



LEBANON CITY COUNCIL AGENDA

May 12, 2021 (6:00 PM)

Regular Electronic Meeting

The City Council will be meeting electronically and not hold a live meeting at the Santiam Travel Station due to the current State of Emergency and in compliance with the adopted regulations of House Bill 4212. Public comments may be submitted by email to cityrecorder@ci.lebanon.or.us prior to 5:00 PM on May 11.

*Written testimony for **DCA-21-01** may be emailed to khart@ci.lebanon.or.us or may be mailed to the City at 925 S. Main Street, Lebanon, OR 97355, or delivered to the City and dropped in the white mailbox in front of City Hall. For verbal testimony, a recording may be provided to the City, or you may call (541) 258-4252 and leave a voice message. Written and verbal testimony will be accepted until 5:00 PM on May 11.*

Those wanting to give public comments during the Public Comment time during the meeting or for the public hearing can join the Zoom meeting by clicking this link: <https://us02web.zoom.us/j/89311367046?pwd=ejVpT0hXYk9FbmlzTENCbnpkL3Yrdz09>. Public comments will be limited to 5 minutes per person.

The public can listen to the meeting on YouTube by clicking this link: <https://youtu.be/qyQyIsjwjsw>

Mayor Paul Aziz

Council President Jason Bolen
Councilor Wayne Rieskamp

Councilor Wayne Dykstra
Councilor Gamael Nassar

Councilor Rebecca Grizzle
Councilor Michelle Steinhebel

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

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

BOARD MINUTES

COUNCIL MINUTES

IRREVOCABLE PETITION

Lebanon City Council Agenda – May 12, 2021

Planning Commission – January 20, February 17 & March 17, 2021

April 14, 2021 Regular Session

S. Sixth/Kees Street Public Improvements

LIQUOR LICENSE: Annual Renewals
POLICY: Cybersecurity Policy Update

PROCLAMATION / PRESENTATION / RECOGNITION

- American Legion Poppy Day Proclamation
- Strawberry Festival Proclamation

PUBLIC COMMENTS *(Public comments may be submitted by email to cityrecorder@ci.lebanon.or.us prior to 5:00 p.m. on May 11. The City Recorder will distribute comments to the Mayor and Council prior to the meeting.)*

PUBLIC HEARING

- 1) **Amending the Lebanon Development Code Regarding HB 2001 Compliance, Planning File DCA 21-01**
Presented by: Kelly Hart, Community Development Director
Approval/Denial by Ordinance Bill No. 2021-01, Ordinance No. 2957

REGULAR SESSION

- 2) **Intergovernmental Agreement with Linn County for Airport Road/Stoltz Hill Road Intersection Improvements and Jurisdictional Transfer**
Presented by: Ron Whitlatch, Engineering Services Director
Approval/Denial by Resolution 2021-07
- 3) **Amending Chapter 12.12.015 of the Lebanon Municipal Code Regarding Parks and Public Places**
Presented by: John Kennedy, City Attorney
Approval/Denial by Ordinance Bill No. 2021-09, Ordinance No. 2965
- 4) **City Manager's Report**
Presented by: Nancy Brewer, Interim City Manager
Discussion

ITEMS FROM COUNCIL

PUBLIC/PRESS COMMENTS *An opportunity for citizens and the press to comment on items of city business.*

NEXT SCHEDULED COUNCIL MEETING

- June 9, 2021 (6:00 PM) Regular Session

EXECUTIVE SESSION *Executive Sessions are closed to the public due to the highly confidential nature of the subject. It is unlawful to discuss anything outside of the Executive Session. Final action/decisions are to be made in open session.*

Per ORS 192.660(2)(i) To review and evaluate the employment-related performance of the chief executive officer of any public body, a public officer, employee or staff member who does not request an open hearing.

REGULAR SESSION *The City Council may reconvene into open session should action be required.*

ADJOURNMENT

City Council meetings are recorded and available on the City's YouTube page at <https://www.youtube.com/user/CityofLebanonOR/videos> The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to the City Recorder at 541.258.4905.

Consent Calendar

Board & Committee
Meeting Minutes



City of Lebanon
Planning Commission
Meeting Minutes
January 20, 2021

Due to the COVID-19 Pandemic, the City of Lebanon Planning Commission conducted a virtual meeting in accordance with House Bill 4212 and in State public meeting laws.

Members Present: Vice-Chair Don Robertson, and Commissioners David McClain, Todd Prenoveau, Joshua Galka, Josh Port and alternate Commissioner Samuel Brackeen.

Staff Present: Community Development Director Kelly Hart; City Engineer Ron Whitlatch and Tre' Kennedy, City Attorney.

1. CALL TO ORDER/ FLAG SALUTE

Vice-Chair Robertson called the meeting of the Lebanon Planning Commission to order at 6:00 pm via the Zoom Meeting virtual platform. The meeting was also live streamed on YouTube for the public to view live.

2. ROLL CALL

Roll call was taken. Commissioner Salvage was excused.

3. APPROVAL OF MEETING MINUTES –

December 16, 2020 minutes – there were no corrections or amendments, the minutes were approved as written.

4. CITIZEN COMMENTS - None

5. PUBLIC HEARINGS

A. Planning File A-20-08 – Annexation of a property located at 611 Hansard Ave (12S 02W 03C, tax lot 500)

Vice-Chair Robertson opened the public hearing. City Attorney Kennedy read into the record the quasi-judicial hearing procedures and the raise it or waive it provisions of public meeting law.

Vice-Chair Robertson asked the Commissioners whether they had any ex-parte communications, conflicts of interest or bias to report. Seeing none, Vice-Chair

Robertson requested staff to present the application.

Director Hart presented the staff report and discussed an overview of the decision criteria outlined in the agenda packet for consideration.

At the conclusion of the staff report, Vice-Chair Robertson opened the discussion up for questions of staff. Seeing none, the public testimony portion of the hearing was opened.

The Applicant's representative, AKS Engineering, spoke on behalf of the applicant. They indicated support for the recommendation to approve the annexation and were available to answer any questions.

Vice-Chair Robertson asked the Commissioners if they had any questions. Seeing none, Vice-Chair Robertson asked staff if there were any other members of the public that wished to speak on the matter.

Director Hart indicated there were no other members of the public on the call to speak.

Vice-Chair Robertson closed the hearing and asked the Commissioners if they felt the decision criteria was met.

Commissioners indicated with head nods that the application met the decision criteria.

Seeing no other comments, Vice-Chair Robertson requested a motion.

Commissioner McClain moved to recommend approval of the annexation to the City Council.

Commissioner Galka seconded the motion.

The motion passed 6-0.

B. Planning File S-20-02 – Subdivision (12S 02W 15CA, tax lot 3500)

Vice-Chair Robertson opened the public hearing. City Attorney Kennedy read into the record the quasi-judicial hearing procedures and the raise it or waive it provisions of public meeting law.

Vice-Chair Robertson asked the Commissioners whether they had any ex-parte communications, conflicts of interest or bias to report. Seeing none, Vice-Chair Robertson requested staff to present the application.

Director Hart presented the staff report and discussed an overview of the decision criteria outlined in the agenda packet for consideration.

At the conclusion of the staff report, Vice-Chair Robertson opened the discussion up for questions of staff.

Vice-Chair Robertson asked for clarification on the 20-foot access lane provided between the parcels on River Road. Director Hart clarified the need for the access lane to meet fire code secondary access requirements due to the size of the subdivision and the minimum distance requirements between the access points. The 20-foot access lane is only intended for fire/emergency vehicle access only.

Commissioner McClain verified that no parking would be allowed on the access lane. Director Hart affirmed no parking would be permitted.

Seeing no additional questions of staff, Vice-Chair Robertson opened the meeting to the applicant to speak on the matter.

Laura LaRoque and Brian Vandetta from Udell Engineering spoke as the applicant's representative. Mrs. LaRoque further described and clarified the exact measurement process for the fire code.

Brian Vandetta indicated he was available to answer any questions about the utilities and infrastructure if there were any.

Seeing no further questions from the Commissioners, Vice-Chair Robertson opened the public hearing portion and asked Director Hart if there had been any written correspondence or request to speak on the application. Director Hart indicated there were no comments or requests to speak received.

Vice-Chair Robertson asked whether there was anyone else to speak in favor or opposition to the project. Seeing none, he closed the public hearing and limited further conversation to Planning Commissioners and staff.

Vice-Chair Robertson asked whether there were any concerns or questions from the Commissioners.

Commissioner Brackeen spoke on storm drainage and indicated that it appeared that the storm drainage has been appropriately addressed.

Commissioner Galka wanted to verify the zoning. Director Hart indicated that in 2018 the property zone was changed to Residential Mixed Density.

Seeing no further comments on the subject application, and no member of the public in attendance to speak on the matter, Vice-Chair Robertson closed the hearing, and accepted a motion.

Commissioner Brackeen motioned to recommend approval of the application to the City Council.

Commissioner Prenoveau seconded the motion.

Motion passed 6-0.

6. WORK SESSION - None

7. COMMISSION BUSINESS & COMMENTS

Director Hart indicated that there were currently at least two items on the agenda for the next meeting, and indicated that further conversation will be had on HB 2001 requirements.

8. ADJOURNMENT:

There being no further business, the meeting was adjourned at 6:27pm.

[Meeting minutes prepared by Kelly Hart, Community Development Director]



City of Lebanon
Planning Commission
Meeting Minutes
February 17, 2021

Due to the COVID-19 Pandemic, the City of Lebanon Planning Commission conducted a virtual meeting in accordance with House Bill 4212 and in State public meeting laws.

Members Present: Chairman Jeremy Salvage, Vice-Chair Don Robertson, and Commissioners David McClain, Todd Prenoveau, Joshua Galka, Josh Port and alternate Commissioner Samuel Brackeen.

Staff Present: Community Development Director Kelly Hart; City Engineer Ron Whitlatch and Tre' Kennedy, City Attorney.

1. CALL TO ORDER/ FLAG SALUTE

Chairman Salvage called the meeting of the Lebanon Planning Commission to order at 6:00 pm via the Zoom Meeting virtual platform. The meeting was also live streamed on YouTube for the public to view live.

2. ROLL CALL

Roll call was taken. All commissioners present.

3. APPROVAL OF MEETING MINUTES – *None*

4. CITIZEN COMMENTS - *None*

5. PUBLIC HEARINGS

A. Planning File S-21-02 & AR-21-02 – 9-Lot Subdivision and Administrative Review for a 38-unit apartment complex at the southern terminus of 12th Street and Leonard Lane (12S 02W 15CB, tax lot 902)

Chairman Salvage opened the public hearing. City Attorney Kennedy read into the record the quasi-judicial hearing procedures and the raise it or waive it provisions of public meeting law.

Chairman Salvage asked the Commissioners whether they had any ex-parte communications, conflicts of interest or bias to report. Seeing none, Chairman Salvage requested staff to present the application.

Director Hart presented the staff report and discussed an overview of the decision criteria outlined in the agenda packet for consideration, and the written testimony provided by the public. As part of the public testimony provided, questions were raised regarding a 4-way stop sign at the intersection of Kees Street and 12th Street, as well as a question regarding increase in drainage to the ditch behind the properties on Kees Street.

City Engineer Ron Whitlatch provided additional information regarding the two points of interest. Regarding the 4-way stop, the City must follow standardized warrant studies to determine appropriate traffic mitigation at intersections. The 12th/Kees Street intersection does not meet warrants at this time to install a 4-way stop sign. However, in the future, as the street system is built out in the area, a stop sign may be warranted.

For the storm drainage question, Director Whitlatch provided information regarding the state laws on storm drainage, and the legal requirements for the property to not increase storm drainage flow into the drainage ditch. He indicated that it is the responsibility of the development to include storm drainage systems such as bioswales and storm water retention basins on-site to capture the water runoff and releasing the runoff at the same historical rates into the drainage ditch. As such, there would be no additional impact to the drainage ditch than its current capacity.

At the conclusion of the staff report, Chairman Salvage opened the discussion up for questions of staff.

Commissioner McClain asked if there was standing water in the culvert. City Engineer Whitlatch indicated yes and discussed the drainage patterns in the vicinity.

Commissioner McClain indicated it would be easier to keep a ditch cleaned out than a culvert. City Engineer Whitlatch agreed and indicated additional maintenance efforts in the area.

Commissioner McClain indicated it would be appropriate to revisit the stop sign at a future date.

Commissioner Brackeen asked about pedestrian access to the ditch. City Engineer Whitlatch indicated there was no public access. A person would need to trespass into the ditch to gain access.

Commissioner Brackeen wanted to verify safety, but seeing as it is blocked off, there is no concern.

Commissioner Prenoveau indicated that the same drainage ditch hazards exist throughout the City, so it is not more concerning than any other area in the City.

Chairman Salvage was questioned traffic flows onto Airport Road and the impact of the traffic light at Stoltz Hill and Airport Road. City Engineer Whitlatch indicated that the signal would create traffic queues, but the light would create traffic breaks to provide maneuverability and the intersection would still function as appropriate. At some point, 12th Street at Airport Road would also likely be signalized.

Seeing no additional questions from the commissioners, Chairman Salvage opened the public testimony portion of the hearing was opened.

The Applicant's representative, Laura LaRoque and Brian Vandetta from Udell Engineering and Matt Johnson from Studio 3 Architecture, spoke on behalf of the applicant.

Laura LaRoque presented an overview of the project.

Brian Vandetta discussed the public improvements, utility extensions, and discussed further the existing drainage patterns on the site, and the storm drainage plan for the project to meet State law.

Brian Vandetta further discussed the access to Leonard Lane. Leonard Lane is proposed to be emergency access only. The entrance would include signage and a rolled curb with paint and stenciling to indicate emergency vehicle access only. There is no gate proposed to restrict this access point at the request of the Fire District.

Chairman Salvage asked the Commissioners if they had any questions.

Vice-Chair Robertson asked whether Leonard Lane would be maintained by the City or private ownership.

Brian Vandetta indicated it would be a public right-of-way, and the only lots with access would be restricted to the 4 residential lots on the west side of Leonard Lane.

Commissioner Prenoveau asked the purpose for the restriction of Leonard Lane. Mr. Vandetta indicated it was a response to the concerns from the residents on Leonard Lane.

Commissioner Prenoveau asked if 12th Street would be widened at the intersection of Airport Road. Mr. Vandetta indicated it would not be improved at this time.

Commissioner McClain asked if it was necessary to maintain the rolled curve for emergency access rather than a regular driveway. Laura LaRoque provided a pictorial understanding of what the curb would look like and how it would not be an impediment to fire access.

Brian Vandetta provided a descriptor of a cul de sac using the rolled curbs to provide a better visual to identify how they are designed to be driven over.

Seeing no additional questions of the applicant, Chairman Salvage asked staff if there were any other members of the public that wished to speak on the matter.

Director Hart indicated there was one individual that signed up to speak on the matter. It was determined that the individual who was signed in was to discuss the following agenda item, not the current agenda.

There were no other members of the public who spoke in favor or against the project.

Chairman Salvage closed the hearing and asked the Commissioners if they felt the decision criteria was met.

Commissioners Prenoveau indicated the applicant did a good job answering the questions, the project meets the criteria.

Vice-Chair Robertson and Chairman Salvage agreed.

Seeing no other comments, Chairman Salvage requested a motion.

Commissioner Prenoveau moved to approve the applications based on the findings and conditions identified in the staff report.

Commissioner Galka seconded the motion.

The motion passed 7-0.

B. Planning File S-20-01 – Subdivision for a 21-Lot subdivision on the northern portion of the intersection of Airport Road and Stoltz Hill Road (12S 02W 15BD, tax lots 301 and 307)

Chairman Salvage opened the public hearing. City Attorney Kennedy read into the record the quasi-judicial hearing procedures and the raise it or waive it provisions of public meeting law.

Chairman Salvage asked the Commissioners whether they had any ex-parte communications, conflicts of interest or bias to report. Seeing none, Chairman Salvage requested staff to present the application.

Director Hart presented the staff report and discussed an overview of the decision criteria outlined in the agenda packet for consideration.

At the conclusion of the staff report, Chairman Salvage opened the discussion up for questions of staff.

Chairman Salvage asked about the proposed Burkhart Creek trail, and whether the trail is part of the subdivision. City Engineer Whitlatch indicated the city would retain an easement over the property, but the trail construction will be done so at a later date through a grant as there is no connection to the trail currently, there is no benefit to construct the trail now.

Commissioner McClain asked where the trail is designed to go. City Engineer Whitlatch indicated the trail is planned to go along the full length of Burkhart Creek, but in reality, the likelihood of that occurring is minimal.

Seeing no additional questions of staff, Chairman Salvage opened the meeting to

the applicant to speak on the matter.

James Lutz, property owner and applicant spoke on the project. Mr. Lutz indicated that he did not indicate there were any identified concerns for the project ahead of time. He discussed his personal goals for the project to provide affordable starter homes, and that this project will help address the housing crisis in the state and the city.

Mr. Lutz concluded his presentation to indicate his availability for questions or concerns.

Chairman Salvage asked the applicant to address the concerns about traffic and storm drainage.

Mr. Lutz indicated that the traffic impact analysis was completed associated with the previous apartment development, and included the subdivision proposed now. The new traffic light at the intersection of Airport Road and Stoltz Hill Road would mitigate the traffic impacts of the development. For drainage, Mr. Lutz indicated that his project is bound to the same standards per State law as the previous application, and they will be following similar methods with use of bioswales and storm water retention ponds to address the required drainage.

Commissioner Prenoveau asked about the price point for the homes. Mr. Lutz indicated an approximate starting point of \$280,000 to \$290,000. Mr. Lutz indicated he is planning on putting an income limit on the individuals who has 120% AMI or lower.

Commissioner Brackeen asked follow-up questions about funding for the project and the affordability covenants associated with it and indicated that the affordability restrictions is new information and brings up more questions.

Director Hart indicated that the project is not restricted as an affordable housing project, there is no proposed restriction of the project to be limited to affordable households, and requested that the conversation be limited to the scope of the proposed project and the decision criteria before the Planning Commission.

Chairman Salvage agreed with the limitation of the conversation to the proposed project and asked the Commissioners about whether they had any further questions.

Seeing no further questions from the Commissioners, Chairman Salvage opened the public hearing portion. Chairman Salvage asked whether there was anyone else to speak in favor or opposition to the project.

Virginia (no last name), indicated that they would like to hear more about the traffic at the intersection of 9th Street and Airport Road, and cleaning up of the Burkhart Creek.

Chairman Salvage summarized the traffic circulation and the drainage of Burkhart Creek.

Sam (no last name) asked about the trail along the creek and discussed the garbage in the creek.

Chairman Salvage reiterated the current trail plans that were previously discussed by the City Engineer.

Virginia clarified that the biggest question is the plan to maintain the creek in terms of trash and debris and the safety issues of the creek being open.

Chairman Salvage indicated that the Planning Commission and the developer cannot directly address those concerns, and the hope would be that with the new neighbors, there would be pride of ownership and more people to help keep it clean.

Sam indicated his questions were answered, and if he has more questions, he can speak directly with the developer.

Commissioner Salvage asked if there were any direct questions regarding the development.

Sam spoke more on drainage concerns, but there were no new issues brought up to discuss.

Seeing no additional public comments, Chairman Salvage closed the public hearing and limited further conversation to Planning Commissioners and staff.

Chairman Salvage asked whether there were any concerns or questions from the Commissioners.

Commissioner McClain indicated that he believed the criteria has been met.

Chairman Salvage indicated support for the single-family subdivision, and that it meets the criteria.

Seeing no further comments on the subject application, and no member of the public in attendance to speak on the matter, Chairman Salvage closed the hearing, and accepted a motion.

Commissioner Galka motioned to approve the project with the findings and conditions as drafted in the agenda packet.

Commissioner Port seconded the motion.

Motion passed 7-0.

C. Planning File A-21-01 – Annexation of the property at 998 W Airport Road (12S 02W 15CA, tax lot 400)

Chairman Salvage opened the public hearing. City Attorney Kennedy read into the record the quasi-judicial hearing procedures and the raise it or waive it provisions of public meeting law.

Chairman Salvage asked the Commissioners whether they had any ex-parte communications, conflicts of interest or bias to report. Seeing none, Chairman Salvage requested staff to present the application.

Director Hart presented the staff report and discussed an overview of the decision criteria outlined in the agenda packet for consideration.

At the conclusion of the staff report, Chairman Salvage opened the discussion up for questions of staff. Seeing none, the public testimony portion of the hearing was opened.

The Applicant's representative, Laura LaRoque, spoke on behalf of the applicant. They indicated support for the recommendation to approve the annexation and were available to answer any questions.

Chairman Salvage asked the Commissioners if they had any questions. Seeing none, Chairman Salvage asked staff if there were any other members of the public that wished to speak on the matter.

Director Hart indicated there were no other members of the public on the call to speak.

Chairman Salvage closed the hearing and asked the Commissioners if they felt the decision criteria was met.

Commissioners indicated with head nods that the application met the decision criteria.

Seeing no other comments, Chairman Salvage requested a motion.

Commissioner McClain moved to recommend approval of the annexation to the City Council.

Commissioner Galka seconded the motion.

The motion passed 7-0.

6. WORK SESSION - None

7. COMMISSION BUSINESS & COMMENTS

Director Hart indicated that there were currently no items scheduled for the March meeting. However, the meeting may still be scheduled if something comes up.

Chairman Salvage asked about the prospect of going back to in person meetings. Director Hart indicated a plan was underway, and we needed to do some IT improvements to the travel station prior to going back to in person meetings, and it would be up to the City Council and City Manager.

Commissioner Galka asked about the number of apartment units being constructed and whether there is a point in time when there is an ability to stop restrict additional apartments.

Director Hart provided an evaluation of the existing development code, the market trends, and the City's upcoming comprehensive plan update. However, with the way the State legislature is moving forward, there will not be a great opportunity to restrict higher density housing.

Vice-Chair Robertson provided his perspective as a real estate agent.

Chairman Salvage asked for an update on the Comprehensive Plan process. Director Hart provided an update on the timeframe anticipated.

Commissioner Port asked about a date for the signalization of the intersection at Stoltz Hill and Airport Road. City Engineer Whitlatch provided an update with the anticipation of this summer/fall for installation.

8. ADJOURNMENT:

There being no further business, the meeting was adjourned at 7:43pm.

