that use a Housing First approach have been proven to be highly effective for ending homelessness, particularly for people experiencing chronic homelessness who have higher service needs. Investment in the services is as important as the housing because residents that do not receive these additional supports often end up returning to homelessness based on issues related to their other issues.

However, in many areas the funding for housing is not well matched with the funding for the services. The state is the primary funding source for these services. However, there is some disconnect between the housing support provided by the [Oregon Housing and Community Services Department \(OHCS\)](#) and the [Oregon Health Authority \(OHA\)](#).

To help communities that are working to provide opportunities for permanent supportive housing and those seeking to find long-term solutions to local homelessness issues, better investment in the services is vital to success of these programs. By supporting appropriations to OHCS and OHA for these services, more support services can be provided to those that are in permanent supportive housing and lead to better outcomes.

Presented by the Community Development Committee

O. PERS Reform

Legislation:

The League will seek legislation to modernize the PERS investment pool, ensure proper financial controls are adhered to, and give cities a greater voice in how their monies are invested. The League will also seek legislation that shares the risk and costs of the pension benefit with employees but does so in a manner that impacts employees based on the generosity of the benefit plan they will retire under.

Background:

Oregon's Public Employee Retirement System (PERS) is a three-tiered program that provides a defined benefit pension (a pension that pays a retiree and their beneficiary a set amount for the length of their retirement) and a deferred compensation program that is funded through employee contributions. Each of the three tiers pays a different benefit and an employee's placement in a given tier is based on the date they were hired. Tier I is the most generous benefit and has an option for an annuity based retirement that has been incredibly expensive to maintain. Tier I was replaced by Tier II in 1996. Tier II costs, though reduced, were also unsustainable and were replaced with a third tier, known as the Oregon Public Service Retirement Plan (OPSRP) which is designed to provide a 45 percent salary replacement after a full career. A primer on the PERS system may be found [here](#).

The cost to employers for this system has risen steadily since the market crash of 2008, and will increase again on July 1, 2019 (projected individual employer rates may be found [here](#)) and then again in 2021 and possibly again in 2023. Rates are anticipated to remain at a system wide average of around 29 percent of payroll and remain at that level until 2035 without reforms.

Adverse court rulings to previous attempts at reforms have limited our options to addressing benefits not yet earned. With that in mind the Human Resources Committee recommends reforms in the three following areas:

- Ensure that investments into the PERS system are achieving the maximum possible return in the most efficient manner possible while safeguarding the funds with proper financial controls.
- Requiring that employees absorb some of the costs for the pension system but ensure that OPSRP employees are impacted more favorably than Tier I and Tier II employees who will receive more generous retirement benefits.
- Establishing a fourth tier that provides similar benefits to employees but is funded in a more sustainable manner. Providing incentives to retirees and current employees in the other tiers to switch to the fourth tiers should be explored as well.

Presented by the Human Resources Committee

P. PERS Unfunded Liability Revenue Stream Dedication

Legislation:

The League proposes that a new state revenue stream be dedicated to paying down the unfunded liability over a period of years to sustain the Public Employees Retirement System (PERS).

Background:

The present unfunded liability has grown extraordinarily large and is causing rate increases for most local governments and schools that are not sustainable. The League would support all reasonable revenue stream ideas. Ideas include but are not limited to a new temporary limited sales tax, a new payroll tax, and a new temporary state property tax. The League will advocate that PERS cost-containment measures be pursued along-side revenue raising efforts to pay down the liability; both seem necessary to address the state-created problem.

Presented the Finance and Tax Committee and endorsed by the Human Resources Committee

Q. Place-Based, Water Resource Planning (Program Support)**Legislation:**

The League will advocate for the funding needed to complete existing place-based planning efforts across the state.

Background:

Oregon's water supply management issues have become exceedingly complex. Lack of adequate water supply and storage capacity to meet existing and future needs is an ongoing concern for many cities in Oregon and is a shared concern for other types of water users including agricultural, environmental and industrial. Most of the surface water in Oregon (during peak season months) is fully allocated with no new water available. As a result, the ability to meet existing and future demand for various water uses will require collaboration, improved management and coordinated conservation among a variety of stakeholders, including municipalities. For this reason, the Legislature passed legislation to create a place-based planning pilot program in Oregon. This program, administered through the Oregon Water Resources Department, is providing a framework and funding for local stakeholders to collaborate and develop solutions to address water needs within a watershed, basin or groundwater area. Place-based planning is intended to provide an opportunity for coordinated efforts and the creation/implementation of a shared vision to address water supply challenges. Four place-based planning efforts are currently underway across the state in the Malheur Lake Basin, Lower John Day sub-basin, Upper Grande Ronde sub-basin and mid-coast region. Without continued funding, these efforts will not be able to complete their work. The LOC Water & Wastewater Policy Committee recognized that while this funding is limited to specific geographic areas, they also recognize the importance of successfully completing these pilot efforts and conducting a detailed cost/benefit analysis. It is a critical step in order to demonstrate the benefits of this type of planning. If these local planning efforts prove to be successful, there will likely be future efforts to secure additional funding for other place-based planning projects across the state.

R. Property Tax Reform**Legislation:**

The League of Oregon Cities proposes that the property tax system should be constitutionally and statutorily reformed as part of the 2019 session work on state and local tax reform and improving funding for [schools](#) (see pages 69-72 of link; property taxes make up 1/3 of school funding).