[Meeting minutes prepared by Kelly Hart, Community Development Director]



City of Lebanon
Planning Commission
Meeting Minutes
March 17, 2021

Due to the COVID-19 Pandemic, the City of Lebanon Planning Commission conducted a virtual meeting in accordance with House Bill 4212 and in State public meeting laws.

Members Present: Chairman Jeremy Salvage, Vice-Chair Don Robertson*, and Commissioners Todd Prenoveau, Joshua Galka, Josh Port and alternate Commissioner Samuel Brackeen.

Staff Present: Community Development Director Kelly Hart.

1. CALL TO ORDER/ FLAG SALUTE

Chairman Salvage called the meeting of the Lebanon Planning Commission to order at 6:00 pm via the Zoom Meeting virtual platform. The meeting was also live streamed on YouTube for the public to view live.

2. ROLL CALL

Roll call was taken. Vice-Chair Robertson joined the meeting after the conclusion of the work session discussion. Commissioner McClain was excused.

3. APPROVAL OF MEETING MINUTES – None

4. CITIZEN COMMENTS - None

5. PUBLIC HEARINGS - None

6. WORK SESSION – HB 2001

Community Development Director Hart provided an overview of HB 2001 and the overall rules and requirements for medium sized cities.

The discussion identified the required code changes, including:

- Medium sized cities (10,000 to 25,000) shall allow for duplexes in the same manner as single-family homes in all zones which permit residential
- No parking requirement may be applied to Accessory Dwelling Units
- Maximum of one space per unit may be required for a duplex.

Director Hart then discussed the site and design standards the City has the discretion over and requested feedback from the Planning Commission.

Housing Type: The Planning Commission was asked whether to continue allowing just attached duplexes, or to consider allowing a detached duplex concept. In the consideration of the detached duplex concept, the conversation of the installation of manufactured home units as a detached duplex is to be considered.

The Commissioners discussed this issue at length, taking into consideration the manufactured home standards, setbacks impacts, community continuity, and additional design standards that would need to be considered. At the conclusion of the discussion, there was not a clear consensus regarding whether to allow a detached duplex concept. Director Hart suggested for the purposes of the current legal requirements to develop the ordinance to just allow the attached project, but as part of the greater comprehensive plan update to have a larger discussion on the detached duplex concept at that time. The commissioners agreed that would be an appropriate path for this purpose.

Code Considerations: Director Hart then discussed the different code considerations that could be impacted by the HB 2001 regulations.

- Parking incentive – Director Hart proposed a reduction in the rear setback requirement if additional parking is provided above the minimum standard now required. The Planning Commission agreed that would be an appropriate incentive and determined that a 5-foot reduction of the setback would be appropriate.
- Manufactured Homes as duplexes – this conversation revolved around the option of a detached duplex. As the Planning Commission determined to move forward with just the attached option, this would no longer impact the design considerations.
- Lot Averaging and Zero-Lot Line – Director Hart indicated that these are two development opportunities currently allowed for single-family developments and would then need to be allowed for a duplex as well. These development opportunities are rarely used, as such, Director Hart suggested to allow for the standards to be maintained. The Commission did not provide significant discussion on this topic and agreed that the development options should be maintained and to allow duplexes in the option.

The next discussion was around the required considerations of affordable housing incentives as required by HB 2001.

- Waiving or deferring SDCs
- Amend criteria for property tax reduction or exemptions
- Assessing a construction excise tax

Director Hart provided a summary of how each of these incentives would be applied. The Commissioners discussed each option and determined that it would be appropriate to further consider SDC reductions or deferrals, and property tax exemptions. The Commissioners did not identify support to include a construction excise tax.

Director Hart summarized the input that was received and indicated an ordinance would be drafted and presented to the Planning Commission at the April meeting for recommendation to the City Council.

7. COMMISSION BUSINESS & COMMENTS

Director Hart indicated that a Planning Commission training program was being developed, and discussed the current topics proposed, including:

- Legal training
- Oregon Planning Framework
- Engineering training including TIAs, storm drainage, floodplains and wetlands
- Historic Preservation
- Urban Renewal Districts
- What triggers a Planning Commission hearing
- Other topics as proposed by the Commission

Commissioners indicated a support for the training program and indicated the desire to wait to start the program until in person meetings resumed.

Director Hart indicated an April meeting is anticipated.

8. ADJOURNMENT:

There being no further business, the meeting was adjourned at 7:04pm.

[Meeting minutes prepared by Kelly Hart, Community Development Director]

Council Minutes

**LEBANON CITY COUNCIL
MINUTES – DRAFT
April 14, 2021**

Council Present Council President Jason Bolen, Wayne Dykstra, Rebecca Grizzle, Gamael Nassar, Wayne Rieskamp and Michelle Steinhebel

Staff Present City Attorney Tré Kennedy, Interim City Manager Nancy Brewer, City Recorder Kim Scheafer, Police Chief Frank Stevenson, Engineering Services Director Ron Whitlatch, Library Director Kendra Antila, Community Development Director Kelly Hart and Systems Engineer Andy Roy

CALL TO ORDER Council President Bolen called the electronic meeting to order at 6:00 p.m. in the Santiam Travel Station. Staff attended using Zoom web conferencing due to the COVID-19 pandemic.

ROLL CALL Mayor Aziz was absent.

SWEARING-IN AND OATH OF OFFICE Gamael Nassar was sworn in as the Ward 2 City Councilor by City Recorder Scheafer.

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

AGENDA	Lebanon City Council Agenda – April 14, 2021
AGREEMENT	2021 Surface Transportation Fund Exchange Agreement – No. 34754
BID ADVERTISEMENT	River Road Reconstruction – Project No. 21703
BOARD MINUTES	Planning Commission – December 16, 2020
CONTRACT	Financial Audit Services Contract
COUNCIL MINUTES	March 10, 2021 Regular Session

PROCLAMATION / PRESENTATION / RECOGNITION

Proclamations – Council President Bolen read proclamations declaring April as Arbor Month, May as both Mental Health Awareness and Older Americans Month, and May 9-15 as National Police Week and May 15 as Peace Officers Memorial Day.

PUBLIC COMMENTS

Council President Bolen read an update from the Lebanon Downtown Association [found in the Council packet].

PUBLIC HEARING

1) Utility Rate Adjustments for Stormwater Drainage, Water and Wastewater

Council President Bolen opened the public hearing at 6:09 p.m.

Engineering Services Director Whitlatch provided an update on the utilities:

Water – There is still 29 years of roughly \$1.2 million debt service annually for the new water treatment plant. There are also multiple large and small lines that need to be replaced because they are undersized or have leaks.

Wastewater – Staff is continuing to repair/replace the worst of the substantially increasing number of failing sewer lines and laterals through the Sewer Lateral/Mainline Replacement Program. Since taking over operations of the wastewater treatment plant from Jacobs Engineering, there has been a large amount of capital maintenance performed due to lack of maintenance by Jacobs. The City is getting ready to do the Wastewater Master Plan update, which will be in parallel with the National Pollutant Discharge Elimination System permit that is likely to have more stringent regulations.

Storm Drainage – A majority of this fee goes to operations and maintenance. The hope is to have the updated Storm Drainage Master Plan done later this summer.

The Council was provided with a utilities rate analysis. In 2017, Lebanon was third highest among about 23 Oregon cities. Lebanon is now fifth highest, which is likely due to other communities having to do the same thing, as well as Lebanon staying on top of inflation through the inflationary increases. Staff's recommendation is a 3.1% rate adjustment for all three utilities. The increases are based on the Construction Cost Index (CCI) published by McGraw Hill, Inc. in the March 2021 Engineering News Record. Whitlatch believes that the 3.1% will likely not keep up with inflation.

There was a brief discussion about the last utility increases, which Whitlatch believes was in 2019 for wastewater and storm drainage; there were no adjustments last year. In response to a question about possibly delaying the adjustment, Whitlatch said that this is staff's recommendation; he gave an example of the consequence of delaying a wastewater increase. There was discussion about how helpful the Sewer Lateral/Mainline Replacement Program is and a brief discussion about impacts and requirements for new development.

Interim City Manager Brewer confirmed that the City offers a 10% reduction with state and federal program approval. Even though this information is provided on the bills, staff will come up with a different way of promoting the program. Responding to a question about the COVID utility assistance aid, Brewer said that there were not a lot of applicants. The Council understands that everyone has had a tough year but the City has to keep up with preventative maintenance; not doing so is negligent as stewards of public funds.

Council President Bolen closed the public hearing at 6:33 p.m. City Attorney Kennedy read the title of RESOLUTION NO. 2021-04. Councilor Grizzle moved, Councilor Steinhebel seconded, to APPROVE RESOLUTION NO. 2021-04, A RESOLUTION ADOPTING THE CITY OF LEBANON'S STORMWATER DRAINAGE UTILITY RATES. The motion passed unanimously.

Kennedy read the title of RESOLUTION NO. 2021-05. Councilor Grizzle moved, Councilor Rieskamp seconded, to APPROVE RESOLUTION NO. 2021-05, A RESOLUTION ADOPTING THE CITY OF LEBANON'S WATER RATES. The motion passed unanimously.

Kennedy read the title of RESOLUTION NO. 2021-06. Councilor Rieskamp moved, Councilor Steinhebel seconded, to APPROVE RESOLUTION NO. 2021-06, A RESOLUTION ADOPTING THE CITY OF LEBANON'S WASTEWATER RATES. The motion passed unanimously.

REGULAR SESSION

2) Library Card Policy Update

Library Director Antila presented the Library Advisory Committee's recommendation to approve new policies, including a card for non-resident students and an expanded patron privacy policy, along with minor amendments to existing policies. The non-resident limited-access student cards are for children ages 5 to 18 who reside within the Lebanon School District but outside City limits. She briefly went over some of the other amendments to the policy. Since the Council packet was published, a change was made that would allow the limited-access cards to check

out materials from consortium libraries. Due to the back-end work, it will be a couple of months before the cards become available.

Councilor Rieskamp moved, Councilor Dykstra seconded, to APPROVE THE ADDITIONS AND AMENDMENTS TO THE LEBANON PUBLIC LIBRARY POLICY MANUAL. The motion passed unanimously.

3) Operation of the Arts Commission as a City Function

Community Development Director Hart provided background on the Arts Commission and reported that there is currently lack of brain trust and staff support. She asked for Council discussion regarding the expectation of City staff's operation with the Arts Commission, how it will be funded, and putting first amendment policies and decision criteria in place. Staff's suggestions include 1) since the vast majority lies within and benefits the downtown area, move the Arts Commission within the Lebanon Downtown Association (LDA) with a City staff liaison for coordination; 2) similar to an ad hoc committee, transition the Arts Commission to a self-sustaining board; or 3) maintain it as a City commission.

Council felt that although the Arts Commission plays an important role and has done many great things, it is uncertain as to whether the City and its staff need to be the primary means of facilitation of the Arts Commission. There was a suggestion that the City support the Arts Commission as a part of the LDA.

There was Council consensus to see if the Lebanon Downtown Association would like to take over operation of the Arts Commission. Information will be brought back to Council at a later date.

4) City Grant Funding through Budget Process

Hart stated that the Boys & Girls Club, Meals on Wheels and Linn Shuttle received City grants for the current fiscal year. The Small Business Development Center (SBDC) was not funded because of budget cuts in anticipation of COVID-related revenue reduction. Due to the expected significant drop in the Transient Lodging Tax (TLT), the Lebanon Downtown Association (LDA) was also not provided funding. SBDC, Meals on Wheels and the LDA have requested funding for next fiscal year. SBDC will not be funded as a grant, but rather as a budgeted item in the Community Development Department budget. LDA is requesting City funding assistance of \$25,000 for the next fiscal year. Possible Council considerations were provided.

In response to a Council question, Hart said that Meals on Wheels operates out of the Senior Center, but this is not included in their grant. Finance Director Apken said that the Boys & Girls Club leases the old library building for \$1.00 per year. There was discussion about the recurring grants and equity among groups to apply for the grants.

There was Council consensus that the Lebanon Downtown Association would receive \$25,000 from the TLT next fiscal year. Meals on Wheels, Linn Shuttle and the Boys & Girls Club will be penciled in for the same amount of funding they previously received. Staff will bring back to Council policy language for non-profits to apply for grant funding in the 2022/23 fiscal year.

5) Award Construction Manager/General Contractor (CM/GC) Services – Westside Sewer Interceptor Phase V Project No. 18707

Whitlatch spoke about the Request for Proposals process for a CM/GC for the Westside Sewer Interceptor Phase V project. The initial phase of the contract is for pre-construction services which will include value engineering, final design recommendations and cost estimated to arrive at a Guaranteed Maximum Price (GMP). If the GMP can be negotiated to construct the project within the allocated budget, an amendment will be recommended for Council approval in June 2021. Staff requests that Council approve the Westside Sewer Interceptor Phase V Project CM/GC contract with Emery & Sons Construction Group, LLC for \$30,400.00.

Councilor Grizzle moved, Councilor Nassar seconded, to APPROVE THE WESTSIDE SEWER INTERCEPTOR PHASE V PROJECT CM/GC CONTRACT WITH EMERY & SONS CONSTRUCTION GROUP, LLC FOR \$30,400.00. The motion passed unanimously.

6) Award Filter Belt Press Procurement Contract Project No. 21702

Whittlatch requested Council approval to award the wastewater treatment plant filter belt press procurement contract to OR-TEC, Inc. for \$169,950.000.

Councilor Grizzle moved, Councilor Rieskamp seconded, to AWARD THE FILTER BELT PRESS PROCUREMENT CONTRACT TO OR-TEC, INC. FOR \$169,950,00. The motion passed unanimously.

7) Amending Lebanon Municipal Code Chapter 3.04 – Public Contracts

Brewer presented ordinance amendments to Lebanon Municipal Code Chapter 3.04 (Public Contracts) that incorporates changes in State law and which would make the process of procurement more efficient. These changes would help to develop policies regarding purchasing authority. As part of the budget document, Brewer would like to include planned purchases for the next fiscal year that are over \$150,000. This would authorize initiating bids without the need for separate Council approval.

Kennedy read the title of ORDINANCE BILL NO. 2021-06, ORDINANCE NO. 2962. *Councilor Rieskamp moved, Councilor Steinhebel seconded, to APPROVE ORDINANCE BILL NO. 2021-06, ORDINANCE NO. 2962, A BILL FOR AN ORDINANCE AMENDING CHAPTER 3.04 OF THE LEBANON MUNICIPAL CODE PUBLIC CONTRACTS. The motion passed unanimously.*

8) Update on HB 2001 and Impacts to the City's Zoning Regulations

Hart reviewed HB 2001 which requires modification to the City's Development Code for accessory dwelling unit standards and additional accommodations for duplexes wherever single-family residential homes are permitted. The City mostly complies with HB 2001, other than parking standards and minimum lot size standards.

The Planning Commission was not interested in a construction excise tax on every building permit to develop a grant fund for affordable housing or to purchase property for affordable housing. They would like to further discuss modification to SDCs and the property tax exemption option for affordable housing. There was no direct consensus about the design standards for duplexes (attached or two single detached units). At this point, staff was directed to draft an ordinance to only allow for attached units to meet the requirements of the House Bill. Through the pending Comprehensive Plan update process, a further evaluation of different housing types that would be appropriate to accommodate in the overall greater decision-making process. The Planning Commission also proposed a five-foot rear setback reduction to 15 feet in exchange for providing additional parking above the minimum of one space per unit. The Code that will be presented to the Planning Commission incorporates those recommendations and Code clean up. The ordinance will be presented to the Planning Commission and then to the Council at the May meeting for implementation in June.

There was discussion about the State's law not requiring parking for accessory dwelling units and the problems it will likely cause.

9) Request from Swift Summit 200/100 to Waive or Reduce Fees for Cheadle Lake Park Use on August 14 and 15, 2021

Council President Bolen presented a request from Trevor Spangle, Swift Summit NW, LLC, that Council waive or significantly reduce fees for Cheadle Lake Park for their 200/100 bicycle race. They expect about 300 participants for this two-day event in August. Brewer added that the fee would be about \$600 per day; Mr. Spangle has said

that this should not be a problem next year.

Council consensus was to approve Swift Summit's request to waive fees for Cheadle Lake park use on August 14 and 15, 2021. Staff will work with them on being recognized as a sponsor for the in-kind donation.

10) City Manager's Report – Brewer provided updates:

- Brewer recognized Senior Center staff members Rebecca Wirfs and Suzy Parker for helping more than 600 community members get signed up for COVID vaccinations. Walmart and Safeway called Senior Center Director Oliver to thank them.
- Julie Tibbetts from the Library was recognized by the State Library Journal and the Oregon Young Adult Network for the Pandemic Stress Relief program she put together for teens.
- Staff is working with CPI/PEAK regarding turning the Peterson Butte tower over to them. They would take over operation of the equipment and the City would get discounted prices on connecting fiber optic lines.
- The Strawberry Festival group is working hard to make plans for this year's festival. Safety protocols will be followed, and they will have a zero-tolerance policy for people not wearing masks. Council President Bolen said that, from the Fire District's position, the festival is very well-run and is high on patron safety. His concern from the City's standpoint is the amount of people coming from other areas and making sure that everyone is following safety protocols. He added that Linn County does not currently have a strong vaccination rate.

ITEMS FROM COUNCIL

In response to a request for an update on Conversion Brewing using Strawberry Plaza, Brewer said that Mr. Cowart was notified that his agreement expires on April 15 and the big tent needed to be taken down.

Regarding a question about how much COVID funding the City would be receiving, Brewer said that the City anticipates receiving \$3.5 million. Staff is waiting for more information from the Treasury Department on what the funds can be used for. A list of possible uses for the funds will be brought to Council at a future date.

PRESS COMMENTS – *There were none.*

NEXT SCHEDULED COUNCIL MEETING(S)

- May 5, 2021 (12:00 PM) Electronic Budget Meeting (May 6 & 7, if needed)
- May 12, 2021 (6:00 PM) Regular Session

ADJOURNMENT Council President Bolen adjourned the meeting at 8:14 p.m.

[Minutes prepared by Donna Trippett]

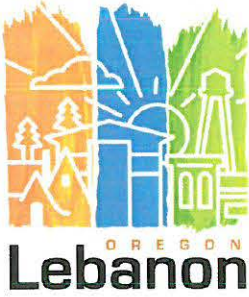
Minutes Approved by the Lebanon City Council on
this 12th day of May 2021.

Paul R. Aziz, Mayor
Jason Bolen, Council President

ATTESTED:

Kim Scheafer, MMC, City Recorder

Irrevocable Petition



925 S. Main Street
Lebanon, Oregon 97355

TEL: 541.258.4918
www.ci.lebanon.or.us

MEMORANDUM

Engineering Services

To: Ron Whitlatch, PE
Engineering Services Director

Date: May 4, 2021

From: Shana Olson
Project Manager

Subject: Irrevocable Petition for Public Improvements

The attached irrevocable petition is to be presented for approval at the next City Council meeting.

The petition is for the further public street, curb, gutter, and associated public storm drainage improvements and water main extension along S Sixth Street & Kees Street frontages.

The irrevocable petition is required as a condition of Planning Commission approval for planning file #MLP 21-01.

IRREVOCABLE PETITION FOR PUBLIC IMPROVEMENTS

Date May 4, 2021

PETITIONER(S): Charles Duane Filer, Jr and Rebecca Slape

ADDRESS: 300 Boulder Falls Dr #E118 Filer
PO Box 2416, Lebanon OR 97355

Petitioners are the owner of the following described real property:

See Exhibit "A"

Said property is currently Tax Lot 1200 of Linn County Assessor's map 12 S - 2 W - 15DC.
Said property is currently assigned the mail address as: 2318 & 2332 S Sixth Street.

Petitioner hereby irrevocably petitions the City of Lebanon (925 Main St., Lebanon, Oregon) to initiate the following local improvements in accordance with the standard specifications of the City:

City standard public street, curb, gutter, sidewalk, driveway, and water system improvements.

This petition is presented to the City of Lebanon so that Petitioner's property may be developed and receive municipal services from the City which will directly benefit Petitioner's property and shall remain in force and effect for 20 years from the date hereof.

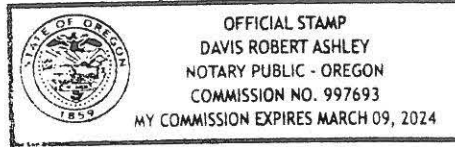
It is understood by Petitioner that:

1. The cost of the improvements shall be borne by the benefited property in accordance with state law, the Charter of the City of Lebanon and its ordinances and policies.
2. The City in its sole discretion may initiate the construction of all or part of the local improvements requested or may join all or part of Petitioner's property with other property when creating a local improvement assessment district.
3. Petitioner and Petitioner's heirs, assigns and successors in interest in the property shall be bound by this irrevocable petition which will run with the property and will be recorded by the City in the deed records of Linn County.
4. Petitioner declares that the public improvements herein sought will directly benefit the described property and will directly benefit the City through improvements to the public way and public utilities serving the property and other properties in the vicinity.
5. Petitioner shall not challenge the formation of a local improvement assessment district by the City and in any proceedings therein will acknowledge this petition of requested to do so by the City.
6. If the City is required to file an action in any court of competent jurisdiction to enforce the language in this petition or to prohibit the violation of any of the covenants contained herein, the prevailing party shall be entitled to recover reasonable attorney fees and costs and disbursements if litigation at trial or on appeal.
7. In construing this petition singular words include the plural.

AREA RESERVED
FOR USE BY
LINN COUNTY RECORDER

PETITIONER(S): Charles Duane Filer, Jr
Rebecca Slape Filer

STATE OF OREGON)
) ss.
COUNTY OF LINN)



On the 4 day of May, 20 21, personally appeared the above
named Charles Duane Filer Jr who acknowledged the foregoing
instrument to be his/her voluntary act and deed.

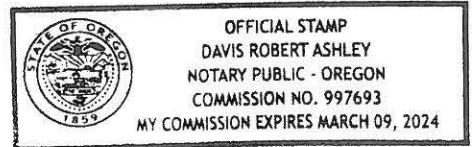
BEFORE ME: [Signature]
Notary Public for Oregon
My Commission Expires: 3/9/24

On the 4 day of May, 20 21, personally appeared the above
named Rebecca Slape Filer who acknowledged the foregoing
instrument to be his/her voluntary act and deed.

BEFORE ME: [Signature]
Notary Public for Oregon
My Commission Expires: 3/9/24

CITY OF LEBANON

By: _____
Paul Aziz, Mayor
Jason Bolen, Council President



Kim Scheafer, MMC, City Clerk

STATE OF OREGON)
) ss.
COUNTY OF LINN)

On the _____ day of _____, 20 _____, personally appeared
_____ and Kim Scheafer, who each being duly sworn, did

say that the former is the _____ 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; and each of them
acknowledged said instrument to be its voluntary act and deed.