Background:

The property tax system is [broken and in need of repair](#) due to [Measures 5 and 50](#), which are both now over 20 years old. All local governments and schools rely heavily on property tax revenues to pay for services and capital expenses. Therefore, the League will participate in coalitions to help draft and advocate for both comprehensive and incremental property tax reform option packages. The League will remain flexible to support all legislation that improves the system, with a focus on a property tax package with these elements:

- To achieve equity, a system that transitions to a market-based property tax valuation system (RMV) rather than the present complex valuation system from Measure 50 (requires constitutional referral).
- To enhance fairness and adequacy, a system that makes various statutory changes, some of which would adjust the impact of a return to RMV. For example, the League supports a new reasonable homestead exemption (percentage of RMV with a cap) but also supports limiting or repealing various property tax exemptions that do not have a reasonable return on investment.
- To restore choice, a system that allows voters to adopt tax levies and establish tax rates outside of current limits (requires constitutional referral).

[SJR 3](#) (see page 50 of link)(constitutional referral with return to real market value system) and [SB 151](#) (see page 48 of link) (homestead exemption bill) from the 2017 session will likely serve as starting points. City property tax data including real market values and assessed values can be accessed [here](#).

Presented by the Finance and Tax Committee

S. Qualification Based Selection (QBS)

Legislation:

The League will seek to reform the Qualification Based Selection (QBS) requirements to allow for the consideration of price in the initial selection of architects, engineers, photogrammetrists and surveyors.

Background:

The state currently prohibits the consideration of price when making an initial selection when awarding contracts for certain design professionals when conducting public improvements. Instead of issuing a request for proposals as is done with most public improvement projects, contracting agencies issue “requests for qualifications” on a project. Cities may negotiate price only after the initial selection of a contractor is made. Under this system a city or other contracting agency will never know the price of other qualified and responsible bidders on a project.

The League’s General Government Committee concluded that this process is not in the interests of cities or tax payers as it precludes the use of competitive bids. There is no other area in which a consumer, public or private, would procure a service or product without considering the price.

Presented by the General Government Committee

T. Right-of-Way and Franchise Fee Authority

Legislation:

Oppose legislation that, in any way, preempts local authority to manage public rights-of-way and cities’ ability to set the rate of compensation for the use of such rights-of-way.

Background:

In its commitment to the protection of Home Rule and local control, the League consistently opposes restrictions on the rights of cities to manage their own affairs. From time to time, in the context of public rights-of-way management authority discussions, proposals to restrict to this authority arise. Such was the case during the 2017 legislative session with [SB 202](#) and [SB 840](#). These efforts to restrict local authority often include proposals for a statewide right-of-way access policy and compensation system as well as limiting the ability of cities to charge fees of other government entities. This is contrary to local government management authority; the ability to enter into agreements with users of the right-of-way either by agreement/contract or ordinance; and to set the rate of compensation.

Presented by the Telecom, Broadband & Cable Committee

U. Safe Routes to School Match

Legislation:

Introduce legislation lowering the local Safe Routes to Schools matching grant requirement to 20 percent from 40 percent and lowering the matching grant requirement for areas qualifying for exceptions to 10 percent from 20 percent.

Background:

[Section 123 of HB 2017](#) (enacted in 2017) authorizes the Oregon Transportation Commission to provide matching grants for safety improvement projects near schools. To receive the grant cities must provide a 40 percent cash match unless the school is located in a city with a population of less than 5,000; is within a safety corridor; or qualifies as a Title I school in which case the cash match requirement is reduced to 20 percent. While cities support the availability of matching grant funds provided by the state, the current cash match requirements are too high for most cities to participate in the program.

Presented by the Transportation Committee

V. Small Area Cell Deployment (also known as “Small Cell Deployment”)

Legislation:

Oppose legislation that preempts local authority to manage public property while supporting deployment of wireless technology, including small area cell and 5G.

Background:

Legislative efforts involving the deployment of small area cell facilities are increasing around the nation. Currently 20 states ([Arizona](#), [Colorado](#), [Delaware](#), [Florida](#), [Hawaii](#), [Illinois](#), [Indiana](#), [Iowa](#), [Kansas](#), [Minnesota](#), [North Carolina](#), [New Mexico](#), [Ohio](#), [Oklahoma](#), [Rhode Island](#), [Tennessee](#), [Texas](#), [Utah](#), [Virginia](#), and [Washington](#)) have passed bills that limit cities ability to collect appropriate and fair rights-of-way, permitting, and lease fees on municipal property; to control their own design and aesthetics; or otherwise manage wireless technology deployment within their jurisdictions. This type of legislation is not going away. In fact, it is just beginning.

During the 2017 session, the League was approached independently by representatives of two wireless companies with draft concepts that could have resulted in legislation compromising local authority to manage the deployment of small area cell and 5G technology. Issues raised included “shot clock” (time allowed for cities to rule on applications), fee structures and limits, contract terms and duration, land use issues etc. These efforts are expected to continue in 2019 and with greater urgency as the technology approaches deployment status. While cities in Oregon support the advent of new wireless technology including small cell and 5G, authority to ensure their deployment complies with local laws and policies must be maintained.

Presented by the Telecom, Broadband & Cable Committee

W. Speed Cameras

Legislation:

Introduce and/or support legislation authorizing cities to use fixed speed cameras at locations other than intersections.