BEFORE ME: _____
Notary Public for Oregon
My Commission Expires:

Liquor License(s)



925 S. Main Street
Lebanon, Oregon 97355

TEL: 541.258.4905
www.ci.lebanon.or.us

MEMORANDUM

City Recorder's Office

To: Mayor Aziz and City Council

Date: May 3, 2021

From: Kim Scheafer, MMC, City Recorder

Subject: Annual Liquor License Renewals

I. INTRODUCTION

The attached list contains 50 annual liquor licenses for Lebanon businesses that will expire on June 30, 2021. The Oregon Liquor Control Commission (OLCC) is required to notify these licensees of the renewal process and fees charged by local governments. The City has until June 9, 2021 to make a recommendation to OLCC.

II. CURRENT REPORT

Pending the City's renewal fee payments of \$35 per licensee, these establishments meet the renewal criteria. The Police Chief has reviewed the list of renewals and supports approval of the annual renewals.

III. RECOMMENDATION

Staff recommends a favorable recommendation be given to OLCC to issue licenses for the business owners listed on the attached list, contingent upon receiving their renewal fee.

City of Lebanon Attn: Kim Scheafer
LEBANON
925 Main St
Lebanon, OR 97355

RENEWAL NOTIFICATION PROCESS

It's time again for liquor license renewals in your area. Liquor licenses are due to expire **6/30/2021**. Attached is the list of licensees who are required to submit their renewal application to local government for comment. According to our records you charge:

\$35.00 Renewal Fee for ON-PREMISES \$35.00 Renewal Fee for OFF-PREMISES

We told applicants to mail your local government fees to the address on this letter.
PLEASE NOTIFY US IMMEDIATELY IF THE FEE(S) OR ADDRESS ARE INCORRECT

HOW TO MAKE A RECOMMENDATION

You have until 6/9/2021 to make your recommendation. Below are your options for renewals:

RECOMMEND APPROVAL

1. DO NOTHING. If you do not submit a recommendation by **6/9/2021**, the OLCC will process the renewal application as a favorable recommendation.

RECOMMEND DENIAL (see additional information on page 2)

- 1. File an unfavorable recommendation, stating the grounds for the unfavorable (must meet the denial criteria on back of form); OR**
- 2. Make a written request for additional time to complete an investigation. The request must state: 1) you are considering making an unfavorable recommendation; 2) the specific grounds being considered. The grounds must be one referenced in Oregon Administrative Rule 845-005-0308(3). If your request is granted you will be given a 45-day extension to file your unfavorable recommendation. Unfavorable means recommending denial of a license or requesting restrictions be placed on a license.**

If you need assistance or would like to discuss a specific application, please contact your local OLCC office for help. Please send renewal recommendation correspondence to OLCC.Renewals@oregon.gov or OLCC License Renewals, P.O. Box 22297, Portland, OR 97269-2297. If you have questions, contact our license renewal section at 503.872.5138 or toll free at 1.800.452.6522 ext 25138.

REASONS WE MAY DENY OR RESTRICT A LICENSE
ORS 471.313(4)(5), OAR 845-005-0320, 845-005-0321, 845-005-0322
845-005-0325, 845-005-0326(4)(5) or 845-005-0355

The following is a list of problems relating to the **APPLICANT** or **BUSINESS** that OLCC can consider to refuse or restrict a license:

1. Applicant has a habit of using alcohol or drugs to excess
2. Applicant makes a false statement to OLCC (must be related to a refusal basis)
3. Applicant has been convicted of local, state or federal laws that are substantially related to the fitness of holding a liquor license
4. Applicant has demonstrated poor moral character
5. Applicant has a poor record of compliance when previously licensed by OLCC
6. Applicant is not the legitimate owner of the business
7. The business has a history of serious and persistent problems at this location. The problems can include:

obtrusive or excessive noise, music or sound vibrations
public drunkenness
fights or altercations
harassment
unlawful drug sales
alcohol or related litter

OLCC is not able to consider the following issues when deciding to renew a liquor license:

lack of parking
increase in traffic
too many licenses in a specific area (saturation)
entertainment type - nude dancing, gambling, live bands, etc.
increased noise
zoning issues

Visit www.oregon.gov/olcc/ to see the full text of ORS and OAR referenced above. In order for an unfavorable recommendation from a local government to be valid, the grounds must be found in the license refusal bases of ORS 471.313(4), 471.313(5), OAR 845-005-0320, 845-005-0321, 845-005-0322, 845-005-0325 or 845-005-0326(4)(5) or the license restriction bases of OAR 845-005-0355, and must be supported by reliable factual information.

<u>License No./ Premises No.</u>	<u>Tradenname/Licensee/License Type</u>	<u>Premises Address & Phone</u>	<u>Premises Mailing Address</u>
Lic. 329600 Prem. 11981	7-ELEVEN #24230B YUVRAJ INC O - OFF-PREMISES SALES	1490 S MAIN ST LEBANON, OR 97355 541-451-1686	PO BOX 219088 DALLAS, TX 75221
Lic. 313516 Prem. 4961	7TH STREET MART #1 PRIYANURA INC O - OFF-PREMISES SALES	590 TANGENT ST LEBANON, OR 97355 541-258-5744	590 TANGENT ST LEBANON, OR 97355
Lic. 315279 Prem. 44864	AMAZING THAI CUISINE BONGKOTRAT BUNPHUENG L - LIMITED ON-PREMISES SALES	693 S MAIN ST LEBANON, OR 97355 541-258-2355	
Lic. 313170 Prem. 3765	AMERICAN LEGION POST #51 LEBANON AMERICAN LEGION POST #51 LEBANON F-CLU - FULL ON-PREMISES SALES	480 MAIN ST LEBANON, OR 97355 541-451-1351	
Lic. 314197 Prem. 3767	APPLETREE RESTAURANT BOB G. MITCHELL F-COM - FULL ON-PREMISES SALES	1890 S MAIN LEBANON, OR 97355 541-259-2242	
Lic. 315826 Prem. 57691	BARSIDEOUS BREW PUB BARSIDEOUS BREWING LLC BP - BREWERY - PUBLIC HOUSE	644 S MAIN ST LEBANON, OR 97355 541-258-7347	1665 CASCADE DR LEBANON, OR 97355
Lic. 311704 Prem. 53080	BEST WESTERN PREMIER BOULDER FALLS BOULDER FALLS INN LLC O - OFF-PREMISES SALES	505-605 MULLINS DR LEBANON, OR 97355 541-451-6305	
Lic. 311775 Prem. 53080	BEST WESTERN PREMIER BOULDER FALLS BOULDER FALLS INN LLC F-PL - FULL ON-PREMISES SALES	505-605 MULLINS DR LEBANON, OR 97355 541-451-6305	
Lic. 312141 Prem. 58887	BIGFOOT GRILLE BURGERS 101 LLC F-COM - FULL ON-PREMISES SALES	525 S MAIN ST LEBANON, OR 97355 541-570-1092	585 PARK ST LEBANON, OR 97355
Lic. 312107 Prem. 36027	BI-MART #665 BI-MART CORP O - OFF-PREMISES SALES	2680 S SANTIAM HWY LEBANON, OR 97355 541-258-8040	PO BOX 2310 EUGENE, OR 97402
Lic. 314655 Prem. 42908	BOBO'S EATS & GROG DK1 INVESTMENTS INC F-COM - FULL ON-PREMISES SALES	1765 S MAIN ST LEBANON, OR 97355 541-258-6900	4742 LIBERTY RD S #314 SALEM, OR 97302
Lic. 313866 Prem. 38248	BUY2 031 THABET MANAGEMENT INC O - OFF-PREMISES SALES	300 N SANTIAM HWY LEBANON, OR 97355 503-678-2600	4105 FRANKLIN BLVD EUGENE, OR 97403
Lic. 315707 Prem. 54525	CONVERSION BREWING CONVERSION BREWING LLC BP - BREWERY - PUBLIC HOUSE	833 S MAIN ST LEBANON, OR 97355 541-401-3332	
Lic. 315385 Prem. 21896	CROWFOOT GROCERY MOSS INVESTMENTS LLC O - OFF-PREMISES SALES	115 CENTRAL AVE LEBANON, OR 97355 541-258-3466	135 CENTRAL AVE LEBANON, OR 97355
Lic. 324724 Prem. 4969	DUFFY'S IRISH PUB BCK CORPORATION F-COM - FULL ON-PREMISES SALES	679 MAIN ST LEBANON, OR 97355 541-259-2906	37978 RIDGETOP DR LEBANON, OR 97355

<u>License No./ Premises No.</u>	<u>Tradenname/Licensee/License Type</u>	<u>Premises Address & Phone</u>	<u>Premises Mailing Address</u>
Lic. 312870 Prem. 27146	EVERYONE'S MARKET #4 LOVELEEN INC O - OFF-PREMISES SALES	1225 E GRANT ST LEBANON, OR 97355 541-259-5500	
Lic. 312630 Prem. 46079	GAMETIME SPORTSBAR & GRILL GAMETIME SPORTSBAR & GRILL INC F-COM - FULL ON-PREMISES SALES	3130 S SANTIAM HWY LEBANON, OR 97355 541-570-1537	35409 LAURA LN SE ALBANY, OR 97322
Lic. 321090 Prem. 46079	GAMETIME SPORTSBAR & GRILL GAMETIME SPORTSBAR & GRILL INC O - OFF-PREMISES SALES	3130 S SANTIAM HWY LEBANON, OR 97355 541-570-1537	35409 LAURA LN SE ALBANY, OR 97322
Lic. 312988 Prem. 53254	GROWLER CAFE MY BROTHER INC L - LIMITED ON-PREMISES SALES	43 W GRANT ST LEBANON, OR 97355 541-570-1380	
Lic. 316326 Prem. 53254	GROWLER CAFE MY BROTHER INC O - OFF-PREMISES SALES	43 W GRANT ST LEBANON, OR 97355 541-570-1380	
Lic. 312677 Prem. 24432	H & N CHEVRON H & N PETROLEUM LLC O - OFF-PREMISES SALES	805 PARK ST LEBANON, OR 97355 541-258-6963	
Lic. 314042 Prem. 4973	IXTAPA FAMILY MEXICAN RESTAURAI IXTAPA-LEBANON INC F-COM - FULL ON-PREMISES SALES	25 N SANTIAM HWY LEBANON, OR 97355 541-451-3995	
Lic. 315204 Prem. 59873	J & C BBQ AND CATERING J & C BBQ AND CATERING LLC F-COM - FULL ON-PREMISES SALES	940 S MAIN ST STE A, B, C, D LEBANON, OR 97355 541-258-7510	
Lic. 312762 Prem. 47191	JAMES GANG PIZZA FACTORY JAMES GANG PIZZA FACTORY LLC L - LIMITED ON-PREMISES SALES	1188 S MAIN ST LEBANON, OR 97355 541-979-8613	3676 SE 40TH AVE ALBANY, OR 97322
Lic. 312409 Prem. 46630	KNOT HOLE MARKET DANIEL DEIBELE O - OFF-PREMISES SALES	2412 S SANTIAM HWY LEBANON, OR 97355 541-451-1107	
Lic. 312480 Prem. 59797	LEBANON ELKS LODGE 1663 LEBANON ELKS LODGE 1663 F-CLU - FULL ON-PREMISES SALES	41 W MAPLE ST LEBANON, OR 97355 541-258-3211	PO BOX 2528 LEBANON, OR 97355
Lic. 315549 Prem. 52357	LEBANON GROCERY OUTLET D C DUNAWAY INC O - OFF-PREMISES SALES	2540 S SANTIAM HWY LEBANON, OR 97355 541-258-8800	
Lic. 313256 Prem. 61396	LEBANON LIQUOR STORE WEST MORELAND LIQUID INC O - OFF-PREMISES SALES	865 S MAIN ST LEBANON, OR 97355 541-258-6126	32900 MERRILL LN LEBANON, OR 97355
Lic. 312990 Prem. 36974	LEBANON MARKET MZ & H LLC O - OFF-PREMISES SALES	1695 S MAIN ST LEBANON, OR 97355 541-259-6168	
Lic. 311768 Prem. 9710	LINN LANES LINN LANES FAMILY RECREATION CEN F-COM - FULL ON-PREMISES SALES	2250 S MAIN RD LEBANON, OR 97355 541-451-3900	

License No./ Premises No.	Tradename/Licensee/License Type	Premises Address & Phone	Premises Mailing Address
Lic. 312903 Prem. 55991	MA'S RESTAURANT YONG Z. MA L - LIMITED ON-PREMISES SALES	2416 S SANTIAM HWY LEBANON, OR 97355 541-258-8280	68 OAK TERRACE DR LEBANON, OR 97355
Lic. 312619 Prem. 4975	MERLIN'S BAR & GRILL MICHAEL L. GROFF F-COM - FULL ON-PREMISES SALES	25 W SHERMAN LEBANON, OR 97355 541-258-6205	210 CASCADE DR LEBANON, OR 97355
Lic. 312964 Prem. 52605	MOMIJI SUSHI BAR & RESTAURANT MOMIJI LEBANON INC L - LIMITED ON-PREMISES SALES	1755 & 1757 S MAIN ST LEBANON, OR 97355 541-570-1239	PO BOX 17308 SALEM, OR 97305
Lic. 320280 Prem. 61818	MUGS COFFEE HOUSE MUGS COFFEE HOUSE LLC O - OFF-PREMISES SALES	550 S MAIN ST #101 LEBANON, OR 97355 541-497-7245	
Lic. 320281 Prem. 61819	MUGS COFFEE HOUSE MUGS COFFEE HOUSE LLC F-COM - FULL ON-PREMISES SALES	550 S MAIN ST #101 LEBANON, OR 97355 541-497-7245	
Lic. 311711 Prem. 29256	OREGON MINI MART JSRS INC O - OFF-PREMISES SALES	2684 S SANTIAM HWY LEBANON, OR 97355 541-258-5679	290 W OAK ST LEBANON, OR 97355
Lic. 312771 Prem. 39508	PEPPERS DELI KEDDY / OWEN LLC L - LIMITED ON-PREMISES SALES	2752 S SANTIAM HWY LEBANON, OR 97355 503-779-8490	3643 SW HILLCREST DR REDMOND, OR 97756
Lic. 313817 Prem. 29269	RITE AID #5369 THRIFTY PAYLESS INC O - OFF-PREMISES SALES	30 E OAK ST LEBANON, OR 97355 541-451-8020	PO BOX 3165 HARRISBURG, PA 17105
Lic. 314334 Prem. 26471	SAFeway STORE #1558 SAFeway INC O - OFF-PREMISES SALES	1983 S SANTIAM HWY LEBANON, OR 97355 541-259-5700	PO BOX 29096 MS 6531 PHOENIX, AZ 85038
Lic. 313315 Prem. 43795	SCHMIZZA PUBLIC HOUSE NEWMAN-LEBANON-STAYTON INC L - LIMITED ON-PREMISES SALES	2602 S SANTIAM HWY LEBANON, OR 97355 541-451-1141	
Lic. 314697 Prem. 37053	SHARI'S OF LEBANON SHARI'S MANAGEMENT CORPORATION L - LIMITED ON-PREMISES SALES	2650 S SANTIAM HWY LEBANON, OR 97355 503-605-4299	9400 SW GEMINI DR BEAVERTON, OR 97008
Lic. 315813 Prem. 60673	SUGAR VIBES DONUT CO / THE CELLAR SUGAR VIBES DONUT COMPANY LLC F-COM - FULL ON-PREMISES SALES	754 S MAIN ST LEBANON, OR 97355 541-405-4069	
Lic. 327942 Prem. 60673	SUGAR VIBES DONUT CO / THE CELLAR SUGAR VIBES DONUT COMPANY LLC O - OFF-PREMISES SALES	754 S MAIN ST LEBANON, OR 97355 541-405-4069	
Lic. 313730 Prem. 26340	SUM YAN CHINESE RESTAURANT SUM YAN CHINESE RESTAURANT INC L - LIMITED ON-PREMISES SALES	1060 S MAIN ST LEBANON, OR 97355 541-259-3838	
Lic. 312642 Prem. 56651	TAQUERIA DOS ARBOLITOS ALONZO GUTIERREZ O - OFF-PREMISES SALES	50 W OAK ST LEBANON, OR 97355 541-258-5798	

<u>License No./ Premises No.</u>	<u>Tradenname/Licensee/License Type</u>	<u>Premises Address & Phone</u>	<u>Premises Mailing Address</u>
Lic. 312643 Prem. 56651	TAQUERIA DOS ARBOLITOS ALONZO GUTIERREZ F-COM - FULL ON-PREMISES SALES	50 W OAK ST LEBANON, OR 97355 541-258-5798	
Lic. 311705 Prem. 4959	US MINI MART 2 KSSA INC O - OFF-PREMISES SALES	290 W OAK ST LEBANON, OR 97355 541-258-8423	
Lic. 313116 Prem. 46058	WALGREENS #11399 WALGREEN CO O - OFF-PREMISES SALES	3300 BURDELL BLVD LEBANON, OR 97355 541-451-3502	PO BOX 901 DEERFIELD, IL 60015
Lic. 313929 Prem. 39472	WALMART #1775 WALMART INC O - OFF-PREMISES SALES	3290 S SANTIAM HWY LEBANON, OR 97355 541-258-7400	702 SW 8TH ST MS 0500 BENTONVILLE, AR 72716
Lic. 314643 Prem. 41169	WING MING RESTAURANT WING MING RESTAURANT LLC L - LIMITED ON-PREMISES SALES	1170 S MAIN LEBANON, OR 97355 541-258-5889	PO BOX 2024 LEBANON, OR 97355

Count for LEBANON

50

Policy



40 N. 2nd Street
Lebanon, Oregon 97355

TEL: 541.258.4240
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www.ci.lebanon.or.us

MEMORANDUM

Information Technology Services

To: Mayor Aziz and City Council

Date: 4/16/2021

From: Brent Hurst, IT Director

Subject: City Cybersecurity Policy

Subject: Modification of City of Lebanon Cybersecurity Policy

The City insurance provider, CIS (Citycounty Insurance Services), recommends the City adopt a section in the City Cybersecurity Policy that will identify, classify, and protect or eliminate Personally Identifiable Information (PII) located on the City's computer systems and programs. The IT Department and Finance Director have collaborated with CIS to identify and append a Personally Identifiable Information (PII) section to the Cybersecurity Policy of the City.

Council Action:

Staff recommends Council adopt the new City Cybersecurity Policy with Personally Identifiable Information (PII) included in the policy under the City Council Consent Calendar.

City of Lebanon

Cybersecurity Policy

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Objective

The focus of this policy is to help City of Lebanon meet its objectives. We recognize that information and the protection of information is required to serve our citizens. We seek to ensure that appropriate measures are implemented to protect our citizen's information. This Cybersecurity Policy is designed to establish a foundation for an organizational culture of security. This policy will be reviewed annually and approved by the IT Director.

The purpose of this policy is to clearly communicate the City of Lebanon's security objectives and guidelines to minimize the risk of internal and external threats while taking advantage of opportunities that promote our objectives.

This policy applies, to all City of Lebanon elected officials, employees, contractors, consultants, and others specifically authorized to access information and associated assets owned, operated, controlled, or managed by City of Lebanon. Additionally, leadership must ensure that all contracts and similar agreements with business partners and service providers incorporate appropriate elements of this policy.

Compliance

Oregon public entities must comply with the Oregon Identity Theft Protection Act, ORS 646A.600 – 628. ORS 646A.622 (d) requires the implementation of a Cybersecurity program. Non-compliance with this policy may pose risks to the organization; accordingly, compliance with this program is mandatory. Failure to comply may result in failure to obtain organizational objectives, legal action, fines and penalties. Breaches with the potential to impact more than 250 individuals must be reported to the Oregon Department of Justice.

<https://www.doj.state.or.us/consumer-protection/id-theft-data-breaches/data-breaches/>

Roles and Responsibilities

City of Lebanon has appointed the following roles and responsibilities to execute and monitor the policies described in this document.

IT Director

- Ensure that a written Cybersecurity Policy is developed and implemented.
- Confirm identification, acquisition, and implementation of information system software and hardware.
- Ensure implementation, enforcement, and effectiveness of IT Security policies and procedures.
- Facilitate an understanding and awareness that security requires participation and support at all organizational levels.
- Oversee daily activities and use of information systems to ensure employees, business partners, and contractors adhere to these policies and procedures.

Employees and Contractors

- City of Lebanon Employee Handbook: Chapter 8 Communications & Electronic Systems Policy

Identify, Protect, Detect, Respond, and Recover

The following sections outline City of Lebanon's requirements and minimum standards to facilitate the secure use of organizational information systems. The information presented in this policy follows the format of the control families outlined in the National Institute of Standards and Technology (NIST) Cybersecurity Framework (NIST CSF): ***Identify, Protect, Detect, Respond, and Recover***.

The scope of security controls addressed in this policy focus on the activities most relevant to City of Lebanon as defined by the Center for Internet Security (CIS) and industry best practices. Questions related to the interpretation and implementation of the requirements outlined in this policy should be directed to the IT Director.

IDENTIFY (ID)

Objective: To develop the organization's understanding that's necessary to manage cybersecurity risk to systems, people, assets, data, and capabilities.

Asset Management

An inventory of all approved hardware and software on City of Lebanon's network and systems will be maintained in a computer program or spreadsheet that documents the following:

- The employee in possession of the hardware or software.
- Date of purchase.
- Amount of purchase.
- Serial number.
- Type of device and description.

In addition, an inventory of all devices that capture payment card data will be maintained that documents the following:

- Make.
- Model.
- Location.
- Serial number.

The inventory of devices that capture payment data will be updated when devices are added, decommissioned, or relocated.

Personally Identifiable Information (PII)

An inventory of all PII information by type and location will be taken.

Each manager will determine if PII is essential. If PII is not essential, it will either not be collected, or (if collected) will be destroyed. Do not collect sensitive information, such as Social Security numbers, if there is no legitimate business need. If this information does serve a need, apply your entity's record retention plan that outlines what information must be kept, and dispose of it securely once it is no longer required to maintain.

All PII no longer needed shall be shredded if in paper form or destroyed by IT if in electronic form.