Background:

Speeding is a public safety issue. The Oregon Transportation Safety Action Plan envisions no deaths or life-changing injuries on Oregon's transportation system by 2035. Currently, cities have the authority as a result of [HB 2409](#) (enacted in 2017) to issue a speeding citation from the same camera and sensor system used to enforce red light compliance at intersections.

Further, speeding does not only occur at intersections. Additional automated enforcement, outside of intersections, would be a valuable tool allowing cities to mitigate dangerous behaviors and speeding. In 2015, the Oregon Legislature granted the city of Portland the authority to implement a fixed speed safety camera program ([HB 2621](#)). The fixed speed camera systems have been operating on "urban high crash corridors" that are also part of the city of Portland's High Crash Network. While this program has not been in place long, the comparison of before and after speeds near the fixed photo radar system is indicating that the automated enforcement is positively influencing speed reduction (see [PBOT report](#)). This legislation would extend the authority to all Oregon cities to implement fixed speed safety camera programs to help reduce the number of deaths and serious injuries that occur as a result of speeding.

Presented by the Transportation Committee

X. Speed Limit Methodology

Legislation:

Introduce legislation that directs the Oregon Department of Transportation to develop a new speed setting methodology for cities and other urban areas that uses a safe systems approach validated by expert system tools as recommended by [NTSB Safety Study SS-17/01](#).

Background:

The NTSB safety recommendations represent current data-driven best practices to determine speed limits. Currently, Oregon speed limits are set based on the guidance that speed limits in speed zones within cities should be within 10 mph of the 85th percentile speed as determined by [The NTSB Safety Study SS-17/01](#), "Reducing Speeding-Related Crashes Involving Passenger Vehicles" concludes,

- "Speed increases the injury severity of a crash;"
- "...that unintended consequences of the reliance on using the 85th percentile speed for changing speed limits in speed zones include higher operating speeds and new, higher 85th percentile speeds in the speed zones, and an increase in operating speeds outside the speed zones;"
- "...that the safe system approach to setting speed limits in urban areas is an improvement over conventional approaches because it considers the vulnerability of all road users."

Presented by the Transportation Committee

Y. Third Party Building Inspection

Legislation:

The League will clarify the ability for local government programs to have private party building officials and building inspectors provide services for local building inspection programs, including recognizing that privately employed specialized inspectors can to perform specialized inspections.

Background:

Beginning in 2017, the League has been working to defend local building inspection programs that contract with third-party companies to provide building official and inspectors to run the local program. However, the Oregon Building Codes Division (BCD) has stated that the Oregon Department of Justice (DOJ) [has informed BCD](#) that programs that are structured this way violate the constitutional prohibition on delegating government authority. The League has repeatedly asserted that we disagree with that legal assessment. There was a bill introduced in 2018, [HB 4086](#), that would have adopted new requirements for

local governments running programs. The League worked with other stakeholders to prevent passage of the bill, but we committed to working on a legally defensible solution that does not prevent these locally run programs from continuing.

After the session, the BCD determined that it would implement new rules for locally run inspection programs to meet the asserted legal opinion on delegation. On April 23, the BCD enacted [emergency, temporary rules](#) that added significant requirements for local building inspection programs. The new rules required local programs to designate a government employee as a city's building official. The rules also required the city to have a government-employed, certified electrical inspector. Both positions could be filled by hiring the person directly or by an agreement between municipalities to share the employee(s). The rules further stated that a shared employee could only service three jurisdictions.

In May, the Director of the Consumer and Business Services, who oversees the BCD, informed the League that the temporary rules were rescinded. The Department's decision to rescind the rules included a statement that they would seek a formal opinion from the DOJ to clarify the issue of delegation. However, the BCD did replace the rescinded rules with [another temporary, emergency rule](#). This new rule was enacted on May 18 and states that a local government must appoint a government-employed building official.

In addition to the concerns about using third-party building officials, there is currently statutory prohibition on specialized inspectors that are employed in the private sector to complete specialized inspections. There are a limited number of these inspectors, and, without removal of this prohibition, larger scale projects will not be able to move forward because they cannot be inspected and permitted. This issue was the catalyst for the overall discussion related to third-party building officials, but is not related to the asserted legal claims.

There is a commitment to work on this issue in the 2019 session, but it remains an issue of high concern as it directly impacts the flexibility of local government choice on how to provide services at the local level. Using third-party providers allows smaller jurisdictions to have local, efficient programs that provide clarity for the local development community. It also allows a base of business for these companies, which also serve to provide over-flow capacity to programs that primarily staff these programs with government staff. Therefore, this issue is vital to the long-term success of locally run building inspection programs.

Presented by the Community Development Committee

Z. Tobacco Taxes Share Increase

Legislation:

The League proposes seeking a share of all state tobacco product tax revenues to assist with rising public safety costs and provide state shared revenue equity.

Background:

Only cigarette tax revenues are included in the [state-shared revenue](#) distribution to cities and those revenues are decreasing; cities receive about 2% of the cigarette tax revenues or \$3.6 million a year under the formula. [Other tobacco](#) (chew, snuff, cigars, pipe tobacco, etc.) is also taxed by the state and those revenues have been increasing ([now over \\$60 million a year](#)), but those revenues are distributed only to the state. Cities are preempted from taxing cigarettes and other tobacco products. However, cities are often left to enforce tobacco laws and handle sales and use complaints. The League proposes that cities should receive a fair share of all the tobacco tax revenues. The League anticipates that excise tax increases to cigarettes and other tobacco products, and a new vaping tax will be a part of revenue package discussions in 2019, and the League sees this concept as an important leveraging tool.