The Oregon Identity Theft Protection Act prohibits anyone (individual, private or public corporation, or business) who maintains Social Security numbers from:

- Printing a consumer's SSN on any mailed materials not requested by the consumer unless redacted
- Printing a consumer's SSN on a card used by the consumer that is required to access products or services
- Publicly posting or displaying a consumer's SSN, such as on a website

Exceptions include requirements by state or federal laws, including statute records (such as W2s, W4s, 1099s, etc.) that are required by law to be made available to the public, for use for internal verification or administrative processes, or for enforcing a judgment or court order.

PROTECT (PR)

Objective: To develop and implement appropriate safeguards to ensure the delivery of critical services.

Identity Management, Authentication and Access Control

IT Director is responsible for ensuring that access to the organization's systems and data is appropriately controlled. All systems housing City of Lebanon data (including laptops, desktops, tablets, and cell phones) are required to be protected with a password or other form of authentication. Except for the instances noted in this policy, users with access to City of Lebanon's systems and data are not to share passwords with anyone.

City of Lebanon has established following password configuration requirements for all systems and applications (where applicable):

- Minimum password length: 8 characters
- Password complexity: requires alphanumeric and special characters
- Prohibited reuse for ten (10) iterations
- Changed periodically every 90 days
- Minimum password age is 30 days
- Invalid login attempts set to five

Other potential safeguards include:

- Locking file cabinets
- Not allowing PII on mobile storage media
- Not allowing PII left on desktops
- Encrypting sensitive files on computers
- Requiring password protection
- Implementing the record retention plan and destroying records no longer required

Where possible, multi-factor authentication will be used when users authenticate to the organization's systems.

- Users are granted access only to the system data and functionality necessary for their job responsibilities.
- Privileged and administrative access is limited to authorized users who require escalated access for their job responsibilities and where possible will have two accounts: one for administrator functions and a standard account for day to day activities.
- All user access requests must be approved by IT Director.
- It is the responsibility of IT Director to ensure that all employees and contractors who separate from the organization have all system access removed immediately.

On an annual basis, a review of user access will be conducted under the direction of IT Director to confirm compliance with the access control policies outlined above.

Awareness and Training

City of Lebanon personnel are required to participate in security training in the following instances:

1. All new hires are required to complete security awareness training before receiving login credentials.
2. Formal security awareness refresher training is conducted on an annual basis. All employees are required to participate in and complete this training.

Participants will review and sign the ***employee handbook acknowledgement*** as a new hire and anytime the handbook changes.

Two online classes are available through the CIS Learning Center at learn.cisoregon.org:
"Cyber Threats and Best Practices to Confront Them" and "Cyber Security Basics."

On an annual basis, City of Lebanon will conduct email phishing exercises of its users. The purpose of these tests is to help educate users on common phishing scenarios. It will assess their level of awareness and comprehension of phishing, understanding and compliance with

policy around safe handling of e-mails containing links and/or attachments, and their ability to recognize a questionable or fraudulent message.

Data Security

Data Classification

You must adhere to your Records Retention Policy regarding the storage and destruction of data. Data residing on corporate systems must be continually evaluated and classified into the following categories:

- **Employees Personal Use:** Includes individual user's personal data, emails, documents, etc. This policy excludes an employee's personal information, so no further guidelines apply.
- **Marketing or Informational Material:** Includes already-released marketing material, commonly known information, data freely available to the public, etc. There are no requirements for public information.
- **Operational:** Includes data for basic organizational operations, communications with vendors, employees, etc. (non-confidential). The majority of data will fall into this category.
- **Confidential:** Any information deemed confidential. The following list provides guidelines on what type of information is typically considered confidential. Confidential data may include:
 - Employee or customer Social Security numbers or personally identifiable information (PII)
 - Personnel files
 - Medical and healthcare information
 - Protected Health Information (PHI)
 - Network diagrams and security configurations
 - Communications regarding legal matters
 - Passwords/passphrases
 - Bank account information and routing numbers
 - Payroll information
 - Credit card information

Any confidential data held for a third party (be sure to adhere to any confidential data agreement covering such information)

Data Storage

The following guidelines apply to storage of the different types of organizational data.

- **Operational:** Operational data should be stored on a server that gets the most frequent backups (refer to the Backup Policy for additional information). Some type of system- or disk-level redundancy is encouraged.

- **Confidential:** Confidential information must be removed from desks, computer screens, and common areas unless it is currently in use. Confidential information should be stored under lock and key (or keycard/keypad), with the key, keycard or code secured.

Data Transmission

The following guidelines apply to the transmission of the different types of organizational data.

- **Confidential:** Confidential data must not be 1) transmitted outside the organization's network without the use of strong encryption, 2) left on voicemail systems, either inside or outside the organization's network.

Data Destruction

You must follow your records retention policy before destroying data.

- **Confidential:** Confidential data must be destroyed in a manner that makes recovery of the information impossible. The following guidelines apply:
 - Paper/documents: Cross-cut shredding is required.
 - Storage media (CD's, DVD's): Physical destruction is required.
 - Hard drives/systems/mobile storage media: At a minimum, data wiping must be used. Simply reformatting a drive does not make the data unrecoverable. If wiping is used, the organization must use the most secure commercially-available methods for data wiping. Alternatively, the organization has the option of physically destroying the storage media.

Data Storage

Stored Data includes any data located on organization-owned or organization-provided systems, devices, media, etc. Examples of encryption options for stored data include:

- Whole disk encryption
- Encryption of partitions/files
- Encryption of disk drives
- Encryption of personal storage media/USB drives
- Encryption of backups
- Encryption of data generated by applications

Data while transmitted includes any data sent across the organization network or any data sent to or from an organization-owned or organization-provided system. Types of transmitted data that shall be encrypted include:

- VPN tunnels
- Remote access sessions
- Web applications
- Email and email attachments

- Remote desktop access
- Communications with applications/databases

Information Protection Processes and Procedures

Contingency Planning

The organization's business contingency capability is based upon cloud and local backups of all critical business data. Confirmation that backups were performed successfully will be conducted quarterly. Testing of cloud backups and restoration capability will be performed on a quarterly basis.

During a contingency event, all IT decisions and activities will be coordinated through and under the direction of the IT Director.

The following business contingency scenarios have been identified along with the intended responses:

- In the event that one or more of City of Lebanon's systems or applications are deemed corrupted or inaccessible, the IT Backup Team will work with the respective vendor(s) to restore data from the most recent cloud or local backup and, if necessary, acquire replacement hardware.
- In the event that the location housing the City of Lebanon systems are no longer accessible, the IT Team will work with the respective vendor(s) to acquire any necessary replacement hardware and software, implement these at one of the organization's other sites, and restore data from the most recent cloud backup.

Network Infrastructure

The organization will protect the corporate electronic communications network from the Internet by utilizing a firewall. For maximum protection, the corporate network devices shall meet the following configuration standards:

- Vendor recommended, and industry standard configurations will be used.
- Changes to firewall and router configuration will be approved by IT Director and Sr. Network Engineer.
- Both router and firewall passwords must be secured and difficult to guess.
- The default policy for the firewall for handling inbound traffic should be to block all packets and connections unless the traffic type and connections have been specifically permitted.
- Inbound traffic containing ICMP (Internet Control Message Protocol) traffic should not be passed in from the Internet, or from any un-trusted external network.

Network Servers

Servers typically accept connections from several sources, both internal and external. As a general rule, the more sources that connect to a system, the more risk associated with that

system, so it is particularly important to secure network servers. The following statements apply to the organization's use of network servers:

- Unnecessary files, services, and ports should be removed or blocked. If possible, follow a server-hardening guide, which is available from the leading operating system manufacturers.
- Network servers, even those meant to accept public connections, must be protected by a firewall or access control list.
- If possible, a standard installation process should be developed for the organization's network servers. A standard process will provide consistency across servers no matter what employee or contractor handles the installation.
- Clocks on network servers should be synchronized with the organization's other networking hardware using NTP or another means. Among other benefits, this will aid in problem resolution and security incident investigation.

Network Segmentation

Network segmentation is used to limit access to data within the City of Lebanon network based upon data sensitivity. City of Lebanon maintains two wireless networks. The *guest* wireless network is not password protected but is segmented onto its own network and uses a separate internet connection. Access to the *secure* wireless network should only be given to City of Lebanon personnel and provides the user access to the intranet.

Protective Technology

Email Filtering

A good way to mitigate email related risk is to filter it before it reaches the user so that the user receives only safe, business-related messages. City of Lebanon will filter email at the Internet gateway and/or the mail server. This filtering will help reduce spam, viruses, or other messages that may be deemed either contrary to this policy or a potential risk to the organization's IT security.

Network Vulnerability Assessments

On a monthly basis, City of Lebanon will perform both internal and external network vulnerability assessments. The purpose of these assessments is to establish a comprehensive view of the organization's network as it appears internally and externally. These evaluations will be conducted under the direction of IT Director to identify weaknesses with the network configuration that could allow unauthorized and/or unsuspected access to the organization's data and systems.

As a rule, "penetration testing," which is the active exploitation of organization vulnerabilities, is discouraged. If penetration testing is performed, it must not negatively impact organization systems or data.

DETECT (DE)

Definition: Develop and implement appropriate activities to identify the occurrence of a cybersecurity event.

Anomalies and Events

The following logging activities are conducted by Sr. Network Engineer under the direction of IT Director:

- Domain Controllers - Active Directory event logs will be configured to log the following security events: account creation, escalation of privileges, and login failures.
- Network Devices - Logs from network devices (e.g., firewalls, network switches, routers) will be configured to log the following events: errors, faults, and login failures.

Passwords should not be contained in logs.

Logs of the above events will be reviewed by the IT Systems Engineer at least once per month. Event logs will be configured to maintain record of the above events for three months.

Devices that capture payment card data will be reviewed once per quarter to detect any tampering or substitution.

Security Continuous Monitoring

Anti-Malware Tools

All organization servers and workstations will utilize Sophos Endpoint Protection to protect systems from malware and viruses. Real-time scanning will be enabled on all systems and weekly malware scans will be performed. A monthly review of the Sophos Endpoint Protection dashboard will be conducted by IT Systems Engineer to confirm the status of virus definition updates and scans.

Patch management

All software updates and patches will be distributed to all City of Lebanon system as follows:

- Workstations will be configured to install software updates every week automatically.
- Software updates to non-critical servers will be performed at least monthly.
- Software updates to critical servers will be performed at least quarterly unless a critical patch is needed.
- Any exceptions shall be documented.

RESPOND (RS)

Definition: Develop and implement appropriate activities to take action regarding a detected cybersecurity incident.

Response Planning

The organization's annual security awareness training shall include direction and guidance for the types of security incidents users could encounter, what actions to take when an incident is suspected, and who is responsible for responding to an incident. A security incident, as it relates to the City of Lebanon's information assets, can be defined as either an Electronic or Physical Incident.

IT Director is responsible for coordinating all activities during a significant incident, including notification and communication activities. They are also responsible for the chain of escalation and deciding if/when outside agencies, such as law enforcement, need to be contacted.

Electronic Incidents

This type of incident can range from an attacker or user accessing the network for unauthorized/malicious purposes to a virus outbreak or a suspected Trojan or malware infection. When an electronic incident is suspected, the steps below should be taken in order.

1. Remove the compromised device from the network by unplugging or disabling network connection. Do not power down the machine.
2. Report the incident to the IT Director or Risk Advisor.
3. Contact the third-party service provider (and/or computer forensic specialist) as needed.

The remaining steps should be conducted with the assistance of the third-party IT service provider and/or computer forensics specialist.

4. Disable the compromised account(s) as appropriate.
5. Backup all data and logs on the machine, or copy/image the machine to another system.
6. Determine exactly what happened and the scope of the incident.
7. Determine how the attacker gained access and disable it.
8. Rebuild the system, including a complete operating system reinstall.
9. Restore any needed data from the last known good backup and put the system back online.
10. Take actions, as possible, to ensure that the vulnerability will not reappear.
11. Conduct a post-incident evaluation. What can be learned? What could be done differently?

Physical Incidents

A physical IT security incident involves the loss or theft of a laptop, mobile device, PDA/Smartphone, portable storage device, or other digital apparatus that may contain organization information. All instances of a suspected physical security incident should be reported immediately to the IT Director or Risk Advisor.

Notification

If an electronic or physical security incident is suspected of having resulted in the loss of third-party/customer data, notification of the public or affected entities should occur.

1. Contact CIS Claims at claims@cisoregon.org.
2. Inform your attorney.
3. Inform the mayor and the city manager.
4. Complete this form if the breach involves more than 250 records.
<https://justice.oregon.gov/consumer/DataBreach/Home/Submit>

RECOVER (RC)

Recovery processes and procedures are executed and maintained to ensure timely restoration of systems and/or assets affected by cybersecurity events.

CIS will help with the recovery process. CIS may provide forensics services, breach coaching services, legal services, media services and assist in paying for notification expenses. The CIS claims adjuster will discuss with you the coverages and services offered by CIS.

IT Director is responsible for managing and directing activities during an incident, including the recovery steps.

Recovery planning and processes are improved by incorporating lessons learned into future activities.

Restoration activities are coordinated with internal and external parties, such as coordinating centers, Internet service providers, owners of the affected systems, victims, and vendors.

External communications should only be handled by designated individuals at the direction of Public Information Officer or City Manager. Recovery activities are communicated to internal stakeholders, executives, and management teams.

Presentation/Proclamation/
Recognition



"Poppy Day"

PROCLAMATION

WHEREAS, the City of Lebanon supports the Lebanon American Legion's designation of May 22, 2021 as "Poppy Day" in Lebanon to honor our fallen; and

WHEREAS, the City of Lebanon recognizes the importance of honoring those that have worn our nation's uniform; and

WHEREAS, a nation at peace must be reminded of the price of war and the debt owed to those who have died; and

WHEREAS, the red poppy was designated as a symbol of sacrificed lives on the battle fields; and

WHEREAS, the American Legion Auxiliary has pledged to remind America annually of this debt through distribution of the memorial flower.

NOW, THEREFORE, I, Council President Jason Bolen, hereby proclaim **May 28, 2021 as "Poppy Day"** and ask that all citizens pay tribute to those who have made the ultimate sacrifice in the name of freedom by wearing the Memorial Poppy on this day.

Jason Bolen, Council President
City of Lebanon, Oregon

In witness whereof, I hereunto place the great seal of the
City of Lebanon to be affixed on this 12th Day of May 2021.

Kim Scheafer, MMC, City Recorder



112th Annual
Lebanon Strawberry Festival
"Return of the Strawberries"
PROCLAMATION

Whereas, 2021 marks the 112th Anniversary of the Lebanon Strawberry Festival in which we welcome thousands of visitors to our community; and

Whereas, June 4, 2021 marks the Coronation of the Strawberry Festival Queen, and

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

Now, Therefore, I, Council President Jason Bolen, do hereby proclaim June 3 through June 6, 2021 as the **Lebanon Annual Strawberry Festival** – a time for community fun and frolic!

I solicit the cooperation of all members of the community in honoring our Strawberry Queen, her Court and this year's theme of *Return of the Strawberries*.

Jason Bolen, Council President
City of Lebanon, Oregon

In witness whereof, I hereunto place the great seal of the
City of Lebanon to be affixed on this 12th Day of May 2021.

Kim Scheafer, MMC, City Recorder

Citizen Comments



- The Promotion committee held the 4th First Friday of 2021. Promotion committee Chair Yvette Meyer and Susana Arroyo Burdett with Charros de Oregon USA arranged excellent entertainment for the evening. Strawberry Plaza was overflowing with diversified cultural pride. Ismael Jaramillo with Charros de Oregon USA was the MC for the night. Audience members enjoyed exquisite folk dances, learned cultural and historical information from the Charros Queen, Eduardo & Maria with Huehca Omeyocan taught ancestral values of the Anahuac (Meshica Chichimeca Aztec) people through dance and music. The night closed with local Pop band Sin Papeles had the crowd moving and grooving. LDA looks forward to bringing more opportunities for cultural education into downtown Lebanon.

The Next First Friday is the Wine & Art Walk on Friday, June 4th. Find details on the Lebanon Downtown Association website or Frist Fridays Downtown Lebanon Facebook page.

- Community Clean-Up Day is on Saturday, May 22nd starting at 9 a.m. ending at noon. Volunteers will clean up around Ralston Park, Strawberry Plaza, and the downtown area. LDA asks for community members to take charge of their neighborhood and homes by taking this time to clean up trash and debris. Republic Services donated a large dumpster for litter located at Ralston Park. Metal recycle pick up by the Scrap King. For more detail and volunteer registration visits the Lebanon Downtown Association website or Facebook page.

From: [Lindsay Pehrson](#)
To: [City Recorder](#)
Subject: Adding public comments to meeting of 5/12/2021
Date: Tuesday, May 11, 2021 10:34:52 AM

Caution! This message was sent from outside your organization.

The law abiding citizens of the City Of Lebanon no longer want to comply with the unconstitutional mask mandate and the unconstitutional, random, shut downs. We understand the stance that the City Of Lebanon and Linn County have made with education versus enforcement but that is not enough! We need to join with other cities and counties of Oregon in standing up against our Governor. If we don't the shut downs and the overreach in power is NEVER going to end.

There is no end in sight with COVID-19. It's going to be around for the long-haul. The mortality rate is in line with the flu. The vaccine is very similar to the flu vaccine so to speak. People get the Covid vaccine and they still turn up positive with Covid. People get the flu vaccine and come up positive for the flu. There is no "heard immunity" to be obtained. After the covid vaccine, ,first and second dose, a booster is required at six months, at this point there will be other strains and the vaccine will no longer provide the "immunity".

We are law abiding citizens that can police ourselves to stay home when we're sick! Wear a mask if you are in a public place and you have any symptoms like a cough or a runny nose.

We are done!!! It's time that the City Of Lebanon listen to citizens. You've heard other citizens voices. You've chose not to listen. You've chose that what you were doing is enough. And what we're telling you is what you're doing is NOT enough. There are plenty of articles circulating with factual information surrounding what we can do to protect our citizens, our small businesses, and our schools against these mandates. Our small businesses are closing. Yet large corporations are staying open and thriving during these times.

Mother goose in Lebanon, one of the only places for low income families to buy clothing for small children closed during this pandemic. Now people are forced to buy clothes at large corporations such as Walmart. There are hundreds of people going in and out of Walmart at any time. But we need to worry about closing our small restaurants that are kept at 25% capacity as it is? This is ridiculous. It is time for our city Council to stand

up. It's time for our Linn county commissioners to make a stance. All of the cities and counties in Oregon need to stand up! We need to protect our small businesses from OSHA overstepping with their unlawful fines. If we can't protect small businesses that run the economy in small cities like Lebanon then what's the purpose of our city counsel?

If citizens reach out to you with these concerns and your only rebuttal is our hospitals are small and at capacity... Please tell me pre-Covid how many times are small hospitals were at capacity. I know it was frequently. Most of the people testing positive for Covid are asymptomatic or have minimal symptoms. A lot of the hospital faculty during this Covid time have been laid off or moved to minimal staffing because they stopped doing elective procedures and our hospitals have not been overrun with Covid. Not at any time. So please tell me these outrageous numbers. Please.... There aren't any. Let's start working with facts. Start using actual facts to explain why we are destroying our small businesses yet letting our large corporations thrive. Lebanon stand up! We will not stand for this any longer.

541-570-2790

Lindsay_71589@hotmail.com



- The Economic Vitality Committee (EVC) completed an entrepreneurial guide that explains how to start a business in Lebanon. The brochure is the brainchild of EVC member Alysia Rodgers, Economic Development Catalyst for the city, in collaboration with the city's Community Development Department, Lebanon Chamber of Commerce, and EVC member local commercial realtor Bill Flesher with Keller Williams Realty Laura Gillott Home Team. Watch the LDA website for the brochure release in the coming weeks.

Agenda Item 1



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MEMORANDUM

Community Development

To: Mayor Aziz and City Council
From: Kelly Hart, Community Development Director
Subject: HB 2001 Ordinance Adoption Hearing

Date: April 23, 2021

I. INTRODUCTION

In 2019, the Oregon State Legislature passed HB 2001 to expand housing opportunities to provide “middle housing” choices. Specifically, the bill requires medium-sized cities (between 10,000 to 25,000 population) to allow duplexes in the same manner as single-family dwellings in all zones which permit residential uses. The required code amendments must be implemented by June 30, 2021, or the City would be subject to the State Model Ordinance. The following report and draft ordinance language provide an analysis of the City’s compliance with the City’s Comprehensive Plan, and the draft code amendments to comply with HB 2001.

II. CURRENT REPORT

HB 2001 REQUIREMENTS – Below is an overview of the key considerations and code changes required under HB 2001 for medium sized cities:

- Location and Zoning Standards: Duplexes shall be allowed “on each lot or parcel zoned for residential use that allows for the development of detached single-family dwellings.”
 - “Zoned for Residential Use” has been interpreted by the Department of Land Conservation and Development (DLCD) to mean any zone which permits residential uses can occur individually on a parcel. For the City of Lebanon, this would be inclusive of all residential zones, and the Mixed Use (Z-MU) zone.
- Parking: A duplex shall be subject to the same parking standards as a single-family dwelling. DLCD has interpreted this requirement to mean if a single-family residence is subject to two parking spaces, the duplex shall be subject to the same two parking space requirement. This would equate to one parking space per dwelling unit, or a 50% reduction in the required parking spaces for a duplex from the City’s current code regulations. Additionally, Accessory Dwelling Units (ADUs) shall require no assigned on-site parking space.
- Siting Standards: The City may adopt reasonable local regulations relating to siting and design for Accessory Dwelling Units (ADUs) and duplexes. These standards are generally

inclusive of setbacks, lot coverage, building height and similar development standards already applied within the code for other residential uses.

- To comply with the siting standards, duplexes and single-family dwellings have been assigned the same setback, lot coverage, minimum lot size, and building height standards for each zone.
- Accessory Dwelling Units under the current code provisions are required to maintain the same setbacks as the single-family dwelling. Under the proposed code amendments, the rear setback would be reduced for the ADU to be a minimum of 10-feet to provide a greater opportunity for infill development of ADUs on existing improved lots.
- Duplex Definition: HB 2001 requires all medium sized cities to permit an attached duplex housing product. Cities may authorize other development types of duplexes including detached and cluster type developments.
 - On March 17, 2021, the City of Lebanon Planning Commission held a work session to consider the design question and other code considerations. After a lengthy discussion of whether to permit the detached duplex concept, the Planning Commission directed staff to define a duplex as an attached dwelling to comply with HB 2001 requirements. The Planning Commission also directed staff to further evaluate the detached duplex concept as part of the greater comprehensive plan update and development code revisions anticipated over the next few years.
 - For the purposes of the Code update, the Ordinance proposes the definition of a duplex to be: “Two attached dwelling units on one Lot or Parcel. Dwelling units may be attached or stacked.”
- Required Consideration of Incentives: HB 2001 requires cities to consider providing incentives to promote middle and affordable housing. These incentives include:
 - Waiving or deferring System Development Charges (SDCs);
 - Adopting or amending criteria for property tax exemptions; and
 - Assessing a construction excise tax to build a local fund for development of affordable housing.

During the March 17, 2021 work session, the Planning Commission considered and discussed the merits of each incentive and the potential application within the City. At the conclusion of the discussion, the Planning Commission requested staff to further research the waiving or deferring of SDCs and adopting criteria for local property tax exemption. Assessing a construction excise tax was determined to be inappropriate for the City due to increased permitting costs and capacity to manage the program.

OTHER CODE CONSIDERATIONS – As part of the March 17, 2021 work session, the Planning Commission considered including a parking incentive within the Ordinance to promote additional on-site parking for duplexes. Included in the proposed Ordinance is a 5-foot rear yard reduction incentive for providing additional parking on the property above the minimum requirement as established in the new code.

In addition, there are two development code opportunities for subdivisions currently provided exclusively to single-family dwellings that would be expanded to include duplexes. The

development code provides opportunities for Lot Averaging for single-family subdivisions with 10 or more lots or parcels. The Lot Averaging program allows for a portion of the parcels to be smaller than the minimum lot size if a similar portion of the parcels are larger than the minimum. As the definition for a duplex includes the stacked development option, the duplex could maintain a similar footprint as a single-family dwelling. With a similar footprint able to be achieved, and same required parking and development standards, a duplex would be able to be reasonably accommodated on a smaller lot within the Lot Averaging subdivision. Therefore, the Lot Averaging for subdivisions is proposed to be expanded to include single-family dwellings and duplexes.

Similarly, the Zero-Lot Line Development option is proposed to be expanded to allow duplexes. Zero-Lot Line Development allows for one side setback to be reduced to zero, providing a larger side yard on the opposite side of the lot. As indicated above, stacked duplexes could maintain a similar footprint as a single-family dwelling, as well as an attached duplex with smaller unit sizes. With Zero-Lot Line Developments, the minimum lot size must be maintained or exceeded, which would provide sufficient land area to accommodate a single-family dwelling or attached/stacked duplex. As such, it is proposed to maintain the Zero-Lot Line Development opportunity and expand it to include duplexes.

COMPREHENSIVE PLAN REVIEW – As part of the City’s compliance with HB 2001, the City is required to evaluate the Comprehensive Plan and Development Code to determine whether: (a) the Comprehensive Plan requires updating, and (b) the required edits to the Development Code to ensure compliance with the bill.

The Comprehensive Plan should be amended to “reflect changes in Statewide Planning Goals and Guidelines as well as changes in State Statutes and rules”. For HB 2001, the State Statute and Rules require allowance of duplexes in the same manner as single-family dwellings in any zone which permits residential development.

The Comprehensive Plan already provides extensive opportunities for a mix of housing types within each residential zone. Table 4-1 (City of Lebanon Comprehensive Plan Land Use Categories) identifies the purpose for each residential land use designation:

<i>Designations</i>	<i>Purpose</i>
Residential Low Density (C-RL)	To primarily provide lands for low-density urban residential development, primarily single-family homes with provisions for planned developments and <u>low-density multi-family use</u> .
Residential Mixed Density (C-RM)	To primarily provide lands for development of single-family, <u>two-family</u> , and multi-family dwellings with provisions for planned developments, as well as lands for multi-family dwellings with close proximity to downtown.
Mixed Use (C-MU)	To provide lands that possess potential for several types of land use or combinations of different land uses. The intent of this designation is to achieve an environment in which different land uses can co-exist by providing building groupings for privacy, usable and attractive open

	spaces, and safe circulation, thus promoting the general wellbeing of the residents, businesses, and other occupants. Mixed Development lands <u>are open to all types of development including residential</u> , commercial, and light industrial land uses.
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As indicated in the purpose for each land use designation, “low-density multi-family use”, or duplexes are intended to be permissible in the Low-Density Residential Designation. In the Mixed Density Residential Designation, two-family dwellings are intended as a primary development opportunity; and in the Mixed-Use designation, all residential development types are permissible. Based on the purpose for each land use designation identified in the Comprehensive Plan, each residential land use designation is already intended to accommodate duplex development.

In evaluation of the Buildable Lands Inventory completed in 2019 as part of the updated Housing Needs Analysis, the City has a large surplus of Low-Density Residential Lands, the minimum required lands in the Medium Density Residential designation, and a minor surplus of High Density Residential and Mixed Use designation for residential development. ORS 197.296(6)(b), as amended by HB 2001, allows jurisdictions to assume up to a three percent increase in zoned capacity, unless it is demonstrated by a quantifiable validation that the anticipated capacity would be greater. Duplexes are already permitted in all residential zones. Within the Low-Density Residential Zone, to comply with HB 2001, the minimum lot area requirement for a duplex would be reduced from 10,000 square feet to 5,000 square feet, and for all other zones, the minimum lot area would be reduced from 7,000 square feet to 5,000 square feet. This amendment would result in an increased capacity in all residential zones as additional lots would now be eligible for duplex development. However, as the code amendments limit duplexes to an attached/stacked development option, or conversion of an existing single-family dwelling, it is anticipated that the majority of the development would be new development, or redevelopment of an existing property. With the attached dwelling requirement, the infill development path is not included, where an additional unit would be added to a vacant portion of an already improved lot. It may also be reasonably assumed that not all future development and redevelopment within the zone would be for duplex development. As such, with all residential zones already permitting duplex development, and with consideration of the Buildable Land Inventory and availability of land for development and redevelopment, it is appropriate to assume no more than a three percent increase in zone capacity in compliance with ORS 197.296(6)(b) and no further analysis of facility plans or comprehensive plan amendments is required at this time. As the City updates the facility master plans, and initiates an update to the Comprehensive Plan, further consideration of the impacts of middle housing on land capacity would be included and updates to the Housing Needs Analysis may be appropriate.

In addition, below is an overview of the goals and policies within the adopted Comprehensive Plan which support development of compact residential development, density, and duplexes:

Land Use Goals and Policies:

- 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 and open space bonuses.

Housing Goals:

- G-1: Providing housing policies and practices that increase housing opportunities for all citizens.
- G-2: Encouraging the availability of adequate numbers of needed housing units at price ranges and rent levels that are commensurate with the financial capabilities of community households, and to allow flexibility of housing location, type, and density.
- P-11: Periodically review the Zoning Ordinance and other land use regulations to assure that barriers do not inhibit the building of the variety of types and densities of housing that is affordable for all segments of Lebanon's residents.
- 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.
- 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.
- P-41: Periodically review ordinances for applicability to the current trends in the housing market to ensure the new concepts in housing are not restricted unduly by regulations.

Based on the analysis of the Comprehensive Plan and the Buildable Lands Inventory, it is staff's determination that the Comprehensive Plan does not require amendment to comply with HB 2001. Amendments to the Development Code as indicated in previous sections and discussed in detail in the next section would be required.

DEVELOPMENT CODE ANALYSIS – As demonstrated, the implementation of HB 2001 would result in modifications to the City's Development Code. Upon review of the current development code, single-family dwellings and duplexes are already almost universally subject to the same requirements in each residential zone and for the application of site development standards and access.

For zones which permit residential, duplexes and single-family dwellings are permitted in the same manner and subject to the same development standards, with the exception of minimum lot size. Within the Low-Density Residential Zone, to comply with HB 2001, the minimum lot area requirement for a duplex would be reduced from 10,000 square feet to 5,000 square feet, and for all other zones, the minimum lot area would be reduced from 7,000 square feet to 5,000 square feet.

For Accessory Dwelling Units, the current code would require an Administrative Review application for the construction of a new ADU in any residential zone on a property with a single dwelling. Upon analysis of HB 2001 and SB 1051 regarding ADUs, it is the intent to allow ADUs within each zone if it meets the development standards to promote infill development and affordable housing options. As such, it is proposed that ADUs become permitted by right, rather than requiring an Administrative Review application with public notification. This change would result in ADUs being permitted in the same method as single-family dwellings and duplexes, subject to the specific ADU development standards proposed. Aside from the permitted method

for ADUs, the development code language is proposed to be modified to clarify eligibility for use, identify the exemption to parking requirements, and specify a reduced rear setback of 10-feet.

For parking, as identified in the Section regarding required changes, the City's development code would need to be amended to provide a parking requirement for duplexes of one space per unit. The proposed code amendments reflects this required change.

As part of the code analysis, it was determined that the development code glossary required clean-up. The Code provided alternative definitions for "dwelling" versus "house". These definitions largely overlapped in definition; however, there were some minor differences. An example:

"Dwelling, Single-Family (Detached): A detached building, or manufactured dwelling, other than a mobile home or trailer house, designed for and occupied by not more than one family, that is not attached to any other dwelling and is surrounded by open space and yards."

"Single Family Detached Dwelling: A single family dwelling with open space on all sides."

The proposed Ordinance would remove duplicative definitions and provide clarifying definitions.

The remaining proposed code amendments would be limited to language clean up to create consistency throughout the code. Currently, the code interchanges the use of "single-family and two-family dwellings" and "single-family and duplexes". The remaining code changes proposed in the Ordinance would be to use the consistent language "single-family and duplex(es)". In addition, HB 2001 requires the application of "clear and objective" language for required standards when applied for residential uses. Certain sections of the current code use language such as: "adequate" or "at the discretion of" which does not provide a clear standard. The proposed code amendments would provide clear criteria for code application where this previous language was utilized.

CONCLUSION – The proposed amendments to the development code are required in order to comply with HB 2001. The Department of Land Conservation and Development has reviewed the code amendments and determined them to comply with HB 2001. To adopt the code changes, an amendment to the Comprehensive Plan is not required. As such, the proposed Ordinance is limited to amendments to the Development Code.

III. RECOMMENDATION

1. The City Council:
 - a. Conduct a public hearing; and
 - b. Adopt Ordinance No. 2021-01 amending various chapters of the Lebanon Development code in compliance with HB 2001.

**A BILL FOR AN ORDINANCE)
AMENDING THE CITY OF LEBANON)
DEVELOPMENT CODE REGARDING)
HB 2001 COMPLIANCE)**

**ORDINANCE BILL NO. 2021-01
ORDINANCE NO. 2957**

WHEREAS, the Planning Commission for the City of Lebanon conducted a hearing on April 21, 2021 regarding Planning File No. DCA-21-01 and made findings recommending certain amendments to the Development Code of the City of Lebanon regarding duplex an accessory dwelling unit development in compliance with HB 2001; and

WHEREAS, the City Council, pursuant to the provisions of the Lebanon Development Code, after appropriate notice given, has conducted a hearing to take testimony, hear arguments and to consider all the evidence concerning such proposed Development Code amendments, such hearing being conducted on May 12, 2021; and

WHEREAS, the City Council has considered all relevant evidence and deliberated.

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

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

Section 2. Based upon the findings adopted herein, the Lebanon Development Code is hereby amended by the modified language as specified in Exhibit “A”, which is incorporated herein by this reference as if fully set forth at this point.

Section 3. Said Exhibit “A” shall be attached to, and become a part of, the Lebanon Development Code upon entry of this order.

Passed by the Lebanon City Council by a vote of _____ for and _____ against
and approved by the Council President this 12th day of May 2021.

CITY OF LEBANON, OREGON

Paul R. Aziz, Mayor
Jason Bolen, Council President

ATTESTED BY:

Kim Scheafer, MMC, City Recorder

Exhibit "A"
Amendments to the Lebanon Development Code to comply with HB 2001

- I. A portion of Table 16.05-2 in Section 16.05.040 shall be amended as follows (old language ~~stricken~~; new language in *italics*), with all other portions of the section to remain unaltered:

Table 16.05-2: Residential Land Uses Allowed in Residential Zones			
<i>Land Uses</i> (Examples of uses are in Chapter 16.03; definitions are in the Glossary, Chapter 16.32.)	Residential Low Density Zone (Z-RL)	Residential Mixed Density Zone (Z-RM)	Residential High Density Zone (Z-RH)
Section 16.05.110 contains Residential Infill Standards that are Applicable in all Residential Zones			
Residential Uses with <u>Class I</u> Impacts:			
Single Family or Manufactured Home Dwellings	OP	OP	OP
Accessory Dwelling	AROP	AROP	AROP
Accessory Structures (with a permitted use): • no taller than 25ft. and no larger than 1,000 square feet of building footprint • taller than 25 ft.(up to Zone Limit in Table 16.05.8) or larger than 1,000 sqft of building footprint	OP		
	AR		
Duplex (2 dwellings sharing a common wall on one lot (<i>not inclusive of a primary dwelling and accessory dwelling unit</i>)) -- One duplex on a lot	AROP	OP	OP
<i>Manufactured Dwelling</i>	OP	OP	OP
Other Residential Uses such as Bed & Breakfasts, Home Occupations	MR	MR	MR
Other Residential Uses such as Hospice Facilities	AR	AR	AR

- II. A portion of Table 16.05-7 in Section 16.05.090 shall be amended as follows (old language ~~stricken~~; new language in *italics*), with all other portions of the section to remain unaltered:

Table 16.05-7: Development Standards for Residential Zones			
Minimum Lot Area and Lot Width			
(Except as modified by Residential Infill Standards)			
Standard	Z-RL	Z-RM	Z-RH
Minimum Lot Area (square feet)			
LOT AREA: The total surface area (measured horizontally) within the lot lines of a lot exclusive of public and private streets and easements of access to other property.			
Single Family, not attached	6,000	5,000	5,000
	(See Lot Size Averaging Options, Section 16.05.140)		
Townhouse/Rowhouse	NA	2,500	2,500
Zero Lot Line Housing	5,000	3,500	3,500
Duplex	4,000 6,000	7,000 5,000	7,000 5,000
Multiple-Family, Triplex, or Cottage Cluster	NA	9,000	9,000
Non-Residential Uses	6,000	6,000	6,000

Table 16.05-7: Development Standards for Residential Zones Minimum Lot Area and Lot Width (Except as modified by Residential Infill Standards)			
Standard	Z-RL	Z-RM	Z-RH
Corner Lots for All of the Above (Except Single Family not attached/ <i>Duplexes</i> in Z-RL): Add 500 square feet Flag Lot: Driveway portion of lot is not included in the Minimum Lot Area calculations.			
Minimum Lot Width			
Standard	Z-RL	Z-RM	Z-RH
Single Family, not attached	60 ft	50 ft	50 ft
Townhouse/Rowhouse	NA	20 ft	20 ft
Zero Lot Line Housing	50 ft	40 ft	40 ft
Duplex	65 60 ft	50 ft	50 ft
Multiple-Family Triplex, or Cottage Cluster	NA	60 ft	50 ft
Non-Residential Uses	20 ft	20 ft	20 ft
Corner Lots (All Residential Above)	65 ft	60 ft	60 ft
For flag lots, width is measured at the front building line. *Lot area must conform to the standards above. Lot dimensions may be reduced for Flag Lots.			

- III. A portion of Table 16.05-9 in Section 16.05.090 shall be amended as follows (old language ~~stricken~~; new language in *italics*), with all other portions of the section to remain unaltered:

Table 16.05-9: Development Standards for Residential Zones Lot Coverage and Minimum Setbacks			
Lot Coverage [(two options)]			
Standard	Z-RL	Z-RM	Z-RH
1. Max. Building Coverage -- Building Footprint only (NOT all impervious surfaces) as % of site area			
Single Family Dwelling	40%	60%	60%
Town House	NA	80%	80%
Single Family – Zero Lot Line	60%	70%	70%
Duplex	60%	60%	60%
Multifamily Use or Cottage Cluster	NA	60%	60%
Civic/Institutional	60%	60%	60%
Other Non-Residential	60%	60%	60%
2. Coverage Bonus – applies only to Multi-family and non-residential development.	The allowable building coverage increases by a ratio of one-half (1/2) square foot for every one (1) square foot of required parking area that is paved using a City-approved porous/permeable paving material (i.e., allowing stormwater infiltration) <u>or</u> one-half (1/2) square foot for every one (1) square foot of City-approved water quality treatment area (e.g., vegetative swale or biofiltration) on the development site.		
Minimum Landscape Area	See Chapter 16.15	See Chapter 16.15	See Chapter 16.15

Minimum Setbacks (feet):			
Front	15 ft	Interior Lots: 10 ft Corner Lots: 10/15 ft ¹	Interior Lots: 10 ft Corner Lots: 10/15 ft ¹
Side	5 ft -min. & 15 ft - both	5 ft	5 ft
Street Side	15 ft	10/15 ft ¹	10/15 ft ¹
Rear	Dwellings: 20 ft ² Others: 10 ft	Dwellings: 20 ft ² Others: 10 ft	Dwellings: 20 ft ² Others: 10 ft
<p>1. - If front one yard setback (Street or Street Side) is 15 feet, then the other can be less than 15 feet but not less than 10 feet. For irregularly shaped lots, the average setback for Street and Street Side Yards shall be 7.5 feet with no setback less than 5 feet.</p> <p>2. <i>For duplexes, the rear setback may be reduced to 15 feet if on-site parking above the required minimum parking is provided.</i></p> <p>A. Select collectors and arterial streets have greater front yard setbacks</p> <p>B. Accessory structures < or = 20 ft high: 5 ft rear and side yard setback</p> <p>C. All garage doors and vehicle access openings shall be setback at least 20 ft from the closest adjacent property line or sidewalk.</p>			

IV. Section 16.05.110.B.3 shall be amended as follows (old language ~~stricken~~; new language in *italics*), with all other portions of the section to remain unaltered:

3. Single family dwellings, *duplexes, and accessory dwelling units* are out right permitted uses in the residential zones. Therefore, the Infill standards do not apply to single family dwellings, duplexes or accessory dwelling units that are proposed as infill developments.

V. Portions of Section 16.05.140 shall be amended as follows (old language ~~stricken~~; new language in *italics*), with all other portions of the section to remain unaltered:

- A. The developer of a single family *or duplex* lot subdivision with 10 or more lots in Residential Mixed Density (RM) and Residential High Density (RH) Zones may elect to use a Lot Size Averaging approach that allows greater variety in the size of lots than would otherwise be the case.
- B. Such an averaging approach permits the creation and development of a percentage of lots that are smaller than the required minimum when balanced by the inclusion of lots larger than the required minimum.
- C. This option is only available for the development of lots for single family dwellings *or duplexes*. The City may require deed restrictions as a condition of approval in approving applications for lot size averaging to assure that future purchasers are aware of the property's history.
- D. The lot sizes used in these calculations may not include the area of the flag driveways of flag lots.
- E. The use of Lot Size Averaging must result in the average lot size equaling or

exceeding 5,000 square feet.

- F. The Lot Size Averaging approach must conform to the specifications in **Table 16.05-11**.
- G. Lot Size in Subsection 16.05.140 means Lot Area. As used in this Code, **Lot Area** is defined as the total surface area (measured horizontally) within the lot lines of a lot exclusive of public and private streets and easements of access to other property.

<p align="center">Table 16.05-11: Lot Size Averaging Matrix</p> <p align="center">Applies only to Subdivisions of 10 or More Lots</p> <p align="center">For single-family/<i>duplex</i> lot subdivisions in Residential Mixed Density and Residential High Density Zones</p>		
<p align="center">Maximum Percentage of Lots Allowed Smaller (4,000 – 4,999 sqft) than the Minimum Required Square Footage</p>	<p align="center">Minimum Percentage of Lots Averaging Between 5,000 and 6,000 Square Feet</p>	<p align="center">Minimum Percentage of Lots Required Greater than 6,000 Square Feet</p>
<p align="center">Not more than 25% of the Total Number of Lots in the Subdivision</p>	<p align="center">At least 50% of the Total Number of Lots in the Subdivision</p>	<p align="center">At least as many Lots as are built with less than 5,000 sqft (i.e., between 4,000 – 4,999 sqft)</p>
<p><i>Each “phase” of a subdivision must conform to the overall ratio for the entire Subdivision. For example, one phase may not consist solely of lots that are smaller than the Minimum Required Square Footage (5,000 square feet). No lot is allowed to be smaller than 4,000 square feet.</i></p> <p><i>Note: The provisions of Lot Size Averaging only apply to lots for single-family detached homes or duplexes created through the subdivision process in the Residential Mixed Density and Residential High Density Zones.</i></p>		

VI. Section 16.05.150.A shall be repealed and replaced with the following language:

A. Accessory Dwelling (Attached, Separate Cottage, or Above Detached Garage)

1. An Accessory Dwelling is defined as a complete separate residential unit, including facilities for cooking and sanitation, provided either as a separate structure on the same lot or as part of a primary single-family residence. Development of an accessory dwelling must comply with all applicable lot development standards including required yards (setbacks) and lot coverage, but not minimum lot size. Development of an attached accessory dwelling shall not reduce the floor area of the primary residence.
2. Accessory dwellings shall conform to all of the following standards:
 - a. **Floor Area:** Accessory dwellings shall not exceed 1,000 square feet of floor area, or 40% of the primary unit, whichever is smaller. The unit can be a detached cottage, a unit attached to a garage, an addition to an existing home, or in a portion of an existing house.
 - b. **Exempt from Lot Size:** Accessory dwellings are exempt from the lot size standards of the Residential Zone.

- c. **Utility Connections:** Accessory dwellings may have the same water and sewer connections as the primary unit.
- d. **One Unit:** A maximum of one accessory dwelling unit is allowed per lot. Construction of an accessory dwelling may result in a maximum of two residential units on a single lot, one primary residence and one accessory dwelling.
- e. **Building Height:** The building height of detached accessory dwellings (i.e., separate cottages) shall not exceed 25 feet in the RL Zone nor 30 feet in the RM and RH Zones.
- f. **Setback Standards:** Shall conform to all setback standards applicable to dwellings in the zone. Rear yard setbacks may be 10 feet.
- g. **Parking Standards:** Accessory dwellings shall have no off-street parking requirement.