Presented by the Finance and Tax Committee

AA. Waste Water Technical Assistance Program

Legislation:

The League will advocate for the creation of a circuit rider program, within the Department of Environmental Quality, to provide needed technical assistance for communities on water quality issues, including wastewater treatment and permit compliance options. Staffing for the circuit rider program would be provided through a third-party contract (or contracts). The League will work to identify funding resources to support this program, including a possible set aside of Oregon's federal Clean Water State Revolving funds.

Background:

As Clean Water Act requirements for public wastewater systems continue to evolve, with new and more stringent requirements being placed on a number of Oregon communities; cities have expressed concern over how best to comply with those requirements, especially with the limited technical and financial resources that many face. The League's Water & Wastewater Committee discussed the need for technical assistance for communities experiencing these challenges and looked to an existing program within the Oregon Health Authority's (OHA) Drinking Water Services division as a template for addressing this need. The OHA funds a circuit rider program through a third-party contract. The program is funded through federal Drinking Water State Revolving Loan Funds. The program is intended to help more communities be successful in complying with state and federal requirements. The services provided through the program are free for communities with populations of less than 10,000.

Presented by the Water/Wastewater Committee

BB. Wetland Development Permitting

Legislation:

The League shall work to establish legislative authority for the Department of State Lands to assume the federal program from the U.S. Army Corps of Engineers under section 404 of the Clean Water Act.

Background:

In many communities looking to develop in the wetlands creates regulatory uncertainty, particularly where development is occurring in previously un-identified wetlands, because there are two agencies that must provide permits, the Oregon Department of State Lands (DSL) and the U.S. Army Corps of Engineers (USACE). The state's process has set deadlines which provides certainty for developers. However, the USACE process is much less consistent or timely. This uncertainty increases risk related to development that can cause projects to stop before they start. In a time where cities are trying to encourage development to meet the housing shortages and economic development goals to support citizens, any increased barriers can impact success.

There is a process in place at the federal level that would allow for the state to assume the USACE permitting process increasing the efficiency and certainty in the process. The [state has taken steps](#) in the past to ensure alignment of the state program to the requirements for federal approval. However, there were concerns raised at the time that the process related to the Endangered Species Act and cultural resource protections. The DSL has continued to work on these conflicts and believes it is positioned to work with the federal government to assume the federal permitting process if so authorized by the state legislature. For further information, the DLS provided a presentation for the committee, available [here](#).

Presented by the Community Development Committee

CC. Wood Smoke Reduction Program Support

Legislation: Support increased funding to support local wood smoke reduction programs and efforts. The League will advocate the need for an additional \$3-5 million, recognizing that any additional funding to assist communities is helpful.

Background: Woodstove smoke is one of the most significant sources of fine particulate and toxic air pollution in Oregon, often jeopardizing public health and putting communities at risk of violating federal air quality standards. Woodstove smoke is a problem for many Oregon communities that struggle with both the public health impacts and economic threat of being designated as nonattainment under the federal Clean Air Act. To address this challenge, local governments need access to funding for wood smoke reduction programs. Such programs have proven effective at reducing wood smoke in communities and include public education, enforcement, incentives for woodstove change-outs (to ductless heat pumps or certified stoves, weatherization assistance for low-income households and providing residents with dry, seasoned fire wood which burns cleaner. A 2016 taskforce report that was submitted to the Legislature indicated that there are approximately 150,000 uncertified stoves in the state, and that while Oregon has a long and successful history of replacing woodstoves in certain communities, money is sporadic and limited. The report went on to suggest that “an allocation in the range of \$3-5 million per biennium could target high-risk communities and would support a meaningful level of effort to replace old, dirty woodstoves.”

In 2017, the Legislature provided \$250,000 in funding for community wood smoke reduction programs. The need for local communities, including a number of small cities, is much greater.

Presented by the Energy & Environment Committee

Agenda Item 7



CITY MANAGER REPORT

Reporting period: June 2018

I. ADMINISTRATION – Gary Marks, City Manager

Month in Review: The following provides the highlights of my work during the month of June.