VII. Portions of Section 16.05.180.C shall be amended as follows (old language ~~stricken~~; new language in *italics*), with all other portions of the section to remain unaltered:

C. Setbacks for Primary and Accessory Structures

The allowance of a zero (0) side yard setback is for one single family dwelling, *or attached or stacked duplex*, on each lot; it does not extend to accessory structures which shall conform to the applicable setback requirements of the zone.

VIII. A portion of Table 16.06-2 in Section 16.06.050 shall be amended as follows (old language ~~stricken~~; new language in *italics*), with all other portions of the section to remain unaltered:

Table 16.06-2: Residential Land Uses Allowed in the Mixed Use Zone	
<i>Land Uses</i> (Examples of land uses are in Chapter 16.03; definitions are in the Glossary, Chapter 16.32.)	<i>Mixed Use Zone (Z-MU)</i>
(See page 8 of Chapter 16.03 for further details and listings regarding Residential Uses)	
Residential Uses with <u>Class I</u> Impacts:	
Single Family (not attached)	OP
Accessory Dwelling	AROP
Accessory Structures (with a permitted use) <ul style="list-style-type: none"> • no taller than 25ft. and no larger than 1,000 square feet of building footprint • taller than 25 ft. or larger than 1,000 square feet of building footprint 	OP
Duplex (2 dwellings sharing a common wall on one lot) -- One duplex on a lot	OP
Manufactured Home Dwelling	OP
Family Child Care in a Home	OP
Other Residential Uses such as Bed & Breakfasts, Home Occupations	MR
Other Residential Uses such as Hospice	AR

- IX. A portion of Table 16.07-2 in Section 16.07.050 shall be amended as follows (old language ~~stricken~~; new language in *italics*), with all other portions of the section to remain unaltered:

Table 16.07-2: Residential Land Uses Allowed in the Neighborhood Mixed-Use Zone	
<i>Land Uses</i> (Examples of uses are in Chapter 16.03; definitions are in the Glossary, Chapter 16.32.)	
(See page 8 of Chapter 16.03 for further details and listings regarding Residential Uses)	
Residential Uses with <u>Class I</u> Impacts:	
Single Family (not attached)	OP
Accessory Dwelling	AROP
Accessory Structures (with a permitted use) -no taller than 25ft. and no larger than 1,000 square feet of building footprint taller than 25 ft. or larger than 1,000 square feet of building footprint	OP AR
Duplex (2 dwellings sharing a common wall on one lot) -- One duplex on a lot	OP
Manufactured Home <i>Dwelling</i>	OP
Family Child Care in a Home	OP
Other Residential Uses such as Bed & Breakfasts, Home Occupations	MR
Other Residential Uses such as Hospice Facilities	AR

- X. Section 16.11.020.F.8.a shall be repealed and replaced with the following language:

a. Two dwelling units per two acres within 500 feet of the outer edge of the airport's RPZ.

- XI. A portion of Section 16.12.020.B shall be amended as follows (old language ~~stricken~~; new language in *italics*), with all other portions of the section to remain unaltered:

B. ~~One and Two Family~~ *Single-Family and Duplex Residential Lots*

For purposes of this Subsection, unless otherwise specified, lots and parcels are interchangeable, and either could have a single-family or a ~~two family dwelling [duplex]~~ *duplex* on it. This Subsection not only takes into account the space requirements for vehicular access, but also the space needed for multiple utility lines.

1. **Single Parcel:** A lot must abut a street for a minimum width of 14 feet including a minimum 12 -foot wide driveway.
2. **Two Adjacent Parcels:** Two adjacent parcels must abut a street for a minimum of 24 feet (minimum of 12 feet for each parcel) that may include a shared 12-foot wide driveway serving both. Perpetual reciprocal access easements and maintenance agreements for shared driveways are required.
3. **Six Parcels and/or Six Dwelling Units:** Up to a maximum of six parcels and/or dwelling units may be served by a minimum 30-foot wide access easement with a minimum 24-foot wide two-way driveway. All buildings must be set back at least 5 feet from the access easement. Perpetual reciprocal access easements and

maintenance agreements for all lots proposed to use the driveway are required.

4. **Single Family Dwelling Parcel Not Abutting a Public Right-of-Way:** A lot or parcel developed with a single family dwelling *or duplex* may be partitioned creating a parcel with access by easement to a public street. A minimum 12-foot wide easement (~~that may not serve any other dwelling~~), with ready access by emergency vehicles is required *per lot or parcel*.

- XII. A portion of Section 16.12.030.E shall be amended as follows (old language ~~stricken~~; new language in *italics*), with all other portions of the section to remain unaltered:

E. Development Requirements

1. The City may require the closing or consolidation of existing curb cuts or other vehicle access points, recording of reciprocal access easements (e.g., for shared driveways, etc.), development of a frontage street, installation of traffic control devices, and/or other mitigation as a condition of granting an access permit, to ensure the safe and efficient operation of the street and highway system. *Development requirements, including those identified above, will be based on clear and objective technical analysis, including but not limited to a Traffic Impact Analysis, review of AASHTO standards, conditions from outside agencies including Oregon Department of Transportation and Linn County, and the City's adopted Engineering standards.*
2. Except for single-family and ~~two-family dwellings~~-duplexes, access to and from off-street parking areas shall not permit backing onto a public street. (Also see Chapter 16.14, Off-Street Parking.)

- XIII. A portion of Section 16.12.030.I shall be amended as follows (old language ~~stricken~~; new language in *italics*), with all other portions of the section to remain unaltered:

I. Number of Access Points

For single-family (detached and attached), ~~two-family~~-*duplex*, and three-family housing types, normally one street access point is permitted per lot, unless otherwise permitted by the City Engineer, in consultation with the Planning Official. Two access points may be permitted for two-family and three-family housing on corner lots (no more than one access per street), subject to the access spacing standards in Subsection "G," above. The number of street access points for multiple family, commercial, industrial, and public/institutional developments shall be minimized to protect the function, safety and operation of the street(s) and sidewalk(s) for all users. Shared access may be required, in conformance with Subsection "J," below, in order to maintain the required access spacing, and minimize the number of access points.

- XIV. A portion of Section 16.12.030.L shall be amended as follows (old language ~~stricken~~; new language in *italics*), with all other portions of the section to remain unaltered:

L. Driveway Approaches

Driveway approaches or curb cuts shall be ~~adequate width to provide safe and efficient access~~. *provided to the minimum standards as required in this Code to provide safe and efficient access*. The following standards (i.e., as measured where the front property line meets the sidewalk or right-of-way) are required to provide adequate site access, minimize surface water runoff, ensure an exiting vehicle with an unobstructed view, avoid conflicts between vehicles and pedestrians, and have appropriate signage for one-way connections. Unless otherwise permitted by the City Engineer, in consultation with the Planning Official, or, for State Highways 20 and 34, by Oregon Department of Transportation, minimum driveway widths shall be as follows:

1. **Single family, and two family duplex uses** shall have a minimum driveway width of 12 feet.

XV. A portion of Section 16.12.050.A shall be amended as follows (old language ~~stricken~~; new language in *italics*), with all other portions of the section to remain unaltered:

A. Pedestrian Access and Circulation

To ensure safe, direct and convenient pedestrian circulation, all developments, except single-family detached ~~dwelling housing or duplex~~ on individual lots, shall provide a continuous pedestrian and/or shared-use pathway system.

1. **Pathways** only provide for pedestrian circulation.
2. **Shared-use pathways** accommodate pedestrians and bicycles.
3. **Recreational Trails** -- See Parks Master Plan and related documents for standards.
4. The system of pathways shall be designed based on the standards in Subsections B, C, and D, below.

XVI. A portion of Section 16.14.020.N shall be amended as follows (old language ~~stricken~~; new language in *italics*), with all other portions of the section to remain unaltered:

N. Prohibited Backing Movements and the Blocking of Public Streets, Sidewalks and Pathways

1. Parking areas for other than single-family ~~and two family~~ dwellings *and duplexes* shall be served by a service driveway so that no backing movements or other maneuvering within a street other than an alley shall be required.

XVII. A portion of Section 16.14.050.F shall be amended as follows (old language ~~stricken~~; new language in *italics*), with all other portions of the section to remain unaltered:

F. Driveway Widths

See Section 16.12.020 (~~One and Two Family Single- Family and Duplex~~ Residential Lot Frontage Requirements), and Subsection 16.12.030.L (Driveway Approaches) in Chapter 16.12 (Transportation Access, Access Management, and Circulation).

XVIII. A portion of Section 16.14.060.B shall be amended as follows (old language ~~stricken~~; new language in *italics*), with all other portions of the section to remain unaltered:

B. Grading

All parking areas, except those in conjunction with a single-family ~~or two family~~ dwelling *or duplex*, shall be graded (~~as approved by the City Engineer~~) so as not to drain storm water over sidewalks or onto any abutting property.

XIX. A portion of Table 16.14.070-1 in Section 16.14.070.B shall be amended as follows (old language ~~stricken~~; new language in *italics*), with all other portions of the section to remain unaltered:

Table 16.14.070-1: Off-Street Parking Requirements for Motor Vehicles and Bicycles by Types of Uses		
Use	Vehicle Parking Spaces	Bicycle Parking Spaces
1. Residential		
(a) One/two <i>single</i> family dwellings	2 spaces per dwelling unit	None required
(b) <i>Duplexes</i>	<i>1 space per dwelling unit</i>	<i>None required</i>
(c) Multiple Family Dwellings	2.25 spaces/unit ¹	0.5 spaces per unit
(d) Senior-Citizen apartments	1 space per bedroom	2 percent of required vehicle parking, or 4 spaces, whichever is greater
(e) Rooming or boarding house	Spaces equal to 80 percent of the number of guest accommodations plus one additional space for the owner or manager.	1 space for every 5 guest rooms, or 4 spaces, whichever is greater.
(f) Manufactured Home Park	2 spaces per dwelling, plus 1 visitor space for each 10 dwelling spaces	None required

XX. A portion of Section 16.14.080.B shall be amended as follows (old language ~~stricken~~; new language in *italics*), with all other portions of the section to remain unaltered:

B. Vehicular Access to City Streets and Alleys

1. Turnaround Areas

Off-street maneuvering and parking facilities (except for single-family *dwelling*s and ~~two-family dwellings~~ *duplexes*) shall be designed and constructed with turnaround areas to prevent back up movement onto streets.

XXI. A portion of Section 16.15.020.C.2.b shall be amended as follows (old language ~~stricken~~; new language in *italics*), with all other portions of the section to remain unaltered:

b. Landscape Areas

(1) The required front and street side yards of single-family residential *and duplex* lots shall be landscaped. For industrial, commercial and multi-family housing, the site area, excluding building footprints and, impervious surfaces, shall be landscaped.

XXII. A portion of Section 16.15.020.C.2.f shall be amended as follows (old language ~~stricken~~; new language in *italics*), with all other portions of the section to remain unaltered:

f. Buffering and Screening Required for Parking Lots and Service Areas Buffering and screening are required under the following conditions, except for single family dwellings *and duplexes*:

XXIII. A portion of Section 16.15.040.B.3 shall be amended as follows (old language ~~stricken~~; new language in *italics*), with all other portions of the section to remain unaltered:

3. Irrigation

Irrigation is required of all new development, except single family homes *and duplexes*. The intent of this standard is to assure that plants will survive the critical establishment period when they are most vulnerable due to a lack of watering and also to assure that water is not wasted through unnecessary or inefficient irrigation. Approved irrigation system plans shall specify **one** of the following:

XXIV. A portion of Section 16.15.040.E shall be amended as follows (old language ~~stricken~~; new language in *italics*), with all other portions of the section to remain unaltered:

E. Landscape Plans

Except for single family dwellings on a single lot (but not excluding subdivisions) *and duplexes*, landscape plans shall be submitted showing all existing and proposed landscape areas. Plans must be drawn to scale and show the type, installation size, number and placement of materials. Plans shall include a plant material list. Plants are to be identified by both their scientific and common names. The condition of any existing plants and the proposed method of irrigation are also to be indicated.

XXV. A portion of Section 16.15.040.F.2 shall be amended as follows (old language ~~stricken~~; new language in *italics*), with all other portions of the section to remain unaltered:

2. Except for single-family dwellings on a single lot (but not excluding subdivisions) *and duplexes*, a final Certificate of Occupancy shall not be granted until either landscaping is completed or an adequate bond or other security is posted for the completion of the landscaping, and the City is given written authorization to enter the property.

XXVI. A portion of Section 16.19.040 shall be amended as follows (old language ~~stricken~~; new language in *italics*), with all other portions of the section to remain unaltered:

16.19.040 Manufactured Home *Dwelling* Placement Standards

The following standards apply to the placement of manufactured ~~homes~~ *dwellings* on individual lots in residential zones outside of mobile home parks and manufactured home subdivisions, except for those areas (neighborhoods) where they are inconsistent with established, historical or other identifiable architectural residential construction patterns. All manufactured homes on individual lots in residential zones shall:

XXVII. A portion of Section 16.22.030.D shall be amended as follows (old language ~~stricken~~; new language in *italics*), with all other portions of the section to remain unaltered:

D. Lot Size Averaging

Single family *and duplex* residential lot size may be averaged to allow lots less than the minimum lot size in Residential zones, as provided by the provisions of Section 16.05.140 (Chapter 16.05).

XXVIII. A portion of Section 16.32.020 shall be amended as follows (old language ~~stricken~~; new language in *italics*), with all other portions of the section to remain unaltered:

DUPLEX: ~~A two family dwelling. A building with two attached housing units on one lot or parcel.~~ *Two attached dwelling units on one Lot or Parcel. Dwelling units may be attached or stacked.*

DWELLING: *Any room or group of rooms located in a residential building forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking, eating and sanitation of one family, not including motel or hotel units. The installation of an additional gas, electric or water meter or separate sewer service is evidence of establishment of an additional dwelling unit. Except for manufactured dwellings as defined in ORS 446.003, all dwelling units shall be constructed to conform to the Oregon Structural Specialty Code, the Low-Rise Residential Dwelling Code, or the Small Home Specialty Code.*

DWELLING, ACCESSORY: *A complete separate residential unit, including facilities for cooking and sanitation, provided either as a separate structure on the same lot or as part of a*

primary single-family residence. The dwelling may be an interior, attached or detached residential structure that is used in connection with, or that is accessory to, a single-family dwelling.

DWELLING, PRIMARY: A SINGLE-FAMILY DWELLING ON A LOT OR PARCEL, WHICH IS IDENTIFIED AS THE PRIMARY RESIDENCE TO BASE SIZE REQUIREMENTS FOR ACCESSORY DWELLING UNITS.

DWELLING, SINGLE-FAMILY (DETACHED): A detached building, or manufactured dwelling, other than a mobile home or trailer house, designed for and occupied by not more than one family, that is not attached to any other dwelling and is surrounded by open space and yards, *and is the only primary dwelling unit on the Lot or Parcel, or a part of a Cottage Cluster.*

DWELLING, SINGLE-FAMILY (ATTACHED): A SINGLE-FAMILY DWELLING ON ITS OWN LOT OR PARCEL, ATTACHED BY A COMMON WALL TO ANOTHER SINGLE-FAMILY DWELLING ON ANOTHER LOT OR PARCEL.

~~**DWELLING, TWO-FAMILY (DUPLEX):** A building with two dwelling units designed for and occupied by not more than 2 families living independently of each other.~~

MIDDLE HOUSING: *Means a duplex.*

~~**SINGLE FAMILY ATTACHED HOUSING (TOWN HOMES):** Two or more single-family dwellings with common end-walls.~~

~~**SINGLE FAMILY DETACHED DWELLING:** A single family dwelling with open space on all sides.~~

~~**SINGLE FAMILY DETACHED HOUSE:** A single family dwelling that does not share a wall with any other building.~~

~~**SINGLE FAMILY DETACHED ZERO LOT LINE HOUSE:** A single family detached house with one side yard setback equal to "0".~~

~~**SINGLE FAMILY DWELLING:** A structure containing one or more single family units occupying the building from ground to roof.~~

ZERO-LOT LINE HOUSE DWELLING: A single family detached house, *or attached or stacked duplex*, with one side yard setback equal to "0" feet. May or may not include a wall attached to adjacent home(s).

EXHIBIT B
LEBANON CITY COUNCIL FINDINGS
Planning File No. DCA-21-01

I. NATURE OF THE APPLICATION

This matter comes before the Lebanon City Council on the application of the City of Lebanon to amend the Lebanon Development Code.

II. BACKGROUND INFORMATION

The City wishes to amend the Lebanon Development Code to adopt code amendments related to duplex housing development and accessory dwelling units within all zones which allow residential development to comply with HB 2001. Exhibit "A" contains the specific code amendments.

III. PUBLIC HEARINGS

A. Planning Commission Action

A public hearing was held on this application before the Lebanon Planning Commission on April 21, 2021. At that hearing, City Planning File No. DCA-21-01 was made a part of the record. Notice of the hearing was published consistent with the requirements in Chapter 16.20 of the Lebanon Development Code for a legislative review process. No objection was raised as to jurisdiction, conflicts of interest, or to evidence or testimony presented at the hearing.

At the conclusion of the hearing, the Planning Commission deliberated on the issue and voted to recommend the City Council adopt the proposed amendments to the Lebanon Development Code. The Commission found the proposed changes consistent with the applicable decision criteria.

B. City Council Action

The City Council conducted a public hearing to consider the application on May 12, 2021. At that hearing, City Planning File No. DCA-21-01 was made a part of the record. Notice of the hearing was published consistent with the requirements in Chapter 16.20 of the Lebanon Development Code for a legislative review process. No objection was raised as to jurisdiction, conflicts of interest, or to evidence or testimony presented at the hearing. At the conclusion of the hearing, the City Council found the proposed code amendments were consistent with the applicable decision criteria and approved the Ordinance.

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 City of Lebanon.**
Ordinance Bill No. 2020-01, Ordinance No. 2957

- B. The proposal includes amendments to the Lebanon Development Code related to duplex housing development and accessory dwelling units within all zones which allow residential development to comply with HB 2001. Exhibit "A." contains the specific code amendments.
- C. The decision to approve or deny shall be based on criteria contained in the Lebanon Development Code: Chapter 16.28 – Comprehensive Plan and Development Code Text Amendments.

V. APPLICATION SUMMARY

- A. The proposal includes amendments to several sections of the Lebanon Development Code related to duplex housing development and accessory dwelling units within all zones which allow residential development to comply with HB 2001. Exhibit "A." contains the specific code amendments.
- B. The Department sent out notice of the Code amendments to affected agencies and the Department of Land Conservation (DLCDC). DLCDC reviewed the proposed ordinance and recommended minor revisions. These revisions have been incorporated into the ordinance language presented to the Planning Commission and City Council.

VI. CRITERIA AND FINDINGS

Chapter 16.28 of the Lebanon Development Code establishes the procedures and criteria for amending the text of both the Comprehensive Plan and Development Code.

- A. Section 16.28.010 identifies the purpose of text amendments while Section 16.28.020 identifies the various types of amendments. The proposed changes involve only the text of the Development Code; amendments to the Comprehensive Plan are not required.
- B. Section 16.28.030 identifies those agents authorized to initiate a text amendment. Conforming to provisions in this Section; staff initiated this action to comply with State requirements.
- C. Section 16.28.040 requires the City Recorder to maintain records of all changes to the Development Code. This administrative process requires City compliance.
- D. Sections 16.28.050 and 16.28.060 require all proposed amendments to the Comprehensive Plan Text shall be consistent with Oregon's Statewide Planning Goals, and with all adopted facility plans, including the Transportation System Plan. These Sections do not apply, as the proposal does not amend the Comprehensive Plan.
- E. Section 16.28.070 requires Development Code amendments to be consistent with the City's Transportation System Plan.

FINDING: The proposed code amendments are limited to development of duplexes in

the same manner as single-family dwellings within all residential zones. Each residential zone already permitted duplex development and has been accounted for as part of the Transportation System Plan. With the reduction in minimum lot area requirement for duplexes in all zones, there is a minor anticipated capacity increase to the transportation system. However, the transportation system within the residential zones is already designed to accommodate residential local traffic. Inclusion of the anticipated capacity would not result in a change in design to the local street system as planned in the Transportation System Plan.

- F. Section 16.28.080 outlines the process for text amendments. This is a legislative action pursuant to Chapter 16.20 and requires hearings before both the Planning Commission and City Council. The Commission reviews the request and makes recommendation to the Council. The final decision on this matter rests with the City Council. For the record, the Commission hearing and process comply with the requirements for a legislative action.
- G. Specific decision criteria are contained in Section 16.28.090. The City may approve a Development Code Amendment application if it satisfies the relevant Decision Criteria: Oregon Department of Land Conservation and Development administrative rules, applicable Statewide Planning Goals, applicable provisions of the Lebanon Comprehensive Plan, and any other applicable and relevant facility or special area plans, specific projects or goals adopted by the City.

FINDING: The following provides support for the criteria:

1. DLCD Administrative Rules – On December 9, 2020 the Land Conservation and Development Commission adopted Division 46 Middle Housing in Medium and Large Cities which were codified in Sections 660-046-0000 through 660-046-0130 of the Oregon Administrative Rules.
 - Section 660-046-0000 Purpose – Identifies the purpose of the OARs. *This section is for information purposes and no compliance through code amendment is required.*
 - Section 660-046-0010 Applicability – This section identifies a local government that is a Medium City (Population between 10,000 to 25,000) shall comply with Division 46 requirements and provides direction on code compliance in relation to Statewide Planning Goals. *The code amendments proposed comply with all rules in Division 46, and applicable regulations established in HB 2001. In following sections, compliance with Statewide Planning Goals is established.*
 - Section 660-046-0020 Definitions – Provides applicable definitions for clarification of the OARs and to incorporate the definitions as required in the development code. *The proposed code amendments incorporate the State definitions as applicable for medium cities within the City's development code.*
 - Section 660-046-0030 Implementation of Middle Housing Ordinance – Requires Cities to file a Post Acknowledgment Plan Amendment with DLCD; consider methods to increase the affordability of Middle Housing through ordinance or

policies that must include but are not limited to: waiving or deferring System Development Charges, adopting or amending criteria for property tax exemptions, and assessing a construction excise tax; and consider whether the amendments significantly affect an existing or planned transportation facility.

The City filed a PAPA with DLCD on March 17, 2021 in compliance with the minimum 35-day notice prior to the first hearing scheduled on April 21, 2021.

For the consideration of methods to increase affordability of middle housing, the Planning Commission held a work session on March 17, 2021 to discuss the anticipated code amendments to comply with HB 2001, and consider the three identified methods established in the OARs for reducing housing costs. The Planning Commission discussed the merits of each method and directed City staff to conduct additional analysis on waiving, deferring, and reducing SDCs, and property tax exemptions or reductions, and conduct a future work session to further consider the incentives. The work session was an open public meeting.

As established in the previous finding, in subsection E of this Section, the City does not anticipate any significant effects on the transportation system plan as the City development code was largely compliant with the middle housing standards and there is minimal increased capacity as a result of HB 2001 required amendments.

- Section 660-046-0040 Compliance – Established the code amendment adoption date of June 30, 2021 for medium cities, and procedures if the code amendments are appealed to the Land Use Board of Appeals. *The code amendments for the City of Lebanon are subject to a public hearing before the Planning Commission on April 21, 2021 and the City Council on May 12, 2021 with an effective date 30 days after Council decision, on June 13, 2021. The City complies with the adoption requirements.*
- Section 660-046-0050 Eligible Local Governments – This section discusses when a City if not previously categorized as a Medium City becomes one, it shall comply with middle housing standards within two years. *This section does not apply to the City of Lebanon.*
- Section 660-046-0100 through 660-046-130 Provisions Applicable to Duplexes in Medium Cities – These sections identify the specific code requirements that must be complied with to meet the middle housing standards for medium cities. *The City has developed an ordinance to adopt required code amendments to comply with HB 2001 and the OARs. The draft code amendments were reviewed by DLCD to verify compliance. DLCD has identified the code language as drafted in this ordinance and included in Exhibit “A” follows the OARs and HB 2001.*

2. Statewide Planning Goals – Compliance with the Statewide Goals is noted as follows:

Goal 1 - Citizen Involvement: The development code amendment process follows the legislative review process. A Post Acknowledgement Plan Amendment was filed

with DLCD on March 17, 2021. A public notice was issued on April 1, 2021 to all interested parties and was published in the local newspaper to advertise the Planning Commission public hearing scheduled for April 21, 2021. At the April 21, 2021 Planning Commission meeting, the Planning Commission held a public hearing to solicit public comment and make a recommendation on the proposed code amendments to the City Council. In compliance with state law, a public notice was issued 20 days prior to the City Council public hearing with information on how the public may participate in the City Council public hearing process and the recommendation made by the Planning Commission. The City Council public hearing was held on May 12, 2021. By following the legislative review process, the City is consistent with the intent of the Goal.

Goal 2, Land Use Planning: The development code amendment includes modifications to allow for duplexes in the same manner as single-family residences within all residential zones. These amendments are proposed to comply with the Statewide Land Use Planning goal of providing middle housing for medium and large cities. With compliance of HB 2001 and the State OARs, the proposed amendments ensure compliance with purpose and intent of this Goal.

Goal 3, Agricultural Lands: The proposal does not involve or affect farmland. An exception to this goal is not required.

Goal 4, Forest Lands: The proposal does not involve or affect identified forestland. An exception to this goal is not required.

Goal 5, Open Spaces, Scenic and Historic Areas, and Natural Resources: The proposed changes to the Code do not alter existing regulations that affect identified historic, cultural, or natural resources within Lebanon. As part of the code amendment, duplexes will be permitted in all residential areas where development is permissible for single-family dwellings. This code amendment does not eliminate other code requirements and overlay zones regarding protection of historical or natural resources.

Goal 6, Air, Water and Land Resource Quality: Nothing in this amendment establishes or promotes land uses that adversely affect air, water or resource quality issues.

Goal 7, Natural Hazards: The Code amendment does not alter development requirements for natural hazard areas; these remain in force.

Goal 8, Recreational Needs: The proposed changes do not create uses that adversely affect recreational opportunities or involve land identified for recreational purposes.

Goal 9, Economic Development: The code amendment is limited to residential zones and the Mixed-Use zone. For the Mixed-Use zone, residential development is already permissible, including duplex development. As such, the code amendments would not impact the City's ability to implement industrial or other employment development policies.

Goal 10, Housing: The amendments implement changes directed by HB 2001 which seek to improve the availability of needed housing and missing middle housing. The code amendments result in minimal change to the City's development code and buildable lands inventory, as the City already largely permitted duplexes in all residential zones in the same manner as single-family dwellings. In evaluation of the Buildable Lands Inventory completed in 2019 as part of the updated Housing Needs Analysis, the City has a large surplus of Low-Density Residential Lands, the minimum required lands in the Medium Density Residential designation, and a minor surplus of High Density Residential and Mixed Use designation for residential development. ORS 197.296(6)(b), as amended by HB 2001, allows jurisdictions to assume up to a three percent increase in zoned capacity, unless it is demonstrated by a quantifiable validation that the anticipated capacity would be greater. Duplexes are already permitted in all residential zones. Within the Low-Density Residential Zone, to comply with HB 2001, the minimum lot area requirement for a duplex would be reduced from 10,000 square feet to 5,000 square feet, and for all other zones, the minimum lot area would be reduced from 7,000 square feet to 5,000 square feet. This amendment would result in an increased capacity in all residential zones as additional lots would now be eligible for duplex development. However, as the code amendments limit duplexes to an attached/stacked development option, or conversion of an existing single-family dwelling, it is anticipated that the majority of the development would be new development, or redevelopment of an existing property. With the attached dwelling requirement, the infill development path is not included, where an additional unit would be added to a vacant portion of an already improved lot. It may also be reasonably assumed that not all future development and redevelopment within the zone would be for duplex development. As such, with all residential zones already permitting duplex development, and with consideration of the Buildable Land Inventory and availability of land for development and redevelopment, it is appropriate to assume no more than a three percent increase in zone capacity in compliance with ORS 197.296(6)(b) and no further analysis of facility plans or comprehensive plan amendments is required at this time. As the City updates the facility master plans, and initiates an update to the Comprehensive Plan, further consideration of the impacts of middle housing on land capacity would be included and updates to the Housing Needs Analysis may be appropriate.

Goal 11, Public Facilities and Services: The amendment does not affect the City's ability to provide public services or requirements for public service connections.

Goal 12, Transportation: The proposed Code revisions do not create a significant increase in uses or activities beyond the existing anticipated build out that affect the City's transportation facilities.

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

Goal 14, Urbanization: The proposed amendments address urban uses within an urban environment.

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.

In general, the proposed amendments are consistent with Goal provisions, or, the amendments do not directly affect Goal provisions.

3. Lebanon Comprehensive Plan – The Comprehensive Plan consists of ten Chapters with each Chapter addressing specific land use issues such as housing or natural resources. Each Chapter is reviewed below:

- Chapter 1: Introduction - This introductory Chapter describes the Comprehensive Plan, its relationship to the Statewide Land Use Goals, the Citizen Involvement program and key terminology. As introductory provisions, this Chapter does not directly apply to the proposed text amendments.
- Chapter 2: Natural Environment – The Chapter address goals and policies related to the City’s natural environment.

This Chapter does not apply, as the Code amendments do not establish new regulations involving wetlands, wildlife habitat or other resources identified as requiring preservation or protection.

- Chapter 3: Urbanization – This Chapter provides the basic framework for future urban development within the City, including public facility provisions and annexations.

As identified in the Goal 10 Findings for the Statewide Planning Goals, the code amendments would result in a limited increase to capacity for residential development in the City. The Code amendments result in minor modifications to the development code to authorize duplexes in the same manner as single-family dwellings. Based on the anticipated capacity increases, there are no needed amendments to the adopted facility master plans, transportation system plan or the 2019 housing needs analysis.

- 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 Comprehensive Plan already provides extensive opportunities for a mix of housing types within each residential zone. Table 4-1 (City of Lebanon Comprehensive Plan Land Use Categories) identifies the purpose for each residential land use designation. Each residential land use designation incorporates duplex development as an acceptable residential use within each designation. In addition, the following policy supports the code amendments:

- *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 and open space bonuses.*

- Chapter 5: Population & Economy – This Chapter addresses trends affecting both population growth and economic development.

The proposed code amendments would provide additional housing opportunities within the residential zones, which may result in an increase in population. There are no goals or policies within this chapter that directly relate to the code amendments.

- Chapter 6: Housing – This Chapter establishes the City’s Goals and Policies related to Housing.

As noted, the amendments implement changes directed by HB 2001 and the adopted OARs, which seek to improve the availability of needed middle housing. The City’s development code is largely compliant with HB 2001 and would result in minor amendments, with limited increased capacity for residential development based on the reduction of minimum lot area requirements. The evaluation of the buildable lands inventory in Goal 10 Statewide Planning Goals applies to this section as well, concluding that the anticipated capacity growth as a result of the code amendments would not require further analysis of the city’s facility master plans, transportation system plan or housing needs analysis. In addition, the code amendments support the following goals and policies regarding housing in the comprehensive plan:

- *G-1: Providing housing policies and practices that increase housing opportunities for all citizens.*
 - *G-2: Encouraging the availability of adequate numbers of needed housing units at price ranges and rent levels that are commensurate with the financial capabilities of community households, and to allow flexibility of housing location, type, and density.*
 - *P-11: Periodically review the Zoning Ordinance and other land use regulations to assure that barriers do not inhibit the building of the variety of types and densities of housing that is affordable for all segments of Lebanon’s residents.*
 - *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.*
 - *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.*
 - *P-41: Periodically review ordinances for applicability to the current trends in the housing market to ensure the new concepts in housing are not restricted unduly by regulations.*
- 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.

Policies in this Chapter focus on design elements to improve density and housing options while encouraging mixing or combining land uses (residential, commercial, industrial, public) to increase urban livability. Therefore, this Chapter does not directly apply to the request.

- 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 amendments do not change functional classifications or performance standards for transportation routes.

- 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 development.

Uses allowed by the amendments do not prohibit or restrict the ability to provide necessary public services.

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

This Chapter does not apply as the proposal amends only the Development Code text; there are no changes to the Comprehensive Plan or Zoning maps.

4. Other Facility Plans or Projects - In reviewing other documents, Department staff did not identify any plans or policies that apply to the proposed Code amendments.

VII. CONCLUSION

Based on the above findings, the City Council concludes the proposed amendments to the Development Code are consistent with the applicable decision criteria.

Agenda Item 2



925 S. Main Street
Lebanon, Oregon 97355

TEL: 541.258.4918
www.ci.lebanon.or.us

MEMORANDUM

Engineering Services

To: Mayor Aziz and City Council

Date: May 3, 2021

From: Ron Whitlatch, Engineering Services Director

Subject: **APPROVAL OF ROAD TRANSFER AGREEMENT AND IGA**

Airport Road/Stoltz Hill Road Traffic Signal
Project No. 20709

I. INTRODUCTION

Over the past year, Staff has been working on the logistics of a new Traffic Signal at the intersection of Airport and Stoltz Hill Roads in conjunction with the Applegate Landing Development. Stoltz Hill Road (south of Airport Road) is currently under the jurisdiction of Linn County, while Airport Road and the north leg of Stoltz Hill Road (being constructed with the Applegate Landing Development) are under City of Lebanon Jurisdiction.

Staff has been working with Linn County to develop an IGA and Road Transfer Agreement for the signal installation and improvements to Stoltz Hill Road (South of Airport Road). The IGA provided splits the costs of roadway, drainage, and pedestrian improvements along the portion of Stoltz Hill Road that is impacted by the Project. The IGA also identifies a 25% contribution to the cost of the traffic signal by Linn County. Upon completion of the project, the City will have jurisdiction of a portion of Stoltz Hill road from Airport Road to approximately 140 south along Stoltz Hill Road.

Per the attached IGA and conditions of development for Applegate Landing, the funding for the project is as follows:

- Stoltz Hill Improvements (South of Airport Road) - 50/50 split between City of Lebanon and Linn County.
- Traffic Signal Costs – 25% Linn County, 25% Applegate Landing, and 50% City of Lebanon.
- Stoltz Hill Roadway Improvements (north of Airport Road) – 100% Applegate Landing Development.
- Airport Road Improvements – 100% City of Lebanon.

II. RECOMMENDATION

Staff recommends that City Council approve the attached Resolution and IGA for the Airport Road/Stoltz Hill Traffic Signal Project and Road Transfer Agreement with Linn County.

**RESOLUTION REQUESTING THE BOARD OF
COMMISSIONERS OF LINN COUNTY TO
SURRENDER JURISDICTION OF CERTAIN
COUNTY ROADS**

) **RESOLUTION NO. 2021-07**
)
)
)

WHEREAS, the City Council of the City of Lebanon deems it necessary, expedient and for the best interest of the City of Lebanon to obtain jurisdiction over certain portions of Linn County Roads.

NOW, THEREFORE, be it resolved by the Council of the City of Lebanon as follows:

SECTION 1:

The City Council of the City of Lebanon hereby determines that it is necessary, expedient, and for the best interests of the City of Lebanon to accept jurisdiction over certain portions of Linn county roads described in Exhibit "A" attached hereto.

SECTION 2:

The City Council of the City of Lebanon hereby requests the Board of Commissioners for Linn County the surrender of jurisdiction of said portions of Linn County Roads.

SECTION 3:

A copy of this resolution shall be forwarded by the City Manager of the City of Lebanon to the Board of Commissioners of Linn County upon the passage hereof.

SECTION 4:

This Resolution shall be effective immediately upon passage.

Passed by the Lebanon City Council and executed by the Council President on this 12th day of May 2021, by a vote of _____ yeas and ____ nays.

CITY OF LEBANON, OREGON

Paul R. Aziz, Mayor
Jason Bolen, Council President

ATTESTED:

Kim Scheafer, MMC, City Recorder

EXHIBIT A

AIRPORT ROAD/STOLTZ HILL ROAD INTERSECTION IMPROVEMENT & JURISDICTIONAL TRANSFER

INTERGOVERNMENTAL AGREEMENT

(Pursuant to Linn County Resolution & Order No. 2021-086)

THIS AGREEMENT is made and entered into by and between the City of Lebanon, a municipal corporation of the State of Oregon, (City) and Linn County, a political subdivision of the State of Oregon, (County) the promises of each being given in consideration of the promises of the other.

RECITALS

1. WHEREAS, ORS. 190.003 et seq. provides for intergovernmental cooperation in the interest of furthering economy and efficiency of local government; and
2. WHEREAS, ORS. 190.003 for purposes of such intergovernmental cooperation defines a unit of local government as including a county, city, district, or other public corporation, commission, authority, entity organized and existing under statute or city or county charter; and
3. WHEREAS, OR 190.010 provides that a unit of local government may enter into a written agreement with any other unit or units of local government for the performance of any or all functions and activities that a party to the agreement, its officers or agencies, have authority to perform; and
4. WHEREAS, Stoltz Hill Road (CR0739) right-of-way, from the intersection of Airport Road (CR0707) southwesterly approximately 140 linear feet to the south property line of tax lot 12S 02W 15CA 00800, hereinafter referred to as "Project", is a road under the jurisdiction of County, lying partially or entirely within the incorporated limits of City, and is in need of improvement.
5. WHEREAS, City and County desire to make certain roadway improvements to Project including installation of an intersection traffic signal, roadway reconstruction, striping, curb & gutter, sidewalks/multi-use paths, access ramps, driveways, and a minor extension of a storm drainage system, hereinafter referred to as "Improvements;" and
6. WHEREAS, County desires to forfeit jurisdiction of Project and City desires to obtain jurisdiction of Project prior to completion of Improvements.

NOW THEREFORE, the premises being in general as stated in the foregoing recitals, it is agreed by and between the parties hereto as follows:

TERMS OF AGREEMENT

City will develop the plans and specifications, as well as provide construction management for the Improvements to the Project.

A. COUNTY OBLIGATIONS

1. County shall review and comment on the proposed construction drawings and specifications prior to award of any construction contract. County shall provide funding to cover one-quarter of the contract construction cost of the traffic signal Improvements to the Project (including unforeseen change orders), and one-half of the contract construction cost for roadway improvements to Stoltz Hill Road (including roadway reconstruction, striping, curb & gutter, sidewalks/multi-use paths, access ramps, driveways, minor extension of a storm drainage system, restoration, and unforeseen change orders, but excluding any domestic water or sanitary sewer facility work) subject to the maximum amount shown in A.2. below.
2. After City opens bids but before contract is awarded, County shall provide bid award recommendation concurrence to City. Upon concurrence, County shall be obligated to cover construction costs associated with improvements as described in A.1. above.
3. County shall reimburse City during construction every two months based on construction pay estimates for approved Improvements
4. County shall surrender jurisdiction of Project by appropriate Board of Commissioners action prior to completion of the Improvements.

B. CITY OBLIGATIONS

1. City shall prepare plans, specification, and contracts for the Improvements. City shall also advertise for bids and award the contract for Improvements (upon County concurrence).
2. City shall provide County a cost estimate prior to bidding for budgeting purposes only. Actual reimbursement from County shall be based on actual costs for approved construction work.
3. City shall provide construction management and inspection for the duration of the construction of Improvements, which will include preparation of invoicing to County.
4. After City opens bids, but before contract is awarded, City shall provide bid award recommendation to County for concurrence.

5. City shall request jurisdiction of Project by appropriate Council action prior to the completion of the Improvements.

C. GENERAL PROVISIONS

1. This agreement shall become effective upon the date that each party has signed this agreement and shall terminate upon parties, completion of all obligations listed below or by mutual consent of both parties.
2. Any termination of this Agreement shall not prejudice any rights or obligations accrued to the parties prior to termination.
3. To the extent allowed by Oregon Constitution and ORS 30.260 through 30.300 each party agrees to defend, indemnify, and – hold harmless the other party, its officers, agents, and employees, against any claims for injury or damages and all loss, liability, cost, or expense, including court costs and attorney fees, which may result from that party's actions or failures to act pursuant to the terms of this agreement.
4. Upon reasonable written notice and during the normal business day each party may inspect, audit and copy the financial management records of the other party pertaining to the services performed under this agreement.
5. At all times each party shall be responsible for its own costs and attorney fees.
6. This agreement and attached exhibits constitute the entire agreement between the parties. Any modification to this agreement shall be in writing signed by the parties.

[Signature page follows]


IN WITNESS WHEREOF, the parties hereto have set their hands and affixed their seals as of the day and year hereinafter written.



CITY OF LEBANON

LINN COUNTY, by and through its Board of Commissioners


By _____
Mayor

By 
Roger Nyquist, Chairman

Date _____

By 
Sherrie Sprenger, Commissioner

APPROVED AS TO LEGAL SUFFICIENCY

By 
William C. Tucker
Commissioner


By 
City Attorney

Date 4-6-2021

APPROVED AS TO CONTENT

By 
Wayne Mink, Roadmaster

APPROVED AS TO LEGAL SUFFICIENCY

By 
Eugene J. Karandy II, County Attorney

RETURN AGREEMENT TO:
Wayne Mink, Roadmaster
3010 Ferry St SW
Albany, OR 97322

Agenda Item 3



MEMORANDUM

John Kennedy, City Attorney

To: City Council
From: John Kennedy, City Attorney
Subject: Updated Parks Definition LMC 12.12.015

Date: May 3, 2021

This ordinance amends the Lebanon Municipal Code by clarifying the definition of city parks. The current definition has resulted in uncertainty in enforcement of park exclusions. This amendment clarifies the physical limits of the park for purposes of enforcement.

**A BILL FOR AN ORDINANCE AMENDING
CHAPTER 12.12.015 OF THE LEBANON
MUNICIPAL CODE PARKS AND PUBLIC
PLACES**

) **ORDINANCE BILL NO. 2021-09**
)
)
) **ORDINANCE NO. 2965**
)
)

WHEREAS, Oregon law provides that Municipalities may adopt rules and regulations necessary for the health and safety of its citizens; and

WHEREAS, LMC 12.12.015 establishes regulations for Parks and Public Places; and

WHEREAS, the City Council has heard the report of the Lebanon City Attorney and the Lebanon Police Chief and comments from staff; and

WHEREAS, the City Council finds that amending the definitions section of the Parks and Public Places chapter will be useful and effective in clarifying the boundary line of public areas and is important to the public safety and welfare of the City of Lebanon that the boundary line expressly set.

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

Chapter 12.12.015 is amended to read:

The following definitions shall apply for the purposes of this chapter:

"Alcoholic beverage" is any beverage having an alcoholic content of more than one-half of one percent by volume.

"City park" is defined to mean all City of Lebanon owned or maintained parks, playgrounds and public recreation areas. **The park boundaries include all sidewalks, vanity strips, and curbs in the designated area, and extend through any adjacent streets to include all city right of ways in the designated zone.**

"Public space" is a place to which the general public has access and includes, but is not limited to, highways, streets, parks and playgrounds or designated public recreational areas.

"Roller skates" or "roller blades" means a shoe or boot with a set of wheels attached for skating over a flat surface. These terms also include a metal frame with wheels attached that can be fitted to the sole of a shoe or boot.

"Scooter" means a foot-operated vehicle, consisting of a narrow board mounted between two wheels tandem with an upright steering handle attached to the front wheel.

"Skateboard" means a board or similar platform made from any substance mounted on wheels.

"Smoke" or "smoking" means the carrying or holding of a lighted pipe, cigar, cigarette or other lighted smoking product or equipment used to burn any tobacco products, weed, plant, or any other combustible substance. Smoking also includes the use of any inhalant delivery system, which includes any device that can be used to deliver nicotine in the form of a vapor or aerosol to a person inhaling from the device. Smoking does not include any product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product.

Passed by the Lebanon City Council and executed by the Council President on this 12th day of May 2021 by a vote of ____yeas and ____nays.

CITY OF LEBANON, OREGON

Paul R. Aziz, Mayor	<input type="checkbox"/>
Jason Bolen, Council President	<input type="checkbox"/>

ATTESTED BY:

Kim Scheafer, MMC, City Recorder

Agenda Item 4



CITY MANAGER'S REPORT

Reporting period: April 2021

I. A. ADMINISTRATION – Nancy Brewer, Interim City Manager

- The organization completed work on the Proposed Budget for Budget Committee review in May.
- Directors met to briefly discuss the Linn County move back to Extreme Risk category and office closures.