- June began with the final work on the 2018-19 Fiscal Year Budget and my budget presentation for the City Council on June 13th.
- I worked with the executive director of RAIN and the city managers in Halsey, Harrisburg, and Monroe to finalize the hiring process for Cory Wright, the new Linn-Benton Venture Catalyst who will administer the program of the 8-cities Business Oregon grant collaborative. Wright is now working on behalf of the eight-cities. I will update the City Council as programs and developments occur related to our efforts to advance entrepreneurial efforts in Lebanon and the region. I also attended a June 13th meeting in Monroe with representatives of Business Oregon, RAIN and the 8-cities to organize the work program for the cities group going forward. The group is interested in building on the entrepreneurial program to address other areas of economic development in the Linn-Benton region.
- I attended the Summer conference of the Oregon Economic Development Association held in Corvallis on June 8th. The conference had great speakers and I was on hand to represent the 8-cities collaborative effort for entrepreneurship. The 8-cities effort is a novelty in the State and many other communities have expressed interest in what we are doing.
- The Northside Welcome Monument Sign effort is moving forward. The permitting effort with the Oregon Department of Transportation was begun after the Council approved the project on June 13th. This has included work with Stangeland Architects and various City staff to coordinate information and complete applications. I will be meeting with the architects in early July to finalize design plans and begin the development of construction documents. A projected construction date will be set once these initial permitting and planning steps are completed.
- I participated in the first meeting of the Lebanon Historic Museum Ad Hoc Committee on June 28th. I was impressed by the knowledge of the individuals appointed to the committee and believe exciting advancements for the project will be coming soon. The Committee discussed first steps in the process of developing a museum for Lebanon. Initial plans were put in place for the Committee's future work. The Committee is scheduled (by Council Resolution) to submit recommendations to the Council by the December 12th City Council meeting.
- I also worked with Leigh Matthews Bock, communications coordinator, to put the finishing touches on the "Noon At The Plaza" program which will host a series of musicians and performers at noon each Friday in July and August on the stage at Strawberry Plaza. The two-month program is a production of the Lebanon Arts Commission and is free to the public.
- The month of June also included my attendance and participation in a number of meetings. These included the monthly meeting of the BLT-City staff working group, update meetings with Councilors Grizzle, Elliott and Mayor Aziz, Chamber of Commerce Forum Lunch, and a noon meeting of the City Council on June 27th. I also attended weekly meetings of the Lebanon Rotary and Optimist Clubs.

B. HUMAN RESOURCES – Debi Shimmin, HR Director

- **Employee Safety/Wellness Committee:** Sent employees clarification on the City's benefit programs and how same-sex and opposite-sex domestic partnerships are applied. Where the option to include same-sex or opposite-sex domestic partners is allowed, the City will opt in; however, some benefit vendors policies, or state or federal rules and regulations may also eliminate the option to include domestic partnerships.
- **Employee Recruitment:** Dial-A-Bus Dispatcher & Receptionist: Daisy Garber was hired and began work on June 29.
 - The Library Assistant recruitment interviewed on June 25, and Brittney Nicholas was recommended. The onboarding process has begun with a projected start date of about July 19.
 - The Water Treatment Plant Supervisor recruitment opened on June 25, with a projected start date of August 16.

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- The recruitment for the Crew Chief Collections division will open on July 2, with a projected start date of August 27.
- **Employee Training:** Active Shooter Training for employees is being scheduled during the first quarter of the 2018/19 training calendar.
 - We are working with our workers compensation carrier, SAIF to establishing an online ergonomic assessment program for staff, with plans to have the program available to employees by August
- **HR Notes:** We are working on a job description for the economic development position that was approved for the 2018/19 budget.
 - Conducted a salary survey for the City Manager position.
 - The CIS benefits open enrollment meeting will be held at Newport's City Hall on July 18.
 - Cost of living personnel actions notices are being prepared that take effect July 1. This year, the COLA is 2.1% for all classifications.
 - As of July 1, 2018, the City will be classified as a "large employer" when applying coordination of some benefits. Each government agency has their own definition of who is a large employer. Some use 100 FTE or 100 persons employed, or 100 persons working more than 30 hours per week. A chart is available for those interested in seeing the breakdown.

II. LEGISLATIVE / CITY CLERK'S OFFICE – Linda Kaser, City Clerk

- **Advisory Boards:** Trees and Trails" Advisory Board. After giving all members of the Parks Committee/Tree Board and the Bike & Pedestrian Board the first opportunity to apply for a spot on the newly established Board, I've received 3 responses and one application. The members were given until July 2 before advertising to other members of the public. Appointments are expected to be made at the August 8 City Council Meeting.
- *Historic Museum Ad Hoc Committee* will have their first meeting on June 28, 2018.
- **City Council Meetings:** The next Regular Council Meeting will be held on July 11 at 6:00 p.m. After polling the City Council, an Executive Session is scheduled for August 8 to discuss the next City Manager evaluation process.
- **City Elections:** A reminder that the City's *filing period is July 12 through July 30* for those interested in running for City Council. All candidates must call my office to schedule a filing appointment. The Lebanon Local Elections Manual is available online and at City Hall. The Manual provides interested candidates with all the information needed to make an informed decision on running for Lebanon City Council, along with the required forms and instructions needed to file.
- **Liquor Licenses:** *Liquor Renewal Applications* continue to trickle in with licensing expiring June 30. We have five pending as of June 28. I signed off on multiple Special Event Liquor Licenses for various vendors. The events are:
 - Seadog Nights and Gypsy Carnival to be held at Cheadle Lake Park, from July 19 through July 22.
 - Lyrics on the Law to be held at the Oaks from 5 p.m. to 8 p.m., July 26.
 - Bigfoot Bites, First Friday, will have the band Fate 55, various vendors and a beer garden in the parking lot at 1112 S. Main Street from 5 p.m. to 10 p.m., July 6.

III. COMMUNITY DEVELOPMENT – Walt Wendolowski, Director

A. Planning:

- The Planning Commission met in June to review a Comprehensive Plan Map and Zone Map amendment; an Annexation and Partition; and, a combination Comprehensive Plan Map and Zone Map amendment, Partition and Subdivision. The Commission recommended City Council approval of the various annexations and zone changes and approved the remaining requests subject to Council approval of the annexations and zone changes.
- The Commission will likely not meet in July as there are no scheduled hearings.
- Since last report, the Department approved a Ministerial Review to expand the warehouse facilities at Lane Manufacturing. Staff is currently reviewing two Administrative Reviews: one for a large accessory building and a second to construct two duplexes.
- Work continues with scanning all prior land use and building permits to assist in future development of our existing Geographic Information System.
- As noted the industrial wetland delineation reports were sent to the Department of State Lands (DSL). No word on the status of the reports.

- The first draft of the Transportation System Plan's is now available. There remains one committee meeting before the material is sent to the Planning Commission. Periodic updates and a comments map may be found at www.lebanontsp.org.

B. Building:

The City processed 81 permits in May, up significantly from the 58 permits in April. For FY 2017/18 total fees to date are \$389,923 on \$29,391,624 in valuation. By comparison, for the same period in FY 2016/17, the fees were \$380,831 on \$26,474,295 in valuation

IV. ENGINEERING SERVICES – Ron Whitlatch, Director

- Construction of the New Water Treatment Plant (WTP) is continuing. Slayden Constructors (SCI) is continuing to install mechanical elements inside the New River Intake and a large amount of the electrical system associated with the pumps for the intake. At the Water Treatment Plant Site, SCI has begun installing the racks for the filter membranes, as well as continued mechanical and electrical work. Currently there are two City Staff assigned to the construction oversight along with intermittent help from Carollo Engineers. The change order for the Canal Under-Drain to Cheadle Lake is currently awaiting permit approval for the Army Corp of Engineers. The change order is being considered for approval at the June 27th City Council Meeting. This work will be done during the summer of 2018. The project is still on schedule for a December start up.
- Udell Engineering is currently performing a topographic survey in the area between Oak and 'A' Street (4th to 7th) for an upcoming sanitary sewer replacement project. We anticipate the project going out for bids later this summer or early fall.
- Staff is continuing to work with Build Lebanon Trails on multiple projects. The West River Trail is currently advertising for bids, and will likely be considered for approval to award the contract at the July 11th City Council Meeting. Other trail segments include the Island Loop Trails at Cheadle Lake, 2018 Recreation Trails Grant Application, a proposed bridged over the Santiam Albany Canal (vicinity of Cheadle Lake Boat Ramp – this project is proposed to be funded privately by Thad Nelson and Rick Franklin Corp.), improvements to the trails off of Tennessee Road, and several other minor trail sections.
- Work on the Russell Drive/River Road Project is continuing. A majority of the utility extension have been done. Russell Drive is currently closed to through traffic at Franklin Street to Mountain River Drive. The project is scheduled to be complete by August 24th. There have been several items eliminated from the contract due to conflict with the Water Treatment Plant Project. They include path construction across the frontage of the WTP site, and paving of River Road in the area of the new intake. This work will likely be added to the WTP contract and completed by SCI so as not to interfere with the construction progress of the Water Treatment Plant.
- Staff is working with Linn County and ODOT to realign the intersection of Dewey and Walker Road at Highway 20. Linn County is in possession of the property where the old Hoskins Supply was located. Staff is currently working on funding the project.
- RJ Armstrong submitted the lowest responsible quote to install the Pedestrian Activated Crosswalk light at the intersection of Fifth Street and Tangent Street. The project will begin in early July. Traffic control in the area will be provided by flaggers, as the roadway will remain open. This project is being funded 100% by ODOT.
- The first phase of Porter Park, which was to strip and prep the site for construction has been completed. The project has started back up with the building pad being constructed for the restroom. Staff will also be requesting additional quotes for irrigation install and preliminary grading. We are anticipating a fall construction completion.
- Wildish Construction submitted the lowest responsible bid for the 2018 Street Preservation Project. City Crews have begun excavating and base rocking of both streets. Wildish is scheduled to begin final grading and paving around July 9th. Staff will be sending out a press release for the paving of Airport Road several days in advance of construction. As this is an extremely busy roadway, we will be asking motorists to avoid the area for several days while construction takes place. The roadway will remain open to through traffic and we will likely close Fifth Street and Seventh Street to eliminate cross traffic. During this portion of construction, traffic delays and congestion are likely to be fairly significant.
- David Evans and Associates is under contract with the City to update the existing Westside Interceptor (sanitary sewer) model. The last model update was done 10 years ago and showed that the existing pipe was at capacity. Due to all of the potential for development along the west and south portion of the City, we are updating the model to determine if there are any short-term solutions to allow large developments prior to the new Westside Interceptor being completed.
- Staff is currently working on the next five-year CIP Plan. It is anticipated that this will be brought to City Council in the fall of 2018 for review and approval.