B. HUMAN RESOURCES – Angela Solesbee, HR Director

- Recruitment:
 - LINX Driver – Part Time
 - Interviews scheduled
 - Help Desk – Temp Position
 - Position posted and open until 5/7
- Benefits:
 - Business as usual.
- Classification and Compensation:
 - Job Description review underway. Expected completion will be 12 full months as JD's will be reviewed by each employee and supervisor during their annual evaluation.
- Training and Development:
 - April all employee training – Ethics for Everyone
 - May all employee training – Safe Driving: Distracted Driving
 - HR policies for review by all employees for May/June.
 - Workplace Security
 - Employee Health & Safety
 - Family Medical Leave
 - Communications & Confidentiality
 - HR policies to be completed but will not be sent out for employee review
 - Media Communications
 - Nepotism
 - Employee Incurred Expenses & Reimbursement
 - Engaging Leadership (Leadership Development Training)
 - May will be training on OFLA/FMLA
- Performance Management:
 - 43 employees have had a performance evaluation in the past year
 - 19 evaluations are past due as of 4/30
 - Police Department evaluation process is underway effective with employee anniversary dates in April 2021

II. CITY RECORDER – Kim Scheafer, MMC, City Recorder

- **City Council Meetings:** Regular Session May 12, 2021

THE CITY THAT FRIENDLINESS BUILT

- **Miscellaneous:**
 - The City Recorder and Deputy City Recorder continue to work remotely. Some of the projects we have been working on are:
Web page updates, Facebook posts, processing press releases, CC meeting minutes, public records requests, liquor license processing, meeting agendas and packets, directing web page inquiries, and adding search content to records that have been transferred into the State's Records Management System (ORMS).
- **Public Records Requests:** Two public records requests have been received since the last packet was published.
- **Liquor Licenses:** No liquor license applications have been received since the last packet was published. The annual renewal list was received from OLCC and is on the Agenda for approval

III. COMMUNITY DEVELOPMENT – Kelly Hart, Director

A. Planning:

- The Planning Commission held a meeting on April 21, 2021 and conducted two public hearings. An application for a Planned Development for a phased construction of a mini-storage facility on E Airport Road, behind the Safeway grocery store was unanimously approved. The code amendments to implement HB 2001 were also presented to the Planning Commission, and the Commission recommended the City Council approve the code amendments in a 4-1 vote. The HB 2001 amendments will be presented to the City Council at the May meeting.
- The May Planning Commission meeting will include public hearings for an annexation, two subdivisions, a conditional use permit, and an administrative review, as well as a policy consideration for a proposed development.
- In April, two applications were approved administratively:
 - Property Line Adjustment to alter the property lines between two properties on Berlin Road to gain setback and access compliance for an existing parcel.
 - Class II Variance for a 15% reduction of the street side setback for a new storage building for a property on Airway Road.
- Staff is currently processing eight planning projects:
 - Conditional Use Permit CU-21-01 for the operation of a brewery and food pod at the southern intersection of Airport Road and Primrose (Application is scheduled for the May Planning Commission meeting)
 - Subdivision S-21-02 for a proposed single-family attached and detached subdivision on Jadon Drive and S 5th Street (Application has been deemed incomplete. Staff is awaiting submittal of revised plans)
 - Administrative Review AR-21-02 for construction of a 116-unit apartment complex at the western terminus of Weldwood Drive (Application is scheduled for public hearing during the May Planning Commission meeting)
 - Subdivision S-21-03 for a 4-lot subdivision on River Road (Application is scheduled for a public hearing during the May Planning Commission meeting)
 - Annexation A-21-02 for the annexation of a property on Kees Street (Application is scheduled for a public hearing during the May Planning Commission meeting, and June City Council meeting)
 - Subdivision S-21-04 for a 12-lot subdivision on Kees Street (Application is scheduled for a public hearing during the May Planning Commission meeting)
 - Minor Land Partition MLP-21-04 for the division of a parcel into two legal lots for the separation of the Safeway service station from the grocery parcel (Public notice has been issued for this application)
 - Minor Land Partition MLP-21-05 to partition a second parcel for a future commercial development on Burdell Road (Public notice has been issued for this application)
- Two DRT meetings were held during the month of April. Discussion included interest in a commercial development, expansion of an existing industrial business, redevelopment/reuse of a property on Highway 20, expansion of an existing church, and the Lebanon Fire District building proposal.
- RARE Student Grant Application: The City has applied for a Resource Assistance for Rural Environments Grant to provide an AmeriCorp Member to assist the City on several projects. The three projects included for funding were: Update the City's Parks and Trails Master Plan; Assist with the evaluation and development of an Economic Resiliency Plan for the City; and Evaluate the current status of the City's 2040 Vision and Strategic Plan and assist in the

identification of feasible goals to achieve in the next 5 years. The City has been notified that our application has been chosen to move on to the next step in the application process. At the end of April, staff participated in an interview as part of the community screening process.

- Arts Commission and the LDA: Based on direction provided by Council, staff reached out to the LDA to identify if there is an interest to house the Arts Commission in their organization. The LDA indicated an enthusiastic interest. A meeting has been scheduled for May 18th with City staff and the LDA to discuss specific details associated with the transfer and will report back to the City Council at the June meeting.

B. Building:

- The city processed 84 permits in March. Total fees received were \$100,005.17 and valuation of construction was \$29,532,381.50. By comparison, in March 2020, 49 permits were processed. Total fees received were \$40,735.85 and valuation of construction was \$2,443,056.12.
- A current list of the larger construction sites include:
 - Applegate Landing Apartments (Stoltz Hill Road and Airport Road)
 - Village Loop Apartments (Mill Race Development)
 - Riverside Banks Subdivision and Duplexes (Williams Street)
 - Mill Race Multi-Use Building (Hwy 20, north of Reeves Pkwy)
 - Redbud Apartment Complex (Russell Drive)
 - ODVA office and storage Building (Hansard Ave.)
 - Western University of Health Sciences Tenant Improvements (S Santiam Hwy)
 - Prism Manor Apartments (Franklin Street)

C. Economic Development:

- **Economic Development Catalyst:** Alysia Rodgers had a healthy happy baby boy on April 3, 2021. She is currently on maternity leave, and Kelly Hart is filling in for her role in her absence.
- **Biz Oregon and CDBG update:** Upon further analysis of the CDBG limitations to assist with the Senior Center telemedicine program, the Senior Center has decided to forego pursuing the CDBG application and utilize the upcoming ARP monies to fund the program. This will provide a greater level of flexibility to serve the senior community, with less reporting requirements. Members of the MVP group also met with Biz Oregon and the CDBG representative to discuss potential regional CDBG applications for economic recovery and development.
- **Mid Valley Partners (MVP) Meeting:** On April 8, 2021, the 8-city coalition met in Harrisburg to discuss re-engagement of the group, project priorities and funding. It was agreed the group would meet quarterly to keep the initiatives agreed upon in the MOU moving forward. The current initiative focus is identification of a consulting firm to assist in defining the mission statement, goals, policies, and brand for the regional economic development group, and identify grant funding.
- **RAIN Economic Development Advertising Video:** As part of this year's RAIN contract, the City of Lebanon has an opportunity to film an advertisement for the City to promote business opportunities and growth in our community. Rebecca Grizzle as the Chamber of Commerce President, and Cassie Cruz for the Downtown Association participated in the filming on Wednesday, April 28th. Once the film is edited, the marketing materials will be available for the City, Chamber and LDA to utilize. Another marketing film is being produced for the regional economic development MVP program as well.
- **Business Oregon PPE Pre-Packaged Deliveries to Businesses:** Another round of PPE has been delivered through Business Oregon to the City for distribution to all businesses with 500 or less employees in the City of Lebanon. The Chamber of Commerce and the Downtown Association have agreed to continue being the distribution hubs for businesses to collect the available PPE.

IV. ENGINEERING SERVICES – Ron Whitlatch, Director

- City Crews are continuing to televise the Existing Westside Interceptor in an effort to identify areas with high infiltration and inflow rates. Staff is currently designing several projects for construction. The project construction timeframe has been put on hold due to capital expenses at the Wastewater Treatment Plant, but design will continue.

- City Staff has taken over operations of the Wastewater Plant. Currently, we have a contractor replacing approximately 50 - 4- and 6-inch valves that were inoperable. A majority of the work has been complete with the remaining valves to be done this summer during low flow conditions.
- Three reputable Engineering Firms (Kennedy Jenks, West Yost, and Carollo) submitted proposals for the Wastewater Facility Plan Update. Staff has reviewed/scored the proposals and determined that Kennedy Jenks scored the highest of the three firms. We are currently negotiating a scope and fee estimate with Kennedy Jenks to complete the master plan. Once a final scope/fee has been established, Staff will bring a contract for approval to the City Council. The master plan process will likely take two years to complete as it will need DEQ review and approval. This effort will also tie into the issuance of a new NPDES Permit (issued by DEQ).
- Staff is continuing to work with Build Lebanon Trails on multiple projects. The Old Mill Trail is the next priority. Staff has completed the design of the trail. Due to timing and workload, City Staff will not be able to construct the trail this summer. This segment of trail will be built privately this summer and then turned over to the City since funding for the trail is being provided by BLT and the property owner (no City Funds).
- The Oregon Marine Board has developed a design and specifications for the new dock at Gills Landing. Staff is currently requesting quotes from dock manufactures. This project is being funded by FEMA as we lost the dock in the 2019 high flow event on the South Santiam River.
- David Evans and Associates is currently modeling the City's Eastside Interceptor. This data will be used to verify any changes needed in the system associated with continued development off of the east end of Milton Street. Additional data has been requested by DEA in order to provide a more detailed report. This study is now scheduled to be complete in early spring 2022 in order to capture more wet weather data.
- Staff is continuing to work through the details for the next phase of the Westside Interceptor Project. Udell Engineering has the project approximately 85% designed. Currently, we are working through the Environmental Permitting Process (wetlands, storm water quality), financial, and planning documents that are required to receive Clean Water State Revolving Fund Loan.
- Staff has issued Notice of Award to Emery & Sons Construction for the Pre-Construction Phase Services for the Westside Interceptor Project. This contract will allow for contractor review/proposed changes of drawings and begin building a Guaranteed Maximum Price for construction. The current schedule would bring a Construction Amendment to the City Council for approval in June 2021.
- Staff has been actively working on our required TMDL update to DEQ. There will likely be several new storm drainage ordinances brought to City Council for review over the next 12 to 18 months. We are currently updating the City's TMDL Matrix as required by DEQ.
- Staff is updating the City Standard Drawings and Supplemental Specifications. They currently have not been revised since 2008. The updates will be brought to the City Council for approval as time allows.
- Staff is currently designing a waterline replacement for Seventh Street (Oak to 'F'). This section of waterline has had multiple repairs done to it over the last several years. If funding allows, the project will likely go out for bids in fall 2021.
- Staff is currently working on a design to re-construct a section of River Road from Franklin Street to Garvord. This section of roadway is in extremely poor condition. We are hopeful that the project can be constructed this summer.
- Staff is continuing to work with David Evans and Associates to update the City's Drainage Master Plan. Part of the plan will be to collect pipe and invert data on the entire storm system which will then be used in modeling as well as updating the City's GIS system. A draft of the new plan is scheduled to be complete in July 2021.
- Staff is working with Linn County to complete a speed study on River Road (from the water intake site to Mountain River Drive) in hopes of reducing the speed to 35 MPH rather than the current speed of 45 MPH. This will likely take several months to complete.
- Engineering Staff is currently working on several small projects which include a storm line extension on Ash Street, updating of our Pre-Treatment Ordinances, multiple sewer lateral replacements, street speed reduction requests, and permitting for the fire pond on Industrial Way.
- Lebanon Staff will be meeting with representatives from the City of Albany to discuss property acquisition for future trails projects. Currently, the City of Albany owns parcels adjacent to River Park and East Olive Street that would be locations for future trails. The meeting has been pushed out until COVID restrictions are reduced.

- Staff is moving forward with a plan to update the Street and Water SDC's. We intend to work with our consultant to update the Transportation SDC.'s first, which began in mid-September. There will be several Advisory Group Meetings to guide the process (members include staff, 2 City Councilors and 4 members of the public/building community). Upon completion, Staff will bring an updated Ordinance to City Council for approval.
- The City is preparing for a new Traffic Signal at the intersection of Airport Road and Stoltz Hill Road. Kittleson Engineering will be completing the design for the City. This is in conjunction with a proposed development (Applegate landing) which will extend Stoltz Hill north of Airport Road. This will be a joint developer, City, and Linn County project which will be constructed in 2021. Udell Engineering will be completing a portion of the civil design, while City Staff prepares contracts, special provisions, and the bid package.
- Staff is slowly stripping items out of the Old Water Treatment Plant that can be used elsewhere in the City. We are also working on preliminary plans to demo all of the structures associated with the old WTP. One of the first steps associated with the demolition was to remove any environmental hazards. Fortunately, the only environmental hazard was minor asbestos flooring tiles. These have been removed and disposed of by a licensed environmental contractor. Pending budget approval, Staff will likely move forward with hiring a demolition contractor later this summer.
- Mill Race Multi Use building temporary occupancy pending completion of landscape.
- Mill Race Apartments Complex Phase I, are under construction along with onsite utilities. Building construction ongoing.
- Paventy & Brown Orthodontics new building site plans have been approved. Project has been on hold per the owner.
- River Place at the Lakeside contractor completed punch list items, plat bonded and signed. Public improvements will be accepted once streetlights complete. Building permits issued for several lots.
- Construction of the River Trail Place Subdivision on River Road is in process. Permit expiration letter sent with an extension to complete public improvements. Contractor has not been onsite; construction has not been completed.
- N 5th Street Apartment preconstruction meeting complete, contractor completed waterline extension and testing to start this week.
- Steven King site plan for Airport road has been approved and building permits to be issued.
- Redbud Apartments on Airport Road, temp occupancy granted. Contractor to complete minor punch list items and last building.
- Applegate civil and site plans approved. Contractor completed water line extension and testing. All public hydrants are online and building permits will be issued once final payments have been completed. Sewer construction complete, contractor working on storm main construction.
- Site plan and public improvements for Prism Manor at the corner of Franklin and Russell Dr. Public improvements complete and pending punch list. Contractor working on site utilities and building construction.
- Public Improvement Plans for the McKinney Phase II apartment complex off of River Road have been approved. Site work to begin soon.
- Colonia Paz Phase 1 public improvements and site plans approved, developer working on completing public improvement permit and preconstruction meeting.
- ODVA site plan received and approved. Contractor completed water main extension and testing to start this week.
- Traffic Impact Analysis Report initialed for development on the corner of Airport Road and proposed Primrose street.
- Public improvement plans and site plans received for Primrose Place, multifamily development on the corner of Primrose/ Taylor and Alder.
- Lebanon Foursquare Church Parking Expansion site plans have been approved and permit issued.

V. FINANCE SERVICES – Matt Apken, Finance Director

- **Accounts Payable:**
 - FY20/21 payments made in April 2021; 258 Checks were processed for payments of \$1,278,424.
- **Budget Prep:**
 - The final proposed budget was completed, and documents printed in preparation of the May 5th budget committee meeting.

- The final Coronavirus Relief Funds reimbursement request was sent to the State. The total amount we received was \$597,518.
- **Other Projects:**
 - The department has been working on updating standard operating procedures and working to determine ways to improve the City's internal controls.
- **Utility Billing for April 2021:**
 - 5,607 Billing statements mailed by the end of April = \$899,363.
 - Active accounts: 6,352
 - 209 Owner Lien notification letters were mailed. 800 accounts were past due, but we did not charge late fees. Late fees will restart in May 2021.
 - 173 IVR calls sent out on 4/15/2021. This call notified of lock off and the need to pay in full or setup a payment plan.
 - We locked offs 76 accounts due to non-payment. There were 7 after hour reconnects and 67 were reconnected the same week.
 - Total of 358 Service orders: 21 read request, 76 Lock offs, 2 Turn offs, 16 Turn on, 43 Move Outs, 77 Move ins, 83 reconnects, 8 Returned Mail, 11 Leak Checks, 2 Pressure Test, 6 Meter Change out, 2 New Meter Installations, 1 Quality Checks, 1 Door Hangers, 0 Dead meters, 10 misc. other.

	Apr 20	May 20	June 20	July 20	Aug 20	Sept 20	Oct 20	Nov 20	Dec 20	Jan 21	Feb 21	Mar 21	Apr 21
Active Accounts	6,304	6,305	6,306	6,312	6,314	6,322	6,322	6,328	6,335	6,342	6,349	6,353	6,352
Penalty applied	0	0	0	0	0	0	0	0	0	0	0	0	0
Lock Offs	0	0	0	0	0	0	91	5	0	0	74	153	76

VI. INFORMATION TECHNOLOGY SERVICES – Brent Hurst, Director

- The City experienced two consecutive weeks of phone outages starting on a Friday caused by circuit outage of a telecommunications provider that affected all services of the City. IT has been working with vendors to mitigate risk of future phone system outages and lessen the City dependence on physical telecommunications circuits.
- IT is working to implement cellular based dialers to alert operators in the event of utility outages at the City. Currently dialers are "land line" based.
- Implemented a new email security filter system layer for City and Fire.
- IT has continued work with the Wastewater Plant team to setup, configure, and implement a facilities management software solution named Dude Solutions. Locations and assets are imported, and the software is ready for training operator and work order training during the month of May for the Wastewater Treatment Plant.
- The City updated its security policy for Council adoption to include personally identifiable information upon recommendation of CIS, the City insurance provider. This policy will be recommended for adoption at the May 12 Council Meeting.
- IT reviewed, coordinated, and authorized old fiber running between Maintenance and the City Hall to be replaced with fiber that will allow faster network speeds for the staff and services provided for at City Hall. The City has contracted PEAK to perform the replacement work.
- Transfer of the City 365 licensing took effect at the end of April to a monthly billing service to allow the City to better manage license usage.
- Staff set up, configured, and tested a temporary, DIY "Zoom Room" to allow the April Council Meeting to meet in person for the first time since spring of 2020. Due to the return of Linn County to Extreme COVID Risk, IT staff is planning to conduct Council Meetings virtually in May as has been done from COVID shutdown in spring 2020 to March 2021.

- Installed Police CAD upgrades to update Police to the latest supported version of software. Configuration and resolution of a list of outstanding issues continues.
- Instantiated and configured Zoom “for Government” to start migrating the City to a “gov cloud” version of Zoom that has all items addressed for compliance with Court sessions over Zoom. To this point, the City has been subscribed to the commercial version of Zoom.
- Implemented a new cloud backup solution for the City designed to provide faster restoration of data in the event of a failure.
- City IT continues to work, meet, and invest time in supporting Fire daily operations. IT is working with Fire and contractors to plan for future communication and systems design for both the new Station 31 construction as well as other substations.
- GIS continues its efforts on GIS system updates for both the Police CAD system as well as the City GIS systems.
- The IT\GIS Department has addressed multiple other normal break-fix issues, equipment replacements, and maintenance renewals for IT. During the past month, the IT\GIS Department closed 548 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

- With the disappointing return to extreme risk level for Linn County, Library operations have been rolled back to the previous model (i.e., no volunteers, opening at noon instead of 10am so that staff can shelve materials and perform other volunteer tasks). We will also return to limiting occupancy to 25% of capacity. Curbside hold pickup will again be offered from 10am – 12pm, Monday through Thursday and 10am – 4pm on Friday.
- The new public copy/print setup has been completed and was very successful, largely due to the persistence and dedication of Nico Bressler and the IT team.
- We have received a prototype for the permanent StoryWalk installation. With a few modifications, we hope to get them on order this month, with a target date for installation of early summer. Material costs are being covered with grant funding and a private donation.

VIII. MAINTENANCE – Jason Williams, Director

IX. POLICE – Frank Stevenson, Chief of Police

- The Patrol Division had approximately 1,194 calls for service this month, made 73 arrests, issued 25 traffic citations, conducted 56 traffic stops and wrote 127 case reports.
- As of April, 43 individuals were booked and released, brought to Lebanon Municipal Court or Linn County Court, transported to/from Linn County Jail, or sentenced to the Lebanon Jail. A combined 79 days were served by inmates in the Lebanon Jail. We are still operating under COVID guidelines and hope to resume utilizing the Lebanon Jail work crew soon.
- Detectives remain busy with involved cases. In addition to lengthy investigations, they were able to clear four (4) cases this month and wrote/executed six (6) search warrants related to narcotics, child abuse and property crimes. Detectives made four (4) arrests and assisted the Linn County drug team on search warrants in Linn County. Eleven (11) new sex abuse cases and multiple narcotics investigations were assigned to the Detective unit and are being actively worked.
- Traffic Safety class was conducted remotely for seven (7) participants who either received a citation for cell phone use or for failure to use their seatbelt (the class is offered to first-time offenders).
- A final candidate has been identified in our latest recruitment process to fill a full-time police officer vacancy; he has been extended a conditional offer of employment, pending the outcome of a comprehensive background investigation.
- After 30-plus years of outstanding service in the field, Lt. Scott Bressler has announced his retirement as of July 31st, 2021. He has earned to right to honorably retire and will be missed.
- The Community Services Division remains active in the community. This past month, staff was very involved with organizing volunteers to assist the community during the pandemic; staff worked on a seatbelt grant, in addition to a distracted-driving grant, to be used towards education and enforcement. Members gave several presentations

surrounding child abuse. The annual Walk-A-Mile event for child abuse awareness was held in accordance with COVID-19 safety protocols and was very successful, raising over \$17,000! Funds raised will be disseminated to the ABC House and CASA.

- This month, there were a total of four (4) use-of-force incidents. Two very minor injuries were reported by two of the suspects; medical attention was provided. All use-of-force incidents were reviewed extensively by a Sergeant, Lieutenant, the Captain, and finally by the Chief. All incidents were found to be justified and were handled in accordance with policy.
- Lebanon Police had two vehicle pursuits this month involving motorists who failed to stop when patrol officers attempted to conduct traffic stops. Pursuits were reviewed extensively by a Sergeant, Lieutenant, Captain, and finally the Chief. Both pursuits were found to be justified and handled in accordance with policy.
- Lebanon Police has been working diligently on identifying homeless camps within the City limits of Lebanon. The goal behind this is to assist the homeless by providing them information on resources available. To date, we have located 10 individuals who are homeless and living in tents south of town.
- We will be reviewing our current dash and body camera systems in hopes of finding more efficient and better-quality equipment. We are in the early stages but hope to identify a solution in the very near future.
- We will be working on updating our current radio system in an effort to be able to communicate effectively with outside agencies during emergency situations.

X. SENIOR SERVICES and LINX – Kindra Oliver, Director

*Executive Session

Per ORS 192.660(2)(i) To review and evaluate the employment-related performance of the chief executive officer of any public body, a public officer, employee or staff member who does not request an open hearing.

** Executive Sessions are closed to the public due to the highly confidential nature of the subject. It is unlawful to discuss anything outside of the Executive Session.*