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- Duplexes are nearing completion at the northwest corner of 7th Street and Airport Road.
- Home construction continues in the Eagle View Subdivision (east of South Main south of Joy), Heather Estates Subdivision (west of South Main Road south of Joy), and Santiam Riverfront Estates (east of Mountain River Drive by the Santiam River). The Gleann Subdivision (formerly known as Santiam River Place 3 along Kokanee Way) is full. Staff continues to review site plans for additional homes for these subdivisions and other home sites throughout the City.
- Final occupancy granted for Kidco Head Start campus on S Main Road and Joy St.
- Plans have been approved for the new Samaritan Treatment and Recovery center located on the Corner of Hwy 20 & Tangent St. (former Teen Challenge building demo) Site work is expected to start soon.
- Stutzman Residential Project plans have been approved for a 5-plex off Second Street. Site work is expected to start soon.
- Plans have been approved for Snook investments for an Industrial Flex Space for 2 tenants. Site work is expected to start soon.
- Extension of public improvements along 9th street have been completed and testing complete. Contractor working on final punch list items. Public improvements to be accepted later this month. No Building permits issued at this time.
- Preconstruction meeting complete, contractor to start clearing the site beginning of June for Phase I. All outside agencies permits received and plans approved for construction. Plans have been stamped approved for Kate's addition 4 duplexes with a half street improvement along Wasson Street.
- Site plan for Miller's Auto Repair have been approved site work to begin soon.
- Site plan for Veteran's home Parking lot expansion have been approved. Waiting on outside agency permits prior to construction.
- Site plan for Cascade Ridge 2 Apartment complex have been stamped approved, site work and building construction underway.
- Entek building expansion site plans have been stamped approved, site work to begin soon.
- 9th Street sewer extension plans have been stamped approved, construction almost complete and passed testing. Final paving completed, final walk through to be scheduled.
- Site plan review complete and approved of new Maple/Oak Townhouse. Site work in process.
- Site plan for J Street Duplexes approved and building permits issued site work in progress.
- Economy Building Supply Garden Center plans have been approved new garden center building construction to begin soon.

V. FINANCE SERVICES – Matt Apken, Finance Director

- Accounts Payable; FY17/18 payments made in June 2018, 407 invoices were processed for payments of \$3,089,376.
- **Utility Billing for June 2018:**
 - 6,031 Billing statements mailed by the end of May = \$941,539
 - 1,213 Accounts received a penalty (past due 6/19/18).
 - 279 lien letters mailed to property owners.
 - 62 accounts were locked off for non-payment on 6/13/18 for bills due 5/15/18.
 - 46 accounts were reconnected the same week. 1 Pre-lock off door hanger for multi-family accounts.
 - 2 accounts called for after-hours reconnect, paid as promised.
 - Total of 347 Service orders: 57 Move Outs, 62 Move ins, 5 Turn offs, 39 Turn on, 48 reconnects, 21 read request, 3 Dead meters, 15 Leak Checks, 62 Lock offs, 3 Meter Change out, 7 New Meter Installations, 10 Quality Checks, 4 Doorhangers, 6 Returned Mail, 5 misc. other.

	June 17	July 17	Aug 17	Sept 17	Oct 17	Nov 17	Dec 17	Jan 18	Feb 18	Mar 18	Apr 18	May 18	June 18
Billing Statement	5,997	5,767	5,783	6,071	5,799	5,761	6,021	5,739	5,761	6,001	5,760	5,780	6,031
Penalty applied	1,041	1,257	935	1,247	1,277	990	1,318	956	1118	1,061	1,180	926	1,213
Lock Offs	144	95	112	87	109	126	87	138	46	50	84	90	62

VI. INFORMATION TECHNOLOGY SERVICES – Brent Hurst, Director

- River Park camera installation for Maintenance to monitor RV dump area to prevent theft and vandalism.
- Added additional needed storage for backup systems for City and Fire and configured.
- Worked on Lebanon Public Library's patron computer system to install Office on all workstations available to public, addressed why USB drives are not consistently being recognized, and resolved issue of computers not turning off at end of day.
- Upgraded Library book and patron management system with Albany Library.
- Address multiple issues with phone and voicemail system at City and Fire.
- Upgraded Police in car camera system software.
- Work and coordination continues at Water Treatment Plant site.
- Resolved issue with Oregon State Police radio traffic talking over Lebanon Police radio traffic.
- Resolved heat issue in Justice Center Data Center with help from City Electrician.
- Work with City Electrician to prepare for power needs of new server VM upgrade in Data Center.
- Met with Bend IT Staff to discuss municipal IT challenges both cities face and to share ideas.
- Multiple camera repair and configuration issues addressed.
- GIS – Completed Census 2020 Address Review project
- GIS – web map updates and patches applied and configured.
- Coordinated and digitized address point data for Samaritan Medical Apartments and reviewed with Community Development staff.
- Coordinated current aerial photography image tile locations with Engineering staff for import to CAD environment.
- Downloaded, reviewed, processed, and coordinated taxlot updates with Community Development staff.
- We have addressed multiple other normal break-fix issues, equipment replacements, and maintenance renewals for IT. During the past month, the IT Department closed 246 tickets or work orders. This includes system generated tickets that needed analysis and resolution in addition to end user requests for help.

VII. LIBRARY – Kendra Antila, Director

- The Summer Reading Program, consisting of weekly family-friendly performances and activities as well as a reading incentive program, is in full swing. We are again partnering with Lebanon Community Schools as a location for children to receive free summer meals on Tuesdays at 10:30 and Thursdays at 12:00, following scheduled events.
- Library staff members are busy familiarizing themselves with robotic and programming kits purchased with a generous grant from Trust Management, LLC. STEM programs using these kits will be offered to children beginning this fall.
- We're busy planning several events for adults and families this coming fall and winter, including bi-monthly yoga sessions, scary stories by the fireside with Anne Rutherford in October, and Flamenco Pacifico in January.

VIII. MAINTENANCE – Jason Williams, Director

A. Streets:

- The entire Streets crew is working on the construction of both J and E Streets.
- Street sweeping continues including sweeping for the City of Halsey and Brownsville.
- Street light repairs at South Main and Walker.
- Graded and rocked all the city gravel shoulders and roadways preparing for annual dust control.
- Completed sign maintenance as needed.
- Completed a round of pothole patching.
- Lowered flags per governor's order.
- Placed banners at two locations for special events.
- Worked on weed/trash removal in the entire downtown core area.

B. Collections (Sanitary-Storm):

- Assisted the Water crew with many service line repairs.
- Cleaning and televising sanitary and storm sewer continues.
- Completed a sewer repair on 2nd street.
- Assisted the water crew with water service repairs.
- Repaired failing sewer services.
- Raised flags per governor's order.
- Cleaned ODOT's catch basins.
- Continuing with ditch mowing and cleaning.
- Trapped nutria out of ditch way on Ash St. Removed 13 nutria.
- Worked on Strawberry parade/festival preparations.
- Located sewer lateral connections for contractors.
- Mowed out at the entrances on each end of the City.

C. Water:

- Meter reading has been completed.
- The crew completed water lock offs and reconnects.
- Daily water service orders including, leak checks, locates, taste and quality issues, water samples and other customer concerns continues.
- The crew paved and replaced concrete after new or leaking water services were placed.
- Replaced water meters to touch/radio read as time permitted.
- Changed out failing meter boxes and dead meters.
- Worked on the water maintenance list.
- Vehicle Maintenance.
- Worked daily on service line leaks. Leaks are showing up as ground water levels recede.

D. Parks:

- Opened, closed and cleaned parks restroom buildings daily.
- Set up for special events.
- Completed landscaping rounds in all parks and school district properties including a complete round of mowing.
- Chemical applications have been made in parks and school district property for weed control.
- Applied chips in landscape areas as needed to eliminate hand work.
- All Trail mowing and land clearing has been done.
- Trails have all been swept.
- Started repairing and replacing picnic tables as needed.
- Daily vandalism control/repair.
- Completed playground safety inspections.
- Worked on both paving projects with the streets crew.

IX. POLICE – Frank Stevenson, Chief of Police

- The Patrol Division had approximately 1,382 calls for service this month, made 124 arrests, issued 138 traffic citations and wrote 232 case reports.
- As of June 23rd, 2018, 101 individuals were booked and released, brought to Lebanon Municipal Court or Linn County Court, transported to/from Linn County Jail or sentenced to Lebanon Municipal Jail. A combined 140 days were served by inmates in the Lebanon Jail. Inmates of the Lebanon Jail also performed work crew activities within the month, performing tasks such as washing vehicles, cleaning out the intake garage at the Police Department, and removing moss from around the Justice Center. Since June of 2017, Lebanon Jail work crew has saved the City of Lebanon approximately \$1,008.00 in expenses.
- The Community Services Division remains busy with various activities. This month, in addition to assisting with the Cadet Academy and Peer Court program, the division conducted a meeting with a Neighborhood Watch group, facilitated a Traffic Safety class, assisted Comp NW with their graduation ceremonies, helped with the Strawberry

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Festival, assisted at the Lebanon Chamber Car Show, began a Junior Police Academy at the Lebanon Boys and Girls Club with 26 kindergarteners and 1st graders, and conducted a meeting with a local Youth Services Team (YST), which is a multidisciplinary team that provides integrated services to students in Linn County, Oregon and coordinates efforts for children and youth who have been referred for services. Community Policing Officer Dala Johnson taught 12 adults in a cell phone distracted-driving class and 4 adults in a seatbelt class, all of which were referred to her by Lebanon Court.

- Peer Court, which is coordinated by Community Policing Officer Dala Johnson and Lieutenant Scott Bressler, heard 5 total cases this month – 4 involving juveniles referred for driving offenses and 1 regarding a juvenile involved in a disorderly conduct case. The Peer Court program remains dedicated to this diversion program in which youth are sentenced by their peers for minor crimes, offenses, and/or violations. Youth Court diversion programs are intended to offer an alternative to the traditional juvenile justice system and school disciplinary proceedings, and work to teach youths accountability and responsibility. We continue to have a partnership with Lebanon School District and the Linn County Juvenile Department.
- The Detectives Division remains active with several very involved cases including narcotics investigations and child abuse investigations.
- We received 33 applications for the Police Officer vacancies. We conducted the physical/written tests portion of the recruitment on June 12th. Out of 33 applications, 13 participated in panel interviews. At this time, five (5) are scheduled for executive interviews on July 11th.
- Several staff members participated in Cast-With-A-Cop this month, where several less-fortunate children from around the area spent the day fishing with Police Officers, a Records Clerk and Community Police Officer Dala Johnson. Children enjoyed the day of fishing and were treated to a BBQ lunch.

X. **SENIOR SERVICES** – Kindra Oliver, Director

- Our new Dial-a-Bus Dispatcher/Scheduler, Daisy Garber, starts on Friday, June 29.
- We received two Oregon Department of Transportation grants to purchase replacement buses for our two 2009 vehicles during the FY 2018-20 biennium. We plan to purchase one in each biennium.
- A complete list of Senior Center events, classes, workshops and activities for July are posted on the city's website and on the City's Facebook page.